

MINUTES OF MEETING
Market Development Standing Committee

Time : 20.00- 21.30 (MYT)
Date : Thursday, 08 February 2024
Venue : Market Transformation Zoom

Attendees:

Name	Initial	Organisation	Representative Category
Eddy Esselink	EE	MVO	Co-Chair, P&T
Ian Suwarganda	IS	Golden Agri-Resources	Co-Chair, Grower IN
Anne-Laure Faure	ALF	WWF International	eNGO
Julian Walker-Palin	JWP	Retailers Palm Oil Group	Retailer
Laura Schlebes	LS	AAK	P&T
Marieke Leegwater	ML	Solidaridad	sNGO
Oscar Muzilli	OM	Natura & Co.	CGM
Dr Surina Ismail	SI	MPOA/IOI	Grower MY
Inke van der Sluijs	IvdS	RSPO Secretariat	Director, Market Transformation
Ashwin Selvaraj	AS	RSPO Secretariat	Deputy Director, (Market Transformation (India & China)
Cameron Plese	CP	RSPO Secretariat	Head of North America & Head of Govt Affairs (North America & Europe)
Islah Ishak	II	RSPO Secretariat	Deputy Director, Malaysia & Singapore (Market Transformation) (Guest)
Lilian Garcia Lledo	LGL	RSPO Secretariat	Head of Shared Responsibility
Ruben Burnsveld	RB	RSPO Secretariat	Deputy Director, EMEA (Market Transformation)
Christine Joan Spykerman	CJS	RSPO Secretariat	Malaysia office

Absent with apologies:

Name	Initial	Organisation	Representative Category
Jose Roberto Montenegro	JM	Agrocaribe	Grower RoW
Harjinder Kler	HK	HUTAN	eNGO
Tracey Gazibara	TG	Cheyenne Mountain Zoo	eNGO

Invited but not in attendance:

Name	Initial	Organisation	Representative Category
Nil			

Agenda:

Time	Topic
9.03 - 9.04	1.0 Opening 1.1 Antitrust Statement Reading
9.04 - 9.08	2.0 Approval of the Agenda
9.08 - 9.17	3.0 MDSC Composition
9.17 - 9.18	4.0 Approval of the Meeting Minutes - 20 November 2023
9.18 - 9.23	5.0 Updates: 5.1 RSPO Secretariat 5.2 SCT WG
9.23 - 9.38	6.0 Updates: 6.1 Shared Responsibility Working Group (SRWG)
9.38 - 10.05 10.05 - 10.13	7.0 Regulations Europe: EUDR, CSDDD, Forced Labour, Green Claims 7.1 Regulations North America: Forest Act
10.13 - 10.32	8.0 Regional progress and barriers 2024 - RSPO in Asia
	9.0 CSPO Uptake - Relevance of RSPO in legislation: EUDR, UK, US - Impact of legislation on volumes/sourcing
10.32 - 10.36	10.0 AOB - Meeting schedule 2024

DISCUSSION:

No.	Description	Action Points (PIC)
1.0	Antitrust Statement Reading	
	<p>EE chaired the meeting and welcomed Members of the MDSC to the meeting. EE then reminded the members of the following:</p> <ul style="list-style-type: none"> - All MDSC members will have to abide by the RSPO Antitrust law - MDSC follows a consensus-based decision making as outlined in the ToR - Members have to declare Conflict of Interest (Col) under any items and excuse themselves to remain objective to the discussion. 	

2.0 Approval of the Agenda

The meeting Agenda was presented and accepted with no additions nor objections from the Members.

ML enquired on the Governance and P&C Reviews. JWP informed that the Board has not made a decision on the Governance Review but will discuss it at the next Board meeting in June. IvdS mentioned that she will revert on the P&C Reviews during AOB.

3.0 MDSC Composition

Constituency	Name - organisation	Attendance?
Growers (4)	Indonesia Ian Suwarganda - GAR (co-chair)	✓
	Malaysia Dr. Surina Ismail, MPOA	✓
	RoW Jose Roberto Montenegro - Agrocaribe	✓
	SH Tom Hersbach, Planting Naturals resigned	X
P&T (2)	Eddy Esselink - MVO (co-chair)	✓
	Laura Schlebes, AAK	✓
Retailers (2)	Julian Walker-Palin - Retailers Palm Oil Group	✓
	VACANT	NA
CGM (2)	Oscar Muzilli, Natura &Co LatAm	
	VACANT	NA
B&I (2)	VACANT	NA
	VACANT	NA
eNGO (2)	Anne-Laure Faure, WWF	✓
	Harjinder Kler - HUTAN	
sNGO (2)	Marieke Leegwater, Solidaridad	✓
	Tracey Gazibara, Cheyenne Mountain Zoo	X

Action: find new Banks & Investors, Retailers, CGM, SH representation to join MDSC (all)

IvdS shared on the MDSC Composition and announced that Tom Hershbach representing the Smallholders (“SH”) had resigned. IvdS suggested having a genuine SH representing the SH rather than a Company. ML agreed. The Secretariat will send a circular to the SHSC.

The Banks & Investors (B&I), Retailers and CGM vacancies have yet to be filled.

Invite new retailers to join MDSC, discuss geographical representation.

- Suggestions by JWP
 - McDonald’s – rep across all key markets
 - Top 3 supermarkets – Walmart, Carrefour & METRO
 - Ask Aeon for potential Japanese suggestion
- Internal suggestion
- Replace SH representative

3.1 Terms of Reference (ToR)

IvdS shared the ToR and touched on the following work streams of the MDSC:

MDSC advises on the below most critical objectives and develop strategies that address these priorities:

	<ul style="list-style-type: none"> ● Demand generation, commitment & uptake ● Shared responsibility for aligning supply & demand upon request by the Shared Responsibility Working Group (SRWG) ● Engagement of the supporting sustainable palm oil sector ● Traceability of the palm oil supply chain ● Trademark and Communication Rules ● Marketing Communications ● Regional Market Development <ul style="list-style-type: none"> ➤ with a focus on Asia/Pacific, Europe, Africa (new) and the Americas. ● Supporting the Annual Communication on Progress (ACOP) reporting process, particularly as it relates to the data requirements for the ACOP and communication of the results <p>JWP suggested that the wording on the SRWG should be reworded as this WG now reports to the MDSC and IS mentioned that the Supply Chain Traceability Working Group (SCT WG) should be added in ToR. IvdS agreed and informed that the ToR will be re-circulated for signatures once it has been revised.</p>	
<h4>4.0 Approval of Meeting Minutes</h4>		
	<p>The meeting minutes from the previous MDSC Meeting (20 November 2023) were presented and accepted with no amendments but with the following pending action points which will be discussed in the meeting:</p> <p>Pending actions:</p> <ul style="list-style-type: none"> ● Find new Banks & Investors, Retailers, CGM members to join MDSC (all) ● Discuss how the outreach in Africa can be strengthened ● Number of mills certified IP/MB 	
<h4>5.0 Secretariat Updates</h4>		
<p>5.1</p> <p>5.2</p> <p>5.3</p>	<p>The Secretariat announced the following latest announcements and news:</p> <ul style="list-style-type: none"> ● ACOP will open between 11 March 2024 until 3 May 2024 ● Talking about your support for sustainable palm oil ● Draft Theory of Change: finalising as public consultation closed 26 January <p>Save the date:</p> <p>Upcoming meetings and events:</p> <ul style="list-style-type: none"> ● 25th EC Meeting of the Deforestation Platform, 22 Feb, virtual ● RSPO SCC CB Forum and members day in London, 26-28 Feb, London UK ● Grepalma conference, 28 Feb-1 March, Guatemala ● POC, 4-6 March, KL Malaysia ● RSPO Africa Supply Chain Forum, 16-18 April, Cape Town South Africa ● Sustainable Palm Oil Dialogue Europe 22 May 2024, Brussels Belgium <p>SCT Working Group</p> <p>IvdS gave an update on the SCT WG.</p> <ul style="list-style-type: none"> ● Meeting held 20 November 2023 	

	<ul style="list-style-type: none"> ● CSPKO supply and sales data is published on the RSPO website with a factsheet on conversions ● On the agenda: <ul style="list-style-type: none"> ○ Secretariat Updates and Introduction of New Members ○ Open Action Points ○ Graph Actual production vs Sale of CSPO ○ Graph Actual production vs Sale of CSPKO ○ Availability of RSPO credits ○ Data on new grower members (2021, 2022, 2023) 	
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6.0 Updates RSPO Shared Responsibility Working Group (SRWG)

	<p>LGL shared the main updates from the SR Unit, the SRWG and the CSPKO engagement plan.</p> <ul style="list-style-type: none"> ● SR Unit: <ul style="list-style-type: none"> ○ New SR Executive - Nurul Ain Binti Sazalli ○ SR updates in EU new members onboarding webinar (25 January), CB Forum (6 Feb Asia, 26-27 Feb EU) and EU members day (28 Feb) in London. ○ SR questions in ACOP 2023 - all SR requirements included and aligned with MyRSPO. ○ SR Scorecard update in January 2024 (extraordinary update). <p>Next official update in September 2024 with the data available in MyRSPO (deadline 1st July 2024) and ACOP 2023 data.</p> <ul style="list-style-type: none"> ■ Members over 8.5 average score increased from 75 in October 23 to 92 in January 2024. ■ One B&I interested in using the SR uptake dashboard to assess their clients. <ul style="list-style-type: none"> ● SRWG: <ul style="list-style-type: none"> ○ 31st call on 20 February ○ New members: Grower SH rep, Sharyn Shufiyan - Wild Asia; and CGM rep, Ayers Hong - P&G. ○ Vacancies: 1 CGM, 1 Grower RoW, 1 B&I. 2 P&T stay until replacement is found. ● SR uptake targets for Year 5 (2024) → BoG endorsement on 5 March. Announcement on 13 March and webinars to be planned. ● SR survey sent on 7 Feb to all members by email (deadline 10 March): <ul style="list-style-type: none"> ○ Survey for CGM, P&T and Retailers → 1) strategies to engage poor performers (i.e. SR overall score) and 2) follow up actions with key members underperforming in reaching the CSPO uptake target ○ Survey for B&I and NGOs → understand challenges and engage poor performers. ● Verification Manual → final comments from the MDSC?, deadline 15 February 2024. Socialisation at BoG level. ● CSPKO engagement plan - As included in the Decision Paper on the SR 	
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	<p>Uptake target Year 4 (2023), there are two parts:</p> <ul style="list-style-type: none"> ○ Part 1: Address the losses in the supply chain by raising awareness amongst the actors with unsold CSPK/CSPKO volumes, i.e: RSPO certified mills (CSPK), Certified KCP (CSPKO) and Independent Smallholder Groups (CSPKO). Using spatial mapping for connecting mills with certified crushers; ○ Part 2: Increase the overall CSPO/CSPK supply by: <ul style="list-style-type: none"> ● Accelerating the review of the management units in the RaCP process - Assurance division. ● Outreach program for uncertified KCP - Technical Division ● Engagement of non-RSPO grower - Technical Division ○ Current status: <ul style="list-style-type: none"> ■ SR Unit got the data of the unsold volumes in the previous license period, i.e. identified who did not sell more than 50% of their certified volume [ISH - 21 groups (32% of ISH groups members)] / actual production [mills - 98 members (20% of the mills members)] ■ SR Unit and Market Transformation colleagues are reaching out to specific mills and ISH groups → understanding the reasons behind and which support they may need. ■ SR Unit supporting the Technical Division to create a factsheet for new growers about the “RSPO route”, to help them navigate the different stages (i.e. membership, certification, PalmTrace registration of transactions, etc.) ■ Results to be presented to the SCT WG (decision making body) → follow up Actions. <p>SI enquired whether LGL has gotten the feedback on why the volumes of CSPO or CSPK were not sold. LGL replied that its work is in progress and will revert once the figures are confirmed.</p>	
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7.0 Regulations Europe: EUDR, CSDDD, Forced Labour, Green Claims

	<p>RB presented an update on the Europe Regulations.</p> <p>Five (5) European Legislative Proposals</p> <p>1. EU Deforestation Regulations</p> <ul style="list-style-type: none"> • The European Parliament approved the text on 19 April 2023 • The Council of the European Union formally approved on 16 May 2023 which means EUDR is agreed. Although the formal negotiations have ended for the regulations there are still ongoing discussions with EC, industry and many other institutions on possible implementation guidance • The regulation entered into force on 29 June 2023 • Due diligence obligations for large and middle size companies will become mandatory on 29 December 2024. • Due diligence obligations for small and micro size companies on 29 June 2025 • Any of the products of Annex I crossing the EU border after the legislation has entered into force is subject to the regulation (import and export). <p>EUDR - Latest Development</p>	
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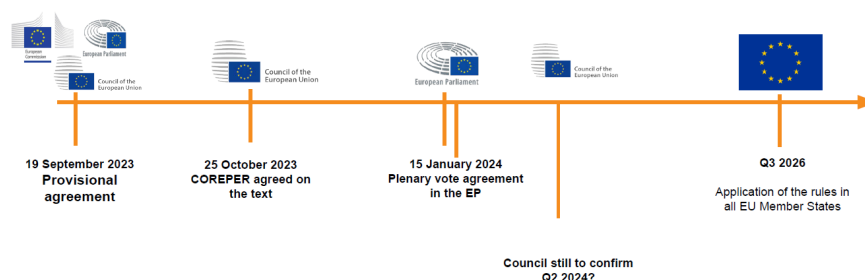
- Participating in the EC expert platform on deforestation
- Participating in the sessions (former focus groups) on traceability and SH inclusion
- Met with National Competent Authorities (NCA's) from the NL, SWE, DEN, BEL
- Continued engagement with ministries, NCA's and other stakeholders
- Continued development of the new Certification, Trade & Traceability system to replace PalmTrace. The new system will be called PRISMA.

2. Empowering Consumers for the Green Transition Directive

Key aspects

- Commission proposed a Directive amending the Unfair Commercial Practices Directive and the Consumer Rights Directive.
- The Directive acts as a 'lex-generalis' and goes hand-in-hand with the Green Claims Directive.
- **The goal is to better inform consumers against unfair practices, such as greenwashing and the use of unreliable and non-transparent sustainability labels.**
- Proposal bans generic environmental claims such as "eco-friendly", "green" or "climate neutral" if no recognised performance can be demonstrated.
- The proposal adds a set of rules tackling unfair commercial practices:
 - o Prohibits displaying sustainability labels which are not based on a certification scheme or not established by public authorities;
 - o Prohibits making an environmental claim about the entire product when it concerns only a certain aspect of the product;
 - o Certification schemes should fulfil minimum transparency and credibility conditions.

Timeline

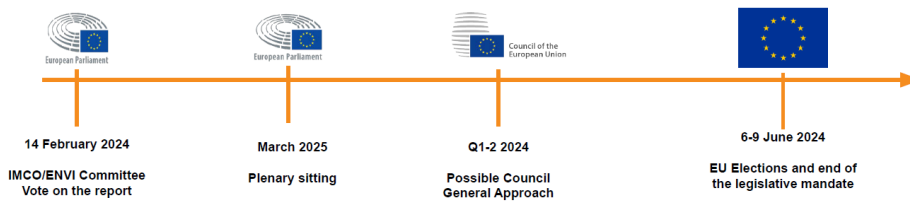


3. Green Claims Directive

- The Commission's proposal **will require companies to substantiate voluntary explicit green claims with evidence**
 - o The Directive **builds on the Empowering Consumers for the Green Transition** to lay out **the requirements and methodology** on how to substantiate all claims;
 - o It applies to **explicit environmental claims made about B2C** products;
 - o Companies making green claims **must verify the claims through a third-party verification system** and Member States will set up procedures to verify compliance;
 - o The Directive does not enforce a specific methodology (e.g. PEF) for the substantiation of claims, leaving private labels to choose their own.
 - o Self-certified sustainability labels, with no third-party verification and regular monitoring will be prohibited.

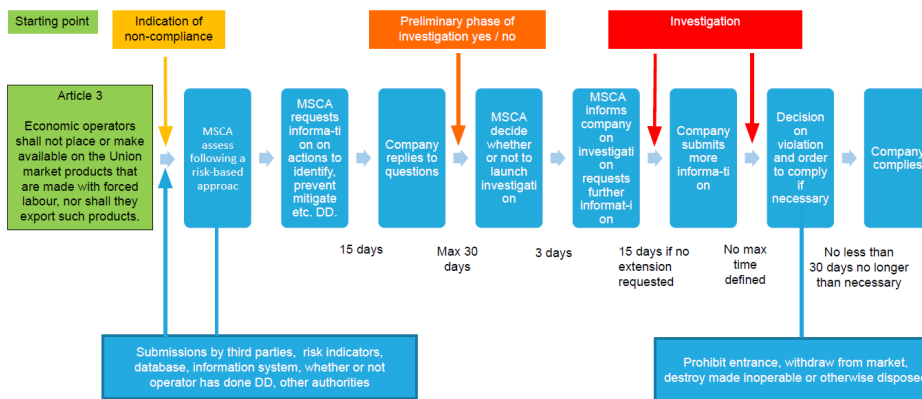
o Banning labels based on self-certification

Timeline



The indicative timeline suggests that the institutions will likely not have time to discuss and finalise the file in trilogues, as EU elections are approaching. Institutions will pick up the work in early 2025, and the new Parliament will have to assess if it still agrees with the position prepared by the previous Parliament before entering interinstitutional negotiations.

4. Regulation on Forced Labour



Forced Labour Regulation: Some of the Key Issues

Database article 11

The Commission shall call upon external expertise that will provide an indicative, non-exhaustive, regularly updated database of forced labour risks in specific geographic areas or products, including with regard to forced labour imposed by state authorities.

Big issue is the "burden of proof". Will it lie with the operator or not? Right now moving in the direction of "not unless".

Guidelines Article 23

The Commission shall issue guidelines no later than 18 months after the entry into force of this Regulation, which shall include the following:

- (a) **guidance on due diligence in relation to forced labour**, which shall take into account applicable Union legislation setting out due diligence requirements with respect to forced labour, guidelines and recommendations from international organisations, as well as the size and economic resources of economic operators;
- (b) **information on risk indicators of forced labour**, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;
- (c) **a list of publicly available information sources of relevance** for the implementation of this Regulation;
- (d) **further information to facilitate the competent authorities' implementation** of this Regulation;
- (e) **guidance for the practical implementation of Article 16** and, where appropriate, any other provision laid down in Chapter III of this Regulation.

Force Labour Timeline

Timeline



The indicative timeline suggests that the institutions will likely not have time to discuss and finalise the file in trilogues, as EU elections are approaching.

Institutions will pick up the work in early 2025, and the new Parliament will have to assess if it still agrees with the position prepared by the previous Parliament before entering interinstitutional negotiations.

Corporate Sustainability Due Diligence Directive

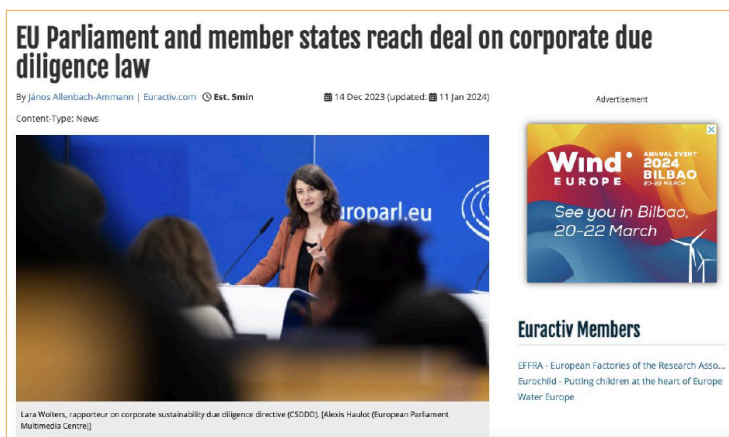
Scope:

What?
This Directive lays down rules (a) on obligations for companies regarding **actual and potential human rights adverse impacts and environmental adverse impacts**, with respect to their own operations, the operations of their subsidiaries, and the value chain operations carried out by **entities with whom the company has an established business relationship** and (b) on liability for violations of the obligations mentioned above.

Who?-

- EU Companies with + 500 employees on average and a net worldwide turnover of more than EUR 150 million;
- EU Companies with + 250 employees on average and a net worldwide turnover of more than EUR 40 million, provided that at least 50% of this net turnover was generated in one or more of the following sectors: (i) the manufacture of textiles, leather and related products (including footwear), and the wholesale trade of textiles, clothing and footwear; (ii) agriculture, forestry, fisheries (including aquaculture), the manufacture of food products, and the wholesale trade of agricultural raw materials, live animals, wood, food, and beverages; (iii) the extraction of mineral resources, the manufacture of basic metal products, other non-metallic mineral products and fabricated metal products (except machinery and equipment), and the wholesale trade of mineral resources, basic and intermediate mineral products
- Third country companies with net turnover of + 150 million per year
- Third country companies with net turnover of + 40 million per year if from risk sector
- SME's are explicitly excluded but will be affected as part of the value chains and the "established business relationship clause".

CSDD Provisionally Agreed (14 December 2023)



CSDDD could fall to pieces (9 February 2024)



7.2 Regulations - US FOREST Act of 2023

CP shared an update on the US Forest Act.

Recently reintroduced with Republican co-sponsors in both chambers, and a few key changes:

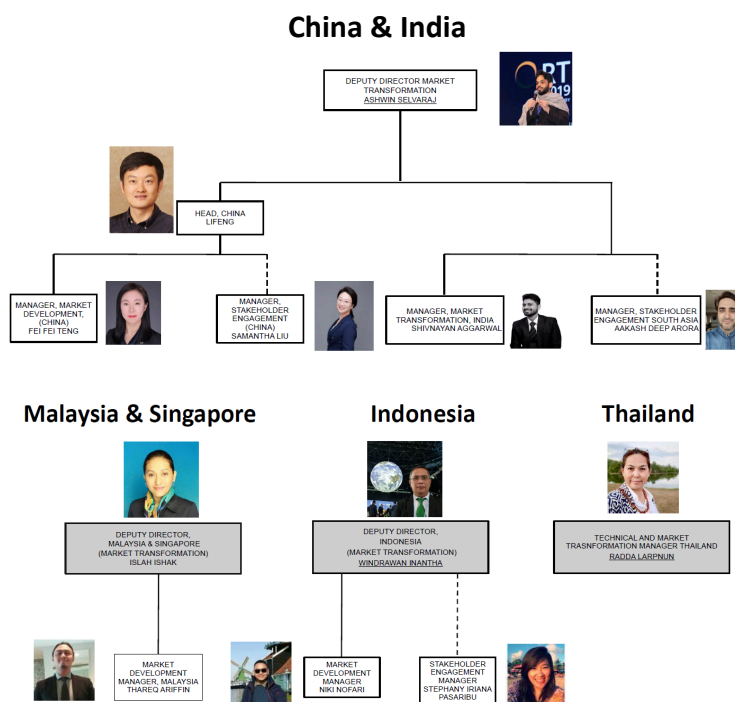
- Now includes a **“Trusted Trader Program”** that will streamline due diligence requirements for importers that have demonstrated:
 - a “transparent and credible” due diligence system
 - a track record of compliance, supply chain traceability and transparency, and sourcing of products not made wholly or in part of a covered commodity produced on land that undergoes illegal deforestation
- **Notice to Importers** - Before taking any enforcement action for importers suspected of non-compliance,
 - the importer shall be notified of the suspected violation
 - the importer will be provided the opportunity to demonstrate evidence of compliance
- **Government procurement preference** for importers that are deforestation free (not just illegal)
- **Directs resources** through Department of State grants for technical assistance for producer countries
- These changes are partially due to RSPO’s engagement with the authors. Building upon this success, RSPO recently partnered with Senator Schatz and Congressman Blumenauer to host a private meeting with RSPO members
 - Aim was to get our feedback and insights so the bill can be adjusted accordingly

- o Senator Schatz’s office sees the RSPO as its go-to partner for all things palm oil.

8.0 Regional Progress And Barriers 2024

AS presented on market developments in the Asian region.

Market Transformation and Stakeholder Engagement in Asia:



Asia in Numbers

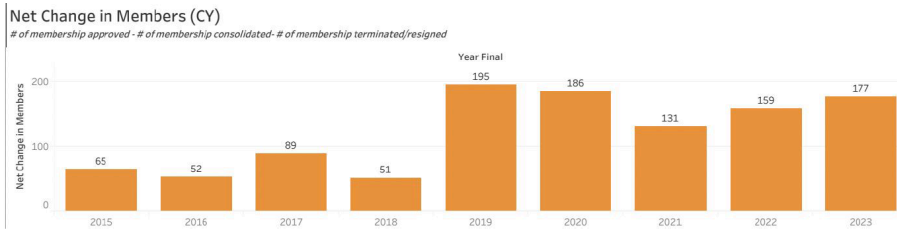
Membership

Asia represents ~27% of our membership base with 1510 members with 768 (34% of global) ordinary and 742 (22%) associate members

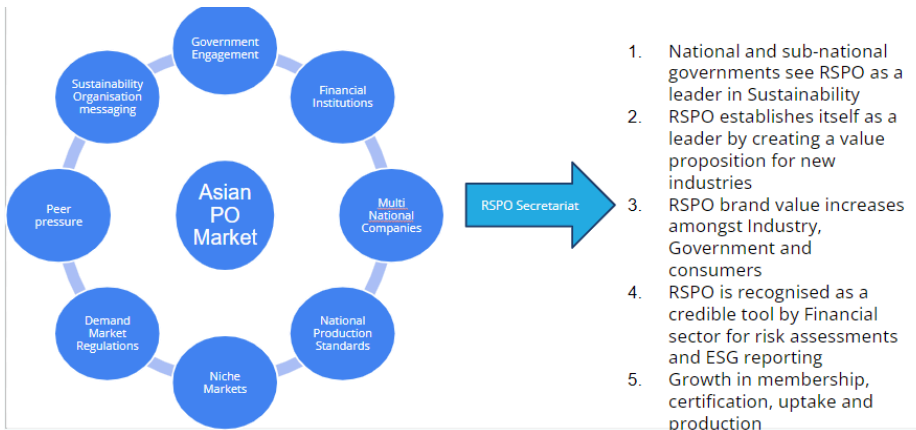
Oil Palm Growers	244
Retailers	8
Consumer Goods Manufacturers	139
Banks and Investors	2
Environmental or Nature Conservation Organisations (Non Governmental Organisations)	16
Social or Development Organisations (Non Governmental Organisations)	13
Palm Oil Processors and/or Traders	346

Membership - Growth

The membership grew by almost 4x in 2019 in the region however, since the growth rate has been consistent with a dip in 2021 (*covid) with 2022 seeing a resurgence continued to 2023



Levers of Change in Asia & Key Resources



Key Activities For Asia

National and sub-national governments see RSPO as a leader in Sustainability	RSPO establishes itself as a leader by creating a value proposition for new industries	RSPO brand value increases amongst Industry, Government and consumers	RSPO is recognised as a credible tool by Financial sector for risk assessments and ESG reporting	Growth in membership, certification, uptake and production
Business Engagement: Engage Western and Asian Multinationals about uptake in Asia. Bilateral engagements and through industry events				
Government & Multilateral Engagement (G2G, G2B): Facilitate national and subnational G2G engagement between Asian countries (excluding China); Prioritise UN institutions to position RSPO as sustainability organisation; Raise awareness about RSPO's relevance in the context of EU-DR				
Financial Sector Engagement: Engage RSPO FI members at a regional level, Sustainability reporting platforms (CDP, GRI etc), identify and engage key Asian FI's and Regulatory bodies				
Indonesia <ul style="list-style-type: none"> Involve in trade shows, conferences, exhibitions (industry associations) joint programs with other certification schemes Continue engagement with actors in batik, candle, SAF industries Increasing and continuing support for smallholders Support JA pilot projects 	Malaysia <ul style="list-style-type: none"> Business matching, outreach programs, co-organise events Engagement with Bursa, Sabah, Associations Develop Biomass value proposition Calibrate with large corporates, Air Asia (sustainability reporting), potentially into MoU 	Thailand <ul style="list-style-type: none"> Support Thailand Alliance on Sustainable Palm Oil (TASPO) Thailand Sustainable Palm Oil Dialogue (SPOD) Grow Surat Thani Sustainable City model from 2 to 17 districts One on one member engagement Baseline study on biomass Scientific symposium on oil palm 	China <ul style="list-style-type: none"> Develop toolkits & tailor-made materials China Forum Industry roundtables (food and non-food) Exposure visit to producing countries to bridge supply-demand 	India <ul style="list-style-type: none"> Exposure visit to Thailand and symposium Workshops for Govt and Stakeholders on cultivation Engage HORECA Consumer Campaign with brands Support RSF Project Industry events - Global, IVPA, CGM and Retail event
Communications Plan for Asia (Comms toolkit for members and ambassadors, SH campaign etc.		Advisory Services (Identify needs and partners (NGOs))		Finance, Admin and Technical Capacity

Areas of Support from MDSC

1. MNC Engagement and NGO engagement in every region. NGOs and Companies choose to have different global strategies and regional strategies which pose a challenge.
2. Active participation and engagement in RSPO events in the regions
3. Recognition of the regional diversity when formulating strategic directions and formulating the standards for RSPO.

EE informs that the above Asian developments really deserves further discussion in the next meeting and look at the proposals made by AS and see how the MDSC can move forward.

9.0 AOB		
9.1	<ul style="list-style-type: none"> ● AOB → Standards Review - IvdS informed that there will be an internal workshop within the RSPO Secretariat with different divisions between 19 and 23 February; where the the final draft will be created and the Standards Review Steering group will be involved that after which, depending on timelines, a short public consultation will be scheduled → ML encouraged Members to watch a movie entitled “Colonial Debris” produced by Indonesian Film Makers. It's about land rights in Indonesia that were not respected and so the Indigenous Communities were forced out of their land for palm oil production. ML says land conflicts will get increasing attention and how to address them within the RSPO. → IS suggested to include Africa on the next MDSC Agenda 	
9.2	<ul style="list-style-type: none"> → Next Meeting Dates: <ul style="list-style-type: none"> ○ Thursday 23 May 2024 (Hybrid in Brussels) ○ Monday 9 September, 2024 ○ November around RT (25 November or 2 December 2024) 	Secretariat to send out email and Calendar Invites