

# RSPO

Roundtable on Sustainable Palm Oil



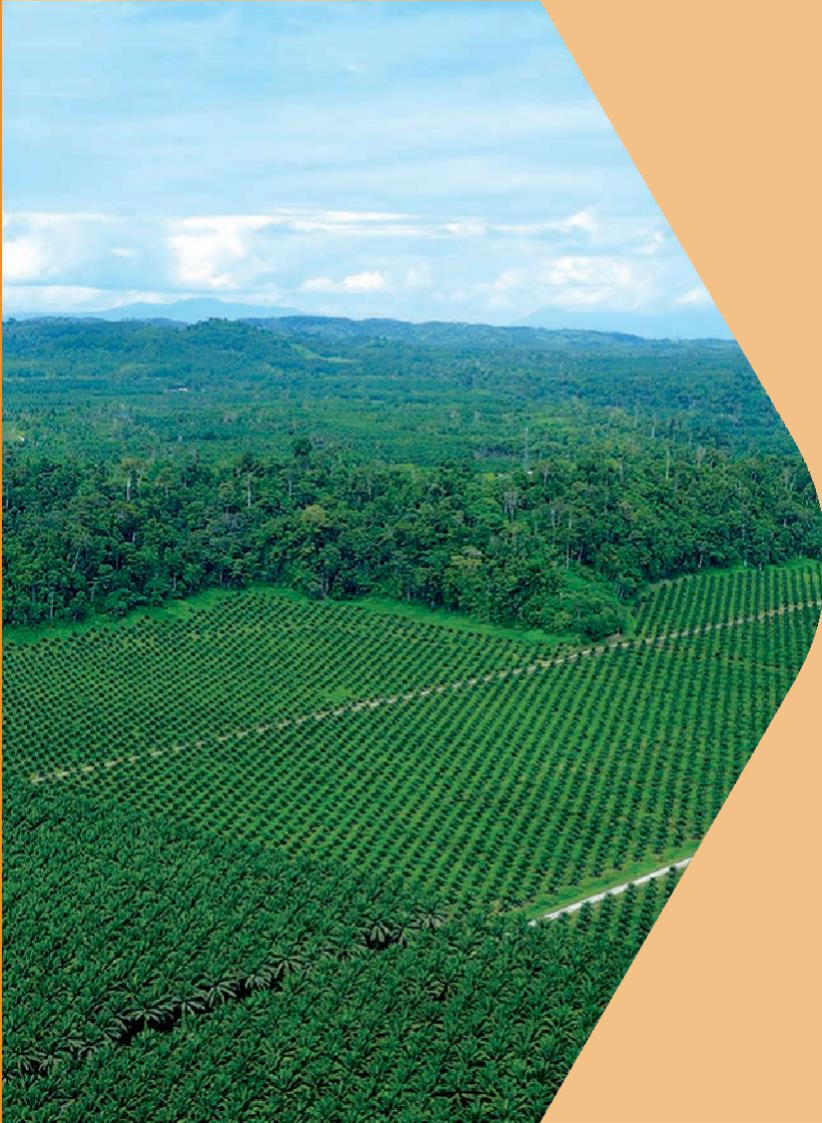
# PRINCIPLES AND CRITERIA

For the Production of Sustainable Palm Oil  
2018\*

DRAFT OF THE PUBLIC CONSULTATION ON THE  
NATIONAL INTERPRETATION OF THE RSPO P&C IN NICARAGUA

\*Revised 01 February 2020 with updated Supply Chain Requirements for Mills





PREAMBLE

Sustainable palm oil production comprises legal, economically viable, environmentally appropriate and socially beneficial management and operations. This is delivered through the application of the following set of Principles and Criteria (P&C), and the accompanying Indicators and Guidance.

The first set of Principles and Criteria, Indicators and Guidance (RSPO P&C 2007) have been applied since November 2007. These had been subject to trial implementation from November 2005 to November 2007 and, in a number of countries, to a subsequent process of National Interpretation (NI). After five years of application by RSPO members, RSPO P&C 2007 were reviewed in 2012–2013, leading to the RSPO P&C 2013. After a further five years of application, these were reviewed and revised in 2017–2018 by the RSPO Principles and Criteria Review Task Force.

The objective of each review and revision is to improve the relevance and effectiveness of the P&C for RSPO members, and in achieving the shared vision and mission of making sustainable palm oil the norm. More specifically, the most recent revision sought to align the P&C with the RSPO Theory of Change (ToC) and to increase accessibility by making them more relevant and practical.

The review process went beyond ISEAL best practices, including two public consultation periods of 60 days each and 17 physical consultation workshops in 10 countries around the world, as well as 6 physical Task Force meetings. This process resulted in the production of the revised and restructured RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C 2018).

In line with ISEAL best practices, this document (RSPO P&C 2018) will be completely reviewed again after five years, following adoption by the General Assembly (GA) of the RSPO.

The RSPO and its members recognize, support and commit to following the United Nations Universal Declaration of Human Rights [<http://www.un.org/en/documents/udhr>] and the International Labor Organization (ILO)'s Declaration on Fundamental Principles and Rights at Work [<http://www.ilo.org/declaration/lang-en/index.htm>].

This document (RSPO P&C 2018) defines Indicators for each Criterion and further Guidance were useful. Indicators are specific pieces of objective evidence that shall (must) be in place to demonstrate or verify that the Criterion is being met, i.e., they constitute the normative part of the standard together with the Principles, Criteria and definitions. Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed. Guidance constitutes the informative part of the standard.

A separate standard is currently being developed for Independent Smallholders.

This document (RSPO P&C 2018) is effective after adoption by the RSPO 15th General Assembly (GA15) on 15 November 2018. As stated in section nine of the RSPO Standard Operating Procedures (SOP) for Standard Setting, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2018 within 12 months of the date of

adoption (i.e., by 15 November 2019). Certificate holders must be fully compliant with the new version of an NI within one year of it being endorsed by the Board of Governors (BoG).

In countries where NIs are not updated by 15 November 2019, P&C 2018 will be effective until the NI has been updated.

In countries without NIs and/or in cases where members have conducted a Local Interpretation applicable to their own operations, P&C 2018 is effective immediately after adoption (15 November 2018) and shall be used for any new certification activities after the adoption date.

Existing certified entities can continue to be certified after the date of adoption and before the completion of any relevant NI, by conducting a maximum of one further Annual Surveillance Assessment (ASA) against P&C 2013 (or their current NI), but shall demonstrate compliance to the new RSPO P&C 2018 at the following ASA.

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e., adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognizes that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. Annex 5 shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

Necessary revisions shall be made to other RSPO normative documents and guidance to ensure consistency with the wording of RSPO P&C 2018 and, in that context, please note the disclaimer and procedural note for the Supply Chain requirements for mills at the end of Principle 3.

Annex 1 provides definitions of the technical terms used in this standard. Annex 2 contains the additional generic guidance. Key international laws and conventions applicable to the production of palm oil are set out in Annex 3. Annex 4 provides the necessary details for the implementation procedure for Indicator 2.3.2.

This document identifies critical (C) Indicators proposed by the RSPO Principles and Criteria Review Task Force and endorsed by the RSPO BoG on 12 October 2018.

The English version of this document shall always prevail in case of any discrepancy or inconsistency between the English version and other translated versions.



**IMPORTANT NOTE:** When you see the symbol in the Criteria, please refer to additional guidance in Annex 2.

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Acronym	Meaning
AFI	Accountability Framework Initiative
ALS	Assessor Licensing Scheme
ASA	Annual Surveillance Assessments
ASEAN	Association of Southeast Asian Nations
BHCV WG	Biodiversity & High Conservation Value Working Group
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
BoG	Board of Governors
CABI	Centre for Agriculture and Biosciences International
CB	Certification Body
CBA	Collective Bargaining Agreement
CBD	Convention on Biological Diversity
CPO	Crude Palm Oil
CSO	Civil Society Organization
DfID	Department for International Development (UK government)
DLW	Decent Living Wage
EFB	Empty Fruit Bunches
FAO	Food and Agriculture Organization

Acronym	Meaning
FFB	Fresh Fruit Bunch
FPIC	Free, Prior and Informed Consent
FSC	Forest Stewardship Council
GA	General Assembly
GHG	Greenhouse Gas
GLWC	Global Living Wage Coalition
H&S	Health and Safety
HCS	High Carbon Stock
HCSA	High Carbon Stock Approach
HCV	High Conservation Value
HCVRN	High Conservation Value Resource Network
HFCC	High Forest Cover Country
HFCL	High Forest Cover Landscape
HGU	Hak Guna Usaha
HRC	Human Rights Commission
HRD	Human Rights Defender
ICS	Internal Control System
IDS	Institute of Development Studies
IFC	International Finance Corporation

Acronym	Meaning
IFL	Intact Forest Landscape
ILO	International Labor Organization
IP	Identity Preserved
IPCC	Intergovernmental Panel on Climate Change
IPM	Integrated Pest Management
ISO	International Organization for Standardization
IUCN	International Union for Conservation of Nature
JCC	Joint Consultative Committee
KBA	Key Biodiversity Area
KPI	Key Performance Indicator
LTA	Lost Time Accident
LUCA	Land Use Change Analysis
MB	Mass Balance
NDJSG	No Deforestation Joint Steering Group
NGO	Non-Governmental Organization
NI	National Interpretation
OER	Oil Extraction Rate
QMS	Quality Management System
P&C	RSPO Principles and Criteria (i.e., this document)

Acronym	Meaning
PK	Palm Kernel
PLWG	Peatland Working Group
PO	Palm Oil
POME	Palm Oil Mill Effluent
PPE	Personal Protective Equipment
RaCP	Remediation and Compensation Procedure
REDD	Reducing Emissions from Deforestation and Forest Degradation
RSPO	Roundtable on Sustainable Palm Oil
RTE	Rare, Threatened or Endangered
SCCS	RSPO Supply Chain Certification Standard
SDG	Sustainable Development Goal
SEIA	Social and Environmental Impact Assessment
SHIG	Smallholder Interim Group
SLAPP	Strategic Lawsuits against Public Participation
SOP	Standard Operating Procedure
ToC	Theory of Change
UN	United Nations

## Preamble

### NATIONAL INTERPRETATION OF THE RSPO PRINCIPLES AND CRITERIA IN NICARAGUA

This document is the First Draft of the National Interpretation of the RSPO Principles and Criteria 2018 in Nicaragua, prepared by the NI Taskforce. The draft for public consultation was approved by the Working Groups, at the Assembly of the day, at the Assembly on 04 December 2020, through a virtual meeting. The original text of the RSPO P&C is highlighted in grey and black. The text included and deleted is included in blue. This includes Principles, Guidelines and Annexes.

#### What does it mean to interpret the P&C?



The RSPO standard is composed of three elements: 1) **Principles**, which are the guiding principles of the process; 2) **Criteria**, which are based on international best practices; and 3) **Indicators**, which measure the effectiveness of the application of the above. Therefore, interpreting the P&C is to adapt the requirements to the national context. Participation is important because they serve to modify the guidelines and definitions to adapt them to the country's legal framework and to the daily life of the oil palm value chain.

#### What can be interpreted?

Participants in the public consultation can contribute their knowledge. Definitions can be created for concepts that do not exist or are not adequately specified in national legislation. Guidance can be added, which can be standards, manuals, existing documents or additional information to guide the implementation of the criteria for certification. National laws and international treaties related to P&C that are mandatory for producers and processors in Nicaragua can be identified in order to facilitate legal compliance with the standard.

#### What cannot be interpreted?

The standard, as a set of principles to be followed, cannot be modified, as this would risk making it less demanding, i.e., the principles and criteria are not subject to interpretation.

**Indicators** can be strengthened and upgraded from non-critical to critical indicators, however, they should not be downgraded from critical to non-critical indicators. Additional indicators can be included as long as they do not contradict or weaken any part of the standard.





# 1. SCOPE

The RSPO Principles and Criteria (RSPO P&C) is applicable for sustainable palm oil production worldwide. The RSPO P&C cover the most significant environmental and social impacts of palm oil production and the immediate inputs to production, such as seed, chemicals and water, and social impacts related to on-farm labor and community relations.

The RSPO P&C apply to all production level companies, i.e., all mills, who do not fall under the definition of independent mill as outlined in the RSPO SCC standard; and to all growers, who do not meet the definition of Independent Smallholder or the applicability requirements as outlined in the RSPO Smallholder Standard (under development as of September 2018 with finalization expected in 2019) and therefore cannot apply the RSPO Smallholder Standard. These are referred to as the unit of certification throughout this document.

The unit of certification is responsible for the certification of related Scheme Smallholders and out growers within three years of obtaining its own certificate (see section 4.1.3 in RSPO Certification Systems 2017). Guidance for implementation of the RSPO P&C 2018 for Scheme Smallholders and out growers will be developed.

The RSPO P&C apply to existing plantings, as well as planning, siting, development, expansion and new plantings.

Where RSPO standards differ from local laws, the higher/stricter of the two shall always prevail and NIs are required to develop a list of applicable laws (see section 9 in RSPO SOP for Standard Setting 2017).

Compliance with the RSPO P&C and all requirements as outlined in associated documents is required in order for certification to be awarded. Any non-conformities may result in suspension or loss of certification (see section 4.9 in RSPO Certification Systems 2017). Compliance must be demonstrated with the normative part of the P&C, i.e., the Principles, Criteria and Indicators. Non-conformities are raised at Indicator-level by auditors. The informative part (i.e., Annex 2 Guidance) is there to help with implementation of Indicators, but is not normative, nor can non-conformities be raised against this section.

Team	Explanation	RSPO Standard Setting document	Category
<b>Principle</b>	Fundamental statements about a desired outcome	A fundamental statement about a desired outcome, often providing greater detail about the objectives.	Normative
<b>Criteria</b>	What implementation of the principle looks like? – the preconditions or means of judging whether or not a principle has been fulfilled	The conditions that need to be met in order to fulfil a principle. Criteria add meaning and operability to a principle without themselves being direct measures of performance.	Normative
<b>Indicator</b>	Variable to measure the implementation (positive or negative)	The measurable states, which allow the assessment of whether or not associated Criteria, are being met. Indicators convey a single, meaningful message or piece of information.	Normative
<b>Guidance</b>	Additional information that assists with the understanding, implementation and auditing of the requirement (i.e., the indicator)	Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed.	Informative
<b>Procedural Note</b>	Exceptional measure to allow mention of pending developments	A note in the standard only to be used where a methodology or element of the standard is still under development to clarify terms, conditions and procedure prior to the said methodology or element being finalized	Informative

## Role of Definitions

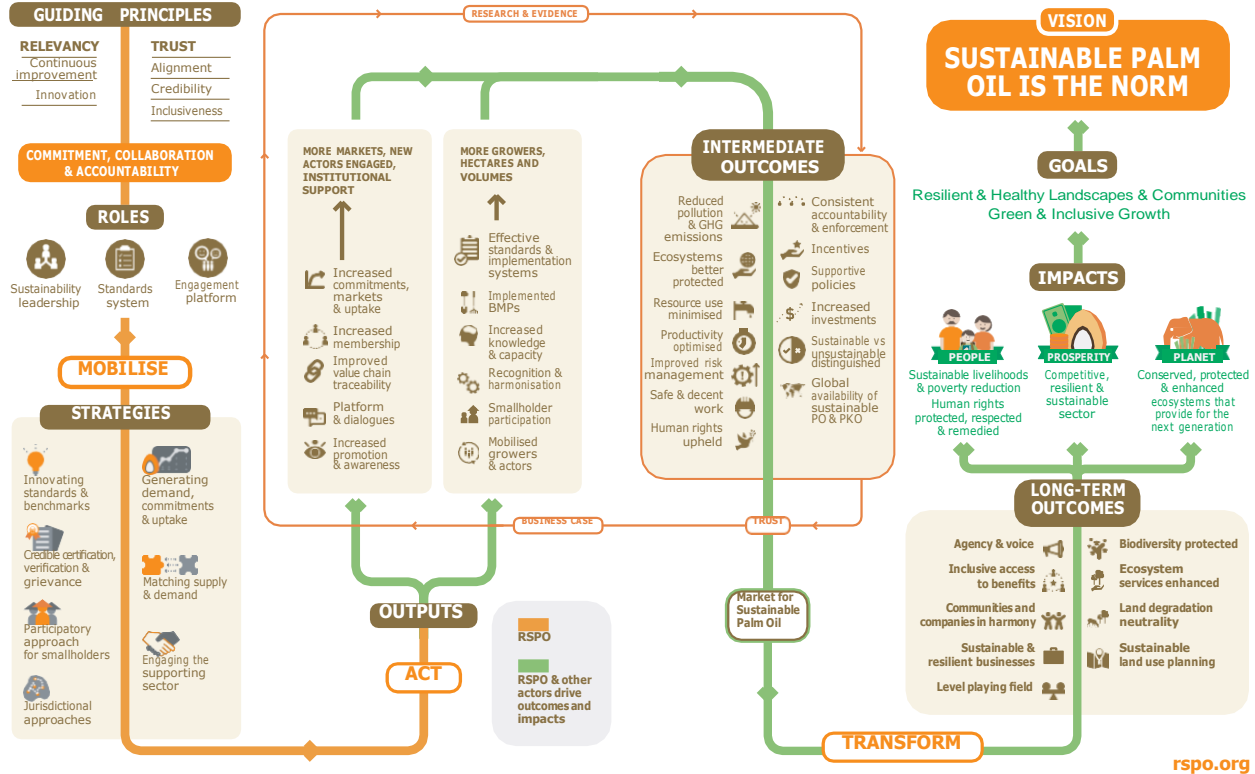
Throughout the standard, some terms carry a specific RSPO definition, which is provided in Annex 1 – Definitions section of this standard. These definitions are binding elements of Criteria and Indicators

## 2. RSPO VISION AND THEORY OF CHANGE



The RSPO Theory of Change (ToC) is a roadmap that demonstrates how RSPO will achieve its vision of making sustainable palm oil the norm. With the support of its members, partners and other actors, RSPO will implement key strategies and activities to trigger the transformation of the palm oil sector. These strategies are intended to bring about direct outputs in the form of increased adoption of the RSPO standards, greater transparency and inclusivity in the RSPO system, increased market uptake of sustainable palm oil, and an improved enabling environment. Over time, these outputs will lead to outcomes that are expected to improve the quality of life of oil palm farmers, create a more prosperous palm oil industry, and enable us to better conserve our planet and its resources. When the ToC is fully realized, it delivers change where it matters most – on the ground; a space where oil palm, the environment, and local communities can co-exist in harmony. It also provides a framework to monitor, evaluate and report on the effects of applying the RSPO P&C. More details on the RSPO ToC are available here: <https://rspo.org/about/impacts/theory-of-change>.

# THEORY OF CHANGE RSPO'S ROADMAP FOR SUSTAINABLE PALM OIL





Effective implementation and more growers' uptake of the P&C lead to the intermediate outcomes:

- Resource use minimization (soil, water, energy), input use reduction – reduced costs.
- Reduced pollution (water, air, greenhouse gas (GHG))
- Improved risk management – management plans and assessments.
- Ecosystems better protected.
- Productivity optimized.
- Land and use rights respected.
- Safe and decent work for all community members.

The process for change at RSPO is characterized by a progression of “**Mobilize, Act and Transform**”. This is the backbone of the RSPO ToC and underpinned by the concept of shared responsibility and accountability for results.

**Commitment:** All the actors commit to their contribution to transforming markets.

**Collaboration:** Recognizing the need to work together and making that happen: transformation of markets cannot happen without collaboration.

**Accountability:** Commitment and collaboration are to be fulfilled with a shared responsibility for impact. The expectation of partners and members is that they commit to participate and there is mutual and agreed accountability for results.

## 3. OUTCOME FOCUS

The core objectives of the 2018 RSPO P&C review include:

- Incorporating elements of impacts
- Making it more relevant and practical, particularly by making it metricized (measurable)
- Incorporating elements of impacts as prescribed by the ToC

It is important to keep in mind that it is simply not feasible or meaningful to propose indicator level, specific measurable outcomes because of many technical and political challenges. From research and experience with other standards these include:

- Attribution – achieving outcomes is based on a wide range of actions and context, often out of the control of the grower (weather, market forces, pests)
- Defining globally relevant outcomes
- Favor larger, more resourced growers potentially demotivating small and medium size growers
- Costs and burden for data reporting systems and management

However, outcome focused P&C can still be achieved, by showing very explicitly the links between the set of Criteria and intended outcomes. Furthermore, a requirement for reporting to RSPO has been included into the Management Principle under Criterion 3.2 for continuous improvement.

This will provide RSPO with information on the results of implementation of the P&C. This requirement refers to a small set of strategic metrics, directly related to the P&C and aligned with the ToC and RSPO organizational Key Performance Indicators (KPIs). The resulting reporting will be anonymized for analysis, marketing and impact assessment.

The selection criteria for these metrics included:

- Value added to growers
- Link to P&C requirements
- Key ToC outcomes
- Those already required for measuring, monitoring and/or reporting

## 4. STRUCTURE OF THE RSPO P&C

The RSPO P&C are organized into three impact areas according to the RSPO ToC.



**Impact Goal PROSPERITY:**  
Competitive, resilient and sustainable sector

- Principle 1. **Behave ethically and transparently**
- Principle 2. **Operate legally and respect rights**
- Principle 3. **Optimize productivity, efficiency, positive impacts and resilience**



**Impact Goal PEOPLE:**  
Sustainable livelihoods and poverty reduction

- Principle 4. **Respect community and human rights and deliver benefits**
- Principle 5. **Support smallholder inclusion**
- Principle 6. **Respect workers' rights and conditions**



**Impact Goal PLANET:**  
Conserved, protected and enhanced ecosystems that provide for the next generation

- Principle 7. **Protect, conserve and enhance ecosystems and the environment**

Impact Area ToC	Objectives ToC	Principle of Theme
<p><b>PROSPERITY</b> Impact Goal: Competitive, resilient and sustainable sector</p>	<p>A sustainable, competitive, and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown. Effective planning and management system address economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&amp;C, and supports continuous improvement toward sustainable palm oil.</p>	<ol style="list-style-type: none"> <li>1. Behave ethically and transparently</li> <li>2. Operate legally and respect rights</li> <li>3. Optimize productivity, efficiency, positive impacts and resilience</li> </ol>
<p><b>PEOPLE</b> Impact Goal: Sustainable livelihoods and poverty reduction</p>	<p>Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfill their potential in work and community with dignity and equality and in a healthy working and living environment.</p>	<ol style="list-style-type: none"> <li>4. Respect community and human rights and deliver benefits</li> <li>5. Support smallholder inclusion</li> <li>6. Respect workers' rights and conditions</li> </ol>
<p><b>PLANET</b> Impact Goal: Conserved, protected and enhanced ecosystems that provide for the next generation</p>	<p>Impact Goal: Conserved, protected, and enhanced ecosystems that provide for the next generation. Ecosystems and their services are protected, restored, and resilient, including through sustainable consumption and production and sustainable management of natural resources [sustainably manage forests, combat desertification, halt and reverse and degradation, halt biodiversity loss (SDG 15)]. Climate change is addressed through continuous GHG reductions and air and water pollution are controlled.</p>	<ol style="list-style-type: none"> <li>7. Protect, conserve and enhance ecosystems and the environment</li> </ol>



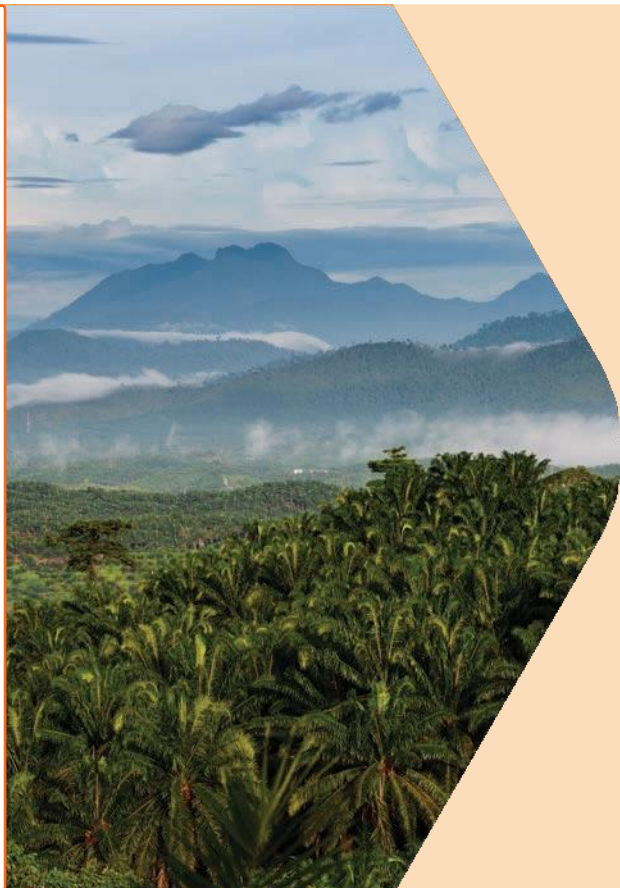
## Preamble

### 4. STRUCTURE OF THE RSPO P&C



	Criteria Topic	2018 P&C Criterion No	2013 P&C Criterion No
<b>PROSPERITY</b>	1. Information and public availability Communication and consultation Commitment to ethical conduct	1.1	1.1 / 1.2 / 6.10
		1.1	6.2
		1.2	1.3 / 6.10
	2. Legal compliance Third party contractors legal Third party FBB legally sourced Long term plan and economic viability	2.1	2.1 / 6.10
		2.2	n.a.
		2.3	n.a.
	3. Continuous Improvement & Reporting Standard Operating Procedures SEIA and Plans System for managing human resources Occupational Health and Safety Plan Training	3.1	3.1
		3.2	8.1
		3.3	4.1
		3.4	5.1 / 6.1 / 7.1
		3.5	n.a.
		3.6	4.7 (part)
		3.7	4.8
<b>PEOPLE</b>	4. Human Rights Complaints and Grievances Contribution to local sustainable development Land use & FPIC Land Use: Compensation Land Use: Conflict	4.1	6.13
		4.2	6.3
		4.3	6.11 (part)
		4.4 & 4.5	2.3 / 7.5
	5. Improved SH livelihoods Pay and working conditions No discrimination 6. Pay and working conditions Freedom of association No child labor No harassment No forced or trafficked labor Safe working environment	4.6 & 4.7	6.4 / 7.6
		4.8	2.2
		5.1	6.1
		5.2	6.11 (part)
		6.1	6.8
		6.2	6
		6.3	6.6
		6.4	6.7
		6.5	6.9
6.6	6.12		
<b>PLANET</b>	7. Effective Integrated Pest Management Pesticide Use Waste management Soil health fertility Soil conservation (erosion and degradation) Soil survey and topographic information Peat Water quality and quantity Energy Use Pollution and GHGs Fire HCV and HCS	6.7	4.7 (part)
		7.1	4.5
		7.2	4.6
		7.3	5.3
		7.4	4.2 / 7.2
		7.5	4.3 & 7.4 (parts)
		7.6	4.3 & 7.2
		7.7	4.3 & 7.4 (parts)
		7.8	4.4
		7.9	5.4
		7.10	5.6 / 7.8
		7.11	5.5 / 7.7
7.12	5.5 / 7.3		

Link to Theory of Change - Intermediate outcomes	
Improved Risk Management	
Improved Risk Management	
Improved Risk Management	
Improved Risk Management	
Improved Risk Management	
Improved Risk Management	
Improved Risk Management	
Improved Risk Management, Cross cutting	
Improved Risk Management, Cross cutting	
Improved Risk Management	
Improved Risk Management	
Improved Risk Management, Safe and Decent work	
Improved Risk Management, Safe and Decent work	
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Human rights upheld	
Human rights upheld	
Human rights upheld	
Human rights upheld	
Human rights upheld	
Inclusive access, communities	
Inclusive access, SH	
Inclusive access, SH	
Human rights upheld, safe and decent work	
Human rights upheld, safe and decent work	
Human rights upheld, safe and decent work	
Human rights upheld, safe and decent work	
Human rights upheld, safe and decent work	
Human rights upheld, safe and decent work	
Human rights upheld, safe and decent work	
Safe and decent work	
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Resource use, pollution, productivity	
Resource use minimized, pollution	
Resource use minimized, pollution	
Productivity optimized, Ecosystems	
Reduced pollution	
Ecosystem protected, Resource use minimized, Reduced pollution	
Pollution, ecosystems	
Resource use, pollution, ecosystems	
Resource use minimized, pollution	
Reduced pollution	
Reduced pollution	
Ecosystems protected	



# PROSPERITY: COMPETITIVE, RESILIENT AND SUSTAINABLE SECTOR



## Objectives and outcomes

A sustainable, competitive and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown. An effective planning and management system addresses economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&C, and supports continuous improvement toward sustainable palm oil

### Principle 1

**Behave ethically and transparently**

### Principle 2

**Operate legally and respect rights**



### Principle 3

**Optimize productivity, efficiency, positive impacts and resilience**

Principle 1

# BEHAVE ETHICALLY AND TRANSPARENTLY



Drive ethical business behavior, build trust and transparency with stakeholders to ensure strong and healthy relationships.

Criteria	Indicators	ToC Outcomes
1.1 The unit of certification provides adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision making. 	1.1.1 <b>(C)</b> Management documents that are specified in the RSPO P&C are made publicly available.	<b>Improved risk management</b>
	1.1.2 Information is provided in appropriate languages and accessible to relevant stakeholders.	
	1.1.3 <b>(C)</b> Records of requests for information and responses are maintained.	
	1.1.4 <b>(C)</b> Consultation and communication procedures are documented, disclosed, implemented, made available, and explained to all relevant stakeholders by a nominated management official.	
	1.1.5 There is a current list of contact and details of stakeholders and their nominated representatives.	
1.2 The unit of certification commits to ethical conduct in all business operations and transactions. 	1.2.1 A policy for ethical conduct is in place and implemented in all business operations and transactions, including recruitment and contracts.	<b>Improved risk management</b>
	1.2.2 A system is in place to monitor compliance and the implementation of the policy and overall ethical business practice.	

Principle 2

# OPERATE LEGALLY AND RESPECT RIGHTS

Implement legal requirements as the basic principles of operation in any jurisdiction.



Criteria	Indicators	ToC Outcomes
<p>2.1 There is compliance with all applicable local, national, and ratified international laws and regulations.</p> 	<p>2.1.1 <b>(C)</b> The unit of certification complies with applicable legal requirements.</p> <p>2.1.2 A documented system for ensuring legal compliance is in place. This system has a means to track changes to the law and also includes listing and evidence of legal due diligence of all contracted third parties, recruitment agencies, service providers and labor contractors.</p> <p>2.1.3 Legal or authorized boundaries are clearly demarcated and visibly maintained, and there is no planting beyond these legal or authorized boundaries.</p>	<p><b>Improved risk management</b></p>
<p>2.2 All contractors providing operational services and supplying labor, and Fresh Fruit Bunch (FFB) suppliers, comply with legal requirements.</p> 	<p>2.2.1 A list of contracted parties is maintained.</p> <p>2.2.2 All contracts, including those for FFB supply, contain specific clauses on meeting applicable legal requirements, and this can be demonstrated by the third party.</p> <p>2.2.3 All contracts, including those for FFB supply, contain clauses disallowing child, forced and trafficked labor. Where young workers are employed, the contracts include a clause for their protection.</p>	



Criteria	Indicators	ToC Outcomes
<p>2.3 All FFB supplies from outside the unit of certification are from legal sources.</p>	<p>2.3.1 <b>(C)</b> For all directly sourced FFB, the mill requires:</p> <ul style="list-style-type: none"> <li>• Information on geo-location of FFB origins</li> <li>• Proof of the ownership status or the right/claim to the land by the grower/smallholder</li> <li>• <del>Where applicable, valid planting/operating/trading license, or is part of a cooperative which allows the buying and selling of FFB.</del> <b>Registration as an oil palm grower issued by the Ministry of Agriculture and Forestry (in the North or South Atlantic Autonomous Regions, with the approval of the Regional Councils respectively) or be part of a cooperative that allows the buying and selling of FFB.</b></li> </ul> <p>2.3.2 For all indirectly sourced FFB, the unit of certification obtains from the collection centers, agents or other intermediaries, the evidence as listed in Indicator 2.3.1.</p>	<p><b>Improved risk management</b></p>

Principle 3

# OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.



Criteria	Indicators	ToC Outcomes
<p>3.1 There is an implemented management plan for the unit of certification that aims to achieve long-term economic and financial viability.</p> <p></p>	<p>3.1.1 <b>(C)</b> A business or management plan (minimum three years) is documented that includes, where applicable, a jointly developed business case for Scheme Smallholders.</p> <p>3.1.2 An annual replanting program projected for a minimum of five years with yearly review, is available.</p> <p>3.1.3 The unit of certification holds management reviews at planned intervals appropriate to the scale and nature of the activities undertaken.</p>	<p><b>Improved risk management;</b> <b>Productivity optimized</b></p>
<p>3.2 The unit of certification regularly monitors and reviews their economic, social and environmental performance and develops and implements action plans that allow demonstrable continuous improvement in key operations.</p> <p></p>	<p>3.2.1 <b>(C)</b> The action plan for continuous improvement is implemented, based on consideration of the main social and environmental impacts and opportunities of the unit of certification.</p> <p>3.2.2 As part of the monitoring and continuous improvement process, annual reports are submitted to the RSPO Secretariat using the RSPO metrics template.</p>	<p><b>Improved risk management</b></p>

Criteria	Indicators	ToC Outcomes
3.3 Operating procedures are appropriately documented, consistently implemented and monitored. 	3.3.1 <b>(C)</b> Standard Operating Procedures (SOPs) for the unit of certification are in place. 3.3.2 A mechanism to check consistent implementation of procedures is in place. 3.3.3 Records of monitoring and any actions taken are maintained and available.	<b>Improved risk management</b>
3.4 A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations. 	3.4.1 <b>(C)</b> In new plantings or operations including mills, an independent SEIA, undertaken through a participatory methodology involving the affected stakeholders, and including the impacts of any smallholder/ out grower scheme is documented. 3.4.2 For the unit of certification, a SEIA is available and social and environmental management and monitoring plans have been developed with participation of affected stakeholders. 3.4.3 <b>(C)</b> The social and environmental management and monitoring plan is implemented, reviewed and updated regularly in a participatory way.	<b>Improved risk management; Human rights upheld</b>

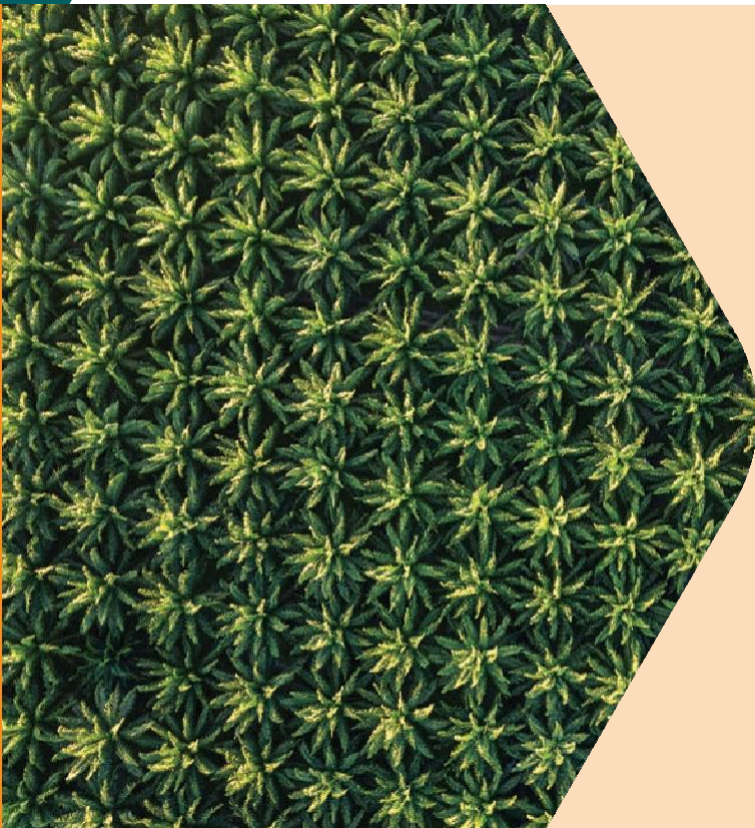


### Principle 3

## OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

	Criteria	Indicators	ToC Outcomes
3.5	A system for managing human resources is in place.	<p>3.5.1 Employment procedures for recruitment, selection, hiring, promotion, retirement and termination are documented and made available to the workers and their representatives.</p> <p>3.5.2 Employment procedures are implemented and records are maintained.</p>	<b>Improved risk management; Safe and decent work</b>
3.6	An occupational health and safety (H&S) plan is documented, effectively communicated and implemented. 	<p>3.6.1 <b>(C)</b> All operations are risk assessed to identify H&amp;S issues. Mitigation plans and procedures are documented and implemented.</p> <p>3.6.2 <b>(C)</b> The effectiveness of the H&amp;S plan to address health and safety risks to people are monitored.</p>	<b>Improved risk management; Safe and decent work</b>
3.7	All staff, workers, Scheme Smallholders, out growers, and contract workers are appropriately trained. 	<p>3.7.1 <b>(C)</b> A documented program that provides training is in place, which is accessible to all staff, workers, Scheme Smallholders and out growers, taking into account gender-specific needs, and which covers applicable aspects of the RSPO P&amp;C, in a form they understand, and which includes assessments of training.</p> <p>3.7.2 Records of training are maintained, where appropriate on an individual basis.</p> <p>3.7.3 Appropriate training is provided for personnel carrying out the tasks critical to the effective implementation of the Supply Chain Certification Standard (SCCS). Training is specific and relevant to the task(s) performed.</p>	<b>Improved risk management; Safe and decent work</b>

## SUPPLY CHAIN REQUIREMENTS FOR MILLS



**This chapter was endorsed by the RSPO Board of Governors on 1 February 2020.**

The following section stipulates the requirements for mills which are identified as complying with the Identity Preserved (IP) Module and Mass Balance (MB) Module.

For independent mills, that are only required to obtain RSPO Supply Chain Certification, Compliance with modules A and/or C of the Supply Chain Certification Standard will be required. All definition in Supply Chain Certification Standard applies.

As per RSPO Principles and Criteria, all requirements are classified as Critical Indicators.

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills	<p>3.8.1 Identity Preserved Module</p> <p>A mill is deemed to be Identity Preserved (IP) if the FFB processed by the mill are sourced from plantations/estates that are certified against the RSPO Principles and Criteria (RSPO P&amp;C), or against the Group Certification scheme.</p> <p>Certification for CPO mills is necessary to verify the volumes and sources of certified FFB entering the mill, the implementation of any processing controls (for example, if physical separation is used), and volume sales of RSPO certified products. If a mill processes certified and uncertified FFB without physically separating them, then only Mass Balance Module is applicable.</p>	<b>Improved risk management</b>
	<p>3.8.2 Mass Balance Module</p> <p>A mill is deemed to be Mass Balance (MB) if the mill process FFB from both RSPO certified and uncertified plantations/estates. A mill may be taking delivery of FFB from uncertified growers, in addition to those from its own and 3rd party certified supply base. In that scenario, the mill can claim only the volume of oil palm products produced from processing of the certified FFB as MB.</p>	

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<p>3.8.3 The estimated tonnage of CPO and PK products that could potentially be produced by the certified mill shall be recorded by the certification body (CB) in the public summary of the P&amp;C certification report. This figure represents the total volume of certified oil palm product (CPO and PK) that the certified mill is allowed to deliver in a year. The actual tonnage produced shall then be recorded in each subsequent annual surveillance report.</p>	<b>Improved risk management</b>
	<p>3.8.4 The mill shall also meet all registration and reporting requirements for the appropriate supply chain through the RSPO IT platform.</p>	<b>Improved risk management</b>
	<p>3.8.5 Documented procedures</p> <p>The mill shall have written procedures and/or work instructions or equivalent to ensure the implementation of all elements of the applicable supply chain model specified. This shall include at minimum the following:</p> <ul style="list-style-type: none"> <li>a) Complete and up to date procedures covering the implementation of all elements of the supply chain model requirements.</li> <li>b) Complete and up to date records and reports that demonstrate compliance with the supply chain model requirements (including training records).</li> </ul>	<b>Improved risk management</b>

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<ul style="list-style-type: none"> <li>c) Identification of the role of the person having overall responsibility for and authority over the implementation of these requirements and compliance with all applicable requirements. This person shall be able to demonstrate awareness of the mill’s procedures for the implementation of this standard.</li> <li>d) The mill shall have documented procedures for receiving and processing certified and non-certified FFBS including ensuring no contamination in the IP mill.</li> </ul>	
	3.8.6 Internal Audit <ul style="list-style-type: none"> <li>i) The mill shall have a written procedure to conduct an annual internal audit to determine whether the mill;               <ul style="list-style-type: none"> <li>(a) conforms to the requirements in the RSPO Supply Chain requirements for mills and the RSPO Rules on Market Communications and Claims.</li> <li>(b) effectively implements and maintains the standard requirements within its organization.</li> </ul> </li> <li>ii) Any non-conformities found as part of the internal audit shall be issued and required corrective action. The outcomes of the internal audits and all actions taken to correct non- conformities shall be subject to management review at least annually. The mill shall maintain the internal audit records and reports.</li> </ul>	<b>Improved risk management</b>

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	3.8.7 Purchasing and Goods in <ul style="list-style-type: none"> <li>i) The mill shall verify and document the tonnage and sources of certified and the tonnage of non-certified FFBs received.</li> <li>ii) The mill shall inform the CB immediately if there is a projected overproduction of certified volume.</li> <li>iii) The mill shall have a mechanism in place for handling of non-conforming FFB and/or documents</li> </ul>	<b>Improved risk management</b>
	3.8.8 Sales and Goods Out <p>The supplying mill shall ensure that the following minimum information for RSPO certified products is made available in document form. The information shall be complete and can be presented either on a single document or across a range of documents issued for RSPO certified oil palm products (for example, delivery notes, shipping documents and specification documentation):</p> <ul style="list-style-type: none"> <li>a) The name and address of the buyer;</li> <li>b) The name and address of the seller;</li> <li>c) The loading or shipment / delivery date;</li> <li>d) The date on which the documents were issued;</li> <li>e) RSPO certificate number;</li> <li>f) A description of the product, including the applicable supply chain model (Identity Preserved or Mass Balance or the approved abbreviations);</li> </ul>	<b>Improved risk management</b>

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<ul style="list-style-type: none"> <li>g) The quantity of the products delivered;</li> <li>h) Any related transport documentation;</li> <li>i) A unique identification number.</li> </ul>	
	<p>3.8.9 Outsourcing Activities</p> <ul style="list-style-type: none"> <li>(i) The mill shall not outsource its milling activities. In cases where the mill outsources activities to independent third parties (e.g., subcontractors for storage, transport or other outsourced activities), the mill holding the certificate shall ensure that the independent third party complies with relevant requirements of this RSPO Supply Chain Certification.</li> </ul>	<b>Improved risk management</b>

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	(ii) The mill shall ensure the following: <ul style="list-style-type: none"> <li>a) The mill has legal ownership of all input material to be included in outsourced processes</li> <li>b) The mill has an agreement or contract covering the outsourced process with each contractor through a signed and enforceable agreement with the contractor. The onus is on the mill to ensure that certification body (CB) has access to the outsourcing contractor or operation if an audit is deemed necessary.</li> <li>c) The mill has a documented control system with explicit procedures for the outsourced process which is communicated to the relevant contractor.</li> <li>(d) The mill shall furthermore ensure (e.g., through contractual arrangements) that independent third parties engaged provide relevant access for duly accredited CBs to their respective operations, systems, and all information, when this is announced in advance.</li> </ul>	
	3.8.10 The mill shall record the names and contact details of all contractors used for the physical handling of RSPO certified oil palm products.	<b>Improved risk management</b>
	3.8.11 The mill shall inform its CB in advance prior to conduct of its next audit of the names and contact details of any new contractor used for the physical handling of RSPO certified oil palm products.	<b>Improved risk management</b>



## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<p>3.8.12 Record keeping</p> <ul style="list-style-type: none"> <li>i) The mill shall maintain accurate, complete, up-to-date and accessible records and reports covering all aspects of this RSPO Supply Chain Certification Standard requirements.</li> <li>ii) Retention times for all records and reports shall be a minimum of two (2) years and shall comply with relevant legal and regulatory requirements and be able to confirm the certified status of raw materials or products held in stock.</li> <li>iii) For Identity Preserved Module, the mill shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis.</li> <li>iv) For Mass Balance Module, the mill:               <ul style="list-style-type: none"> <li>a) shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis and / or three-monthly basis.</li> <li>b) All volumes of certified CPO and PK that are delivered are deducted from the material accounting system according to conversion ratios stated by RSPO.</li> <li>c) The mill can only deliver Mass Balance sales from a positive stock. Positive stock can include product ordered for delivery within three (3) months. However, a mill is allowed to sell short (i.e., product can be sold before it is in stock.)</li> </ul> </li> </ul>	<b>Improved risk management</b>

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	3.8.13 Extraction Rate  The oil extraction rate (OER) and the kernel extraction rate (KER) shall be applied to provide a reliable estimate of the amount of certified CPO and PK from the associated inputs. Mill shall determine and set their own extraction rates based upon past experience, documented and applied it consistently.	<b>Improved risk management</b>
	3.8.14 Extraction rates shall be updated periodically to ensure accuracy against actual performance or industry average if appropriate.	<b>Improved risk management</b>
	3.8.15 Processing  For Identity Preserved Module, the mill shall assure and verify through documented procedures and record keeping that the RSPO certified oil palm product is kept separated from non-certified oil palm products, including during transport and storage to strive for 100% separation.	<b>Improved risk management</b>

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	3.8.16 Registration of Transactions <ul style="list-style-type: none"> <li>i) Shipping Announcement in the RSPO IT platform shall be carried out by the mills when RSPO certified products are sold as certified to refineries, crushers, and traders not more than three months after dispatch with the dispatch date being the Bill of Lading or the dispatch documentation date.</li> <li>ii) Remove: RSPO certified volumes sold under different scheme or as conventional, or in case of underproduction, loss or damage shall be removed in the RSPO IT platform.</li> </ul>	<b>Improved risk management</b>
	3.8.17 Claims <p>The mill shall only make claims regarding the production of RSPO certified oil that are in compliance with the RSPO Rules on Market Communications and Claims.</p>	

# PEOPLE: SUSTAINABLE LIVELIHOODS AND POVERTY REDUCTION



## Objectives and outcomes

Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of a sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfil their potential in work and community with dignity and equality, and in a healthy working and living environment

### Principle 4

**Respect community and human rights and deliver benefits**

### Principle 5

**Support smallholder inclusion**

### Principle 6




**Respect workers' rights and conditions**

Principle 4

# RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Respect community rights, provide equal opportunities, maximize benefits from engagement and ensure remediation where needed.

Criteria	Indicators	ToC Outcomes
<p>4.1 The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders.</p> 	<p>4.1.1 <b>(C)</b> A policy to respect human rights, including prohibiting retaliation against Human Rights Defenders (HRDs), is documented and communicated to all levels of the workforce, operations, supply chain and local communities and prohibits intimidation and harassment by the unit of certification and contracted services, including contracted security forces.</p> <p>4.1.2 The unit of certification does not instigate violence or use any form of harassment, including the use of mercenaries and paramilitaries in their operations.</p>	<p><b>Human rights upheld</b></p>
<p>4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</p> 	<p>4.2.1 <b>(C)</b> The mutually agreed system, open to all affected parties, resolves disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants, HRDs, community spokespersons and whistleblowers, where requested, without risk of reprisal or intimidation and follows the RSPO policy on respect for HRDs.</p> <p>4.2.2 Procedures are in place to ensure that the system is understood by the affected parties, including by illiterate parties, <b>people with disabilities and members of indigenous communities, Afro-descendants and native groups who do not understand Spanish.</b></p> <p>4.2.3 The unit of certification keeps parties to a grievance informed of its progress, including against agreed timeframe and the outcome is available and communicated to relevant stakeholders.</p>	<p><b>Human rights upheld</b></p>

Criteria	Indicators	ToC Outcomes
4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties. (Continued) 	4.2.4 The conflict resolution mechanism includes the option of access to independent legal and technical advice, the ability for complainants to choose individuals or groups to support them and/or act as observers, as well as the option of a third-party mediator.	<b>Human rights upheld</b>
4.3 The unit of certification contributes to local sustainable development as agreed by local communities. 	4.3.1 Contributions to community development that are based on the results of consultation with local communities are demonstrated.	<b>Human rights upheld</b>
4.4 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their Free, Prior and Informed Consent. 	4.4.1 <b>(C)</b> Documents showing legal ownership or lease, or authorized use of customary land authorized by customary landowners through a Free, Prior and Informed (FPIC) process. Documents related to the history of land tenure and the actual legal or customary use of the land are available.	<b>Human rights upheld</b>

## Principle 4

# RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Criteria	Indicators	ToC Outcomes
4.4 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their FPIC. (Continued)	<p>4.4.2 Copies of documents evidencing agreement-making processes and negotiated agreements detailing the FPIC process are available and include:</p> <ul style="list-style-type: none"><li>a) Evidence that a plan has been developed through consultation and discussion in good faith with all affected groups in the communities, with particular assurance that vulnerable, minorities and gender groups are consulted, and that information has been provided to all affected groups, including information on the steps that are taken to involve them in decision making</li><li>b) Evidence that the unit of certification has respected communities' decisions to give or withhold their consent to the operation at the time that these decisions were taken</li><li>c) Evidence that the legal, economic, environmental and social implications of permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the unit of certification's title, concession or lease on the land.</li></ul> <p>4.4.3 <b>(C)</b> Maps of an appropriate scale showing the extent of recognized legal, customary or user rights are developed through participatory mapping involving affected parties (including neighboring communities where applicable, and relevant authorities).</p>	Human rights upheld



Criteria	Indicators	ToC Outcomes
<p>4.4 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their FPIC. (Continued)</p> 	<p>4.4.4 All relevant information is available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p>4.4.5 <b>(C)</b> Evidence is available to show that communities are represented through institutions or representatives of their own choosing, including by legal counsel if they so choose.</p> <p>4.4.6 There is evidence that implementation of agreements negotiated through FPIC is annually reviewed in consultation with affected parties.</p>	<p>Human rights upheld</p>
<p>4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.</p> 	<p>4.5.1 <b>(C)</b> Documents showing identification and assessment of demonstrable legal, customary and user rights are available.</p> <p>4.5.2 <b>(C)</b> FPIC is obtained for all oil palm development through a comprehensive process, including in particular, full respect for their legal and customary rights to the territories, lands and resources via local communities' own representative institutions, with all the relevant information and documents made available, with option of resourced access to independent advice through a documented, long-term and two-way process of consultation and negotiation.</p>	<p>Human rights upheld</p>



## Principle 4


### RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Criteria	Indicators	ToC Outcomes
4.5	<p>No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions. (Continued)</p> <p><b>i</b></p> <p>4.5.3 Evidence is available that <b>potentially</b> affected local peoples understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the unit of certification is signed and ratified by these local peoples. Negotiated agreements are non-coercive and entered into voluntarily and carried out prior to new operations.</p> <p><b>* Potentially affected local populations refer to those cases where it is demonstrated that they have legal, customary or use rights.</b></p> <p>4.5.4 To ensure local food and water security, as part of the FPIC process, participatory SEIA and participatory land-use planning with local peoples, the full range of food and water provisioning options are considered. There is transparency of the land allocation process.</p> <p>4.5.5 Evidence is available that the affected communities and rights holders have had the option to access information and advice, that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands.</p> <p>4.5.6 Evidence is available that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the issuance of a new concession or land title to the operator.</p>	<b>Human rights upheld</b>

Criteria	Indicators	ToC Outcomes
<p>4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions. (Continued)</p> <p></p>	<p>4.5.7 New lands will not be acquired for plantations and mills after 15 November 2018 as a result of recent (2005 or later) expropriations in the national interest without consent (eminent domain), except in cases of smallholders benefitting from agrarian reform or anti-drug programs.</p> <p>4.5.8 <b>(C)</b> New lands are not acquired in areas inhabited by communities in voluntary isolation.</p>	<p><b>Human rights upheld</b></p>
<p>4.6 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.</p> <p></p>	<p>4.6.1 <b>(C)</b> A mutually agreed procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, is in place.</p> <p>4.6.2 <b>(C)</b> A mutually agreed procedure for calculating and distributing fair and gender-equal compensation (monetary or otherwise) is established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation.</p> <p>4.6.3 Evidence is available that equal opportunities are provided to both men and women to hold land titles for small holdings.</p>	<p><b>Human rights upheld</b></p>

## Principle 4

# RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS


Criteria	Indicators	ToC Outcomes
4.6	<p>Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions. (Continued)</p> 	Human rights upheld
4.7	<p>Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their FPIC and negotiated agreements.</p> <p>4.7.1 (C) A mutually agreed procedure for identifying people entitled to compensation is in place.</p> <p>4.7.2 (C) A mutually agreed procedure for calculating and distributing fair compensation (monetary or otherwise) is in place and documented and made available to affected parties.</p> <p>4.7.3 Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development.</p>	Human rights upheld



Criteria	Indicators	ToC Outcomes
<p>4.8 The right to use the land is demonstrated and is not legitimately contested by local people who can demonstrate that they have legal, customary, or user rights.</p>	<p>4.8.1 Where there are or have been disputes, proof of legal acquisition of title and evidence that mutually agreed compensation has been made to all people who held legal, customary, or user rights at the time of acquisition is available and provided to parties to a dispute, and that any compensation was accepted following a documented process of FPIC.</p> <p>4.8.2 <b>(C)</b> Land conflict is not present in the area of the unit of certification. Where land conflict exists, acceptable conflict resolution processes (see Criteria 4.2 and 4.6) are implemented and accepted by the parties involved. In the case of newly acquired plantations, the unit of certification addresses any unresolved conflict through appropriate conflict resolution mechanisms.</p> <p>4.8.3 Where there is evidence of acquisition through dispossession or forced abandonment of customary and user rights prior to the current operations and there remain parties with demonstrable customary and land use rights, these claims will be settled using the relevant requirements (Indicators 4.4.2, 4.4.3 and 4.4.4)</p> <p>4.8.4 For any conflict or dispute over the land, the extent of the disputed area is mapped out in a participatory way with involvement of affected parties (including neighboring communities where applicable).</p>	<p><b>Human rights upheld</b></p>

## Principle 5

# SUPPORT SMALLHOLDER INCLUSION


Include smallholders in RSPO supply chains and improve their livelihoods through fair and transparent partnerships.

Criteria	Indicators	ToC Outcomes
5.1 The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses. 	<p>5.1.1 Current and previous period prices paid for FFB are publicly available and accessible by smallholders.</p> <p>5.1.2 <b>(C)</b> Evidence is available that the unit of certification regularly explains the FFB pricing to smallholders.</p> <p>5.1.3 <b>(C)</b> Fair pricing, including premium pricing, when applicable, is agreed with smallholders in the supply base and documented.</p> <p>5.1.4 <b>(C)</b> Evidence is available that all parties, including women and independent representative organizations assisting smallholders where requested, are involved in decision-making processes and understand the contracts. These include those involving finance, loans/credits, and repayments through FFB price reductions for replanting and/or other support mechanisms where applicable.</p> <p>5.1.5 Contracts are fair, legal and transparent and have an agreed timeframe.</p> <p>5.1.6 <b>(C)</b> Agreed payments are made in a timely manner and receipts specifying price, weight, deductions and amount paid are given.</p>	<b>Inclusive access to benefits</b>

Criteria	Indicators	ToC Outcomes
5.1	<p>The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses. (Continued)</p> 	<p><b>Inclusive access to benefits</b></p>
5.2	<p>The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.</p> 	<p><b>Inclusive access to benefits</b></p>
	<p>5.1.7 Weighing equipment is verified by an <del>independent</del> third party on a regular basis (this can be government) <b>endorsed by the Nicaragua National Accreditation Office (ONA)</b>.</p> <p>5.1.8 The unit of certification supports Independent Smallholders with certification, where applicable, ensuring mutual agreements between the unit of certification and the smallholders on who runs the internal control system (ICS), who holds the certificates, and who holds and sells the certified material.</p> <p>5.1.9 <b>(C)</b> The unit of certification has a grievance mechanism for smallholders and all grievances raised are dealt with in a timely manner.</p>	
	<p>5.2.1 The unit of certification consults with interested smallholders (irrespective of type) including women or other partners in their supply base to assess their needs for support to improve their livelihoods and their interest in RSPO certification.</p> <p>5.2.2 The unit of certification develops and implements livelihood improvement programs, including at least capacity building to enhance productivity, quality, organizational and managerial competencies, and specific elements of RSPO certification (including the RSPO Standard for Independent Smallholder).</p> <p><b>PROCEDURAL NOTE:</b> The RSPO is currently developing a separate standard for Independent Smallholders.</p>	

## Principle 5


### SUPPORT SMALLHOLDER INCLUSION

Criteria	Indicators	ToC Outcomes
5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains. (Continued) 	5.2.3 Where applicable, the unit of certification provides support to smallholders to promote legality of FFB production.  5.2.4 <b>(C)</b> Evidence exists that the unit of certification trains Scheme Smallholders on pesticide handling.  5.2.5 The unit of certification regularly reviews and publicly reports on the progress of the smallholder support program.	<b>Inclusive access to benefits</b>

## Principle 6

# RESPECT WORKERS' RIGHTS AND CONDITIONS



Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
6.1 Any form of discrimination is prohibited. 	<p>6.1.1 <b>(C)</b> A publicly available non-discrimination and equal opportunity policy is implemented in such a way to prevent discrimination based on ethnic origin, caste, national origin, religion, disability, gender, sexual orientation, gender identity, union membership, political affiliation or age.</p> <p>6.1.2. <b>(C)</b> Evidence is provided that workers and groups including local communities, women, and migrant workers have not been discriminated against. Evidence includes migrant workers' non-payment of recruitment fees.</p> <p>6.1.3 The unit of certification demonstrates that recruitment selection, hiring, access to training and promotion are based on skills, capabilities, qualities and medical fitness necessary for the jobs available.</p> <p>6.1.4 Pregnancy testing is not conducted as a discriminatory measure and is only permissible when it is legally mandated. Alternative equivalent employment is offered for pregnant women.</p>	<b>Human rights upheld; Safe and decent work</b>



## Principle 6



### RESPECT WORKERS' RIGHTS AND CONDITIONS



Criteria	Indicators	ToC Outcomes
6.1 Any form of discrimination is prohibited. (Continued) 	6.1.5 <b>(C)</b> A gender committee is in place specifically to raise awareness, identify and address issues of concern, as well as opportunities and improvements for women.  6.1.6 There is evidence of equal pay for the same work scope.	<b>Human rights upheld; Safe and decent work</b>
6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW). 	6.2.1 <b>(C)</b> Applicable labor laws, union and/or other collective agreements and documentation of pay and conditions are available to the workers in national languages and explained to them in a language they understand.  6.2.2 <b>(C)</b> Employment contracts and related documents detailing payments and conditions of employment (e.g., regular working hours, deductions, overtime, sick leave, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc. in compliance with national legal requirements) and payroll documents give accurate information on compensation for all work performed, including work done by family members.  6.2.3 <b>(C)</b> There is evidence of legal compliance for regular working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice and other legal labor requirements.	

Criteria	Indicators	ToC Outcomes
<p>6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW). (Continued)</p>	<p>6.2.4 <b>(C)</b> The unit of certification provides adequate housing, sanitation facilities, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible. National laws, or in their absence the ILO Guidance on Workers’ Housing Recommendation No. 115, are used. In the case of acquisitions of non-certified units, a plan is developed detailing the upgrade of infrastructure. A reasonable time (5 years) is allowed to upgrade the infrastructure.</p> <p>6.2.5 The unit of certification makes efforts to improve workers’ access to adequate, sufficient and affordable food.</p> <p>6.2.6 A DLW is paid to all workers, including those on piece rate/quotas, for whom the calculation is based on achievable quotas during regular work hours.</p> <p><b>PROCEDURAL NOTE:</b> The RSPO Labor Task Force will prepare guidance on the DLW implementation, including details on how to calculate a DLW, expected for 2019. The RSPO Secretariat will endeavor to carry out DLW country benchmarks for palm oil producing countries in which RSPO members operate and for which no Global Living Wage Coalition (GLWC) benchmarks exist.</p> <p>6.2.7 Permanent, full-time employment is used for all core work performed by the unit of certification. Casual, temporary and day labor is limited to jobs that are temporary or seasonal.</p>	

**Principle 6**


**RESPECT WORKERS' RIGHTS AND CONDITIONS**

Criteria	Indicators	ToC Outcomes
<p>6.3 The unit of certification respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.</p> <p></p>	<p>6.3.1 <b>(C)</b> A published statement recognizing freedom of association and right to collective bargaining in national languages is available and is explained to all workers in languages that they understand, and is demonstrably implemented.</p> <p>6.3.2 Minutes of meetings between the unit of certification with trade unions or workers representatives, who are freely elected, are documented in national languages and made available upon request.</p> <p>6.3.3 Management does not interfere with the formation or operation of registered unions/ labor organizations or associations, or other freely elected representatives for all workers including migrant and contract workers.</p>	<p><b>Human rights upheld; Safe and decent work</b></p>
<p>6.4 Children are not employed or exploited.</p> <p></p>	<p>6.4.1 A formal policy for the protection of children, including prohibition of child labor and remediation is in place, and included into service contracts and supplier agreements.</p> <p>6.4.2 <b>(C)</b> There is evidence that minimum age requirements are met. Personnel files show that all workers are above the national minimum age or above company policy minimum age, whichever is higher. There is a documented age screening verification procedure.</p>	<p><b>Human rights upheld; Safe and decent work</b></p>

Criteria	Indicators	ToC Outcomes
6.4 Children are not employed or exploited. (Continued) 	6.4.3 <b>(C)</b> Young persons may be employed only for non-hazardous work, with protective restrictions in place for that work.  6.4.4 The unit of certification demonstrates communication about its ‘no child labor’s policy and the negative effects of child labor, and promotes child protection to supervisors and other key staff, smallholders, FFB suppliers and communities where workers live.	<b>Human rights upheld; Safe and decent work</b>
6.5 There is no harassment or abuse in the workplace, and reproductive rights are protected. 	6.5.1 <b>(C)</b> A policy to prevent sexual and all other forms of harassment and violence is implemented and communicated to all levels of the workforce.  6.5.2 <b>(C)</b> A policy to protect the reproductive rights of all, especially of women, is implemented and communicated to all levels of the workforce.  6.5.3 Management has assessed the needs of new mothers, in consultation with the new mothers, and actions are taken to address the needs that have been identified.  6.5.4 A grievance mechanism, which respects anonymity and protects complainants where requested, is established, implemented and communicated to all levels of the workforce.	

**Principle 6**

**RESPECT WORKERS' RIGHTS AND CONDITIONS**

Criteria	Indicators	ToC Outcomes
<p>6.6 No forms of forced or trafficked labor are used.</p> 	<p>6.6.1 <b>(C)</b> All work is voluntary and the following are prohibited:</p> <ul style="list-style-type: none"> <li>• Retention of identity documents or passports</li> <li>• Payment of recruitment fees</li> <li>• Contract substitution</li> <li>• Involuntary overtime</li> <li>• Lack of freedom of workers to resign</li> <li>• Penalty for termination of employment</li> <li>• Debt bondage</li> <li>• Withholding of wages</li> <li>• <b>Forcing the employee to work during the vacation time, since by Law (Labor Code) the holiday needs to be rested</b></li> </ul>	<p><b>Human rights upheld; Safe and decent work</b></p>
<p>6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health.</p>	<p>6.6.2 <b>(C)</b> Where temporary or migrant workers are employed, a specific labor policy and procedures are established and implemented.</p> <p>6.7.1 <b>(C)</b> The responsible person(s) for H&amp;S is identified. There are records of regular meetings between the responsible person(s) and workers. Concerns of all parties about health, safety and welfare are discussed at these meetings, and any issues raised are recorded.</p> <p>6.7.2 Accident and emergency procedures are in place and instructions are clearly understood by all workers. Accident procedures are available in the appropriate language of the workforce. Assigned operatives trained in first aid are present in both field and other operations, and first aid equipment is available at worksites. Records of all accidents are kept and periodically reviewed.</p>	<p><b>Safe and decent work</b></p>

Criteria	Indicators	ToC Outcomes
<p>6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health. (Continued)</p>	<p>6.7.3 <b>(C)</b> Workers use appropriate personal protective equipment (PPE), which is provided free of charge to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, land preparation, and harvesting. Sanitation facilities for those applying pesticides are available, so that workers can change out of PPE, wash and put on their personal clothing.</p> <p>6.7.4 All workers are provided with medical care and covered by accident insurance. Costs incurred from work-related incidents leading to injury or sickness are covered in accordance with national law or by the unit of certification where national law does not offer protection.</p> <p>6.7.5 Occupational injuries are recorded using Lost Time Accident (LTA) metrics.</p>	<p><b>Safe and decent work</b></p>

## PLANET: CONSERVED, PROTECTED AND ENHANCED ECOSYSTEMS THAT PROVIDE FOR THE NEXT GENERATION



### Objectives and outcomes

Ecosystems and their services are protected, restored and resilient, supported by sustainable consumption and production, and sustainable management of natural resources (in line with SDG 15 – sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss). Climate change is addressed through continuous GHG reductions; air and water pollution are controlled. There is greater resilience in our food and fiber production. The water and air are cleaner, and carbon is drawn out of the air to regenerate soils for current and future generations. Inputs decrease while yields are maintained, or even improved



### Principle 7

**Protect, conserve and enhance ecosystems and the environment**

Principle 7

# PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Protect the environment, conserve biodiversity and ensure sustainable management of natural resources.

Criteria	Indicators	ToC Outcomes
<p>7.1 Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques.</p> <p></p>	<p>7.1.1 <b>(C)</b> IPM plans are implemented and monitored to ensure effective pest control.</p> <p>7.1.2 Species referenced in the Global Invasive Species Database and CABI.org is not to be used in managed areas, unless plans to prevent and monitor their spread are implemented.</p> <p>7.1.3 There is no use of fire for pest control unless in exceptional circumstances, i.e., where no other effective methods exist, and with prior approval of government authorities. [For NI to define process]</p>	<p><b>Pollution reduced; Resource use minimized; Productivity optimized</b></p>
<p>7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment.</p> <p></p>	<p>7.2.1 <b>(C)</b> Justification of all pesticides used is demonstrated. Selective products and application methods that are specific to the target pest, weed or disease are prioritized.</p> <p>7.2.2 <b>(C)</b> Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) are provided.</p> <p>7.2.3 <b>(C)</b> Any use of pesticides is minimized as part of a plan, eliminated where possible, in accordance with IPM plans.</p>	



## Principle 7



# PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT




Criteria	Indicators	ToC Outcomes
7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. (Continued)	<p>7.2.4 There is no prophylactic use of pesticides, unless in exceptional circumstances, as identified in national best practice guidelines.</p> <p>7.2.5 Pesticides that are categorized as World Health Organization Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, unless in exceptional circumstances, as validated by a due diligence process, or when authorized by government authorities for pest outbreaks.</p> <p>The due diligence refers to:</p> <ul style="list-style-type: none"><li>a) Judgment of the threat and verify why this is a major threat</li><li>b) Why there is no other alternative which can be used</li><li>c) Which process was applied to verify why there is no other less hazardous alternative</li><li>d) What is the process to limit the negative impacts of the application</li><li>e) Estimation of the timescale of the application and steps taken to limit application to the specific outbreak.</li></ul>	<b>Reduced pollution; Resource use minimized</b>

Criteria	Indicators	ToC Outcomes
<p>7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. (Continued)</p>	<p>7.2.6 <b>(C)</b> Pesticides are only handled, used or applied by persons who have completed the necessary training and are always applied in accordance with the product label. All precautions attached to the products are properly observed, applied, and understood by workers (see Criterion 3.6). Personnel applying pesticides must show evidence of regular updates on the knowledge about the activity they carry out.</p> <p>7.2.7 <b>(C)</b> Storage of all pesticides is in accordance with recognized best practices.</p> <p>7.2.8 All pesticide containers are properly disposed of and/or handled responsibly if used for other purposes.</p> <p>7.2.9 <b>(C)</b> Aerial spraying of pesticides is prohibited, unless in exceptional circumstances where no other viable alternatives are available. This requires prior <a href="#">government authority Ministry of Agriculture and Forestry</a> approval. All relevant information is provided to affected local communities at least 48 hours prior to application of aerial spraying.</p> <p>7.2.10 <b>(C)</b> Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, is demonstrated.</p> <p>7.2.11 <b>(C)</b> No work with pesticides is undertaken by persons under the age of 18, pregnant or breastfeeding women or other people that have medical restrictions and they are offered alternative equivalent work.</p>	<p><b>Reduced pollution; Resource use minimized</b></p>

## Principle 7


# PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT



Criteria	Indicators	ToC Outcomes
7.3 Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner. 	7.3.1 A waste management plan which includes reduction, recycling, reusing, and disposal based on toxicity and hazardous characteristics, is documented and implemented.	<b>Reduced pollution; Resource use minimized</b>
	7.3.2 Proper disposal of waste material, according to procedures that are fully understood by workers and managers, is demonstrated.	
	7.3.3 The unit of certification does not use open fire for waste disposal.	
7.4 Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield. 	7.4.1 Good agricultural practices, as contained in SOPs, are followed to manage soil fertility to optimize yield and minimize environmental impacts.	<b>Reduced pollution; Resource use minimized; Productivity optimized</b>
	7.4.2 Periodic tissue and soil sampling is carried out to monitor and manage changes in soil fertility and plant health.	
	7.4.3 A nutrient recycling strategy is in place, which includes the recycling of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), palm residues and optimal use of inorganic fertilizers.	
	7.4.4 Records of fertilizer inputs are maintained.	

Criteria	Indicators	ToC Outcomes
7.5 Practices minimize and control erosion and degradation of soils. 	7.5.1 <b>(C)</b> Maps identifying marginal and fragile soils, including steep terrain, are available.  7.5.2 There is no extensive replanting of oil palm on steep terrain.  7.5.3 There is no new planting of oil palm on steep terrain.	<b>Ecosystems protected;</b> <b>Reduced pollution;</b> <b>Productivity optimized</b>
7.6 Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations. 	7.6.1 <b>(C)</b> To demonstrate the long-term suitability of land for oil palm cultivation, soil maps or soil surveys identifying marginal and fragile soils, including steep terrain, are taken into account in plans and operations.  7.6.2 Extensive planting on marginal and fragile soils, is avoided, or, if necessary, done in accordance with the soil management plan for best practices.  7.6.3 Soil surveys and topographic information guide the planning of drainage and irrigation systems, roads and other infrastructure.	<b>Ecosystems protected;</b> <b>Resource use minimized;</b> <b>Reduced pollution</b>
7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. 	7.7.1 <b>(C)</b> There is no new planting on peat regardless of depth after 15 November 2018 in existing and new development areas.  7.7.2 Areas of peat within the managed areas are inventoried, documented and reported (effective from 15 November 2018) to RSPO Secretariat.  <b>PROCEDURAL NOTE:</b> Maps and other documentation of peat soils are provided, prepared and shared in line with RSPO Peatland Working Group (PLWG) audit guidance (see Procedural Note for 7.7.5 below).	<b>Ecosystems protected;</b> <b>Reduced pollution;</b> <b>Productivity optimized</b>

## Principle 7




# PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT


Criteria	Indicators	ToC Outcomes
<p>7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. (Continued)</p> 	<p>7.7.3 <b>(C)</b> Subsidence of peat is monitored, documented and minimized.</p> <p>7.7.4 <b>(C)</b> A documented water and ground cover management program is in place.</p> <p>7.7.5 <b>(C)</b> For plantations planted on peat, drain ability assessments are conducted following the RSPO Drain ability Assessment Procedure, or other RSPO recognized methods, at least five years prior to replanting. The assessment result is used to set the timeframe for future replanting, as well as for phasing out of oil palm cultivation at least 40 years, or two cycles, whichever is greater, before reaching the natural gravity drain ability limit for peat. When oil palm is phased out, it is replaced with crops suitable for a higher water table (paludiculture) or rehabilitated with natural vegetation.</p> <p><b>PROCEDURAL NOTE:</b> Full details of the RSPO Drain ability Assessment Guidelines and related concepts and detailed actions are in the manual currently being fine-tuned/tested by PLWG. A final version should be approved by PLWG in January 2019 and will include additional guidance on the steps to be followed after the decision not to replant as well as implications for other stakeholders, smallholders, local communities and the unit of certification. It is recommended that a further twelve-month methodology trial period is proposed for all related management units (i.e., those with plantations on peat) to utilize the methodology and provide feedback to the PLWG to enable further refinement of procedure as appropriate before January 2020. Units of certification have the option to defer replanting till after the availability of the revised guidelines. Additional guidance on alternative crops and rehabilitation of natural vegetation will be provided by PLWG.</p>	<p><b>Ecosystems protected;</b>  <b>Reduced pollution;</b>  <b>Productivity optimized</b></p>

Criteria	Indicators	ToC Outcomes
<p>7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. (Continued)</p> 	<p><b>PROCEDURAL NOTE:</b> PLWG and the Smallholder Interim Group (SHIG) will collaboratively develop guidance for Independent Smallholders [cross links to SHIG and GHG issues].</p> <p>7.7.6 <b>(C)</b> All existing plantings on peat are managed according to the ‘RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat’, version 2 (2018) and associated audit guidance.</p> <p>7.7.7 <b>(C)</b> All areas of unplanted and set-aside peatlands in the managed area (regardless of depth) are protected as “peatland conservation areas”; new drainage, road building and power lines by the unit of certification on peat soils is prohibited; peatlands are managed in accordance with the ‘RSPO BMPs for Management and Rehabilitation of Natural Vegetation Associated with Oil Palm Cultivation on Peat’, version 2 (2018) and associated audit guidance.</p>	<p><b>Ecosystems protected;</b>  <b>Reduced pollution;</b>  <b>Productivity optimized</b></p>
<p>7.8 Practices maintain the quality and availability of surface and groundwater.</p> 	<p>7.8.1 A water management plan is in place and implemented to promote more efficient use and continued availability of water sources and to avoid negative impacts on other users in the catchment. The plan addresses the following:</p> <ul style="list-style-type: none"> <li>a) The unit of certification does not restrict access to clean water or contribute to pollution of water used by communities</li> <li>b) Workers have adequate access to clean water.</li> </ul>	<p><b>Ecosystems protected;</b>  <b>Reduced pollution; Resource use minimized</b></p>

## Principle 7

# PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criteria	Indicators	ToC Outcomes
7.8 Practices maintain the quality and availability of surface and groundwater. (Continued) 	7.8.2 <b>(C)</b> Water courses and wetlands are protected, including maintaining and restoring appropriate riparian and other buffer zones in line with 'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves' (April 2017).	<b>Ecosystems protected; Reduced pollution; Resource use minimized</b>
	7.8.3 Mill effluent is treated to be in compliance with national regulations. Discharge quality of mill effluent, especially Biochemical Oxygen Demand (BOD), is regularly monitored.	
	7.8.4 Mill water use per ton of FFB is monitored and recorded.	
7.9 Efficiency of fossil fuel use and the use of renewable energy is optimized. 	7.9.1 A plan for improving efficiency of the use of fossil fuels and to optimize renewable energy is in place, monitored and reported.	<b>Ecosystems protected; Reduced pollution; Resource use minimized</b>
7.10 Plans to reduce pollution and emissions, including greenhouse gases (GHG), are developed, implemented and monitored and new developments are designed to minimize GHG emissions. 	7.10.1 <b>(C)</b> GHG emissions are identified and assessed for the unit of certification. Plans to reduce or minimize them are implemented, monitored through the Palm GHG calculator and publicly reported.	<b>Reduced pollution</b>
	7.10.2 <b>(C)</b> Starting 2014, the carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development are estimated and a plan to minimize them prepared and implemented (following the RSPO GHG Assessment Procedure for New Development).	
	7.10.3 (C) Other significant pollutants are identified and plans to reduce or minimize them implemented and monitored.	

Criteria	Indicators	ToC Outcomes
7.11 Fire is not used for preparing land and is prevented in the managed area. 	7.11.1 <b>(C)</b> Land for new planting or replanting is not prepared by burning. 7.11.2 The unit of certification establishes fire prevention and control measures for the areas directly managed by the unit of certification. 7.11.3 The unit of certification engages with adjacent stakeholders on fire prevention and control measures.	<b>Ecosystems protected;</b> <b>Reduced pollution</b>

**PROCEDURAL NOTE for 7.12**

The 2018 RSPO P&C include new requirements to ensure the effective contribution of RSPO to halting deforestation. This will be achieved by incorporating the High Carbon Stock Approach (HCSA) Toolkit in the revised standard.

The RSPO ToC also commits RSPO to balancing sustainable livelihoods and poverty reduction with the need to conserve, protect and enhance ecosystems.

High Forest Cover Countries (HFCCs) urgently require economic opportunities that enable communities to choose their own development path, while providing socio-economic benefits and safeguards.

Adapted procedures will be developed to support the sustainable development of palm oil by indigenous peoples and local communities with legal or customary rights. These will apply in specific HFCCs, and within those, in High Forest Cover Landscapes (HFCLs).


The development of these procedures will be guided by a No Deforestation Joint Steering Group (NDJSG) of RSPO and HCSA members. In HFCCs, RSPO will work through national and local participatory processes with governments, communities and other stakeholders to develop these procedures. A timeframe for these activities is stipulated in the Terms of Reference for the NDJSG and publicly available.



**Principle 7**


**PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced.</p>	<p>7.12.1 <b>(C)</b> Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs. Land clearing since 15 November 2018 has not damaged HCVs or HCS forests.</p> <p>A historic Land Use Change Analysis (LUCA) is conducted prior to any new land clearing, in accordance with the RSPO LUCA guidance document.</p> <p>7.12.2 <b>(C)</b> HCVs, HCS forests and other conservation areas are identified as follows:</p> <ul style="list-style-type: none"> <li>a) For existing plantations with an HCV assessment conducted by an RSPO-approved assessor and no new land clearing after 15 November 2018, the current HCV assessment of those plantations remains valid</li> <li>b) Any new land clearing (in existing plantations or new plantings) after 15 November 2018 is preceded by an HCV-HCS assessment, using the HCSA Toolkit and the HCV-HCSA Assessment Manual. This will include stakeholder consultation and take into account wider landscape-level considerations.</li> </ul> <p><b>PROCEDURAL NOTE</b> for 7.12.2: For details of transitional measures, refer to Annex 5: RSPO transition from HCV assessments to HCV-HCSA assessments.</p>	<p><b>Ecosystems protected</b></p>

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced. (Continued)</p> 	<p>7.12.3 <b>(C)</b> In High Forest Cover Landscapes (HFCLs) within HFCCs, a specific procedure will apply for legacy cases and development by indigenous peoples and local communities with legal or customary rights, taking into consideration regional and national multi-stakeholder processes. Until this procedure is developed and endorsed, 7.12.2 applies.</p> <p><b>PROCEDURAL NOTE</b> for 7.12.3: There should be demonstrable benefits to the local community; clear recognition of legal and customary lands based on participatory land use planning; development should be proportional to the needs of the local community; with a balance between conservation and development. This procedure will also cover planting on previous or abandoned agricultural land / plantations. All other P&amp;C requirements apply, including FPIC and HCV requirements.</p> <p>7.12.4 <b>(C)</b> Where HCVs, HCS forests after 15 November 2018, peatland and other conservation areas have been identified, they are protected and/or enhanced. An integrated management plan to protect and/or enhance HCVs, HCS forests, peatland and other conservation areas is developed, implemented and adapted where necessary, and contains monitoring requirements. The integrated management plan is reviewed at least once every five years. The integrated management plan is developed in consultation with relevant stakeholders and includes the directly managed area and any relevant wider landscape level considerations (where these are identified).</p>	<p><b>Ecosystems protected</b></p>

## Principle 7

# PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced. (Continued)</p> <p></p>	<p>7.12.5 Where rights of local communities have been identified in HCV areas, HCS forest after 15 November 2018, peatland and other conservation areas, there is no reduction of these rights without evidence of a negotiated agreement, obtained through FPIC, encouraging their involvement in the maintenance and management of these conservation areas.</p> <p>7.12.6 All rare, threatened or endangered (RTE) species are protected, whether or not they are identified in an HCV assessment. A program to regularly educate the workforce about the status of RTE species is in place. Appropriate disciplinary measures are taken and documented in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect, trade, possess or kill these species.</p> <p>7.12.7 The status of HCVs, HCS forests after 15 November 2018, other natural ecosystems, peatland conservation areas and RTE species is monitored. Outcomes of this monitoring are fed back into the management plan.</p> <p>7.12.8 <b>(C)</b> Where there has been land clearing without prior HCV assessment since November 2005, or without prior HCV-HCSA assessment since 15 November 2018, the Remediation and Compensation Procedure (RaCP) applies.</p>	<p><b>Ecosystems protected</b></p>

## ANNEX 1: DEFINITIONS

Term	Definition	Source
<b>Carbon neutrality</b>	<p>Carbon neutrality refers to achieving net zero GHG emissions by balancing a measured amount of carbon dioxide equivalent (CO<sub>2</sub>e) emissions released with an equivalent amount sequestered or offset.</p> <p>(The term “climate neutral” reflects the broader inclusiveness of other greenhouse gases in addition to carbon dioxide in climate change. The terms are used interchangeably.)</p>	P&C Review 2018
<b>Child</b>	The term child applies to all persons under the age of 18.	ILO Minimum Age Convention, 1973 (No. 138) Worst Forms of Child Labor Convention, 1999 (No. 182)
<b>Child labor</b>	<p>Child labor is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. The term applies to:</p> <ul style="list-style-type: none"> <li>• All children under 18 involved in the “worst forms of child labor” (as per ILO Convention No. 182)</li> <li>• All children aged under 12 taking part in economic activity; and</li> <li>• All 12 to 14-year-olds engaged in more than light work.</li> </ul> <p>The ILO defines light work as work that is not likely to be harmful to children’s health or development and not likely to be detrimental to their attendance at school or vocational training.</p>	ILO Minimum Age Convention, 1973 (No. 138)

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Term	Definition	Source
<b>Child labour</b>	Those under 18 years old should not engage in hazardous work that might jeopardize their physical, mental or moral well-being, either because of its nature or the conditions under which it is carried out. For young workers above the legal minimum age but below 18, there should be restrictions on hours of work and overtime; working at dangerous heights; with dangerous machinery, equipment and tools; transport of heavy loads; exposure to hazardous substances or processes; and difficult conditions such as night work at night.	ILO Minimum Age Convention, 1973 (No. 138)
<b>Contract substitution</b>	The practice of substituting or changing the terms of employment to which the worker originally agreed, either in writing or verbally, which results in worse conditions or less benefits. Changes to the employment agreement or contract are prohibited unless these changes are made to meet local law and provide equal or better terms.	ILO Report to the Committee examining alleged non-compliance by Qatar of Forced Labor
<b>Contract worker</b>	Contract worker refers to persons engaged in temporary work, or work for a specific period of time. It also refers to workers who are not employed directly by the company, but employed by a contractor or consultant with whom the company has a direct contract.	ILO, Non-Standard Forms of Employment

Term	Definition	Source
<b>Core work</b>	<p>The primary area or activity that a company was founded to do or focuses on in its business operations. Core work pertains to work that is essential and desirable to the growth of the organization.</p> <p>All agricultural and milling activities are considered core work, e.g., planting, harvesting, fertilizing, maintenance; FFB sorting and grading; machine-technical maintenance; and machine operation.</p>	P&C Review 2018
<b>Debt bondage</b>	The status or condition of debt bondage when their labor, or the labor of a third party under their control, is demanded as repayment of a loan or of money given in advance, and the value of their labor is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined.	UN GA Human Rights Council: Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. July 2016.
<b>Decent living wage</b>	The remuneration received by a worker, for work performed on regular hours, in a particular place sufficient to afford a decent standard of living for the worker and her or his family.	Adapted from GLWC
<b>Deforestation</b>	Loss of natural forest as a result of: <ul style="list-style-type: none"> <li>i) conversion to agriculture or other non-forest land use;</li> <li>ii) conversion to a plantation forest; or</li> <li>iii) severe and sustained degradation.</li> </ul>	Draft Accountability Framework Initiative (AFI) (July 2018). Refer to latest AFI definition
<b>Due diligence</b>	A risk management process implemented by a company to identify, prevent, mitigate, and account for how it addresses environmental and social risks and impacts in its operations, supply chains, and investments.	<p>Draft AFI (July 2018).</p> <p>Always refer to latest AFI definition</p>

## DEFINITIONS

Term	Definition	Source
<b>Eminent domain and expropriation</b>	Eminent domain is the statutory power of governments to expropriate private property for public use or in the national interest, usually with the payment of compensation according to rates defined by law. Expropriation implies divesting persons of their property without requiring their agreement or consent.	P&C Review 2018
<b>Extensive replanting on steep terrain</b>	Any individual, contiguous planted area on steep terrain (>25 degrees) greater than 25 ha within the re-planting area.	P&C 2013, Annex 2, NI Guidance
<b>Facilitation payment</b>	Bribes paid to facilitate routine government action <sup>[1]</sup> . A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty <sup>[2]</sup> .	<sup>[1]</sup> UK Bribery Act 2010 Guidance <sup>[2]</sup> UK Serious Fraud Office Bribery Act Guidance
<b>Family farm</b>	A farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labor used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 ha in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programs; when children are part of the family and when they are not exposed to hazardous working conditions.	P&C 2013
<b>Food security</b>	Food security is achieved when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Four dimensions of food security are commonly identified: food availability, food access, utilization and stability.	FAO World Food Summit, 1996.  See FAO Policy Brief Issue 2, June 2006 for further detail.

Term	Definition	Source
<b>Forced labor</b>	<p>All work or service which is exacted from any person under the menace of any penalty and for which said person has not offered him or herself voluntarily.</p> <p>This definition consists of three elements:</p> <ol style="list-style-type: none"> <li>1. Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.</li> <li>2. Menace of any penalty refers to a wide range of penalties used to compel someone to work.</li> <li>3. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted.</li> </ol>	<p>ILO Forced Labor Definition</p> <p>ILO, Forced Labor Convention, 1930 (No. 29)</p> <p>ILO, Protocol of 2014 to the Forced Labor Convention, 1930 (P029)</p> <p>ILO, Abolition of Forced Labor Convention, 1957 (No. 105)</p> <p>ILO, Forced Labor Recommendation 2014 (No. 203)</p>
<b>Fragile soil</b>	<p>A soil that is susceptible to degradation (reduction in fertility) when disturbed. A soil is particularly fragile if the degradation rapidly leads to an unacceptably low level of fertility or if it is irreversible using economically feasible management inputs. (See also definition for ‘marginal soil’)</p>	<p>P&amp;C Review 2018</p>
<b>Gender equal</b>	<p>This refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys.</p>	<p>UN Women, OSAGI Gender Mainstreaming - Concepts and definitions</p>



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<b>Greenhouse gas</b>	<p>Greenhouse gases (GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of thermal infrared radiation emitted by the Earth’s surface, the atmosphere itself, and by clouds.</p> <p>GHGs are measured in terms of their global warming potential – the impact a GHG has on the atmosphere expressed in the equivalent amount of carbon dioxide CO<sub>2</sub> (CO<sub>2</sub>e). Greenhouse gases regulated by the Kyoto Protocol include: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxides (N<sub>2</sub>O), Hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and Sulphur hexafluoride (SF<sub>6</sub>).</p>	Intergovernmental Panel on Climate Change (IPCC) Data Distribution Centre
<b>Hazardous work</b>	<p>Hazardous work is work performed in hazardous conditions; or “in the most hazardous sectors and occupations, such as agriculture, construction, mining, or ship-breaking, or where working relationships or conditions create particular risks, such as exposure to hazardous agents, such as chemical substances or radiation, or in the informal economy.” (<a href="https://www.ilo.org/safework/areasofwork/hazardous-work/lang--en/index.htm">https://www.ilo.org/safework/areasofwork/hazardous-work/lang--en/index.htm</a>)</p> <p>Hazardous work is also defined as “any work which is likely to jeopardize children’s physical, mental or moral health, safety or morals” and which “should not be done by anyone under the age of 18.” (<a href="https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm">https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm</a>)</p>	Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999 (No. 182)

Term	Definition	Source
<b>High Carbon Stock Forest</b>	Forests that have been identified using the High Carbon Stock Approach (HCSA) Toolkit	HCSA website <a href="http://www.highcarbonstock.org">www.highcarbonstock.org</a>
<b>High Forest Cover Country (HFCC)</b>	Countries defined as having >60% forest cover (based on recent, trusted REDD+ and national data); <1% oil palm cover; a deforestation trajectory that is historically low but increasing or constant; and a known frontier area for oil palm or where major areas have been allocated for development	RSPO No Deforestation consultancy: HFCC Pro forest, 2018
<b>High Forest Cover Landscape (HFCL)</b>	Landscapes having >80% forest cover. Landscape as defined under HCSA Toolkit (Module 5): “The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (for instance, the planned concession).”	HCSA Toolkit (v2)
<b>High Conservation Value (HCV) areas:</b>	<p>The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):</p> <p><b>HCV 1 – Species diversity;</b> Concentrations of biological diversity including endemic species, and rare, threatened or endangered (RTE) species, that are significant at global, regional or national levels.</p> <p><b>HCV 2 – Landscape-level ecosystems, ecosystem mosaics and Intact Forest Landscapes (IFL);</b> Large landscape-level ecosystems, ecosystem mosaics and IFL that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.</p> <p><b>HCV 3 – Ecosystems and habitats;</b> RTE ecosystems, habitats or refugia.</p>	High Conservation Value Resource Network (HCVRN) Common Guidance for Identification of HCVs 2017

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Term	Definition	Source
<b>High Conservation Value (HCV) areas:</b> (Continued)	<b>HCV 4 – Ecosystem services;</b> Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.	High Conservation Value Resource Network (HCVRN) Common Guidance for Identification of HCVs 2017
	<b>HCV 5 – Community needs;</b> Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.	
	<b>HCV 6 – Cultural values;</b> Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples.	
<b>Human Rights Defenders (HRD)</b>	Individuals, groups and associations who promote and protect universally recognized human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental HRD, whistleblowers, complainants and community spokespersons. This definition does not include those individuals who commit or propagate violence.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (Endorsed by BoG on 24 Sept 2018)
<b>Independent Smallholder</b>	All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.	Smallholder Interim Group (SHIG)

Term	Definition	Source
<b>Indigenous people</b>	<p>Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.</p> <p>Indigenous peoples have sought recognition of their identities, way of life and their right to traditional lands, territories and natural resources for years, yet throughout history, their rights have always been violated. Indigenous peoples today, are arguably among the most disadvantaged and vulnerable groups of people in the world. The international community now recognizes that special measures are required to protect their rights and maintain their distinct cultures and way of life.</p>	UNDESA, Division for Inclusive Social Development, Indigenous Peoples
<b>In good faith</b>	The principle of good faith implies that the parties make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and applied in good faith, and give sufficient time to discuss and settle collective disputes. In the case of multinational enterprises, such companies should not threaten to transfer the whole or part of an operating unit from the country concerned in order to unfairly influence negotiations.	ILO Q&As on business and collective bargaining
<b>Integrated Pest Management (IPM)</b>	IPM is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms.	P&C 2013 FAO 2013 <a href="http://www.fao.org/agriculture/crops/thematicitemap/theme/pests/ipm/en/">http://www.fao.org/agriculture/crops/thematicsitemap/theme/pests/ipm/en/</a>

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Term	Definition	Source
<b>Intimidation and harassment</b>	Intimidation and harassment include loss of income due to/resulting in organizational restrictions, threats of dismissal from employment, restrictions on travel, restrictions to the environment in which the HRDs operate, deliberate obstruction to holding of meetings between HRDs, hostility within the community the HRDs lives as claims may be seen to jeopardize the community's honor and culture (this may especially be the case with women HRDs). More serious measures include character assassination of HRDs, discrediting, defamation campaigns, arbitrary use of security forces, surveillance, SLAPP suits (Strategic Lawsuits against Public Participation) due to his or her work and/or in the course of his/her activities, threats of physical violence and death threats. Special attention is needed to avoid gender-specific violence such as rape or threats of sexual violence used to silence women.	P&C Review 2018
<b>ISO standards</b>	Standards developed by the International Organization for Standardization.	P&C 2013 ISO: <a href="http://www.iso.org">www.iso.org</a>
<b>Land clearing</b>	Conversion of land from one land use to another. Clearing actively managed oil palm plantation to replant oil palm is not considered land clearing. Within existing certified units, clearing of less than 10 ha is <u>not</u> considered new land clearing.	P&C Review 2018
<b>Landscape</b>	A geographical mosaic composed of interacting ecosystems resulting from the influence of geological, topographical, soil, climatic, biotic and human interactions in a given area.	IUCN <a href="https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf">https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf</a>

Term	Definition	Source
<b>Landscape level</b>	The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (i.e. planned concession boundaries).	HCV-HCSA Assessment Manual 2017
<b>Livelihood</b>	<p>A person's or a group's way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market.</p> <p>A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.</p> <p>The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies.</p>	P&C 2013

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Term	Definition	Source
<b>Livelihood (Continued)</b>	(Compiled from various definitions of livelihoods from Department for International Development (DfID), Institute of Development Studies (IDS) and FAO and academic texts from: <a href="http://www.fao.org/docrep/X0051T/X0051t05.htm">http://www.fao.org/docrep/X0051T/X0051t05.htm</a> ).	P&C 2013
<b>Managed area</b>	The land containing oil palm and associated land uses such as infrastructure (e.g., roads), riparian zones and conservation set-asides.	P&C Review 2018
<b>Management documents</b>	Management documents are documented information and evidence to interact with the RSPO P&C. It shall be in the form of manual, working procedures, report and records that subject to be audited and reviewed periodically.	ISO 9001 QMS – <a href="https://advisera.com">https://advisera.com</a>
<b>Marginal soil</b>	A soil that is unlikely to produce acceptable economic returns for the proposed crop at reasonable projections of crop value and costs of amelioration. Degraded soils are not marginal soils if their amelioration and resulting productivity is cost effective. (See also definition for 'fragile soil'.)	P&C Review 2018
<b>Migrant worker</b>	A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and do not include those workers who move within a country for the purposes of employment.	P&C 2013
<b>Natural ecosystems</b>	All land with natural, native vegetation, including but not limited to native forests, riparian vegetation, natural wetlands, peatlands, grasslands, savannahs, and prairies.	P&C Review 2018
<b>New planting</b>	Planned or proposed planting on land not previously cultivated with oil palm.	NPP 2015
<b>Non-hazardous work</b>	See definition for hazardous work	

Term	Definition	Source
<b>Operations</b>	All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.	P&C 2013
<b>Other conservation areas</b>	Areas (in addition to HCV, HCS forests and peatland conservation areas) that are required to be conserved by the RSPO P&C (such as riparian areas and steep slopes) and other areas allocated by the unit of certification.	P&C Review 2018
<b>Outgrowers</b>	Farmers, where the sale of FFB is exclusively contracted to the unit of certification. Outgrowers may be smallholders.	P&C 2013
<b>Peat</b>	A soil with cumulative organic layer(s) comprising more than half of the upper 80 cm or 100 cm of the soil surface containing 35% or more of organic matter (35% or more Loss on Ignition) or 18% or more organic carbon. Note for management of existing plantations in Malaysia and Indonesia, a narrower definition has been used, based on national regulations: namely soil with an organic layer of more than 50% in the top 100 cm containing more than 65% organic matter.	PLWG2 July 2018 Derived from FAO and USDA definition for histosols (Organic soils) (FAO 1998, 2006/7; USDA 2014)
<b>Pesticide</b>	Substances or a mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorized into four main substituents chemicals: herbicides; fungicides; insecticides and bactericides.	P&C 2013
<b>Plan</b>	A time-bound and detailed scheme, program, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing circumstances and reporting. Plans shall also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.	P&C 2013
<b>Plantation</b>	The land on which oil palm is grown. (See also definition for 'managed area'.)	P&C Review 2018



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Term	Definition	Source
<b>Prophylactic</b>	A treatment or course of action applied as a preventive measure.	P&C 2013
<b>Rare, threatened or endangered (RTE) species</b>	Species as defined by the High Conservation Value Resource Network (HCVRN).	HCVRN Common Guidance for the Identification of HCVs
<b>Recruitment fees</b>	Recruitment fees pertain to costs and expenses associated with the recruitment and hiring of the worker, i.e., recruiter and agent service fees, documents processing, employer-required skills and medical testing, training, documentation, visa, work permits, transportation (from sending country to point of entry, and return), administrative and overhead costs.	Dhaka Principles and ILO 181.
<b>Restore</b>	Returning degraded or converted areas within a plantation to a semi-natural state.	P&C 2013
<b>Rights</b>	<p>Rights are legal, social, or ethical principles of freedom or entitlement, in accordance with the International Bill of Rights, and other relevant international human rights instruments including the UN Declaration on the Rights of Indigenous Peoples, UN Guiding Principles on Business and Human Rights, The Global Compact for Safe, Orderly and Regular Migration.</p> <ol style="list-style-type: none"> <li>1. Customary rights: Patterns of long-standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State.</li> <li>2. Legal rights: Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations.</li> </ol>	<p>P&amp;C 2013</p> <p>UN Refugees &amp; Migrants, Global Compact for Safe, Orderly and Regular Migration, 2018</p> <p>World Bank Operational Policy 4.10</p> <p>From FSC Principles &amp; Criteria</p>

Term	Definition	Source
<b>Rights (Continued)</b>	3. User rights: Rights for the use of land and resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights.	P&C 2013
	4. Demonstrable rights: Indigenous peoples, local communities and users may have informal or customary rights in land that are not registered or recognized by the government or national laws. Demonstrable rights are distinguished from spurious claims by direct engagement with local communities, so they have adequate opportunities to justify their claims, and are best ascertained through participatory mapping with the involvement of neighboring communities.	UN Refugees & Migrants, Global Compact for Safe, Orderly and Regular Migration, 2018  World Bank Operational Policy 4.10  From FSC Principles & Criteria
<b>Risk assessment</b>	A systematic process of identifying and evaluating the potential risks that may be involved in a projected activity or undertaking.  It enables a weighing up of whether enough precautions are in place or whether more should be done to prevent harm to those at risk, including workers and members of the public.	Adapted from ILO, A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments, 2014
<b>Scheme Smallholder</b>	Farmers, landowners or their delegates that <u>do not</u> have the: <ul style="list-style-type: none"> <li>• Enforceable decision-making power on the operation of the land and production practices; and/or</li> <li>• Freedom to choose how they utilize their lands, type of crops to plant, and how they manage them (whether and how they organize, manage and finance the land).</li> </ul> (See also smallholder and Independent Smallholder).	SHIG

## Annex 1

### DEFINITIONS

Term	Definition	Source
<b>Significant pollutant</b>	Chemical or biological substances which have a substantial adverse impact on water, air or land quality including POME, sewage, and other wastewater, sediment, fertilizer, pesticides, fuels and oil, air pollutants, as guided by national regulations and international standards.	P&C Review 2018
<b>Site</b>	A single functional unit of an organization or a combination of units situated at one locality, which is geographically distinct from other units.	RSPO 2017 SCCS Standard
<b>Smallholder</b>	<p>Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labor and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 ha in size.</p> <p><b>Scheme Smallholder:</b> Farmers, landowners or their delegates that <u>do not</u> have the:</p> <ul style="list-style-type: none"> <li>• Enforceable decision-making power on the operation of the land and production practices; and/or</li> <li>• Freedom to choose how they utilize their lands, type of crops to plant, and how they manage them (whether and how they organize, manage and finance the land).</li> </ul> <p><b>Independent Smallholder:</b> <del>All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.</del> <b>These are farmers who grow oil palm, sometimes at the same time as other subsistence crops, whose families provide most of the labor (and sometimes have additional workers for field work, mainly in harvesting). The farm is their main source of income, where the area planted with oil palm is usually less than or equal to 50 hectares. They make their own decisions about what to plant, how to plant it, to whom to sell their FFB. They are self-managed, self-financed and self-organized. They may receive technical assistance or financial support from third parties (Palm Oil Mill, governmental and non-governmental organizations).</b></p>	<p>P&amp;C 2013</p> <p>SHIG</p> <p>NIWG</p>

Term	Definition	Source
<b>Social and Environmental Impact Assessment (SEIA)</b>	An analysis and planning process to be carried out prior to new plantings or operations. This process incorporates relevant environmental and social data, as well as stakeholder consultations, in order to identify potential impacts (both direct and indirect) and to determine whether these impacts can be satisfactorily addressed, in which case the proponent also defines specific actions to minimize and mitigate potential negative impacts.	P&C Review 2018
<b>Stakeholders</b>	An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organization and the consequences of those activities.	P&C 2013
<b>Steep terrain</b>	Areas above 25 degrees or based on a National Interpretation (NI) process.	P&C 2013 Annex 2 Guidance NI
<b>Trafficked labor</b>	Trafficked labor is a form of exploitation that results from the recruitment, transport, transfer, harboring, and receipt of individuals to perform labor or services through the use of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	The UN Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons.
<b>Transmigrant</b>	A person who migrates from one part of the country to another with a view to being employed otherwise than on his own account.	P&C 2013
<b>Undue influence</b>	The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.	P&C 2013
<b>Unit of certification</b>	The unit of certification shall be the mill and its supply base and shall include both directly managed land (and estates) and Scheme Smallholders and out growers, where estates have been legally established with proportions of lands allocated to each.	RSPO Certification Systems 2017

## DEFINITIONS

Term	Definition	Source
<b>Voluntary isolation</b>	Indigenous peoples in voluntary isolation are indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with persons not part of their own people. They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the nonindigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies. In line with the principle of FPIC, RSPO prohibits oil palm expansion in these peoples' territories.	Inter-American Commission on Human Rights, <i>Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas</i> , 2013
<b>Vulnerable groups</b>	Any group or sector of society that is at higher risk or being subjected to social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship than other groups, such as indigenous peoples, ethnic minorities, migrants, disabled people, the homeless, isolated elderly people, women and children.	P&C Review 2018
<b>Water security</b>	The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development; for ensuring protection against water-borne pollution and water-related disasters; and for preserving ecosystems in a climate of peace and political stability.	UN Water, <i>Water Security Infographic</i>

Term	Definition	Source
<b>Whistleblower</b>	Individuals who are employees or former employees who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene RSPO Code of Conduct and related key documents and who may potentially be at risk of reprisal. This includes individuals who are outside the traditional employee-employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 September, 2018)
<b>Worker</b>	Men and women, migrants, transmigrants, contract workers, casual workers and employees from all levels of the organization.	P&C Review 2018
<b>Workforce</b>	The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.	P&C 2013
<b>Young person</b>	Young workers are aged 15, or above the minimum age of employment, but under the age of 18. According to the ILO, “these workers are considered ‘children’ even where they may legally perform certain jobs.”	ILO Minimum Age Convention, 1973 (No. 138), Article 3  ILO Safety and Health in Agriculture Convention, 2001 (No. 184), Article 16

## ANNEX 2: GUIDANCE

### Principle 1: Behave ethically and transparently

Criterion (new)	Guidance
1.1	<p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents comprise the results of FPIC processes, SEIAs, Human Rights Policies including a policy on protection of HRDs/whistleblowers, social programs avoiding or mitigating negative social impact, social programs advancing livelihoods, figures of gender distribution within all workers categorized by management, administrative staff and workers (both permanent casual workers, piece rate workers), partnership programs for Independent Smallholders, education and health in the communities.</p> <p>The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.</p> <p>Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information.</p>

## Criterion (new) Guidance

### 1.1 (Continued)

Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private. The unit of certification should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.

For 1.1.5: Applicable data privacy laws should be considered in the gathering, storage, use and distribution and publication of personal information.

The following documents should be available at the unit of certification (but not necessarily limited to) upon request:

- Land titles/user rights (Criterion 4.4)
- Occupational health and safety plans (Criterion 3.6)
- Plans and impact assessments relating to environmental and social impacts (Criterion 3.4)
- HCV & HCS documentation (Criterion 7.12)
- Pollution prevention and reduction plans (Criterion 7.10)
- Details of complaints and grievances (Criterion 4.2)
- Negotiation procedures (Criterion 4.6)
- Continuous improvement plans (Criterion 3.2)
- Public summary of certification assessment report
- Human Rights Policy (Criterion 4.1)



**Criterion (new)    Guidance**

1.2

All levels of the operations will include contractors (e.g., those involved in security).

The policy should include as a minimum:

- A respect for fair conduct of business
- A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources
- A proper disclosure of information in accordance with applicable regulations and accepted industry practices

The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.

The policy should cover elements such as: bribery; facilitation payments; guidance and procedure for gifts and hospitality; disclosure of political contributions; guidelines for charitable donations and sponsorships; respect for fair conduct of business; proper disclosure of information in accordance with applicable regulations and accepted industry practices; compliance with existing anti-corruption legislation.

Commitment to company ethical policies is incorporated in all service contracts.

There are due diligence procedures in place for the selection and contracting of recruitment agencies and labor intermediaries or suppliers.

Unethical conduct includes: charging fees to workers, recovering cost of recruitment and transportation against workers' wages, receiving gifts and commissions from labor intermediaries or suppliers.

## Principle 2: Operate legally and respect rights

Criterion (new)	Guidance
2.1	<p>Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes but is not limited to: regulations governing land tenure and land-use rights, labor, agricultural practices (e.g., chemical use), environment (e.g., wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g., the Convention on Biological Diversity (CBD), ILO Core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex 1.</p> <p>Contradictions and inconsistencies should be identified, and solutions suggested. Evidence should be incorporated as part of implementation of Criterion 2.3.</p> <p>See Indicator 4.4.1 for requirements on legal ownership or lease and authorized use of customary lands.</p> <p>For Indicator 2.1.2:</p> <p>A 'documented system for ensuring legal compliance' can take the form of physical or virtual filing cabinet of applicable laws, regulations and rules with elements of how these laws are interpreted and followed in the running of the operations.</p>

Criterion (new)	Guidance
2.2	<p>Contracted parties include:</p> <ul style="list-style-type: none"> <li>• Temporary employment, whereby workers are engaged only for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labor</li> <li>• Short-term contracts; renewable contract</li> <li>• Fixed-term, project, or task-based contracts are contractual employment arrangements between one employer and one employee characterized by a limited duration or a pre-specified event to end the contract</li> <li>• Casual work is the engagement of workers on a very short term or on an occasional and intermittent basis, often for a specific number of hours, days or weeks, in return for a wage set by the terms of the daily or periodic work agreement. Casual work is a prominent feature of informal wage employment in low-income developing countries, but it has also emerged more recently in industrialized economies, particularly in jobs associated with the “on-demand” or ‘gig economy”. (<a href="https://www.ilo.org/global/topics/non-standard-employment/WCMS_534826/lang-en/index.htm">https://www.ilo.org/global/topics/non-standard-employment/WCMS_534826/lang-en/index.htm</a>)</li> <li>• <b>With respect to contractors, the provisions of Article 26 of Law 185 of 1996 - Labor Code (as amended, supplemented and authentically interpreted) must be applied.</b></li> <li>• <b>- With respect to young workers, Chapter IV, Articles 130 to 136 of Law 185 of 1996 - Labor Code (as amended, supplemented and authentically interpreted).</b></li> </ul>
2.3	<p>For consideration of FFB legality, NIs should also consider commonly accepted local practices and customs that are generally accepted to be on a par with legal standing or accepted by authorities (e.g., native courts).</p>

2.3 (Continued)

- 2.3.1 Each unit of certification may establish documentation to support evidence of ownership status or entitlement to land by the grower/smallholder, however, it is suggested that one or more of the following documents be used as evidence.
  - Deed of real right or deed registered in the Commercial Real Estate Registry.
  - Lease contract or assignment of rights to use communal land for a defined period.
  - Judicial acquisitions that are registered in the Mercantile Real Estate Registry (judicial acquisitions include: forced sales and supplementary deeds)
  - Freedom of encumbrance and its deed in rem (if the deed is not registered ownership)
  - Title issued by CONADETI for indigenous, ethnic, and Afro-descendant communities.
  - Agrarian Titles registered in the Mercantile Real Estate Property Registry.
  - Certification of the Attorney General's Office if the agrarian titles are not registered in the Mercantile Real Estate Property Registry.
  - Rights with peaceful possession and in good faith for more than 10 years (not contested).
  - Private or community properties within a 15 km radius of the border must have a no objection from the Attorney General's Office of the Republic of Nicaragua.
    - - The record mentioned in this indicator corresponds to that described in

## Principle 3: Optimize productivity, efficiency, positive impacts and resilience

Criterion (new)	Guidance
3.1	<p>Whilst it is recognized that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning.</p> <p>For plantations on peat, a longer time frame for the projection of the annual replanting program is needed per Criterion 7.7.</p> <p>The unit of certification should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements. This Criterion is not applicable to Independent Smallholders.</p> <p>The business or management plan should contain:</p> <ol style="list-style-type: none"><li>1. Attention to quality of planting materials</li><li>2. Crop projection = Fresh Fruit Bunches (FFB) yield trends</li><li>3. Mill extraction rates = Oil Extraction Rate (OER) trends</li><li>4. Cost of production = cost per ton of Crude Palm Oil (CPO) trends</li><li>5. Forecast prices</li><li>6. Financial indicators</li></ol> <p>Suggested calculation: Trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programs).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Principle 5). For Scheme Smallholders, the content of the business plan may vary from that suggested.</p>

Criterion (new)	Guidance
3.1 (Continued)	<p>Where the specific financial details are not known, an estimate of these amounts, or structures for defining those estimates will be made clear within the contract.</p> <p>Management reviews (Indicator 3.1.3) should include:</p> <ol style="list-style-type: none"> <li>1. Results of internal audits</li> <li>2. Customer feedback</li> <li>3. Process performance and product conformity</li> <li>4. Status of preventive and corrective actions</li> <li>5. Follow-up actions from management reviews</li> <li>6. Changes that could affect the management system</li> <li>7. Recommendations for improvement</li> </ol>
3.2	<p>For the action plan for continuous improvement, indicators may include but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Optimizing the yield of the supply base.</li> <li>2. Reduction in use of pesticides (Criterion 7.2)</li> <li>3. Environmental impacts (Criteria 3.4, 7.6 and 7.7)</li> <li>4. Waste reduction (Criterion 7.3)</li> <li>5. Pollution and greenhouse gas (GHG) emissions (Criterion 7.10)</li> <li>6. Impacts on communities, workers and smallholders (Principle 6)</li> <li>7. Integrated management of HCV-HCS, peatland and other conservation areas (Criteria 7.7 and 7.12)</li> </ol> <p>Where applicable, review should include Scheme Smallholders.</p>

Criterion (new)	Guidance
3.2 (Continued)	The unit of certification should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continuous improvement.
3.3	<p>Mechanisms to check implementation could include documentation of management systems and internal control procedures (see Criterion 2.1).</p> <p>SOP and documentation for mills should include relevant supply chain requirements (see SCCS section under Principle 3).</p> <p>The unit of certification, while working with third party suppliers of FFB on traceability and legality, should use the opportunity to distribute suitable information on BMPs.</p>
3.4	<p>The terms of reference of the SEIA should be defined. Ideally, the SEIA should be carried out by accredited independent experts, in order to ensure an objective process. The assessment (SEIA) should include, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Assessment of the impacts of all major planned activities, including land clearing, planting, replanting, pesticide and fertilizer use, mill operations, roads, drainage and irrigation systems and other infrastructure</li> <li>2. Assessment of the impacts on HCVs, biodiversity and RTE species, including beyond concession boundaries and any measures for the conservation and/or enhancement of these</li> <li>3. Assessment of the potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems</li> <li>4. Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources</li> <li>5. Baseline soil surveys and topographic information, including the identification of steep terrain, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding</li> <li>6. Analysis of the type of land to be used (forest, degraded forest, peatlands, cleared land, etc.)</li> <li>7. Assessment of land ownership and user rights</li> </ol>

Criterion (new)	Guidance
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3.4 (Continued)	<ol style="list-style-type: none"> <li>8. Assessment of current land use patterns</li> <li>9. Assessment of impacts on people's amenity</li> <li>10. Assess impacts on employment, employment opportunities or from changes of employment terms</li> <li>11. A cost-benefit analysis on social aspects</li> <li>12. Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents</li> <li>13. Assessment of salient risk of human rights violations</li> <li>14. Assessment of the impacts on all dimensions of food and water security including the right to adequate food, and monitoring food and water security for affected communities</li> <li>15. Assessment of activities which may impact air quality or generate significant GHG emissions</li> </ol> <p>For smallholder schemes, the scheme management has the responsibility to undertake an impact assessment and to plan and operate in accordance with the results.</p> <p>Additional information on SEIA can be found in various external sources such as HCSA Toolkit Module 3 and the International Finance Corporation (IFC)'s <i>Guide to Biodiversity for Private Sector: The Social and Environmental Impact Process</i>.</p> <p>The review of the monitoring and management plan should be done (once every two years) internally or externally.</p>
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## Criterion (new)

## Guidance

3.4 (Continued)

Management documents may comprise social programs avoiding or mitigating adverse social impact including human rights, social programs advancing community livelihoods and gender equality, partnership programs for Independent Smallholders, education and health in the communities.

Affected stakeholders are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.

- Oil palm growers must comply with the requirements of Numeral 7.6 Environment and Conservation of NTON 11 043 - 13 Nicaraguan Technical Standard. Sustainable Oil Palm Production. Requirements and provisions.**
- 7.6.1 Each producer must have an Environmental Management Plan that recognizes the impact of its activities on the environment, which must be approved by MARENA or Regional Governments according to current legislation and the categories of projects defined by the same Law.**
- 7.6.2 The Environmental Permit or Resolution for palm developments carried out in the Autonomous Regions of the Caribbean Coast will be administered by the respective Regional Government, in accordance with Article 27 of the General Law of the Environment and Natural Resources.**
- 7.6.3 Producers must implement a General Environmental Policy with commercially sustainable agricultural production.**
- 7.6.4 Plans must be implemented to transform areas of High Conservation Values (e.g., wetlands, forests or impoverished soil strips) into conservation areas for the development of natural flora and fauna.**
- 7.6.5 Forest resources must be managed in accordance with Law No. 462, Law for the Conservation, Promotion and Sustainable Development of the Forestry Sector, as well as the Municipal Protected Forest Areas defined in that law.**
- For Palm Oil Mills they must comply with the provisions of Decree 20-2017 (System of environmental assessment of permits and authorizations for the sustainable use of natural resources.**

Refer to National Law/Regulation or ILO Convention 155 for those countries without national Occupational Safety and Health Law/Regulation at a minimum.

- In Nicaragua, companies must comply with:
  - The Labor Code Law No. 185, approved on September 5, 1996 and published in the Gazette No. 205 of October 30, 1996. Title V of the Occupational Health and Safety and Occupational Risks; Title VIII Special Working Conditions; Chapter VIII Field Worker.
  - General Law of Occupational Health and Safety Law No. 618, Approved on April 19, 2007.
  - In addition, oil palm companies must comply with the requirements of Section 7.3 Health and Occupational Work Safety and Welfare of NTON 11 043 - 13 Nicaraguan Technical Standard. Sustainable Oil Palm Production. Requirements and Provisions.:
    - 7.3.1 Growers shall have a written risk assessment covering health and safety risks to their workers and crop safety.
    - 7.3.2 The plantation shall have written health, safety and hygiene operating procedures, which address the issues identified in the risk assessment described in 7.3.1.
    - 7.3.3. All workers shall receive regular health, safety and hygiene training.
    - 7.3.4 Occupational health and safety procedures shall be systematically applied within the plantation.
    - 7.3.5 Records of training activities and participants shall be maintained.
    - 7.3.6 Personnel handling and/or administering veterinary drugs, agrochemicals or other hazardous substances must have competency documents and/or certificates that enable them to perform the work safely.
    - 7.3.7 Procedures in case of accidents and emergencies must exist and must be posted in a visible place and communicated to all persons involved in the plantation activities.
    - 7.3.8 All risks and hazards should be clearly identified with warning signs.
    - 7.3.9 Safety recommendations on hazardous substances shall be available to the worker.
    - 7.3.10 First aid kits should be accessible to the work sites.
    - 7.3.11 An appropriate number of people (at least one) with first aid training should be available on the plantation.
    - 7.3.12 Workers, visitors and contractors shall be equipped with appropriate protective clothing in accordance with legal regulations and/or label instructions and/or as established by the Competent Authority.
    - 7.3.13 Agrochemical application protective clothing should be cleaned after use and stored in a manner that prevents contamination of the particular clothing.
    - 7.3.14 Regular communication meetings must be held between farm management and employees. There are records of such meetings.
    - 7.3.15 Workers must have access to a clean food storage area, a designated resting place, hand washing facilities and potable water.
    - 7.3.16 Where workers' housing is provided on the farm, it must be habitable and have basic facilities and services.

3.7

**Training content:** Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g., young workers, pregnant women); ways to minimize exposure to workers and their families; and international and national instruments or regulations that protect workers' health.

The training program should include productivity and best management practice, and be appropriate to the scale of the organization. The program should enable everyone to fulfil their jobs and responsibilities in accordance with documented procedure.

**Training participants:** Training should be given to all staff and workers including women smallholders and women plantation workers, within the unit of certification, as well as contract workers.

The unit of certification should demonstrate training activities for Scheme Smallholders who provide FFB on a contracted basis.

Criterion (new)	Guidance
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3.7 (Continued)	
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	Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of the unit of certification that purchase fruit from them, by smallholders' organizations, or through collaboration with other institutions and organizations.
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For individual scheme smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing.

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## Principle 4: Respect community and human rights and deliver benefits

Criterion (new)	Guidance
4.1	<p>All levels of operations will include contractors (e.g., those involved in security). The UN Guiding Principles on Business and Human Rights notes that:</p> <p><i>“The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work.”</i></p> <p>The UN Guiding Principles on Business and Human Rights also note that the responsibility of business enterprises to respect human rights exists independently of nation states’ abilities and/or willingness to fulfil their own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights. (See “The corporate responsibility to respect human rights” in <i>the UN Guiding Principles on Business and Human Rights</i>).</p> <p>The RSPO Human Rights Working Group will provide additional guidance to identify, prevent, mitigate and address human rights issues and impacts.</p> <p>The resulting guide will identify the relevant issues on human rights to all RSPO members.</p> <p>Details on requirements to protect the rights of HRDs, including complainants, whistleblowers and community spokespersons, are set out in the <i>RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons</i>.</p>

Criterion (new)	Guidance
4.2	<p>Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation and, where relevant, migrant worker representation. Grievances may be internal (employees) or external.</p> <p>For Scheme and Independent Smallholders, refer to the current RSPO Guidance Documents for Scheme and Independent Smallholders.</p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the UN Human Rights Commission (HRC) endorsed <i>'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework', 2011.</i></p>
4.3	<p>Contributions to local sustainable development should be based on the results of consultation with local communities and should have long term economic, social and/or environmental benefits. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men, women and minority/vulnerable groups.</p> <p>The unit of certification may also seek partnerships from non-governmental organizations (NGOs) and civil society organizations (CSOs) to identify key environmental and/or social issues that are prevalent in the community and develop and implement solutions to address these issues as part of their contributions to sustainable development.</p>

Criterion (new)	Guidance
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4.3 (Continued)	<p>Some examples of contributions to local sustainable development could be, but are not limited to:</p> <ul style="list-style-type: none"><li>a) Poverty reduction</li><li>b) Access to health and wellbeing</li><li>c) Access to quality education</li><li>d) Access to clean water and sanitation</li><li>e) Conservation or restoration of natural resources</li><li>f) Gender equality programs</li><li>g) Support/enhance/secure food and water security</li></ul> <p>Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognized as conflicting with Criterion 6.1.</p>
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4.4	<p>All indicators will apply to current operations, but there are exceptions for long-established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 4.4.2 and 4.4.3.</p> <p>Where there are legal or customary rights over land, the unit of certification should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criterion 4.5, 4.6 and 4.7. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighboring communities and local authorities).</p> <p>This Criterion allows for negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of communities should be transparent and in open communication with other community members.</p>
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Criterion (new)	Guidance
4.4 (Continued)	<p>Relevant legal arrangements may include negotiated benefit-sharing agreements, joint venture agreements, legal representation on management boards, restrictions on prior land use, co-management arrangements, smallholder contracts, rental and leasehold arrangements, royalty payments, and the implications of land acquisition and permits for community land tenure, use and access rights.</p>
4.5	<p>The unit of certification can, through compliance with RSPO criteria demonstrate its commitment to support the UN Sustainable Development Goals (especially SDGs 2, 6 and 15).</p> <p>The unit of certification should support the implementation of existing national strategies with regard to food and water security, and not contradict them by any of its business activities.</p> <p>The unit of certification should recognize national and/or international natural disaster risk assessments, strategies and maps in the management plan/strategy for the managed areas. The unit of certification should inform suppliers and communities in the concerned region about natural risks and provide support in case of strong adverse natural and human made disasters.</p> <p>This activity should be integrated with the SEIA required by Criterion 3.4.</p> <p>Within the FPIC process, measures to balance potential negative impacts on food and water security for local communities should be discussed and agreed between the unit of certification and the local communities. These measures and their proposed implementation features (what, how, how long, recipients, threats and opportunities to implementation) are documented as part of the resource management planning.</p>



## Criterion (new)

## Guidance

4.5 (Continued)

In cases where the availability, access, quality and stability of food and water is negatively affected by the planned operations, mitigation and relief measures should be agreed.

Where applicable, in communities resettled in accordance with FPIC, the unit of certification should monitor the food and water security situation through a screening process and, for example, through continuous dialogue, to ensure local food and water security.

Efforts should be made to consider population dynamics. The set of measures is to be reviewed regularly (proposed biannually) to reflect on changes in needs and capacities and the resources available.

The unit of certification should not restrict access to markets for local communities through its operations.

The unit of certification should assess water catchments in order to identify key water risks or shared challenges (see HCV 4). The unit of certification should regularly monitor their operations' impacts on water availability and quality.

Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites.

Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 4.4). Relevant stakeholders include those affected by or concerned with the new plantings.

Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.

FPIC is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance (*'FPIC and the RSPO; A Guide for Members'*, October 2015).

In Nicaragua, Law 807 (2012) on Conservation and Sustainable Use of Biological Diversity should be taken into account, which defines Prior Informed Consent as the act by which indigenous and Afro-descendant peoples, ethnic and local communities or private owners, if applicable, after providing all the required information, consent to allow access to their biological resources or the intangible element associated with them, or access to the collective knowledge of the indigenous and Afro-descendant, ethnic or local communities, under mutually agreed conditions established in a letter of consent that is then perfected with the access permit contract. Likewise, for the Autonomous Region of the Southern Caribbean Coast, Resolution 1282 (2020) will be taken into account, which establishes the Manual for Prior, Free and Informed Consultation to obtain consent for policies, programs and projects in indigenous and Afro-descendant territories of the Southern Caribbean Coast and explains the steps to be followed in such case.

**Criterion (new)    Guidance**

4.6                      Where there is a conflict on the condition of land use as per land title, the unit of certification should show evidence that necessary action has been taken to resolve the conflict with relevant parties.

A mechanism should be in place to resolve any conflict (Criteria 4.2 and 4.6).

Where operations overlap with other rights holders, the unit of certification should resolve the issue with the appropriate authorities, consistent with Criteria 4.2 and 4.6. **It is important to note that according to Law 445 on the Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio and Maíz rivers, the ownership of the indigenous territory cannot be sold, mortgaged or exchanged: Communal lands cannot be encumbered and are unseizable, inalienable and imprescriptible. For more clarity review the definitions found in said law**

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## Principle 5: Support smallholder inclusion

Criterion (new)	Guidance
5.1	<p data-bbox="338 228 1433 311">Fair prices for FFB will be equal to or above the prices as established by government or government endorsed initiatives, where applicable. Where not applicable, the following elements should be considered subject to prevailing commodity prices:</p> <ol data-bbox="338 349 1449 463" style="list-style-type: none"><li data-bbox="338 349 1422 403">1. Cost incurred by smallholders where applicable (e.g., fertilizer, seeds, pesticides, transport of FFB, land use permit, landownership fees, land preparation, labor costs and other costs related to FFB production);</li><li data-bbox="338 412 1449 463">2. Unexpected and unpredictable environmental and climate related risk costs including the occurrence of new pests for which treatment is not yet available, climate change effects or extreme weather conditions.</li></ol> <p data-bbox="338 501 948 524"><i>Source: 2012 FAO Guiding Principles Responsible Contract Farming</i></p> <p data-bbox="338 562 1455 616">This should also be applied to situations where the unit of certification functions as the group manager for groups certified under group certification.</p> <p data-bbox="338 654 1455 768">Transactions with smallholders should consider issues such as the role of middlemen, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 7.5) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p data-bbox="338 806 1455 860">Smallholders should have access to the grievance procedure under Criterion 4.2 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p data-bbox="338 898 1465 952">If the unit of certification requires smallholders to change practices to meet the RSPO P&amp;C, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p>

Criterion (new)	Guidance
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5.2	<del>RSPO will develop guidance on smallholder support (a separate RSPO Smallholder Standard is currently under development as of the printing of this standard).</del>
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The consultation may include collection centers or other parties like representative organizations, where applicable.

In particular for Scheme Smallholders, support programs are based on long term relations.

When the unit of certification assesses the eligibility of the requested support by Independent Smallholders, the following factors can be taken into account and are explained to and understood by the smallholders:

- Expected continued supply of FFB to the mill
- Readiness of smallholders to implement the improvement programs

Specific elements on RSPO certification may include:

- Socialization on RSPO
- H&S training
- FPIC
- HCV

The delivery of the support services can include but is not limited to cooperatives, agents, collection centers and representative organizations.

**The certification unit can train its independent smallholders in the supply base in the use, handling, transport, waste disposal and emergency care of (agrochemicals, pesticides or pesticides) through governmental or non-governmental entities that are accredited for this purpose.**

## Principle 6: Respect workers' rights and conditions

Criterion (new)	Guidance
6.1	<p>The non-discriminatory requirements are applied to all workers, regardless of contractual status.</p> <p>Examples of compliance can be appropriate documentation (e.g., job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 4.2 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>Examples of evidence for Indicator 6.1.2 could include contract between employer and agency; contract between worker and agency; clear company policy and recruitment procedures; confirmation by workers and agency that no recruitment fees are charged.</p> <p>Foreign and migrant workers should not pay anything that a local worker is not required to pay, unless mandated by law. A worker should not be selected for the job on the basis of their capacity to pay.</p>
6.2	<p>Elements in the calculation of a decent standard of living should include food, water, housing, education, healthcare, transport, clothing and other essential needs, including provision for unexpected effects, in accordance with the GLWC methodology.</p> <p>The list of essential needs (that will be considered for the non-food, non-housing element), and the costs/values associated with these elements, will be provided by the RSPO.</p>

Criterion (new)	Guidance
6.2 (Continued)	<p data-bbox="338 274 1362 328">Where a GLWC living wage standard, or one that fulfils the basic requirements of the RSPO-endorsed living wage methodology, has been established in the country or region of operation, this should be used as benchmark.</p> <p data-bbox="338 367 1442 421">Where there are industry-established benchmarks of living wage, these can be used as a basis, as long as the elements of the DLW definition or their equivalencies have been considered.</p> <p data-bbox="338 460 1442 514">For countries where no living wage standard is established, the RSPO-endorsed benchmark should be followed, until such time that a GLWC-developed benchmark for the country is in place (see procedural note in Indicator 6.2.6).</p> <p data-bbox="338 553 1027 574">A written policy, committing to payment of a living wage should be in place.</p> <p data-bbox="338 613 1442 667">The implementation plan should have specific targets, and a phased-implementation process should be in place, including the following:</p> <ul data-bbox="338 675 1461 848" style="list-style-type: none"><li data-bbox="338 675 1414 696">• An assessment is conducted to determine prevailing wages and in-kind benefits already being provided to workers</li><li data-bbox="338 704 954 725">• There is annual progress on the implementation of living wages</li><li data-bbox="338 733 1461 787">• Where a minimum wage, based on equivalent basket of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment</li><li data-bbox="338 795 1442 848">• The unit of certification may choose to implement the living wage payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before an eventual scale-up of the living wage implementation</li></ul> <p data-bbox="338 888 1410 941">Without disrupting the wage distribution, employers can provide more or better in-kind benefits to increase the living standards of their workers, as long as it is agreed upon by the trade union/worker representatives.</p>

Criterion (new)	Guidance
6.3	<p>The right of staff and workers, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with the unit of certification should be respected, in accordance with Conventions 87 and 98 of the ILO.</p> <p>Collective bargaining is encouraged to include terms and conditions relevant to workers’ rights, but also to the workers and families’ rights to access health care, education, nutritious food, safety/protection equipment, energy, and could include a clear mechanism of grievances and remedy.</p> <p>Foreign workers should be encouraged to join unions. Where the right to freedom of association and collective bargaining are restricted under law, the unit of certification publishes a statement that facilitates parallel means of independent and free association and bargaining for all such personnel.</p>
6.4	<p>Service contracts and supplier agreements refer to those that the unit of certification enters into and has influence over; rather than for agreements that cover services of infrastructure set up, such as telephone or electricity.</p> <p>The unit of certification should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per ILO Convention 138.</p> <p>Work in family farms, when the farm is contracted to or provides business to another entity, is prohibited. Farm work is only accepted when it is for the family’s own consumption.</p> <p>Child labor is not exacted only by employers, and children do not have to be in an employment relationship with a third-party employer to be in child labor and to suffer its consequences.</p>



Criterion (new)	Guidance
6.4 (Continued)	<p>Age verification documents include a government recognized photographic identification document, where available.</p> <p>Examples of remediation are: procedures to assist underage workers found to be working; to ensure the children are taken out of the work site, parents/guardians are informed, medical testing to assess physical and mental health is conducted; and the unit of certification ensures that the children are enrolled in school.</p>
6.5	<p>There should be a clear policy developed in consultation with staff and workers, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>These policies should include education for women and awareness of the workforce. There should be programs provided for particular issues faced by women, such as violence and sexual harassment in the workplace. This committee, which should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the unit of certification; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.</p> <p>For 6.5.3: The Gender Committee can support the assessment.</p> <p>Adequate space and paid breaks should be provided to enable mothers with infants 24 months or younger to breastfeed or express and store breast milk with privacy.</p> <p><b>For the protection of reproductive rights in Nicaragua, Chapter II of the Labor Code, which describes maternity leave and benefits for pregnant and lactating women, as well as leave for normal, multiple, premature and non-viable births, must be taken into account. Likewise, the paid paternity leave granted to the father for the birth of a child without any loss of social benefits, according to Art. 79 of the Family Code, Law No. 870 and, the enjoyment of leave time of fathers and mothers in case of adoption, is respected</b></p>

## Criterion (new)

## Guidance

6.6

Migrant workers should be legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardize a DLW.

Workers may voluntarily want to have their passports or identity documents held by the management for safekeeping purposes. In such cases, the documents should be returned to the workers upon request. There should be evidence of due diligence in applying this to all sub-contract workers and suppliers.

National guidance should be used on contract substitution.

Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement. This is in accordance with ILO conventions: Forced Labor Convention, 1930 (No. 29); Protocol of 2014 to the Forced Labor Convention, 1930 (P029) ; Abolition of Forced Labor Convention, 1957 (No. 105) ; Forced Labor Recommendation, 2014 (No. 203)

The specific labor policy should include:

- Statement of the non-discriminatory practices
  - No contract substitution
  - Post-arrival orientation program to focus especially on language, safety, labor laws, cultural practices etc.
  - Decent housing to be provided in accordance with national law or in their absence ILO Recommendation 115
  - Fees related to recruitment and hiring of migrant workers
-

## Principle 7: Protect, conserve and enhance ecosystems and the environment

Criterion (new)	Guidance
7.1	<p>The unit of certification should apply recognized IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimize the use of chemicals. Native species should be used in biological control where possible.</p> <p>In specific cases for the control of pests and diseases by fire, as per regulations, there should be evidence of prior approval of the controlled burning as specified by the relevant authorities <del>in the 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines or regulations in other regions.</del> <b>In Nicaragua, the Ministry of Agriculture and the Institute of Agricultural Protection and Health are empowered to grant permits for the use of fire for agricultural and forestry purposes as long as they comply with the requirements established by the Ministry..</b></p>
7.2	<p>The RSPO has identified some examples of alternatives to pesticide and herbicide use, which include those listed in the <i>'Research Project on Integrated Weed Management Strategies for Oil Palm', CABI, April 2011.</i></p> <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to Independent Smallholders.</p> <p>The justification should consider less harmful alternatives and IPM. Justification of the use of such pesticides will be included in the public summary report. Measures to avoid the development of resistance (such as pesticide rotations) should be applied.</p> <p>Due diligence is understood as the process through which enterprises should identify, assess, mitigate, prevent and account for how they verify the emergency use of pesticides that are categorized as World Health Organization Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, which are banned from use in RSPO, except in very specific situations. The nature and extent of due diligence will be affected by factors such as the size of the area where the pesticides should be applied, the context and location of the application, the nature of products or services, and the severity of actual and potential adverse impacts which will be caused by the use of the high hazardous pesticides.</p>

## Criterion (new) Guidance

7.2 (Continued)

The due diligence should refer to:

- a) Judgment of the threat and verification of why this is a major threat
- b) Why there is no other alternative which can be used
- c) Which process was applied to verify that there is no other less hazardous alternative?
- d) What the process is to limit the negative impacts of the applications
- e) Estimation of the timescale of the application and which steps are taken to limit the application to a singularity.
- f) **The product must be endorsed by the National Commission for the Registration and Control of Toxic Substances.**
- g) **The use of Red Band Pesticides is prohibited according to Ministerial Resolution No. 165-2016, Published in the Gazette No. 172; March 19, 2017**

Recognized best practice includes: storage of all pesticides as prescribed in the *'FAO International Code of Conduct on the distribution and use of pesticides* and its guidelines and supplemented by relevant industry guidelines in support of the International Code (see Annex 3).

7.3

The waste management and disposal plan should include measures for:

- Improving the efficiency of resource utilization and recycling potential wastes as nutrients or converting them into value-added products (e.g., through animal feeding programs).
- Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g., returned to the vendor or cleaned using a triple rinse method), in such a way that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to.

The unit of certification is encouraged to improve the waste management in surrounding neighborhoods.

Where there are no options for non-toxic and non-hazardous domestic waste collection by local government services, landfills may be required as a solution for disposal. **The permit for the landfill will be given by MARENA, SERENA and the municipality.**

Where landfills are used, appropriate guidelines should be followed, which includes being:

- Only for domestic and household waste, where inorganic waste is minimized
- Located away from water sources, people and communities, and outside conservation areas
- Properly covered, with clear demarcation and signage to avoid disturbance.
- **As required by NTON 05 014-02 (Environmental Technical Standard for the Management, Treatment and Final Disposal of Non-Hazardous Solid Waste).**

Criterion (new)	Guidance
7.4	<p>Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production and should drive to minimize in-organic fertilizer use.</p>
7.5	<p>Techniques that minimize soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.</p> <p>Guidance for indicator 7.5.1:</p> <ul style="list-style-type: none"><li>• Official maps produced by INAFOR, MAG and other official entities or by the company can be used as a reference for the identification of fragile and marginal soils:</li><li>• Map of soil types of Nicaragua</li><li>• Soil use potential map</li><li>• General or detailed topographic maps</li><li>• General or detail topographic maps.</li></ul> <p>Guidance for indicators 7.5.2 and 7.5.3:</p> <p>The planting of oil palm on steep slopes (greater than 35%) is prohibited according to NTON 11043-13 Nicaraguan Technical Standard. Sustainable Oil Palm Production.</p>

These activities can be linked to the SEIA (see Criterion 3.4) but need not be done by independent experts.

Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development.

Soils requiring appropriate practices should be identified (see Criteria 7.6 and 7.7). This information should be used to plan planting programs, etc.

Measures should be planned to minimize erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.

Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation should be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criteria 7.6 and 7.7).

Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location.

#### Guidance for indicator 7.6.3

**- The construction of roads, trails and infrastructure must comply with NTON 18 001 - 12 Nicaraguan Mandatory Technical Standard. Sustainable Management of Natural Broadleaf and Coniferous Forests. 4.1.4 Forest Roads and Infrastructure**

**- 4.1.4.1 The maximum allowable slope for roads and logging trails is 10 to 20%. If the predominant slope is greater than 20%, roads must be constructed with engineering and/or soil conservation works.**

**- 4.1.4.2 Established Forest roads will be allowed to be reactivated with existing slopes; if necessary, soil conservation works must be carried out.**

- 4.1.4.3 For the design and construction of forest roads, the specifications presented in the following table shall be applied.

Technical Specifications for the Construction of Forest Roads

Characteristics	Primary	Secondary	Tertiary	Unit of measurement
Maximum clearance width	10	4-5	3-4	M
Maximum path width	7	3-4	2-3	M
Maximum traffic width	5	3-3.5		M
Minimum veneer thickness	15	10	No	Cm
Maximum slope	10	15	20	%
Encased	Yes	Si	Desirable	m

- 4.1.4.4 Forest roads may not be built parallel to the gallery forest, and must maintain a distance of 50 meters from the main watercourses and be constructed according to the above table.

- 4.1.4.5 The construction of forest roads that cross watercourses must have drainage works, such as ditches, culverts, revetments and bridges.

- 4.1.4.6 Forest roads are not allowed to be built on the slope, they must be laid out in consideration of contour lines, as well as log skidding lanes.



Criterion (new)	Guidance
7.6 (Continued)	<p>Information should be collected on soil suitability by the unit of certification if planning to purchase FFB from potential developments of Independent Smallholders in a particular location. The unit of certification should assess this information and provide information to Independent Smallholders on soil suitability, and/or in conjunction with relevant government/public institutions and other organizations (including NGOs) provide information in order to assist Independent Smallholders to grow oil palm sustainably.</p>
7.7	<p>The unit of certification is encouraged to map the peatlands within the supply base to enable monitoring and promotion of BMPs.</p> <p>For Indicator 7.7.3: For existing plantings on peat, the water table should be maintained at an average of 50 cm (between 40 cm and 60 cm) below ground surface unless required to be higher by national regulations, measured with groundwater piezometer readings, or an average of 60 cm (between 50 cm and 70 cm) below ground surface as measured in water collection drains, through a network of appropriate water control structures (e.g. weirs, sandbags, etc.) in fields, and watergates at the discharge points of main drains.</p> <p>For Indicator 7.7.3: Monitoring of subsidence should be undertaken in all drained peat areas in the plantation including areas adjacent to the plantation where water tables may be impacted by drainage associated with the plantation.</p>
7.8	<p>The water management plan should include:</p> <ul style="list-style-type: none"> <li>• Consideration of relevant stakeholders, their water use, and water resource availability</li> <li>• Taking account of the efficiency of use and renewability of sources</li> <li>• Ensuring that the use and management of water by the unit of certification does not result in adverse impacts on other users within the catchment area, including local communities and customary water users</li> <li>• Aiming to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes</li> <li>• Avoiding contamination of surface and ground water through runoff of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including POME.</li> </ul>

## Criterion (new)

## Guidance

7.8 (Continued)

Refer to the *'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves'* (April 2017).

Where national regulations do not specify mill effluent requirements or discharge quality, these should be defined at NI level.

Guidance for indicator 7.8.1

- In accordance with Law 618, General Law on Occupational Health and Safety, published in La Gaceta, Official Gazette No. 133 of July 13, 2007, it establishes, among others, that

- Article 102.- Every work center shall have a sufficient supply of drinking water in proportion to the number of workers, easily accessible to all of them and distributed in places close to the work stations.

- Article 105.- There shall be no connections between the drinking water supply system and water that is not suitable for drinking, avoiding contamination by porosity or contact.

- Article 289.- Periodic chemical analyses shall be performed on wastewater before it can be discharged into the public sewer system. Copies of the results shall be sent to the Ministry of Labor and the Ministry of the Environment and Natural Resources.

Guidance for indicator 7.8.3

Decree 21-2017 Regulation establishing the provisions for the discharge of wastewater, published in Gazette 229 of Thursday, November 30, 2017 establishes among others:

- Article 5. Restrictions. Domestic, industrial, agro-industrial, commercial and service discharges may not introduce effluents into the receiving body that modify and alter the water quality characteristics for the different uses for which they are intended.

- Article 37. Ranges and Maximum Permissible Values for Wastewater Discharges from the Vegetable Oil Extraction Industry.

- Article 70. Wastewater Monitoring Plan.

NTON 05 027-05 Nicaraguan Mandatory Technical Standard for Regulating Wastewater Treatment Systems and their Reuse

7.9	<p>Renewable energy use per ton of CPO or palm product in the mill should be monitored and reported.</p> <p>Direct fossil fuel use per ton of CPO or FFB should be monitored.</p> <p>Energy efficiency should be taken into account in the construction or upgrading of all operations. The unit of certification should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of its operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.</p> <p>The feasibility of collecting and using biogas should be studied where relevant.</p>
7.10	<p>The unit of certification should only establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas (including rubber and tree crops), which the current users are willing to develop into oil palm.</p> <p>Plans prepared by the unit of certification should specify actions to be taken to reduce GHG emissions including for example, adopting low-emission management practices for both mills (e.g., better management of palm oil mill effluent (POME), efficient boilers etc.) and plantations (e.g., optimal fertilizer use, energy efficient transportation, good water management, restoration of peatlands and conservation areas). Reference can be made to the RSPO Compilation of BMPs to Reduce Total Emissions from Palm Oil Production. This Criterion covers plantations, mill operations, roads and other infrastructure including access and perimeter canals and roads.</p>

7.11

Extension/training programs for smallholders may be necessary.

Guidance for indicators 7.11.2 and 7.11.3:

The following institutions are in charge of regulating the use of fire in agricultural activities as well as generating guidelines and programs for the prevention, control and mitigation of fire:

- National System for the Prevention, Mitigation and Attention of Disasters (SINAPRED).
- Local Committees for Disaster Prevention and Relief (COLOPRED)
- Municipal Disaster Prevention and Preparedness Committees (COMUPRED)
- Municipal Mayors' Offices
- (INAFOR) National Forestry Institute (Instituto Nacional Forestal)
- MARENA
- SERENA
- Firefighters.

## Criterion (new) Guidance

7.12

### **For Indicator 7.12.2**

HCV assessments conducted as part of integrated HCV-HCS assessments, should follow the HCVRN procedures, using HCVRN ALS approved assessors for HCV assessments for new plantings, in line with the current version of the Common Guidance on HCV Identification provided by the HCVRN or national HCV toolkits.

NIs of the globally-applicable HCV definitions may be used to assist with implementation of the HCVA. The globally-applicable HCV definitions provided in the Common Guidance take precedence in any cases where a conflict is perceived with a NI.

Where landscape level HCV and/or HCS maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government land use plans.

Further guidance for implementation of 'wider landscape-level considerations and other natural ecosystems will be developed by the BHCV WG. This will include reference to Key Biodiversity Areas (KBAs), which are identified under a Global Standard (IUCN 2016) and should be identified through an HCV assessment.

### **For Indicator 7.12.4**

Refer to relevant guidance documents on RSPO and HCVRN websites.

The integrated management plan should be developed in collaboration with other stakeholders active in that landscape before and during the project implementation. It should be adaptive to changes in HCVs. Evidence of attempted collaboration efforts should be documented and available. Such collaborative plans and areas should include but are not limited to:

- Identifying, protecting and/or enhancing forest connectivity important for biodiversity, ecosystem services, or watershed protection
- Minimizing hydrological impacts to the landscape related to or arising from drainage systems and access roads or canals linked to the plantation.

Criterion (new)	Guidance
7.12 (Continued)	<ul style="list-style-type: none"> <li>• Ensuring that any legal requirements relating to the protection of species or habitats are met</li> <li>• Avoiding damage to and deterioration of HCV habitats, for example by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created</li> <li>• Protecting and managing other conservation areas including watercourses and wetlands, peatlands, riparian zones, and steep slopes</li> <li>• Controlling any illegal or inappropriate hunting, fishing or collecting activities, and encroachment</li> <li>• Developing responsible measures to resolve human-wildlife conflicts (e.g., incursions by elephants).</li> </ul>

#### For Indicator 7.12.5

Decisions will be made in consultation with the affected communities.

Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihoods resulting from proposed operations, should be identified in consultation with the communities and incorporated into HCV and HCS assessments and management plans.

The unit of certification should consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures; in other cases, co-management options may be considered.

Where communities are asked to relinquish rights so that HCVs can be protected or enhanced by the companies or state agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their FPIC.

#### Guidance for indicator 7.12.6:

For the lists of RTE species, consult, in addition to the international lists, the most updated versions of:

- [Red Book Amphibians and Reptiles of Nicaragua 2017. \(IUCN - MARENA\)](#)
- [Red Book of the Mammals of Nicaragua. 1st edition. Asociación Mastozoológica Nicaragüense AMAN - Centro de Investigación, Capacitación y Conservación CICFA and Ministerio del Ambiente MARENA.](#)

- National lists of species that are endangered or in categories of threat or special protection.

**For Indicator 7.12.7**

Refer to HCVRN Common Guidance for HCV Management and Monitoring document

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## ANNEX 3: KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Ethical Business Conduct	1.1	United Nations Convention against Corruption (2000)			Art 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct, for business activities and preventing conflict of interest.  Promoting transparency.  Ensuring that companies have sufficient internal auditing controls to prevent corruption.
	1.2					
	2					
	1.2	Private Employment Agencies Convention 1997 (No 181)				Covers protection for workers who are employed through third party and/or private employment agencies.
	2.1					
	2.2					
Respect for Human Rights	4.1 4.2		Declaration on the Rights of Human Rights Defenders			Contains human rights standards enshrined in other international instruments that are legally binding for the protection of human rights, including HRDs.

Principles and Criteria for the Production of Sustainable Palm Oil



Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Respect for Human Rights	4 5 6			United Nations Guiding Principles on Business and Human Rights (2011)	Principles 11-24	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organization size, sector of operation or ownership.
	4 5 6	Core International Human Rights Treaties: - International Covenant on Civil and Political Rights (ICCPR) - International Covenant on Economic, Social and Cultural Rights (ICESCR) - International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)			All core human rights treaties	Respect for human rights regardless of age, nationality, gender, race, ethnicity, religion, ability, marital status, sexual orientation and gender identity, political opinion or affiliation, etc.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Respect for Human Rights	4 5 6	<ul style="list-style-type: none"> <li>- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</li> <li>- Convention on the Rights of the Child (CRC)</li> <li>- International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW)</li> <li>- Convention for the Protection of All Persons from Enforced Disappearance (CPEd)</li> <li>- Convention on the Rights of Persons with Disabilities (CRPD)</li> </ul>				
Just Land Acquisition	4	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
	4		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 25-26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.

### Annex 3

## KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	4	UN Convention on Biological Diversity (1992)			Art 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
Public Participation of Affective Communities	4.5 4.5			Rio Declaration on Environment and Development (1992) and Agenda 21	Principle 10	Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Principle 10 combines public participation with public access to information and access to remedial procedures. According to Agenda 21, one of the fundamental principles for the achievement of sustainable development is broad public participation in decision-making. Both Agenda 21 and the Rio Declaration emphasize the importance of the participation of all major groups, and special emphasis has been given, including in legally binding international instruments, to ensuring participation in decision-making of those groups that are considered to be politically disadvantaged, such as indigenous peoples and women.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Fair Representation and Participation of Indigenous and Tribal People	4.2 4.4 4.5 4.6	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 6-9	Self-representation through institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve their offences according to customary law (compatible with international laws).
	4.4-4.8		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.
	4.4 4.5 4.7		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 10, 11(2), 19, 28(1), 29(2) and 32(2)	Right to FPIC to any project affecting their lands as expressed through their own representative institutions.
	4.4 4.5 4.7	Convention on the Eliminations of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.			UN CERD Committee, UN Committee on Social Culture and Economic Rights, Inter American Commission on Human Rights	FPIC for decisions that may affect indigenous people. (This standard has been widely accepted as ‘best practice’ standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN, WWF).

### Annex 3

## KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
No Forced Labor	2.2	ILO Convention 29 (1930) Forced Labor	Protocol of 2014 to the Forced Labor Convention 1930		Art 5	No concession to companies shall involve any form of forced or compulsory labor.  Provides the measures which should be taken for the avoidance of forced or compulsory labor.
	6.6				Art 1, 2,4	
	6.6	ILO Convention 105 (1957) Abolition of Forced Labor			Art 1	Not make use of any form of forced or compulsory labor.
Protection of Children	6.4	ILO Convention 138 (1973) Minimum Age			Arts 1-9	Abolition of child labor and definition of national minimum age for labor not less than 15-18 years (depending on occupation).
	6.4	ILO Convention 182 (1999) Worst Forms of Child Labor			Arts 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	6.4	Minimum Age (Agriculture) Convention 1921 (No.10)			Art 1-2	Applicable to children under the age of 14 outside the hours of attendance in school.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.4	Convention on the Rights of the Child (CRC), 1989			Art 32	Right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
	6.4 6.5		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.
Freedom of Association and Collective Bargaining	6.3	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organize			Art 2-11	Freedom to join organizations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organize.
	6.3	ILO Convention 98 (1949) Right to Organize and Collective Bargaining			Art 1-4	Protection against anti-union acts and measures to dominate unions; establish means for voluntary negotiation of terms and conditions of employment through collective agreements.
	6.3	ILO Convention 141 (1975) Rural Workers' Organizations			Art 2-3	Right of tenants, sharecroppers and smallholders to organize; freedom from association; free from interference and coercion.

### Annex 3

## KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.3	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 8 (1)	The right of everyone to form trade unions and join the trade union of their choice, subject only to the rules of the organization concerned, for the promotion and protection of their economic and social interests. No restrictions may be placed on the exercise of this right, other than those prescribed by law and which are necessary in a democratic society in the interests of national security, or public order, or for the protection of the rights and freedoms of others.
	6.3	Collective Bargaining Convention, 1981 (No 154)			Art 1-3	Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Non-discrimination and Equal Remuneration	6.1	ILO Convention 100 (1951) Equal Remuneration			Art 1-3	Equal remuneration for men and women for work of equal value.
	6.1	ILO Convention 111 (1958) Discrimination (Employment and Occupation)			Art 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, color, sex, religion, political opinion, national extraction or social origin.
	6.1		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 2, 8(e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women.
	6.1	ILO Convention 156 (1981) Workers with Family Responsibility			Art 1-5, 7-10	No discrimination of any form against a worker, whether male or female with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.



### Annex 3

## KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	2.2	ILO Convention on Private Employment Agencies 1997 (No. 181)			Art 1,2,4-12	Concerns the protection of workers which are employed with the intention of making the services of these workers available to third parties.
	6.1	ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons) 1983 (No. 159)			Art 1-4	This convention concerns vocational rehabilitation to enable a disabled person to secure, retain, and advance in suitable employment, and thereby to further such person's integration or reintegration into society.
	6.1	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 7	Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.  Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Elimination of Harassment and Abuse in the Workplace	6.5	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)			General Recommendation 35	of the private sector, including businesses and transnational corporations, in efforts to eradicate all forms of gender-based violence against women; developing protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures.
Just Employment for Migrants	2.2					Provision of information; no obstacles to travel; provision of healthcare; non-discrimination in employment; accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	6.6	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)			Art 1-12	

### Annex 3

## KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	2.2 6.6	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)			Art 11; 21; 25; 26	Prevention of slavery; forced and compulsory labor; on confiscation of identity documents; conditions of work and contractual terms; and freedom of association and right to join trade unions.
Protection of Plantation Workers	6.1	ILO Convention 97 (1949) Migration for Employment			Art 5-91	Protection of members of families of recruited workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organize and collective bargaining; proper labor inspection; decent housing and medical care.
	6.2	ILO Convention No 11 Rights of Association (Agriculture) 1921			Art 1	All those who work in the agricultural sector to be accorded the same rights of association and combination as to industrial workers

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6	ILO Convention on Plantation (1958) (No. 110)			Art 1,2,5,7,8, 11,12-15	This convention relates to rights of workers and their families (including migrant workers) who have been recruited to work on plantations.
Working Time for Workers	6.2	ILO Convention No 101 Holidays with Pay (Agriculture) 1952			Art 1,3,5,7-9	Workers employed in agricultural undertakings and related occupations shall be granted an annual holiday with pay after a period of continuous service with the same employer.
	6.2	ILO Convention No 47 Forty Hour Week			Art 1	Requires that a member adopts a 40 hour week in a manner that the standard of living is not reduced as a consequence.
Protection of Women's Rights to Work	6.1	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)			Art 11	Right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; Right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

### Annex 3

## KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.1	Maternity Protection Convention 2000 (No. 183)			Art 9	Prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work.
	6.5 6.7	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)			Art 11 (f)	The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
	6.5	Maternity Protection Convention 2000 (No. 183)			Art 10	A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.  These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.
Protection of Tenants and Sharecroppers	4.2			ILO Recommendation 132 (1968) Tenants and Sharecroppers	Art 4-8	Fair rents; adequate payment for crops; provisions for well-being; organization; fair contracts; procedures for the settlement of disputes.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Protection of Smallholders	5	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)			Art 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards
Health and Safety	3.6 6.7	ILO Conventions 184 (2001) Safety and Health in Agriculture			Art 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to workplaces, machinery equipment, chemical tools and processors; ensure dissemination of information, appropriate training, supervision and compliance; special protection for youth and women workers; coverage against occupational health and disease.
	3.6 6.7	ILO Convention on Occupational Cancer 1974 (No 139)				Members shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.
	3.6 6.7	ILO Convention on Invalidity Insurance (Agriculture) 1933 (No. 38)			Art 1-6, 13, 17, 20,23	Maintenance of a scheme for invalidity insurance for workers.

### Annex 3

## KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.1 6.2	Convention on Maternity Protection 2000 (No. 183)			Art 2-4	Maternity Protection and benefits
Control or Eliminate the use of Dangerous Chemicals and Pesticides	7.2	Stockholm Convention on Persistent Organic Pollutants (2001)			Arts 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (e.g., Aldrin, Chlordane PCB); restrict production and use of chemicals in Annex B (e.g., DDT); reduce or eliminate releases of chemicals listed in Annex C (e.g., Hexachlorobenzene).
	7.2	Rotterdam Convention on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)			Art 1, 5, and 6	Curb the trade of banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.
			UN Declaration on the Rights of Indigenous Peoples (2007)		Art 21(1), 23, 24, 29(3)	Improvement of livelihood and sanitation, health and housing, participate in health delivery; maintain traditional health systems; effective monitoring of health.
		ILO Convention No 148 on Working Environment (Air, Pollution, Noise and Vibration) 1977			Art 1-3	Provides for measures which should be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		ILO Convention No 170 on Chemical Convention 1990			Art 2(c), and Part IV	Provides for measures to prevent or reduce the incidences of chemically induced illness and injuries at work; and identifies the roles and responsibilities of employers in the context of identification, transfer of chemicals, exposures, operational control, disposal and information dissemination and training.
Right to Food	6.2	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 11	Right to adequate standard of living, including right to food.
Environmental Protection	3.4	UN Convention on Biological Diversity (1992)			Art 14	Environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures.
Conservation of Biodiversity		UN Convention on Biological Diversity (1992)			Art 1 – 18	Conservation of biological diversity and the sustainable use of its components.
GHG Emissions	7.10				Art 1-4	Aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference, including in agricultural sector.





## ANNEX 4: IMPLEMENTATION PROCEDURE FOR INDICATOR 2.3.2

Where the unit of certification has smallholder suppliers, for existing RSPO certified mills, the time requirement to fulfil this Criterion for all their smallholder suppliers is three years from [15 November 2018]. For mills that are not yet certified/ mills going for first year of certification, the time requirement is three years from initial point of certification for their smallholder suppliers.

## ANNEX 5: TRANSITION FROM HCV TO HCV-HCS ASSESSMENT

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e., adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognizes that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. This Annex shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

<sup>1</sup> The date for first published list of RSPO-approved HCV assessors.

### NO NEW LAND CLEARING SCENARIOS:

- Existing certified plantations, with valid HCV assessment approved before 15 November 2018
  - o Going for recertification → HCV assessment is acceptable
  - o Replanting → HCV assessment is acceptable
- Existing plantations, not yet certified at 15 November 2018, going for initial certification
  - o Without existing ALS Approved HCV Assessment → New combined HCV-HCS required
  - o With valid ALS approved HCV assessment → ALS Approved Assessment acceptable
    - Where certification is pending, as of 15 November 2018, because it has been held up by RACP or HGU processes, previous approved HCV assessment (RSPO and ALS approved), if they are not older than January 2009<sup>1</sup>, will be accepted.
  - o HCV assessment submitted to ALS but pending approval before 15 November 2018
    - If passes ALS process, then the approved HCV assessment is acceptable;
    - If fails ALS process, new combined HCV-HCS assessment required
  - o Replanting → ALS approved HCV is acceptable

## ANNEX 5: TRANSITION FROM HCV TO HCV-HCS ASSESSMENT

### NEW LAND CLEARING SCENARIOS:

- In new plantations and in existing uncertified units, land clearing after 15 November 2018
  - o Without existing HCV assessment
    - New combined HCV-HCS required
  - o HCV assessment conducted, but not yet submitted to ALS before 15 November 2018
    - New combined HCV-HCS required
  - o HCV Assessment submitted to ALS but pending approval before 15 November 2018
    - If passes ALS process, then the approved HCV assessment is acceptable;
    - If fails ALS process, new combined HCV-HCS assessment required
  - o NPP initiated by 15 November 2018 and HCV assessment conducted and passes ALS before 15 November 2018
    - ALS Approved HCV assessment is acceptable
  
- In existing certified plantations (certified before 15 November 2018), with land clearing after 15 November 2018 → New combined HCV-HCS required
  - o If area to be cleared is exclusively pasture, infrastructure, agriculture or monocrop tree plantations which have not been abandoned for more than three years
    - Valid HCV assessment + LUCA to demonstrate that no clearing of native vegetation occurred without prior HCV assessment is acceptable.

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

<b>PRINCIPLE 1: BEHAVE ETHICALLY AND TRANSPARENTLY</b>		
<b>CRITERIA 1.1 The unit of certification provides adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision making.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Public and private documents	Definitions of Public and Private Document	CPC (Civil Procedure Code: Law 902) Chapter III Documents article 267,268,269
	Solemn Requirements of Public and Private Documents	C (Civil Code of Nicaragua) Cap. III Public Document art. Del 2364-2384; Chapter IV Private Document of art. 2385 -3398.
	The exercise of the Notary Public as notary of public and private documents and its requirements	Notaries Law. Art.3 and art15 onwards.
Habeas data law	Constitutional Principle	Cn (Constitution of the Republic of Nicaragua) art. 190
	Limiting	Law on Access to Public Information art.4,44,45 Constitutional Justice Law. Law 983 art. 31
	Personal Data Protection Requirements	Law 787 Personal Data Protection Law 7, Approved on March 21, 2012 Published in La Gaceta No. 61 of March 29, 2012
Documents proving ownership	Possession, as a requirement provided that there is no other right of ownership-possession previously	Civil Code: Right of Possession art.1778,1779; positive prescription of possession art.888,889,890,891,894; The prescription of Immovable Things art. 897,898; Interruption of the Prescription art.927; Art.2483 public instruments
	Succession as a form of property acquisition	Civil Code art. 932
	Purchase and Sale Contract in public deed	Civil Code art. 2534
	Agrarian Reform Title	Law No. 14. Law on Agrarian Reform Titles and Law 278 Law on Urban and Agrarian Reform
	Royal Titles	Law 698 General Law of Public Registry and Law 445 Law of Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio and Maíz Rivers: art
	Titles granted to Indigenous Communities and descendants Obligation to Register the Deeds and Purchase and Sale Contracts	.43

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

Social Security	Obligations of the Employer and the worker	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Chapter IV Obligation of Employers; Title V of occupational hygiene and safety and professional risks, Chapter XIII Of work in banana, cotton, oil palm, coffee, tobacco and other crops, including non-traditional ones. * Law No. 618, "General Law of Hygiene and Safety at Work", published in La Gaceta, Official Gazette No. 133 of July 13, two thousand seven, art. 18; Chapter II, III * Nicaraguan Mandatory Technique for Sustained Oil Palm Production (NTON 11043-13) of 2015 Provisions 7.3
	Hygiene and Safety Measures	
	Non-compliance with labor inspection measures	General Labor Inspection Law. Law 664 tested on June 26, 2008 Published in La Gaceta N ° 180 of September 19, 2008
	Formation of Labor and Labor Safety Commissions	Law on the Addition of Occupational Risks and Diseases Law No.456. Labor Code Gacera No 133 of July 8, 2004
Right of petition	Access to institutions that mediate or solve problems among citizens	* Cn: art. 52, 32, 130, 131, 151,153 * Organic Law of the Judicial Power (LOPJ) 260. * Law 290 Law of Organization and Competence of the Judicial Power. * Public Registry Law: Law 698 art. 178 Exhaustion of administrative channels. * Law 350 Law of Regulation of the Jurisdiction of Administrative Litigation.
Official language of Nicaragua		* Cn art. 11 Spanish is the official language of the State. The languages of the Communities of the Caribbean Coast of Nicaragua will also have official use in the cases established by law. * In accordance with Law 162 of Official Use of the Languages of the Communities of the Atlantic Coast of Nicaragua. Art.1 and 2, published in Gazette 132 of July 15, 1996. * In the Civil Code (C) art.1832 For the validity of an obligation, the following are essentially essential: 1st Consent of those who are bound; being the language an essential element to obtain the consent.
Official language of native		

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

CRITERIA 1.2: The unit of certification commits to ethical conduct in all business operations and transactions.		
THEME	REQUEST	REGULATIONS / REGULATIONS
Crimes against Heritage	Classification of crimes and crimes against property	Penal Code Law No. 641 published in Gazette No. 83 ... 87 on May 5 to 9, 2008.
Crimes related to corruption.	Tax evasion	Penal Code Law No. 641 published in Gazette Nos. 83 ... 87 on May 5 to 9, 2008. Chapter V Bribery, Title IX Crimes against Public Finance and Social Security
PRINCIPLE 2: OPERATE LEGALLY AND RESPECT RIGHTS		
CRITERIA 2.1: There is compliance with all applicable local, national, and ratified international laws and regulations		
THEME	REQUEST	REGULATIONS / REGULATIONS
Communal property	* Title from CONADETI * Endorsement of the Territory and Territorial Government * No objection from the PGR	* Cn art 5, 26,44,89,99,103,104,108,180. * Law 28 "Statute of autonomy of the Regions of the Caribbean Coast of Nicaragua and its incorporated reforms. Published in Gazette No. 155 of August 11, 2016, art 8 subsections 4, 5; 9; 9; 11 subsection 6 and 36 . * Internal Regulations of the National Demarcation and Titling Commission. Chapter II, Article 31: subsection 2. The Conflict Resolution Commission * Law No. 445 Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio and Maíz Rivers: art. 15, 25,29; Chapter VII Of the Third Parties in communal lands; VIII, Procedure for the Legalization of lands. * General Law of Public Registry 698. Published on December 17, 2009 in Gazette 239 art, 1,3,58,71,72,73,96. * Regulation of Law 698 Decree No.13, Published in Gazette No.44 of 7 March 2007 art. 18, 38 and 40.
Autonomous Laws of Indigenous and Afro-descendant Communities		Cn art 5, 26,44,89,99,103,104,108,180. * Law 28 "Statute of autonomy of the Regions of the Caribbean Coast of Nicaragua and its incorporated reforms. Published in Gazette No. 155 of August 11, 2016, art 8 subsections 4, 5; 9; 9; 11 subsection 6 and 36 .

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

Prior Consultation	Establishment of the designated institution for consultation	Cn 177,181,24. * Law No. 445 Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio and Maíz Rivers: art. 3 consultation concept, 12, 16 and 18, in the latter it addresses the requirement of technical support for consultations.
	Mandate for the application of FPIC	
Consent	As a requirement for contracts	From a point of view of the Civil Code (C), according to art. 1832, for an obligation to be established, the consent and determination of the object must be present.
Leasing contract	Obligations and requirements	Civil Code Art.2483 public instruments, Title XIV of the Lease or Lease, chapter II of the Rights and Obligations of the landlord CPCC 902 art 391,392
Real Estate Purchase	* Conceptualization * Requirements	Civil Code Art.2483 public instruments, TitleX Purchase and sale
Conflict resolution	Mediation	* Law 540, Mediation and Arbitration Law, La Gaceta No. 122 of June 24, 2005, article 6, subsection 6 on confidentiality, art. 14
	Arbitration	confidentiality before third parties.
Prescription	The existence of possession and the de facto relation to possession	Civil Code: positive prescription of possession art.888,889,890,891,894; The prescription of Immovable Things art. 897,898; Interruption of the Prescription art.927; Art.2483 public instruments
Land use and accession	The land and property relationship	Civil Code Art.598,621; ** Law 462 Forestry Promotion and Development Law. Approved on June 26, 2003, published in the Official Gazette in the Official Gazette No. 168 of September 4, 2003, article 17, section 3 article 25, article 4
Processes Related to Real Estate	Measurement, demarcation and marking	CPC 902 Cap I Measurement, demarcation and marking

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

	Supplementary Title	CPC 902 Chapter II Supplementary title
	Declaration of Inheritance	CPC Title IV Cap II Declaration of heirs and heirs
	Reinvicaciones of Real Estate	CPC (Nicaraguan Civil Procedure Code) art. 391; Title II Ordinary Process
	Cancellation of Registry Entry	
	Falsehood of Public Instrument	
	Nullity of public instrument	
	Inheritance petition	
	Possessory claims	CPC art.392; Title IV Summary Process
	Right of Easement	
	Law between commoners	
	Inheritance partition	
	Refusal of express or presumed registration registration	



## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

<b>CRITERIA 2.2: All contractors providing operational services and supplying labour, and Fresh Fruit Bunch (FFB) suppliers, comply with legal requirements.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Legality of agreements or	They must have clauses or	Civil Code I art.2480, art.1874, 2437 where the legality of the
<b>CRITERIA 2.3: All FFB supplies from outside the unit of certification are from legal sources.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Legal Provenance of the RFF	Registration and application of the NTOM for the Sustained production of Plama de Aceite.	* Nicaraguan Mandatory Technical Standard for the Sustained Production of Oil Palm (NTON 11043-13) of 2015 Provisions 4, 4.4, 4.10,4.16; Numeral 5 General Requirements for the Plantation Registration 7 Good Agricultural Practices (GAP) for the cultivation of African Palm.

### **PRINCIPLE 3: OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE**

**CRITERIA 3.1: There is an implemented management plan for the unit of certification that aims to achieve long-term economic and financial viability.**

**CRITERIA 3.2: The unit of certification regularly monitors and reviews their economic, social and environmental performance and develops and implements action plans that allow demonstrable continuous improvement in key operations.**

<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Implementation of a continuous improvement plan	Technical Principles that guide which are the improvement criteria	* Nicaraguan Mandatory Technique for Sustained Oil Palm Production (NTON 11043-13) of 2015 Provisions 4, 1 * Law 217

**CRITERIA 3.3: Operating procedures are appropriately documented, consistently implemented and monitored.**

<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Process documentation, for monitoring purposes	Recognition in the legal framework as evidence	* Nicaraguan Mandatory Technique for Sustained Oil Palm Production (NTON 11043-13) of 2015. Provisions for Regents 8.4; 8.5 Responsibility of Palm Producers * Decree 20-2017 Environmental Evaluation System of Permits and Authorization for Use Sustainable Development of Natural Resources, Published in Gazette No. 228 of Wednesday, November 29, 2017, Chapter IX Monitoring and Control. * Law 350 "Law regulating the jurisdiction of contentious-Administrative in its article 73:" All facts and circumstances of interest for the fair solution of the case may be tested.

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

**CRITERIA 3.4: A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations.**

THEME	REQUEST	REGULATIONS / REGULATIONS
Environmental Management Requirements	Have an EIA and its due process	* Nicaraguan Mandatory Technique for the Sustained Production of Oil Palm (NTON 11043-13) of 2015 subsection 7.6.1 * Decree 20-2017 Environmental Assessment System of permits and authorizations for the sustainable use of Natural Resources.
	Pass your consultation process	
	Permission granted by MARENA	
Land use	There is a regulation for the use of land for palm purposes	Nicaraguan Mandatory Technique for Sustained Oil Palm Production (NTON 11043-13) of 2015
Forest Harvesting	Limitations of the activity	* Law 462 "Law for the conservation, promotion and sustainable

**CRITERIA 3.5: There is a human resources management system.**

THEME	REQUEST	REGULATIONS / REGULATIONS
Institutionality of Human	There are processes established as	* Labor Code Law No. 185, approved on September 5, 1996 and

**CRITERIA 3.6: An occupational health and safety (H&S) plan is documented, effectively communicated and implemented.**

THEME	REQUEST	REGULATIONS / REGULATIONS
Health and Safety Plans	There are enabling measures that allow the development of health and safety plans.	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Chapter IV Obligation of Employers; Title V of occupational hygiene and safety and professional risks, Chapter XIII Of work in banana, cotton, oil palm, coffee, tobacco and other crops, including non-traditional ones. * Law No. 618, "General Law of Hygiene and Safety at Work", published in La Gaceta, Official Gazette No. 133 of July 13, two thousand seven, art. 18; Chapter II, III * Nicaraguan Mandatory Technique for Sustained Oil Palm Production (NTON 11043-13) of 2015 Provisions 7.3

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

<b>CRITERIA 3.7: All staff, workers, Scheme Smallholders, outgrowers, and contract workers are appropriately trained.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Training	There is a legal framework that recognizes and provides guidelines for training as a right and duty.	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Chapter IV Obligations of Employers art 17 subsection L; Chapter Obligations of workers subsection h Chapter III Transfer, Promotions and Training

### **PRINCIPLE 4: RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

<b>CRITERIA 4.1: The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
		C001 AGREEMENT ON WORKING HOURS
		C002 UNEMPLOYMENT AGREEMENT, 1919 NO. two
		C110 AGREEMENT ON PLANTATIONS
		HUMAN RIGHTS CONVENTIONS
		STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS
		ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE APPLICABLE TO CERTAIN PESTICIDES AND HAZARDOUS CHEMICALS OBJECTED IN INTERNATIONAL TRADE
		FOR APPROVAL OF THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE
		REGIONAL AGREEMENT FOR THE MANAGEMENT AND CONSERVATION OF NATURAL FOREST ECOSYSTEMS AND THE DEVELOPMENT OF FOREST PLANTATIONS WITHIN THE FRAMEWORK OF THE CCAD AND SICA
		CHILDREN'S RIGHTS CONVENTION
<b>CRITERIA 4.2: There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Right to Petition	Establishment of an articulated legal framework	* Cn: art. 52, 32, 130, 131, 151,153 * Organic Law of the Judicial Power (LOPJ) 260. * Law 290 Law of Organization and Competence of the Judicial Power. * Public Registry Law: Law 698 art. 178 Exhaustion of administrative channels. * Law 350 Law of Regulation of the Jurisdiction of Administrative Litigation.

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CRITERIA 4.3: The unit of certification contributes to local sustainable development as agreed by local communities.	
THEME	REGULATIONS / REGULATIONS
Legal framework	* Law No. 168 that prohibits the Traffic in Hazardous Waste and Toxic Substances. Gazette 102, Published on 06/02/1995
	* Law 462: Law of Conservation, Promotion and Sustainable Development of the Forest Sector. Gazette 168, Published on 04/09/2003
	* Law 620: General Law of National Waters. Gazette 169, Published 04/03/2008
	* Law 807: Law for the Conservation and Sustainable Use of Biological Diversity. Gaceta 200, Published on 03/08/2013
	* Law 647: Law of reform and additions to Law No.217 "General Law of the Environment and Natural Resources". Gazette No.64. Published 04/03/2008
	* Executive Decree No. 25-2001: "Establishes the Environmental Policy and Approves the 2001-2005 Nicaragua Environmental Plan. Gazette 44 Approved 03/02/2001.
	* Executive Decree No. 78-2003: "Establishment of the National Policy for Wetlands". Gazette 220. Published on 11-19-2003
	* Executive Decree No. 91-2005: "National Policy for the Comprehensive Management of Hazardous Substances and Waste. Gazette 230. Approved 11/28/2005
Beginning	* Legislative Decree No. 1010: Approval of the United Nations Framework Convention on Climate Change. Gazette 123. Approved on 07/03/1995
	* Legislative Decree No. 1079: Approval of the Convention on Biological Diversity. Gazette 125. Approved 11/15/1995
	* Legislative Decree No. 1373: Approval of the Regional Agreement on Transboundary Movement of Hazardous Wastes. Gazette 133. Approved 07/16/1996
	* Legislative Decree No. 1601: Approval of Adhesion to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their disposal. Gazette 38. Approval 02/24/1997
	* Legislative Decree No. 1795: Approval of the United Nations Convention to Combat Desertification in countries Affected by Serious Drought or Desertification, particularly in Africa. Gaceta 240. Approval 12/17/1997
	* Legislative Decree No.3248: Decree of Approval of the Cartagena Protocol on Biosafety of Biotechnology of the Convention on Biological Diversity and its Annexes. Gazette 56. Approved on 03/21/2020
	* Legislative Decree 5430: Approval of Adhesion to the "Rotterdam Convention on the Prior Informed Consent Procedure Applicable to Certain Pesticides and Hazardous Chemicals in International Trade". Gazette No. 159.
	* Executive Decree 50-95: "Ratification of the United Nations Framework Convention on Climate Change. Gaceta 199. Approved on 10/24/1995
	* Executive Decree 56-95: "Ratification of the Convention on Biological Diversity." Gazette 245. Approved 11/16/1995
Sustainability Reporting Concepts	GRI: Global Reporting Initiative: Sustainable Guidelines. Http: <a href="http://www.globalreporting.org">http://www.globalreporting.org</a> . ACCOUNTABILITY. AA1000.AccountAbility Principles Standard, <a href="http://www.globalreporting.org">http://www.globalreporting.org</a> . UN: United Nations Global Compact. Available at: <a href="http://www.unglobalcompact.org">www.unglobalcompact.org</a> .

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**CRITERIA 4.4: Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their Free, Prior and Informed Consent**

THEME	REQUEST	REGULATIONS / REGULATIONS
I usually	Classification	<p>Nicaraguan Mandatory Technique for Sustained Oil Palm Production (NTON 11043-13) of 2015</p> <p>* Law 462 "Law for the conservation, promotion and sustainable development of the forestry sector. Approved on June 26, 2003. Published in Gazette No.168 published in September 2003.</p> <p>* Law 1308: Soil Protection and Erosion Control Law. "Gazette 199. Approved 08/31/1983</p> <p>* Decree No -90-2001 that Establishes the General Policy for Territorial Planning. Gazette 4. Approved 4-7 / 01/2002</p>
Communal property	* Title from CONADETI * Endorsement of the Territory and Territorial Government * No objection from the PGR	<p>* Cn art 5, 26,44,89,99,103,104,108,180. * Law 28 "Statute of autonomy of the Regions of the Caribbean Coast of Nicaragua and its incorporated reforms. Published in Gazette No. 155 of August 11, 2016, art 8 subsections 4, 5; 9; 9; 11 subsection 6 and 36 . * Internal Regulations of the National Demarcation and Titling Commission. Chapter II, Article 31: subsection 2. The Conflict Resolution Commission</p> <p>* Law No. 445 Law on the Communal Property Regime of <u>Indigenous Peoples and Ethnic Communities of the Autonomous</u></p>
Autonomous Laws of Indigenous and Afro-descendant Communities		<p>Cn art 5, 26,44,89,99,103,104,108,180. * Law 28 "Statute of autonomy of the Regions of the Caribbean Coast of Nicaragua and its incorporated reforms. Published in Gazette No. 155 of August 11, 2016, art 8 subsections 4, 5; 9; 9; 11 subsection 6 and 36 .</p>
Prior Consultation	<p>Establishment of the designated institution for consultation</p> <hr/> <p>Mandate for the application of FPIC</p>	<p>* Cn 177,181,24. * Law No. 445 Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio and Maiz Rivers: art. 3 consultation concept, 12, 16 and 18, in the latter it addresses the requirement of <b>technical support for consultations.</b></p>
Consent	As a requirement for contracts	<p>From a point of view of the Civil Code (C), according to art. 1832, for an obligation to be established, the consent and determination of the object must be present.</p>

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CRITERIA 4.5: No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.		
THEME		REGULATIONS / REGULATIONS
Consent of indigenous and Afro-descendant communities	Recognition of the institutional framework of the Indigenous and Afro-descendant Communities	* Law No. 445 Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio and Maíz Rivers: articles 12, 16 and 18, in these The latter addresses the requirement of technical support for consultations * ANNUAL DECREE No. 5934, Convention on indigenous and tribal peoples, Convention 169 of 1989 Approved on May 06, 2010 Published in La Gaceta No. 105 of June 04, 2010. art 7, 16 paragraph 2 consent must be with full knowledge of the cause. * Law 28 "Statute of Autonomy of the Regions of the Caribbean Coast of Nicaragua and its incorporated reforms. Published in Gazette No. 155 of August 11, 2016, art 36
Main Problems in Property Titling	Registration Rectification of the Immutable Determination for less or greater capacity	Law No. 509 "General Law of the National Cadastre and its Regulations" art. 156
	Land donated or awarded by the Mayor's Offices	Law 88, "Law for the Protection of Agrarian Property", Article 1, published in La Gaceta No. 68 of April 5, 1990. 6. Law 209, "Law of Property Stability", published in La Gaceta No. 227 of December 1, 1995. 7. Law No. 345 "Law for the Reestablishment of the terms established in Article 98 of Law No. 278" Law on Reformed Urban and Agrarian Property "and Article 2 of Law No. 288, published in La Gaceta, Official Gazette No. 97 of May 24, 2000. 8. Law No. 309: Law of Regulation, Ordering and Titling of Spontaneous Human Settlements , which was published in La Gaceta No. 143 of July 28 1999
	General Registry Rectifications	Law No. 509 "General Law of the National Cadastre and its Regulations" art. 140
Private property	Prescription	Civil Code: positive prescription of possession art.888,889,890,891,894; The prescription of Immovable Things art. 897,898; Interruption of the Prescription art.927; Art.2483 public instruments
	Purchase and sale contract	Civil Code Art.2483 public instruments, TitleX Purchase and Sale Contract, Chapter II Capacity to Buy, Chapter III Of the thing sold; Chapter IV Of the immediate effects of the sales contract; Cap.V. Of the Obligations of the Seller; Chap VI. Of the Sanemaiento by eviction; CapVIII of the Redhibitory Vices; Chapter VIII of the duties of the Comparator; Chap IX. of the Clauses that can be added
	Donation	Civil Code Art.2768 and 2756
	Succession	Civil Code from art.932 to 1433.

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Ownership of Natural Resources	protected areas	* Law No. 217 and its Amendment to Law No. 647, Decree No. 01-2007: Regulation of Protected Areas of Nicaragua and its Amendment to Decree No. 26-2007,
	Water	* Law 620 General Law of National Waters. Approved on Tuesday, September 4, 2007. Published in Gazette No.169. articles 5, 25, 38; Title IV of the Use and Exploitation of water.
	Soil -Forests	Law 462 Law of Forest Conservation, Promotion and Development. Approved on June 26, 2003.Published in the Gazette in the Official Gazette No. 168 of September 4, 2003 art.2 * Civil Code art. 629 and 600
<p><b>CRITERIA 4.6: Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions</b></p> <p><b>CRITERIA 4.7: Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their FPIC and negotiated agreements.</b></p> <p><b>CRITERIA 4.8: The right to use the land is demonstrated and is not legitimately contested by local people who can demonstrate that they have legal, customary, or user rights.</b></p>		
THEME	REQUEST	REGULATIONS / REGULATIONS
Property registration	It is public and all real estate must be found equally.	<p>* General Law of Public Registry 698. Published on December 17, 2009 in Gazette 239 art, 1,3,58,71,72,73,96. * Regulation of Law 698 Decree No.13, Published in Gazette No.44 of March 7, 2007 art. 18, 38 and 40.</p> <p>General Law of the National Land Registry. Law No. 509. Approved on November 11, 2004, published in Gazette No. 11 of January 17, 2005. art. 1 subsection 5 and 15; 21, 25, 26 and 27</p>
Institutionality	Institutional organizations	<p>Cn art 5, 26,44,89,99,103,104,108,180. * Law 28 "Statute of autonomy of the Regions of the Caribbean Coast of Nicaragua and its incorporated reforms. Published in Gazette No. 155 of August 11, 2016, art 8 subsections 4, 5; 9; 9; 11 subsection 6 and 36 . * Internal Regulations of the National Demarcation and Titling Commission. Chapter II, Article 31: subsection 2. The Conflict Resolution Commission</p> <p>* Law No. 445 Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio and Maíz Rivers: art. 15, 25,29; Chapter VII Of the Third Parties in communal lands; VIII, Procedure for the Legalization of lands. * General Law of Public Registry 698. Published on December 17, 2009 in Gazette 239 art, 1,3,58,71,72,73,96. * Regulation of Law 698 Decree No.13, Published in Gazette No.44 of 7 March 2007 art. 18, 38 and 40.</p>

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<b>PRINCIPLE 5: SUPPORT SMALLHOLDER INCLUSION</b>		
<b>CRITERIA 5.1: The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Contractual Freedom	Typing	Civil Code art. 2435 and 2437
	Civil Obligations	Civil Code Chapter II Civil Obligations
	Indivisible Civil Obligations -divisible	Civil Code .Chapter
	Civil Term Obligations	Civil Code. Chapter V Term Obligations
	Optional Obligations	Civil Code . Chapter VII Optional Obligations
	Divisible and Indivisible Obligations	Civil Code . Chapter X Indivisible Obligations
	Obligations with Penal Clauses	Civil Code . Chapter XI Obligations with Criminal Causes
	Ways to Extinguish Obligations	Civil code. Chapter VII Optional Obligations
	Payment types	Civil Code . Chapter II Payments for obligations
	Surrogacy payments	Civil Code . Chapter III Payments by subrogation
	Barter	Civil Code . Chapter XII Swap payments art.2748-2754
	Donation between living	Civil Code . Chapter XIII Donation Between Living Art.2756-2809
	Lease	Civil Code . Chapter XIV Lease or lease art 2810-2993; Tenancy Law Law 118. Approved on 12/06/1998
	Leasing of Productive Thing	Civil Code . From article 2909-2994.
	Would appear	Civil Code . From art.3123-3141
	Hosting Contract	Civil Code . From art.3090-3095
	Contract of Carriage	Commercial Code (CC): Land and river transport art369 to 397, maritime art 815 to 878; Civil Code 3097 to 3122
	Construction contract	Civil Code art.3039,3042,3048,3068,3069,3073,3074,3044,3045,3046,3048,3049
	Mutual	Civil Code art: 2472,3389,3393,3394,3398; CC art 486, 487 and 490
	Loan or loan of use	Civil Code: art3416
	Insurance contract	Civil Code: art3539,3577,35753568,3569
	Garment	Civil Code: art, 3728-3759
	Mortgage	Civil Code: art, 3771-3851.
	Contract of Arbitration Commitment	* Law 540, Mediation and Arbitration Law, La Gaceta No. 122 of June 24, 2005,



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**CRITERIA 5.2: The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.**

### **PRINCIPLE 6: RESPECT FOR LABOR RIGHTS AND CONDITIONS**

**CRITERIA 6.1: Any form of discrimination is prohibited.**

THEME	REQUEST	REGULATIONS / REGULATIONS
External Non-Discrimination	There are laws for non-discrimination against immigrants	* Cn art.40, 46 * Decree N 107-2004 Approved on September 28, 2004 and published in Gazette No. 191 "Adherence to the International Convention on the Protection of all Migrant Workers and their Families" art.10 , 11.12 * Law No. 761 "Law of Migration and Foreigners", approved on March 31, 2011 in gazettes 125 and 126 of July 6 and 7 art. 10, 6, 17 and 167. * Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Principle XI
Non-Discrimination based on Natural Human Rights	No Discrimination based on race, sex, religion or politics	Cn.art, 3,5,27,46,49.91,109 * Law 28 "Statute of autonomy of the Regions of the Caribbean Coast of Nicaragua and its incorporated reforms. Published in Gazette No. 155 of August 11, 2016, considering V. * Law 763 "Law on the Rights of Persons with Disabilities" Art 2. Scope of application art.2, art 3 Definitions, all the law in general. * Universal Declaration of Human Rights. Art. 2,7,19, 21,23. * American Convention on Human Rights art 13. Freedom of thought and expression. 13, paragraph 5; 24. * American Declaration on the Rights and Duties of Man Art. II, III, XVI, XXII * International Covenant of Civil and Political Rights art. 3.14. * International Covenant on Economic, Social and Cultural Rights. Art. 1,2, 8,22 * Nicaraguan Mandatory Technique for Sustained Oil Palm Production (NTON 11043- 13) of 2015 Provisions 8.5.3 * Criminal Code, Law No. 641 Published in Gazette No. 232 of December 03, 2007. art.16
Pay	Economic non-discrimination	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Fundamental Principles XI, XII, XIII

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**CRITERIA 6.2: Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW).**

THEME	REQUEST	REGULATIONS / REGULATIONS
Work contract	Type of Work Contracts	Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Chapter II Forms and Types of Contracts from art.23 to art. 29.
	Characteristics of the Employment Contract	
	Work Days, Breaks, Permits and Vacations	Labor Code Law No.185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Title III. Work Days, Breaks, Permits and Vacations Ar. 49-85
	Discrimination against women	Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996.art. 30
Joint responsibility	Outsourcing: Main and Tertiary Company	Procedural Code of Labor and Social Security Law No. 815, approved in
Employer	Employer Obligations	Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996.art. 17 subsection l, m, n, o
Labor conditions	La Palma Labor Conditions	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. art 17 subsection d and q; chapter: Work in Banana, Cotton, Coffee Plantations , Palm Oil, Coffee,

**CRITERIA 6.3: The unit of certification respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.**

THEME	REQUEST	REGULATIONS / REGULATIONS
Trade Union Freedom: Trade Union Promotion	Information on freedom of association is available to everyone.	Cn art. 11, 33, 87 addresses freedom of association, 101, 109 * Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. art5. * C098 Unionization and Collective Bargaining Convention. * C011 Convention on the Right of Association (Agriculture)
Syndical freedom	It is the Employer's obligation to allow freedom of association	Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. art17 subsection n, i

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<b>CRITERIA 6.4: Children are not employed or exploited.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Prohibition of child exploitation	There are bodies of law that expose it tacitly	Cn. Art.84 verbatim quotes: "Minors are prohibited from working .....", art.86, the freedom to choose their trade or profession, art. 82. related to the right to decent work... .; * Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996 Chapter IV Labor of children and adolescents art. 130 -137 * Code of Children and Adolescents art.43,73,74,75. * Convention on the Rights of the child art. 32. * C182 Convention on the worst forms of child labor.
Rights of Children and Adolescents	Minimum age to work and type of work	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996 art. 17 subsection p
	Type of job	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Title VI of the Labor of children and adolescents art. 130 -137art. 17 subsection I * C182 Convention on the worst forms of child labor.
<b>CRITERIA 6.5: There is no harassment or abuse in the workplace, and reproductive rights are protected.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Measures at the Business Unit level	Policy Establishment	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996 art. 17 subsection p; 18 subsection d * Cn art. 74 * Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Title VII Women's Work Chapter I. Working Women; Chapter II of the Protection of the Maternity of Working Women.
Substantive laws at the country level	Penal	Penal Code Law 641 art. 174 Sexual Harassment
	Labor	* Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Art.17 subsection p

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<b>CRITERIA 6.6: No forms of forced or trafficked labour are used.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
All work must be voluntary	All work is voluntary and the following is prohibited: a) Retention of identity documents or passports b) Payment of hiring fees  c) Substitution of the contract d) Non-voluntary overtime hours  e) Lack of freedom of workers to resign f) Penalty for termination of the employment relationship g) Debt bondage h) Withholding of wages	* Cn art. 41 * C29 Convention on forced labor art.2 * C131 Convention on the fixing of minimum wages. * Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Chapter IV. Obligations of Employers subsection a, b, d, h, j, k, l; art.20; Chapter XIII of work in oil palm plantations.
<b>CRITERIA 6.7: The unit of certification ensures that the working environment under its control is safe and without undue risk to health.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
The company takes measures to secure work	Provisions to promote security measures	* ILO Convention No. 155 on the Safety and Health of Workers 1981 art. 11 * Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996 Article 17 subsection I
	Occupational safety and hygiene measures	* Cn art.61, 82 subsection 4 * ILO Convention No. 155 on the Safety and Health of Workers 1981 art. eleven . * Labor Code Law No. 185, approved on September 5, 1996 and published in Gazette No. 205 of October 30, 1996. Title V On Occupational Health and Safety and Professional Risks.Art100-108; Chapter II On Professional Risks. * Law 618: General Law of Hygiene and Work Safety. Approved on April 19, 2007. Published in Gazette 133.

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<b>PRINCIPLE 7: PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT</b>		
<b>CRITERIA 7.1: Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Authorized pesticide uses	There are management and control plans for pesticides	* Law No. 618, "General Law of Hygiene and Safety at Work", published in La Gaceta, Official Gazette No. 133 of July 13, two thousand seven, art. 18; Chapter II, III * Nicaraguan Mandatory Technical Standard for the Sustained Production of Oil Palm (NTON 11043-13) of 2015 Provisions 7.3 * Law 274 Basic Law for the regulation and control of pesticides, toxic, dangerous substances and other similar ones. Approved on November 5, 1997, published in Gazette No. 30 of February 1, 1998.
Invasive plant management	Criminalized introduction of invasive species without permission	* Penal Code Law No. 641 Published in Gazette No. 83,84,85,86 and 87 of May 5, 6, 7.8 and 9, 2008 article 390 "Introduction of invasive species,
Sustainable pest management	I don't use fire	* Law 462 "Law for the conservation, promotion and sustainable development of the forestry sector. Approved on June 26, 2003. Published in Gazette No.168 published in September 2003. Chapter V: prevention, mitigation and control of pests and forest fires ; Chapter X: infractions and sanctions art. 53 subsection d. * Decree No. 73-2003 Regulation of law No. 462 Law of conservation, promotion and sustainable development of the forestry sector. Art. 26; Chapter VI .Pest prevention, mitigation and control and forest fires. * Penal Code Law No. 641 Published in Gazette No. 83,84,85,86 and 87 of May 5, 6, 7.8 and 9, 2008 art.383 Forest fires. * Law 406 Code of Criminal Procedure.Approved on November 13, 2001. Published in Gazette No. 243 published on December 21-24, 2001 art.250. * Law 585 "Prohibition Law for the cutting, use and commercialization of forest resources "

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CRITERIA 7.2: Pesticides are used in ways that do not endanger health of workers, families, communities or the environment.		
THEME	REQUEST	REGULATIONS / REGULATIONS
Sustainable pest management	I don't use fire	* Law 462 "Law for the conservation, promotion and sustainable
Workers' health care	Carrying out worker exams	* Law No. 618. General Law of Hygiene and Safety at Work. Chapter III. Workers' Health. Article 4-7. * Ministerial Agreement JCHG-005-05-07 Relating to Medical Examinations at Workplaces.
List of Pesticides	List of pesticides	* Ministerial Resolution No. 165-2016. Ban on Red Band Pesticides. Published in Gacets no.172; of March 19, 2017. * Decree 43-46 Approval of the Stockholm Convention on Persistent Pollutants (COPS) and its annexes. Approved on July 7, 2005. Published in Gazette No. 159 of August 17, 2005-Stockholm Convention on Persistent Pollutants signed on August 23, 2001 * Decree No. 15-2008 of Adherence to the Rotterdam Convention on the Prior Informed Consent Applied to Certain Hazardous Chemicals and Pesticides in International Trade. Approved on April 2, 2008. Published in Gazette  No. 97 of May 23, 2008. * Nicaraguan Mandatory Technical Standard for Sustained Oil Palm Production (NTON 11043-13) of 2015, Item 7 Good Agricultural Practices for the cultivation of oil palm

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<b>CRITERIA 7.3: Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Internal company policies and measures	There is a legal and institutional regulatory framework	<p>* Nicaraguan Obligatory Technical Standard for the Sustained Production of Oil Palm (NTON 11043-13) of 2015, Section 7 Good Agricultural Practices for the cultivation of oil palm; .7.5 Management of Waste and Pollutants, Recycling and</p> <p>Reuse. * Decree 20-2017 Environmental Assessment System of permits and authorizations for the sustainable use of Natural Resources. Art15,16 Category III B, 28 * Law 274 Basic Law for the regulation and control of pesticides, toxic, dangerous substances and other similar ones. Approved on November 5, 1997. Published in Gazette No. 30 of February 1, 1998. Chapter I of the obligations for the commercialization and distribution of pesticides. * Decree No. 47 - 2005 National Solid Waste Policy. Approved on July 21, 2005. Published in La Gaceta No. 163 of August 23, 2005.</p>
Bonfires	There are tacit provisions that prohibit the use of bonfires	<p>* Decree 43-46 Approval of the Stockholm Convention on Persistent Pollutants (COPS) and its annexes. Approved on July 7, 2005. Published in Gazette No. 159 of August 17, 2005-Stockholm Convention on Persistent Pollutants signed on August 23, 2001. art.6, 20,37. * Penal Code Law No. 641 published in Gazette Nos. 83 ... 87 on May 5 to 9, 2008. Article 367. * Regulation of the General Health Law. Decree No. 001-2003 art.233</p>
<b>CRITERIA 7.4: Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield</b>		
<b>CRITERIA 7.5: Practices minimise and control erosion and degradation of soils.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Regulations in palm plantations	There are formally established guidelines.	<p>* Nicaraguan Obligatory Technical Standard for the Sustained Production of Oil Palm (NTON 11043-13) of 2015. Subsection 4.15.3 * Law 462 Law of Forest Conservation, Promotion and Development. Approved on June 26, 2003. Published in the Gazette in Official Gazette No. 168 of September 4, 2003, Article 27 Section 5. Forest Areas</p>

## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

<b>CRITERIA 7.6: Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Plantation registration	There is a registration unit	Decree 20-2017 System of Environmental Evaluation of Permits and Authorization for the Sustainable Use of Natural Resources, Published in Gazette No 228 of Wednesday, November 29, 2017 Chapter IX Monitoring and Control
There are roles	Obligations and Distribution of pesticides	* Law 274 Basic law for the regulation and control of pesticides, toxic and dangerous substances and other similar ones. Approved on November 5, 1997. Published in Gazette No. 30 of February 1, 1998. Chapter I of the obligations for the marketing and distribution of pesticides.
<b>CRITERIA 7.7: No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Water	Water Registration Regulations	* Decree 21-2017 Regulation in which the dispositions for discharge of residual waters are established. Published in Gazette 229 of Thursday, November 30, 2017. * Law 620 General Law of National Waters. Approved on Tuesday, September 4, 2007. Published in Gazette No.169. articles 5, 25, 38; Title IV of the Use and Exploitation of water.
<b>CRITERIA 7.8: Practices maintain the quality and availability of surface and groundwater.</b>		
<b>THEME</b>	<b>REQUEST</b>	<b>REGULATIONS / REGULATIONS</b>
Water	Control and Monitoring Regulations	Law 620 General Law of National Waters. Approved on Tuesday, September 4, 2007. Published in Gazette No.169. Title II On the protection of water. * Law No. 217 General Law of the Environment of the Environment and Natural Resources; Art * s 72-94. * Decree No. 107-2001. National Policy of Water Resources. * NTON 05-007-98 Norms for the Classification of Water Resources. * Convention Relative to Wetlands of International Importance as Habitat for Waterfowl. RAMSAR. * Decree No. 78-2003, National Establishment of Wetlands Policy. Published in Gazette No.220 of November 19, 2003. * Decree N NO, 1010 Approving the United Nations Framework Convention on Climate Change. Published in Gazette No 123 of July 3, 1995.
Waste	Discharge Regulations	* Decree 21-2017 Regulation in which the dispositions for discharge of residual waters are established. Published in Gazette 229 of Thursday, November 30, 2017. * NTON 05 027-05 Nicaraguan Obligatory Technical Standard to Regulate the Water Treatment Systems of Wastewater Treatment and its Reuse. * Decree No. 001-2003 Regulations to * Law No. 423 General Health Law, Disposal of Excreta and Liquid Waste; Articles 240-246.



## ANNEX6: NICARAGUAN LEGAL FRAMEWORK

CRITERIA 7.9: Efficiency of fossil fuel use and the use of renewable energy is optimised.		
THEME	REQUEST	REGULATIONS / REGULATIONS
Renewable energy	There is a legal framework that promotes the use of fossil energy	<p>* Decree No. 07-2019 to establish the national policy for mitigation and adaptation to climate change and the creation of the national system for responding to climate change. Published in La Gaceta, Official Gazette No. 27 of February 11, 2019 * Law 217 "General Law of the Environment and Natural Resources" with its Incorporated Reforms, published in Gazette No. 20 of Friday, January 31, 2014.</p> <p>* Decree N NO, 1010 Approval of the United Nations Framework Convention on Climate Change. Published in Gazette No.123 of July 3, 1995. * Decree 20-2017 System of Environmental Assessment of Permits and Authorization for the Sustainable Use of Natural Resources, Published in Gazette No 228 of Wednesday, November 29, 2017. IX Monitoring and Control. * Law 462 Law of Forest Conservation, Promotion and Development. Approved on June 26, 2003 Published in the Gazette in the Official Gazette No. 168 of September 4, 2003, Section 7: Oxygen production and fixation</p>
CRITERIA 7.10: Plans to reduce pollution and emissions, including greenhouse gases (GHG), are developed, implemented and monitored and new developments are designed to minimise GHG emissions.		
THEME	REQUEST	REGULATIONS / REGULATIONS
GHG acknowledgments	Nicaragua recognizes the harmful aspects of GHGs	<p>* Decree No. 07-2019 to establish the national policy for mitigation and adaptation to climate change and the creation of the national system for responding to climate change. Published in La Gaceta, Official Gazette No. 27 of February 11, 2019 * Law 217 "General Law of the Environment and Natural Resources" with its Incorporated Reforms, published in Gazette No. 20 of Friday, January 31, 2014.</p> <p>* Decree N NO, 1010 Approval of the United Nations Framework Convention on Climate Change. Published in Gazette No.123 of July 3, 1995. * Decree 20-2017 System of Environmental Assessment of Permits and Authorization for the Sustainable Use of Natural Resources, Published in Gazette No 228 of Wednesday, November 29, 2017. IX Monitoring and Control. * Law 462 Law of Forest Conservation, Promotion and Development. Approved on June 26, 2003 Published in the Gazette in the Official Gazette No. 168 of September 4, 2003, Section 7: Oxygen production and fixation</p>
CRITERIA 7.11: Fire is not used for preparing land and is prevented in the managed area.		
THEME	REQUEST	REGULATIONS / REGULATIONS
Agricultural Burning	There are tactical regulations	<p>* Penal Code Law No. 641 published in Gazette No. 83 ... 87 on May 5 to 9, 2008 art 367. Atmospheric Pollution; 370. Aggravating substances; 383. Forest Fires. * Law 217 General Law of the environment and its reforms Published in Gazette No.20 of January 31, 2014. Articles 82 and 133. * Law 462 Law of Forest Conservation, Promotion and Development. Approved on June 26, 2003. Published in the Gazette in the Official Gazette No 168 of September 4, 2003, Chapter V: Prevention,</p>
CRITERIO 7.12: Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced.		

The RSPO is an international non-profit organization formed in 2004 with the objective to promote the growth and use of sustainable oil palm products through credible global standards and engagement of stakeholders.

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