

**National Interpretation: Principles and Criteria for the production of  
Sustainable palm oil in the Republic of Ecuador.**

**Draft Document**

**July, 2016**

**Facilitator: Nes Naturaleza S.A.S**

**Table of Contents**

Preamble ..... 3

PRINCIPLE 1: COMMITMENT TO TRANSPARENCY ..... 7

PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS ..... 10

PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY ..... 14

PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS ..... 15

PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY ..... 25

PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS ..... 34

PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS ..... 47

PRINCIPLE 8: COMMITMENT TO CONTINUAL IMPROVEMENT IN KEY AREAS OF ACTIVITY ..... 58

Definitions ..... 59

Annex 1: Key international laws and conventions applicable to the production of palm oil ..... 63

Annex 2: National laws applicable to the production of palm oil ..... 68

Executive summary: Feasibility to subscribe contracts with the palm producers ..... 120

# Preamble

Ecuador is a megadiverse country and has one of the most unique ecosystems in the world. It has a complex geography that incorporates three geographical regions: the Pacific coast, the majestic valleys, including the farthest point from the center of the earth, the Chimborazo volcano, and to the east, the vast expanse of the Amazon region. The different trophic niches characterized by temperature, humidity, biological and evolutionary factors have created the perfect setting for the concentration of life and expresses itself in a very high biodiversity that makes Ecuador a beautiful country.

In this context, Ecuador has developed palm oil plantations since the early 1950s. Today, it ranks second in oil palm production in Latin America and is the seventh largest producer worldwide. Its output is based on the hard work of more than 7,500 producers who qualify mostly as independent producers. They are the heart of the oil palm industry in Ecuador, providing one of the most important sources of agricultural employment that generate thousands of direct and indirect jobs, and is also a source of social development.

The development of oil palm plantations in Ecuador has been based on a framework of respect for nature and society, the country has a large number of applicable regulations for the farming of palm oil, however to take into account the sustainable development of the cultivation and the legacy for future generations Ecuador should enter with a system of environmentally responsible and intelligent agriculture. Therefore it has been decided to adopt the RSPO Principles and Criteria and create the National Interpretation, with the objective of generating an agriculture that is ecologically adequate, economically viable, socially just and culturally appropriate.

In this context, this document represents the National Interpretation of the RSPO international norm for Ecuador. The National Interpretation Technical Team (ETIN—its Spanish acronym) led the process of National Interpretation of the RSPO standard, with the support and facilitation of NES Naturaleza. ETIN was formed, in compliance with RSPO requirements, of representative actors of the oil palm production network such as members of the supply chain, representatives of small, medium and large producers, social and environmental NGOs, and Ministries of the State, who acted as permanent advisors in the process.

The revision, analysis and adaptation of the Principles and Criteria and the Group Certification Guide (document applicable for small producers) for the national context was accomplished in seven meetings of the technical subgroups (environmental, social and productive), seven board meetings and four extended ETIN meetings. These documents were validated and accepted by consensus, where all the elements in which reference is made to the National Interpretation within the generic Principles and Criteria were analyzed and incorporated.

The National Interpretation for the production of sustainable palm oil in the Republic of Ecuador is, therefore, the result of the active participation of each of the ETIN members and constitutes an effort of all the social actors and stakeholders involved in the palm oil network to contribute to sustainable development in Ecuador.



## PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
1.1	Growers and millers provide 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.	<p><b>Indicators:</b></p> <p>1.1.1 There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to stakeholders for effective participation in decision making.</p> <p>1.1.2 Records of requests for information and responses shall be maintained.</p> <p><b>Specific Guidance:</b></p> <p>For 1.1.1: Evidence must be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p>For 1.1.1: The relevant aspects are those defined as participative according to the current legislation and with the RSPO norm (Criteria 2.3, 5.1 and 6.1).</p> <p>For 1.1.2: The storage time of documents (registries, archives, etc.) must be in agreement with the nature and relevance of the document and the fulfilling the applicable national legislation.</p> <p><b>Guidance:</b></p> <p>Growers and millers must have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe of up to 15 business days to respond to requests for information. Growers and millers must respond constructively and promptly to requests for information from stakeholders.</p> <p>Growers and millers must ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.</p> <p>See Criterion 1.2 for requirements relating to publicly available documentation.</p> <p>See Criterion 6.2 on consultation.</p> <p>See Criterion 4.1 on SOPs.</p>



## PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
1.2	Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.	<p><b>Indicators:</b></p> <p>1.2.1 Publicly available documents shall include, but are not necessarily limited to:</p> <ul style="list-style-type: none"><li>• Land titles/user rights (Criterion 2.2);</li><li>• Occupational health and safety plans (Criterion 4.7);</li><li>• Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8);</li><li>• HCV documentation (Criteria 5.2 and 7.3);</li><li>• Pollution prevention and reduction plans (Criterion 5.6);</li><li>• Details of complaints and grievances (Criterion 6.3);</li><li>• Negotiation procedures (Criterion 6.4);</li><li>• Continual improvement plans (Criterion 8.1);</li><li>• Public summary of certification assessment report;</li><li>• Human Rights Policy (Criterion 6.13).</li></ul> <p><b>Guidance:</b></p> <p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents will include monitoring reports. The auditors will comment on the sufficiency 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 must 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 must have access to relevant information.</p> <p>Examples of information where disclosure could result in potential negative environmental or social</p>



## PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
1.3	Growers and millers commit to ethical conduct in all business operations and transactions.	<p>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.</p> <p>Growers and millers must 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.</p> <p><b>Indicators:</b> There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations.</p> <p><b>Guidance:</b> All levels of the operations will include contracted third parties (e.g. those involved in security).</p> <p>The policy must include as a minimum:</p> <ul style="list-style-type: none"><li>• A respect for fair conduct of business;</li><li>• A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources;</li><li>• A proper disclosure of information in accordance with applicable regulations and accepted industry practices.</li></ul> <p>The policy must be set within the framework of the UN Convention against Corruption, in particular Article 12.</p>



## PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
2.1	There is compliance with all applicable local, national and ratified international laws and regulations.	<p><b>Indicators:</b></p> <ul style="list-style-type: none"><li>2.1.1 Evidence of compliance with relevant legal requirements shall be available.</li><li>2.1.2 A documented system, which includes written information on legal requirements, shall be maintained.</li><li>2.1.3 A mechanism for ensuring compliance shall be implemented.</li><li>2.1.4 A system for tracking any changes in the law shall be implemented.</li></ul> <p><b>Specific Guidance:</b></p> <p>For 2.1.4: The systems used for tracking any changes in laws and regulations must be appropriate to the scale of the organisation.</p> <p><b>Guidance:</b></p> <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, labour, agricultural practices (e.g. agrochemical 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). Even more, 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 must be identified and solutions must be suggested.</p>



## PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
2.2	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><b>Indicators:</b></p> <ul style="list-style-type: none"><li>2.2.1 The documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</li><li>2.2.2 Legal boundaries shall be clearly demarcated and visibly maintained.</li><li>2.2.3 Where there exists or there have existed disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants must be available, and that these have been accepted with free, prior and informed consent (FPIC).</li><li>2.2.4 There shall be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.</li><li>2.2.5 For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</li><li>2.2.6 To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations.</li></ul> <p><b>Specific Guidance:</b></p> <p>For 2.2.2: Plantation operations must cease on land planted beyond the legally determined area and there must be specific plans in place to address such issues for associated smallholders.</p> <p>For 2.2.6: Company policy must prohibit the use of mercenaries and paramilitaries in their operations. Company policy must prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13).</p> <p><b>Guidance</b></p> <p>Where there is a conflict on the ownership of the land and property rights by title and/or possession rights, growers must show evidence that necessary action has been taken to resolve the conflict with relevant parties.</p> <p>A mechanism must be in place to facilitate the resolution of any conflict (Criteria 6.3 and 6.4).</p> <p>Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p>



## PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
2.3	<p>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.</p>	<p><b>Indicators:</b></p> <p>2.3.1 Maps of an appropriate scale showing the extent of recognised legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).</p> <p>2.3.2 In the case that legal, customary or use of other users rights exist, copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:</p> <ul style="list-style-type: none"><li>a) Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making;</li><li>b) Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken;</li><li>c) Evidence that the legal, economic, environmental and social implications for 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 company's title, concession or lease on the land.</li></ul> <p>2.3.3 In the case that legal, customary or use of other users rights exist, all relevant information shall be available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p>2.3.4 The evidence must be available to show that communities are represented through institutions or representatives of their own choosing, including legal advice.</p>



## PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
-----	-------------------------	---------------------

**Specific Guidance:**

For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.

**Guidance:**

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 2.3.1 and 2.3.2.

Where there are legal or customary rights over land, the grower must demonstrate that these rights are understood and are not being threatened or reduced. This Criterion must be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these must be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).

This Criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and voluntary, 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. Adequate time must be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements must be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is a long-term benefit for all parties.

Companies must be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as 'eminent domain').

Growers and millers should refer to the current RSPO approved FPIC guidance ('FPIC and the RSPO: A Guide for Companies')



## PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
3.1	There is an implemented management plan that aims to achieve long-term economic and financial viability.	<p><b>Indicators:</b></p> <p>3.1.1 A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p>3.1.2 An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.</p> <p><b>Specific Guidance:</b></p> <p>For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none"><li>• Attention to quality of planting materials;</li><li>• Crop projection = Fresh Fruit Bunches (FFB) yield trends;</li><li>• Mill extraction rates = Oil Extraction Rate (OER) trends;</li><li>• Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends;</li><li>• Forecast prices;</li><li>• Financial indicators.</li></ul> <p>Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need of a low yield during major replanting programmes).</p> <p><b>Guidance:</b></p> <p>Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management must be shall be able to demonstrate attention to economic and financial viability through long-term management planning. There must be shall be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme smallholders the content will vary from that suggested (refer to the current RSPO Guidance on Scheme Smallholders).</p> <p>Growers must 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.</p> <p>This Criterion is not applicable to independent smallholders (refer to the current RSPO Guidance for Independent Smallholders under Group Certification)</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.1	Operating procedures are appropriately documented, consistently implemented and monitored.	<p><b>Indicators:</b></p> <ul style="list-style-type: none"><li>4.1.1 Standard Operating Procedures (SOPs) for estates and mills shall be documented.</li><li>4.1.2 A mechanism to check consistent implementation of procedures shall be in place.</li><li>4.1.3 Records of monitoring and any actions taken shall be maintained and available, as appropriate.</li><li>4.1.4 The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).</li></ul> <p><b>Specific Guidance:</b> For 4.1.1 and 4.1.4: SOP and documentation for mills must include relevant supply chain requirements (see current RSPO Supply Chain Certification Standard).</p> <p><b>Guidance:</b> Mechanisms to check the implementations could include documentation management systems and internal control procedures.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>
4.2	Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	<p><b>Indicators:</b></p> <ul style="list-style-type: none"><li>4.2.1 There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield, where possible.</li><li>4.2.2 Records of fertiliser inputs shall be maintained.</li><li>4.2.3 There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.</li><li>4.2.4 A nutrient recycling strategy shall be in place, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting.</li></ul>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.3	Practices minimise and control erosion and degradation of soils.	<p><b>Guidance:</b> 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.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p> <p><b>Indicators:</b></p> <p>4.3.1 Maps and/or sketch and/or plan of any fragile soils shall be available.</p> <p>4.3.2 A management strategy shall be in place for plantations on slopes above the limit established by the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD (this strategy needs to be soil and climate specific).</p> <p>4.3.3 A road maintenance programme shall be in place in case it is applicable.</p> <p>4.3.4 Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place.</p> <p>4.3.5 Drainability assessments shall be required prior to replanting on peat to determine the long- term viability of the necessary drainage for oil palm growing.</p> <p>4.3.6 A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils) according to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p> <p><b>Specific Guidance:</b></p> <p>For 4.3.3: This indicator is applicable to palm growers with their own roads.</p> <p>For 4.3.4: For existing plantations on peat, the water table should be maintained at an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) 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 (Criteria 4.4 and 7.4).</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans must be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters must consider ceasing replanting and implementing rehabilitation.</p> <p><b>Guidance:</b> Plantations on peat must be managed at least to the current standard set out in the 'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat' (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).</p> <p>Techniques that minimise soil erosion are well known and must be adopted, where appropriate. These should include practices like ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replantations.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.4	Practices maintain the quality and availability of surface and ground water.	<p><b>Indicators:</b></p> <p>4.4.1 An implemented water management plan shall be in place.</p> <p>4.4.2 Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.</p> <p>4.4.3 Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6).</p> <p>4.4.4 Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.</p> <p><b>Specific Guidance:</b></p> <p>For 4.4.1: The water management plan will comply with the current norm and especially consider:</p> <ul style="list-style-type: none"><li>• Take account of the efficiency of use and renewability of sources;</li><li>• Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users;</li><li>• Guarantees that local communities, workers and their families are not affected in order to have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes;</li><li>• Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME).</li></ul> <p>For 4.4.2: Refer to the current 'RSPO Manual on Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat'.</p> <p><b>Guidance:</b></p> <p>Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.5	Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.	<p><b>Indicators:</b></p> <p>4.5.1 Implementation of Integrated Pest Management (IPM) plans shall be monitored.</p> <p>4.5.2 Training of those involved in IPM implementation shall be demonstrated.</p> <p><b>Guidance:</b></p> <p>Growers must apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals, according to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p> <p>Native species must be used in biological control where possible, according to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>
4.6	Pesticides are used in ways that do not endanger health or the environment	<p><b>Indicators:</b></p> <p>4.6.1 Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available.</p> <p>4.6.2 Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.</p> <p>4.6.3 Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.</p> <p>4.6.4 Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimised and eliminated as part of a plan, and shall only be used in exceptional circumstances.</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>4.6.5 Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate personal safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7).</p> <p>4.6.6 Storage of all pesticides shall be according to recognised best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see Criterion 5.3).</p> <p>4.6.7 Application of pesticides shall be by proven methods that minimise risk and impacts.</p> <p>4.6.8 Pesticides shall be applied aerially only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.</p> <p>4.6.9 Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated; including provision of appropriate information materials (see Criterion 4.8).</p> <p>4.6.10 Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).</p> <p>4.6.11 Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.</p> <p>4.6.12 No work with pesticides shall be undertaken by pregnant or breast-feeding women.</p> <p><b>Specific Guidance:</b></p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification must consider less harmful alternatives and IPM.</p> <p>Specific guidance for 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>Specific guidance for 4.6.6: Recognised 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 1).</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.7	An occupational health and safety plan is documented, effectively communicated and implemented.	<p><b>Guidance:</b> The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the ‘Research project on Integrated Weed Management Strategies for Oil Palm; CABI, April 2011’. Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders (refer to the current RSPO guide for smallholders).</p> <p>For the eradication of plants with basal stem rot (BSR) it will be possible to use paraquat and/or some other type of pesticide that is approved by the competent authority - Agrocalidad), according to the Manual of Eradication of Basal Stem Rot (BSR) of the Oil Palm, authored by ANCUPA and AGROCALIDAD, 2013.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p> <p><b>Indicators:</b></p> <p>The health and safety plan shall cover the following:</p> <p>4.7.1 A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.</p> <p>4.7.2 All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.</p> <p>4.7.3 All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8). Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, and land preparation, harvesting and, if it is used, burning.</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>4.7.4 The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.</p> <p>4.7.5 Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other operations, and first aid equipment shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.</p> <p>4.7.6 All workers shall be provided with medical care, and covered by accident insurance.</p> <p>4.7.7 Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics</p> <p>Specific Guidance for 4.7.7: The National Interpretation will define the metrics for LTA. For countries where there are no national interpretations, the growers will determine their own metrics.</p> <p><b>Guidance:</b></p> <p>Growers and millers must ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health. Growers and millers must ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. All indicators apply to all workers regardless of status.</p> <p>The health and safety plan must also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p>Refer to the Annex of Laws, Conventions and Treaties for the revision of the labor regulations issued by the Ministry of Work of Ecuador.</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.8	All staff, workers, smallholders and contract workers are appropriately trained.	<p><b>Indicators:</b></p> <p>4.8.1 A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p> <p>4.8.2 Records of training for each employee shall be maintained.</p> <p><b>Guidance:</b></p> <p>Workers must 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 minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organisation.</p> <p>Training must be given to all staff and workers by growers and millers to enable them to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Contract workers must be selected for their ability to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers must demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (FFB) on a contracted basis.</p> <p>Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of growers or millers that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations (refer to the current RSPO guide for smallholders).For individual 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 (refer to the current RSPO guide for smallholders).</p>



## PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.

PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

The appropriate qualifications for occupational training qualifications will be identified to the norm approved by the Ministry of Labor.



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.1	Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	<p><b>Indicators:</b></p> <p>5.1.1 An environmental impact assessment (EIA) shall be documented.</p> <p>5.1.2 Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons.</p> <p>5.1.3 This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p> <p><b>Guidance:</b></p> <p>The EIA must cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"><li>• Building new roads, processing mills or other infrastructure;</li><li>• Putting in drainage or irrigation systems;</li><li>• Replanting and/or expansion of planting areas;</li><li>• Management of mill effluents (Criterion 4.4);</li><li>• Clearing of remaining natural vegetation;</li><li>• Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7).</li></ul>



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>An environmental impact evaluation must be done in the format established by the current environmental legislation for its approval by the national environmental authority.</p> <p>Environmental impacts must be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and on the basic services for people (Criterion 6.1), within the area of influence established by the EIA according to the current environmental norm.</p> <p>Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures.</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (refer to the current RSPO guide for smallholders).</p> <p>The current legal dispositions will be taken into account.</p>



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.2	<p>The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.</p>	<p><b>Indicator:</b></p> <p>5.2.1 Information shall be collated in a High Conservation Value (HCV) assessment that includes the planted area and the landscape (such as wildlife corridors).</p> <p>5.2.2 Where rare, threatened or endangered (RTE) species, including endemic species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan.</p> <p>5.2.3 There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.</p> <p>5.2.4 Where a management plan has been created there shall be ongoing monitoring:</p> <ul style="list-style-type: none"> <li>• The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported;</li> <li>• Outcomes of monitoring shall be fed back into the management plan.</li> </ul> <p>5.2.5 Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights.</p> <p><b>Specific Guidance:</b></p> <p>For 5.2.1: This information will cover:</p> <ul style="list-style-type: none"> <li>• Presence of protected areas that could be significantly affected by the grower or miller;</li> <li>• Conservation status (e.g. IUCN category, red list), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller;</li> <li>• Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller;</li> </ul> <p>For 5.2.2: These measures will include:</p> <ul style="list-style-type: none"> <li>• Ensuring that any legal requirements relating to the protection of the species or habitat are met;</li> <li>• Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created;</li> </ul>



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.

PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

- Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by wild felines).

For 5.2.5: If a negotiated agreement cannot be reached, there must be evidence of sustained efforts to achieve such an agreement. These could include good offices, facilitation, mediation, third party arbitration or others (see Criteria 2.3, 6.3 and 6.4).

**Guidance:**

This information gathering must include checking available biological records and, if approved, consultation with governmental entities, research institutes and interested NGOs. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.

Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.

**Note:**

Operators need to 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 can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained 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 relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3), and in accordance with what is established in the current national legislation.



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.3	Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.	<p><b>Indicators:</b></p> <p>5.3.1 All waste products and sources of pollution shall be identified and documented.</p> <p>5.3.2 All chemicals and their containers shall be disposed of responsibly.</p> <p>5.3.3 A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.</p> <p><b>Guidance:</b></p> <p>The waste management and disposal plan must conform to the current environmental norm and include measures for:</p> <ul style="list-style-type: none"><li>• Identifying and monitoring sources of waste and pollution.</li><li>• Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes).</li><li>• Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers must 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), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions must be affixed to the package.</li><li>• The use of fire for waste disposal is prohibited.</li></ul>



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.4	Efficiency of fossil fuel use and the use of renewable energy is optimised.	<p><b>Indicators:</b></p> <p>5.4.1 A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored.</p> <p><b>Guidance:</b></p> <p>Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill must be monitored.</p> <p>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) must be monitored.</p> <p>Energy efficiency must be taken into account in the construction or upgrading of all operations.</p> <p>Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This must 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 if possible.</p>



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.5	The use of fire for preparation of the soil or replanting is avoided except in specific situations, as defined by the National Environmental Authority.	<p><b>Indicators:</b></p> <p>5.5.1 (M) There should be no preparation of the soil with burning, except in specific situations as determined by the Competent Environmental Authority in Art. 158 of Book VI of TULAS</p> <p>5.5.2 (m) Where burning has been used for preparation of the soil for replanting , there should be evidence of prior approval for controlled burning as determined by the Competent Environmental Authority.</p> <p><b>Guidance:</b></p> <p>Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution must be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation.</p> <p>Extension/training programmes for associated smallholders may be necessary.</p>



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.6	<p>Preamble</p> <p>Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.</p>	<p>Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimise these emissions.</p> <p>Growers and millers commit to an implementation period until the end of December 2016 for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.</p> <p><b>Indicators:</b></p> <p>5.6.1 An assessment of all polluting activities shall be conducted, including gaseous emissions; particulate/soot emissions and effluent (see Criterion 4.4).</p> <p>5.6.2 Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimise them implemented.</p> <p>5.6.3 A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and emissions from estate and mill operations, using appropriate tools.</p> <p><b>Specific Guidance:</b></p> <p>For 5.6.2: Plans will include objectives, targets and timelines. These must be responsive to context and any changes must be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded.</p> <p>For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including soil use practices) can be used as a monitoring tool.</p>



## PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.

PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the soil use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.

During the implementation period, reporting on GEI will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process. Public reporting is desirable, but remains voluntary until the end of the implementation period.

During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock.

PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.

**Guidance:**

Where practically feasible, operations should follow best management practices to measure and reduce emissions. Advice on this is available from the RSPO.



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.1	Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	<p><b>Indicators</b></p> <ul style="list-style-type: none"><li>6.1.1 A social impact assessment (SIA) including records of meetings shall be documented.</li><li>6.1.2 There shall be evidence that the assessment has been done with the participation of affected parties.</li><li>6.1.3 Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.</li><li>6.1.4 The plans shall be reviewed as a minimum once every two years and updated as necessary in those cases where it is required to make changes to current practices. There shall be evidence that the revision includes the participation of affected parties.</li><li>6.1.5 Particular attention shall be paid to the impacts of smallholder schemes (where they exist).</li></ul> <p><b>Guidance:</b></p> <p>The grower must carry out the identification of social impacts with the participation of affected parties, including women and migrant workers who have regularized their permanence in the country according to the current norm, under the considerations of the current national legislation, within the processes of environmental regularization. The involvement of independent experts will be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p> <p>Participation in this context means that affected parties 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.</p> <p>Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; smallholder schemes.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.

PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

Plantation and mill management may have social impacts (positive or negative) on factors such as:

- Access and use rights;
- Economic livelihoods (e.g. paid employment) and working conditions;
- Subsistence activities;
- Cultural and religious values;
- Health and education facilities;
- Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force that has regularized its permanence in the country in accordance with the current norm.

The review can be done (once every two years) internally or externally.

The Ecuadorian constitution guarantees equal rights for national and foreign individuals. Ecuador counts on a normative framework for the migratory regularization of individuals. The labor code clearly establishes the illegality of contracting people who are not regularized.



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.2	There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.	<p><b>Indicators:</b></p> <ul style="list-style-type: none"><li>6.2.1 Consultation and communication procedures shall be documented.</li><li>6.2.2 A management official responsible for these issues shall be nominated.</li><li>6.2.3 A list of stakeholders, records of all communication, including confirmation of receipt and that efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained.</li></ul> <p><b>Guidance:</b></p> <p>Decisions that the growers or mills are planning to make must be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation under the processes established in the current legislation.</p> <p>Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These will consider the use of appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum. Communications must take into account, in case it is necessary, the differential access to information by women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.</p> <p>Consideration will be given to involve third parties, such as disinterested community groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.</p> <p>The national legislation takes into account mechanisms and/or communication processes that must be fulfilled.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.3	There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.	<p><b>Indicators:</b></p> <p>6.3.1 The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested.</p> <p>6.3.2 Documentation of both the process by which a dispute was resolved and the outcome shall be available.</p> <p><b>Specific Guidance:</b></p> <p>For 6.3.1: The system must aim to reduce the risks of reprisal.</p> <p><b>Guidance:</b></p> <p>See also to Criterion 1.2.</p> <p>Conflict resolution mechanisms will be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints will be dealt with by mechanisms established by the company in its complaints and claims procedure, with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>For scheme small producers and small independent producers, refer to the current RSPO Guidance for small producers.</p> <p>Where a resolution is not found mutually, it is recommended to follow the guidelines of the Law of Arbitration and Mediation of the Republic of Ecuador, and complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework', 2011.</p> <p>Each business unit will establish mechanisms for the reception and management of complaints and claims where a registration system is taken into account and the anonymity of the claimant is guaranteed when requested.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.4	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><b>Indicators:</b></p> <p>6.4.1 A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.</p> <p>6.4.2 A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of recently established and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.</p> <p>The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.</p> <p><b>Specific Guidance:</b></p> <p><b>For 6.4.1:</b> The procedure should take into account that the identification of rights shall be implemented through a judicial or administrative act by the competent authority based on the current national legislation.</p> <p>For 6.4.2: Companies will make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in small producer schemes.</p> <p><b>Guidance:</b></p> <p>This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance.</p> <p>The procedure for the calculation and distribution of the compensations will be contained in the judicial or administrative resolutions that have been carried out.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.5	Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.	<p><b>Indicators:</b></p> <p>6.5.1 Documentation of pay and conditions shall be available.</p> <p>6.5.2 Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc.) shall be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>6.5.3 In accordance with the Regulation of Health and Occupational Safety established by law, growers and millers shall provide adequate housing, water supplies, and medical services where no such public facilities are available or accessible, and facilitate access to education.</p> <p>6.5.4 Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food.</p> <p>Ecuador counts on a vital minimum salary, which is obligatory for all the national territory, that is reviewed annually by the competent authority and is indexed to the inflation.</p> <p>The fulfillment of the legal minimum standards will be demonstrated with the existence of: payrolls, contracts, affiliation to the obligatory social security insurance and fulfillment of the obligations established by the Ministry of Labor.</p> <p>Refer to Ministerial Agreement 060 that defines the Contracting of Workers of the Oil Palm Sector.</p> <p>Under no circumstance will forced labor be used according to conventions 29 and 105 of the ILO and others.</p> <p>Verification of the efforts to obtain adequate nutrition must be made in accordance with the plans of Health and Occupational Safety regulated by law.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.6	<p>The employer 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><b>Indicators:</b></p> <p>6.6.1 A published statement in local languages recognising freedom of association shall be available.</p> <p>6.6.2 Minutes of meetings with main trade unions or workers representatives shall be documented.</p> <p><b>Guidance:</b></p> <p>The right of employees, including migrant and recently established workers and contract workers, to form associations and bargain collectively with their employer must be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, will be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>Migrant workers will have the right to the same working conditions as ecuadorian workers, taking into account their migratory status, according to the current legislation in Ecuador.</p> <p>The document of declaration can be made as a sworn statement before a public notary where the commitment of the employer to fulfill the rights of the workers is established in accordance with the current Ecuadorian legislation.</p>
6.7	<p>Children are not employed or exploited.</p>	<p><b>Indicators:</b></p> <p>6.7.1 There shall be documentary evidence that minimum age requirements are met.</p> <p><b>Guidance:</b></p> <p>The Ecuadorian legislation through the Labor Code establishes that the minimum working age is 16 years, considering a maximum of 6 hours daily and a weekly workload of 30 hours and it will be organized in such a way so as not to limit the right to an effective education and in addition, for purposes of remuneration, the provisions established in Art. 119 of the Labor Code and in Agreement 138 of the ILO will be applied. Night work for minors less than 18 years of age is prohibited. The prohibitions mentioned in the Code of Childhood and Adolescence will be followed, as well as work that is prohibited work prohibitions for adolescents as determined by the National Council of Childhood and Adolescence.</p> <p>Please refer to the current RSPO Guidance for small producers.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.8	Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.	<p><b>Indicators:</b></p> <p>6.8.1 A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented.</p> <p>6.8.2 Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.</p> <p>6.8.3 It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.</p> <p><b>Guidance:</b></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 must not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.9	There is no harassment or abuse in the work place, and reproductive rights are protected.	<p><b>Indicators:</b></p> <p>6.9.1 A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.2 A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.3 A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce.</p> <p><b>Specific Guidance:</b></p> <p>For 6.9.1 and 6.9.2: These policies must include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which will include representatives from all areas of work, will address such issues as: training on women's rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; 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, in accordance with that established in the current legislation.</p> <p>For 6.9.2: see Indicator 4.6.12.</p> <p><b>Guidance:</b></p> <p>A clear policy must be developed in consultation with employees, contract workers and other relevant stakeholders, and the policy must be publicly available. Progress in implementing the policy must be regularly monitored, and the results of monitoring activities will be recorded.</p> <p>Notwithstanding national legislation and regulation, reproductive rights will be respected</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.10	Growers and millers deal fairly and transparently with smallholders and other local businesses.	<p><b>Indicators:</b></p> <ul style="list-style-type: none"><li>6.10.1 Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</li><li>6.10.2 Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</li><li>6.10.3 Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.</li><li>6.10.4 Agreed payments shall be made in a timely manner.</li></ul> <p><b>Guidance:</b></p> <p>Transactions with small independent producers will 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 4.2) should also be considered; where it is not practicable to recycle wastes to small independent producers, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Small independent producers will have access to the grievance procedure under Criterion 6.3 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for out growers who are contractually obliged to sell all FFB to a particular mill.</p> <p>If mills require small independent producers to change their practices to meet the RSPO Principles and Criteria, advance payments for FFB could be considered to cover the costs of such changes.</p> <p>In business practices, the Statutory Law of Regulation and Control of the Power of the Market will be considered, established in the current legislation as it pertains to contractual agreements.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.11	Growers and millers contribute to local sustainable development where appropriate.	<p><b>Indicators:</b></p> <p>6.11.1 Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p>6.11.2 Where there are scheme small producers, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.</p> <p><b>Guidance:</b></p> <p>Contributions to local development will be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation must be based on the principles of transparency, openness and participation, and will encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference must always be given to members of local communities. Positive discrimination must not be recognised as conflicting with Criterion 6.8. Efforts must be made to identify independent smallholders in the supply base.</p> <p>Where sourcing of fruit is from identified independent smallholders, efforts must be made to contribute to the improvement of their farming practices.</p> <p>The companies will contribute to local development through their policies of social responsibility while keeping in mind the exclusive role of the State.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.12	No forms of forced or trafficked labour are used.	<p><b>Indicators:</b></p> <p>6.12.1 There shall be evidence that no forms of forced or trafficked labour are used.</p> <p>6.12.2 Where applicable, it shall be demonstrated that no contract substitution has occurred.</p> <p>6.12.3 Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.</p> <p><b>Specific Guidance:</b></p> <p>For 6.12.1: Workers must enter into employment voluntarily and freely, without the threat of a penalty, and will have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy must include:</p> <ul style="list-style-type: none"><li>• Statement of the non-discriminatory practices;</li><li>• No contract substitution;</li><li>• Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.;</li><li>• Decent living conditions to be provided.</li></ul> <p><b>Guidance</b></p> <p>Migrant workers must be legalised, and a separate employment agreement will be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a decent living wage.</p> <p>Passports must only be voluntarily surrendered.</p> <p>There must be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance must be used on contract substitution.</p>



## PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.13	Growers and millers respect human rights.	<p><b>Indicators:</b> 6.13.1 A policy to respect human rights shall be documented and communicated to all levels of the workforce and operations (see Criteria 1.2 and 2.1).</p> <p><b>Guidance:</b> See also Criterion 6.3. All levels of operations will include contracted third parties (e.g those involved in security).</p> <p><b>Note:</b> From the UN Guiding Principles on Business and Human Rights: “The responsibility of business enterprises to respect human rights refers to internationally recognised 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 Labour Organization’s Declaration on Fundamental Principles and Rights at Work” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.1	A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantations or operations, or expanding existing ones, and the results incorporated into planning, management and operations.	<p><b>Indicators:</b></p> <p>7.1.1 An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p>7.1.2 Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p> <p>7.1.3 Where the development includes an out grower scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention.</p> <p><b>Specific Guidance</b></p> <p>For 7.1.1 The Environmental and Social Evaluation corresponds to that determined by the National Environmental Authority.</p> <p><b>Guidance:</b></p> <p>See also Criteria 5.1 and 6.1.</p> <p>The terms of reference are defined by the National Environmental Authority and impact assessment is carried out by accredited independent consultants, in order to ensure an objective process. Both activities can be done by the same body. A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs must be involved through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p> <p>It is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p> <p>The potential impacts of all major proposed activities will be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.

PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

- Assessment of the impacts of all major planned activities, including plantation, mill operations, roads and other infrastructure;
- Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected;
- Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems;
- Identification of watercourses and wetlands and assessment of potential effects on hydrology and soil subsidence of planned developments. Measures will be planned and implemented to maintain the quantity, quality and access to water and soil resources;
  - Baseline soil surveys and topographic information, including the identification of steep slopes as defined in the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding;
  - Analysis of type of land—of the vegetation cover in the area where the plantation is developed (forest, degraded forest, cleared land);
  - Analysis of property, land ownership and user rights;
  - Analysis of current land use patterns;
  - 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;
  - Identification of activities which may generate significant GHG emissions.

Plans and field operations will be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development may not proceed because of the magnitude of potential impacts.

For small associated producers, the scheme management is responsible for addressing compliance with this criterion. For individual smallholders, this criterion will not be applied.

For land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.

The National Interpretation will identify the relevant accreditations for independent consultants.



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.2	Soil surveys and topographic information are used for site planning in the establishment of new plantations, and the results are incorporated into plans and operations.	<p><b>Indicators:</b></p> <p>7.2.1 Soil suitability maps or soil surveys adequate to establish the long-term suitability of soil for oil palm cultivation shall be available and taken into account in plans and operations.</p> <p>7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations.</p> <p><b>Guidance:</b></p> <p>These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but it is not required to be done by independent experts.</p> <p>Soil suitability maps or soil surveys must be appropriate to the scale of operation and 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 must be identified (see Criteria 4.3 and 7.4). This information will be used to plan planting programmes, etc. Measures must be planned to minimise 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 will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information on soil suitability will be based on official information issued by the competent authorities, and it must be obtained by the small independent producers.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.3	New plantations since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.	<p><b>Indicators:</b></p> <p>7.3.1 There shall be evidence that no new plantations have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantations shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p>7.3.2 A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new plantations. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.</p> <p>7.3.3 Dates of soil preparation and commencement shall be recorded.</p> <p>7.3.4 An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).</p> <p>7.3.5 Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p> <p><b>Specific Guidance:</b></p> <p>For 7.3.1: Evidence could include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps could be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.

PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

**Guidance:**

This Criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place since November 2005.

The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments will be conducted according to the National Interpretation of the HCV criteria or according to the current Global HCV Toolkit.

Developments must actively seek to utilise previously cleared and/or degraded land on mineral soil. Plantation development must not put indirect pressure on forests through the use of all available agricultural land in an area.

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

In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardise large areas or species, an independent assessment will be required. HCV areas can be very small.

Once established, new developments should comply with Criterion 5.2.



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.4	Extensive plantation on steep terrain, and/or marginal and fragile soils, including peat, is avoided.	<p><b>Indicators:</b></p> <p>7.4.1 Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided</p> <p>7.4.2 Where limited plantation on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.</p> <p><b>Guidance:</b></p> <p>This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils must be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.5	<p>No new plantations are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. 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><b>Indicators:</b></p> <p>7.5.1 Evidence must be available that 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 grower/miller is signed and ratified by these local peoples.</p> <p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p><b>Guidance:</b></p> <p>This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantations are considered to be acceptable, management plans and operations must 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 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantations.</p> <p>Free, prior and informed consent (FPIC) is a guiding principle and must be applied to all RSPO members throughout the supply chain. Refer to the current RSPO approved FPIC guidance.</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.6	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 free, prior and informed consent and negotiated agreements.	<p><b>Indicators:</b></p> <p>7.6.1 Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p>7.6.2 A system for identifying people entitled to compensation shall be in place.</p> <p>7.6.3 A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p> <p>7.6.4 Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p>7.6.5 The process and outcome of any compensation claims shall be documented and made publicly available.</p> <p>7.6.6 Evidence shall be available that the affected communities and rights holders have access to 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><b>Specific Guidance:</b></p> <p>For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to the operator.</p> <p><b>Guidance:</b></p> <p>Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance. This requirement includes indigenous peoples (see Annex 1). Refer to the current RSPO approved FPIC guidance</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.7	No use of fire in the preparation of new plantations other than in specific situations, as identified by the Environmental Authority.	<p><b>Indicators:</b></p> <p>7.7.1 (M) There shall be no soil preparation by burning, other than in specific situations, as determined by the Competent Environmental Authority in Art. 158 of Book VI of TULAS. 7.7.1</p> <p>7.7.2 In exceptional cases where fire has to be used for preparing land soil for planting, there shall be evidence of prior approval of the controlled burning as specified by the Competent Environmental Authority.</p> <p><b>Specific Guidance:</b></p> <p>For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p><b>Guidance:</b></p> <p>Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution are required for use of fire on peat. This will be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.8	Preamble	<p>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</p> <p>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology.</p> <p>Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).</p> <p>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</p>
7.8	New plantation developments are designed to minimise net greenhouse gas emissions.	<p><b>Indicators:</b></p> <p>7.8.1 The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.</p> <p>7.8.2 There shall be a plan to minimise net GHG emissions which takes into account the avoidance of new plantations in areas that have soil with high carbon stocks and/or sequestration options.</p> <p><b>Specific Guidance:</b></p> <p>For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The carbon assessment tool for new plantations (Carbon Assessment Tool for New Oil Palm Planting) of RSPO will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.</p> <p>The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantations.</p>



## PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>Parties seeking to use an alternative tool for new plantations will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>For 7.8.2: Growers are strongly encouraged to establish new plantations on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.</p> <p>Growers and millers must plan to implement RSPO best management practices for the minimisation of emissions during the development of new plantations.</p> <p><b>Guidance</b></p> <p>This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.</p> <p>Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the carbon assessment tool for new plantations of RSPO, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers must ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, soil use and land use change emissions under Criterion 5.6.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>



## PRINCIPLE 8: COMMITMENT TO CONTINUAL IMPROVEMENT IN KEY AREAS OF ACTIVITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
8.1	Growers and millers regularly monitor and review their activities, and develop and implement action plans that allow demonstrable continual improvement in key operations.	<p><b>Indicators:</b></p> <p>8.1.1 The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria.</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"><li>• Reduction in use of pesticides(Criterion 4.6);</li><li>• Environmental impacts (Criteria 4.3, 5.1 and 5.2);</li><li>• Waste reduction (Criterion 5.3);</li><li>• Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8);</li><li>• Social impacts (Criterion 6.1);</li><li>• Optimising the yield of the supply base.</li></ul> <p><b>Guidance:</b></p> <p>Growers will have a system of best practices in accordance 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 continual improvement.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>

## DEFINITIONS

**Environmental Impact Assessment:** A process of predicting and evaluating the effects of an action or series of actions on the environment, then using the conclusions as a tool in planning and decision-making.

**Family farm:** 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 labour used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 hectares in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.

**Grower:** The person or entity that owns and/or manages an oil palm development.

**High Conservation Value (HCV) Areas:** The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):

- **HCV 1 – Species diversity.** Concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels.
- **HCV 2 - Landscape-level ecosystems and mosaics.** Large landscape-level ecosystems and ecosystem mosaics 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.
- **HCV 3 - Ecosystems and habitats.** Rare, threatened, or endangered ecosystems, habitats or refuges.

- **HCV 4 - Critical ecosystem services.** Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.

- **HCV 5 - Community needs.** 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.

- **HCV 6 - Cultural values.** 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.

Note: RSPO will develop coherent guidance for standardised identification, management and monitoring (and other types of relevant guidance) of HCVs which would include guidance for compatibility of national toolkits as necessary

**Integrated Pest Management (IPM):** 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. (FAO 2013:

<http://www.fao.org/agriculture/crops/core-themes/theme/pests/ipm/en/>)

**ISO Standards:** Standards developed by the International Organization for Standardization (ISO: see <http://www.iso.ch/iso>).

**Livelihood:** 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.

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.

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.

(Compiled from various definitions of livelihoods from DfID, IDS and FAO and academic texts from:

<http://www.fao.org/docrep/X0051T/X0051t05.htm>).

**Miller:** A person or entity that operates a Palm Oil Mill.

**Natural vegetation:** Areas where many of the principal characteristics and key elements of native ecosystems such as complexity, structure and diversity are present.

**Operations:** All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.

**Operator:** A person or entity that runs a business, machine, facility etc.

**Origin of fresh fruit bunch (FFB): Source of FFB** entering a mill (see Indicator 4.1.4). RSPO members acknowledge the need for responsible operators to practise due diligence in sourcing of FFB from third parties to reduce the risk that unsustainable products are entering the certified supply chain. However it is also recognised that there are significant challenges in tracing all such supplies back to their point of origin. Therefore, as a minimum the mill must record the particulars of the party from which the FFB was sourced at the mill gate.

Note: As stated in the preamble, the millers will commit to a process whereby they aim to source third party FFB from identified, legal and responsible sources.

**Outgrowers:** Farmers, where the sale of FFB is exclusively contracted to the grower/miller. Outgrowers may be smallholders.

**Pesticide:** Substances or mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorized into four main constituent chemicals: herbicides; fungicides; insecticides and bactericides.

**Plan** – A time-bound and detailed scheme, programme, 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.

**Plantation:** The land containing oil palm and associated land uses such as infrastructure (e.g., roads), riparian zones and conservation set-asides.

**Primary Forest:** A primary forest is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The present cover is normally relatively close to the natural composition and has arisen (predominantly) through natural regeneration. (From FAO Second Expert Meeting On Harmonizing Forest-related Definitions for Use by Various Stakeholders, 2001, [http://www.fao.org/documents/show\\_cdr.asp?url\\_file=/DOCREP/005/Y4171E/Y4171E11.htm](http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4171E/Y4171E11.htm)).

Note: National interpretations should consider whether a more specific definition is required.

**Prophylactic:** A treatment or course of action applied as a preventive measure.

**Restore:** Returning degraded or converted areas within the plantation to a semi-natural state.

**Rights** are legal, social, or ethical principles of freedom or entitlement:

- **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. (From World Bank Operational Policy 4.10 - <http://go.worldbank.org/6L01FZTD20>).
- **Legal rights:** Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations

- **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. (From FSC Principles & Criteria: <https://ic.fsc.org/download.revised-fsc-pc-v-5-0-high-resolution.a-871.pdf>)
- **Demonstrable rights** are those rights that are demonstrated through participatory user mapping as part of an FPIC process.

Note: Where there is a national interpretation, these rights shall be further defined taking into account national obligations, constitutions, local laws and regulations, consistent with the generic definitions, including development of adequate guidance on a process to avoid or resolve any conflicts between customary rights (as defined above) and the nationally recognised customary rights.

**Smallholders:** Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labour and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 hectares in size.

- **Scheme smallholders** – Smallholders that may be structurally bound by contract, credit agreement or by planning to a particular mill, but the association is not necessarily limited to such linkages. Other terms commonly used for scheme smallholders include associated and/or plasma smallholders.
- **Independent smallholders** – Smallholders that are not bound by any contract, credit agreement or planning to a particular mill.

**Stakeholders:** An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organisation and the consequences of those activities.

**Undue influence:** 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.

**Workforce:** The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.

- **Migrant worker:** 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.
- **Transmigrant worker:** a person who migrates from one part of the country to another with a view to being employed otherwise than on his own account

## Annex 1: Key international laws and conventions applicable to the production of palm oil

The following is a listing of the key international laws and conventions applicable to the production of palm oil which should be taken into account as appropriate in developing national interpretations. National Interpretations shall identify which of the listed international standards and/or conventions have been ratified and when in the relevant country. The RSPO P&C strive to achieve international best practice so all RSPO members must comply with the relevant parts of the P&Cs where they refer to the standards and/or conventions even if they have not been ratified nationally.

Principles	International Standards	Key Provisions	Summary Of Protections
Ethical business conduct	United Nations Convention Against Corruption (2000)	Article 12	<p>Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct for business activities and preventing conflicts of interest.</p> <p>Promoting transparency.</p> <p>Ensuring that companies have sufficient internal auditing controls to prevent corruption.</p>
Respect for human rights	<p>United Nations Guiding Principles on Business and Human Rights (2011)</p> <p>International Bill of Human Rights</p> <ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights (1948)</li> <li>• International Covenant on Civil and Political Rights</li> <li>• International Covenant on Economic, Social and Cultural Rights</li> </ul>	<p>Principles 11 to 24</p> <p>Articles 1 – 30</p> <p>Articles 1 – 27</p> <p>Articles 1 – 15</p>	<p>Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organization size, sector of operation or ownership</p>
Just Land Acquisition	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 13- 19	<p>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.</p>
Just Land Acquisition	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 25, 26	<p>Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.</p>

Principles	International Standards	Key Provisions	Summary Of Protections
Fair Representation and Participation of Indigenous and Tribal Peoples	UN Convention on Biological Diversity (1992)	Article 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 6-9	Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve offences according to customary law (compatible with international human rights).
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).	Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
	Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.	UNCERD Committee. UN Committee on Social Cultural and Economic Rights, Inter-American Commission on Human Rights.	Free Prior Informed Consent for decisions that may affect indigenous peoples.  (This standard has been widely accepted as a 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN and WWF).
No Forced Labour	ILO Convention 29 (1930) Forced Labour	Article 5	No concession to companies shall involve any form of forced or compulsory labour.
	ILO Convention 105 (1957) Abolition of Forced Labour	Article 1	Not make use of any form of forced or compulsory labour.

Principles	International Standards	Key Provisions	Summary Of Protections
Protection of Children	ILO Convention 138 (1973) Minimum Age	Articles 1-3	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	ILO Convention 182 (1999) Worst Forms of Child Labour	Articles 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children
Freedom of Association and Collective Bargaining	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise	Articles 2-11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.
	ILO Convention 98 (1949) Right to Organise and Collective Bargaining	Articles 1-4	Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.
	ILO Convention 141 (1975) Rural Workers' Organisations	Articles 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development

Principles	International Standards	Key Provisions	Summary Of Protections
Non-Discrimination and Equal Remuneration	<p>ILO Convention 100 (1951) Equal Remuneration</p> <p>ILO Convention 111 (1958) Discrimination (Employment and Occupation)</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007)</p>	<p>Articles 1-3</p> <p>Articles 1-2</p> <p>Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)</p>	<p>Equal remuneration for men and women for work of equal value.</p> <p>Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.</p> <p>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</p>
Just employment of Migrants	<p>ILO Convention 97 (1949) Migration for Employment</p> <p>ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)</p>	<p>Articles 1-12</p>	<p>Provision of information; no obstacles to travel; provision of health care; non-discrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings</p> <p>Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.</p>
Protection of Plantation Workers	<p>ILO Convention 110 (1958) Plantations</p>	<p>Articles 5-91</p>	<p>Protection of members of families of recruited workers; protection of 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 organise and collective bargaining; proper labour inspection; decent housing and medical care.</p>

Principles	International Standards	Key Provisions	Summary Of Protections
Protection of Tenants and Sharecroppers	ILO Recommendation 132 (1968) Tenants and Sharecroppers	Articles 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organisation; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Articles 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety wrt workplaces, machinery, equipment, chemicals, tools and processes; ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and women workers; coverage against occupational injuries and disease.
Control or Eliminate Use of Dangerous Chemicals and Pesticides	Stockholm Convention on Persistent Organic Pollutants (2001)	Articles 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane, PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenzene).
	FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Article 5	Curtail use of dangerous pesticides where control is difficult; ensure use of protective equipment and techniques; provide guidance for workers on safety measures; provide extension service to smallholders and farmers; protect workers and bystanders; make available full information on risks and protections; protect biodiversity and minimize impacts on environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.

Principles	International Standards	Key Provisions	Summary Of Protections
------------	-------------------------	----------------	------------------------

Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)

UN Declaration on the Rights of Indigenous Peoples (2007)

Articles 1, 5 and 6

Articles 21(1), 23, 24, 29(3)

Curb trade in banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.

Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.

## **Annex 2: National laws applicable to the production of palm oil**

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

**Annex 2: National laws applicable to the production of palm oil**

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

### PRINCIPLE 1. COMMITMENT TO TRANSPARENCY

PRINCIPLE	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
1.1	Growers and millers provide 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.	<p><b>Indicators:</b></p> <p>1.1.1 There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to stakeholders for effective participation in decision making.</p> <p>1.1.2 Records of requests for information and responses shall be maintained.</p> <p><b>Specific Guidance:</b></p> <p>For 1.1.1: Evidence must be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p>For 1.1.1: The relevant aspects are those defined as participative according to the current legislation and with the RSPO norm (Criteria 2.3, 5.1 and 6.1).</p> <p>For 1.1.2: The storage time of documents (registries, archives, etc.) must be in agreement with the nature and relevance of the document and the fulfilling the applicable national legislation.</p> <p><b>Guidance:</b></p> <p>Growers and millers must have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe of up to 15 business days to respond to requests for information. Growers and millers must respond constructively and promptly to requests for information from stakeholders.</p> <p>Growers and millers must ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.</p> <p>See Criterion 1.2 for requirements relating to publicly available documentation.</p> <p>See Criterion 6.2 on consultation.</p> <p>See Criterion 4.1 on SOPs.</p>	<p>•Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008.</p> <p>Arts. 16 - 17- 57- 60- 91- 208- 321- 323- 436</p> <p>•Ley Orgánica de Transparencia y Acceso a la Información Pública, Registro Oficial Suplemento No. 337 de 18 de Mayo de 2004.</p> <p>Arts. 2- 8- 9- 10- 20- 21- 22.</p> <p>•Ley Orgánica de Participación Ciudadana. Registro Oficial Suplemento N° 175 de 20 de Abril de 2010.</p> <p>Arts. 3- 4- 87- 96- 97- 99- 100</p> <p>•Plan Nacional del Buen Vivir 2013-2017. Resolución N° CNP-002-2013. Registro Oficial Suplemento N° 78 de 11 de Septiembre de 2013.</p> <p>OBJETIVO N° 2</p> <p>•Ley Orgánica de Garantías Jurisdiccionales y Control Constitucional. Registro Oficial Segundo Suplemento N°52 de 22 de Octubre del 2009.</p> <p>Arts. 39- 47</p>
1.2	Management documents are publicly available, except	<p><b>Indicators:</b></p> <p>1.2.1 Publicly available documents shall include, but are not necessarily limited to:</p>	<p>•Código Orgánico General de Procesos. Registro Oficial Suplemento N°506 de 22 de mayo de 2015 (Que entrará en</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

	<p>where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.</p>	<ul style="list-style-type: none"> <li>• Land titles/user rights (Criterion 2.2);</li> <li>• Occupational health and safety plans (Criterion 4.7);</li> <li>• Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8);</li> <li>• HCV documentation (Criteria 5.2 and 7.3);</li> <li>• Pollution prevention and reduction plans (Criterion 5.6);</li> <li>• Details of complaints and grievances (Criterion 6.3);</li> <li>• Negotiation procedures (Criterion 6.4);</li> <li>• Continual improvement plans (Criterion 8.1);</li> <li>• Public summary of certification assessment report;</li> <li>• Human Rights Policy (Criterion 6.13).</li> </ul> <p><b>Guidance:</b> This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents will include monitoring reports. The auditors will comment on the sufficiency 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 must 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 must have access to relevant information. 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.</p> <p>Growers and millers must 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.</p>	<p>plena vigencia en mayo de 2016). Art.8</p> <p>•Código Orgánico de Organización Territorial, Autonomía y Descentralización. Registro Oficial Suplemento N°303 de 19 de Octubre 2010. Art.303-362</p> <p>•Texto Unificado de Legislación Ambiental Secundaria (TULAS) Decreto Ejecutivo N° 3516 31 de Marzo de 2003. Arts. 44-45-46</p> <p>•Sistema Único de Manejo Ambiental (SUMA, Libro VI, de la Calidad Ambiental, Decreto No. 3516)</p> <p>•Ley de Gestión Ambiental Registro Oficial Suplemento N°418 de 10 de Septiembre de 2004. Arts.12- 28-29</p> <p>•Ley de Compañías. Registro Oficial N° 312 de 5 de Noviembre de 1999. Arts. 440</p>
1.3	Growers and millers commit to ethical conduct in all business operations and transactions.	<p><b>Indicators:</b></p>	<p>•Código del Trabajo, Registro Oficial Suplemento 167 de 16 de diciembre 2005. Arts.44-45</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations.</p> <p><b>Guidance:</b> All levels of the operations will include contracted third parties (e.g. those involved in security).</p> <p>The policy must include as a minimum:</p> <ul style="list-style-type: none"> <li>• A respect for fair conduct of business;</li> <li>• A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources;</li> <li>• A proper disclosure of information in accordance with applicable regulations and accepted industry practices.</li> </ul> <p>The policy must be set within the framework of the UN Convention against Corruption, in particular Article 12.</p>	<p>•Código Orgánico de la Producción, Comercio e Inversiones. Registro Oficial Suplemento N° 351 de 29 de diciembre de 2010. Art.59</p> <p>•Código Orgánico Monetario y Financiero. Libro II. Registro Oficial Suplemento 215 de 22 de Febrero de 2006. Art. 48</p> <p>•Ley Orgánica de Regulación y Control del Poder de Mercado. Registro Oficial Suplemento N°555 de 13 de octubre de 2011. Arts. 4 -2 – 7 - 9 - 25 - 26 - 27 - 71.</p> <p>•Ley Reformatoria para la Equidad Tributaria del Ecuador. Registro Oficial Suplemento 242 de 29 de diciembre de 2007. Art.29</p> <p>•Ley Orgánica del Régimen de la Soberanía Alimentaria. Registro Oficial Suplemento N° 583 de 05 de mayo de 2009. Arts. 2- 21</p> <p>•Políticas de Estado para el Sector Agropecuario. Decreto Ejecutivo 1419. Registro Oficial N° 281 de 31 de mayo de 2006.</p>
--	--	--	--

### PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
2.1	There is compliance with all applicable local, national and ratified international laws and regulations.	<p><b>Indicators:</b></p> <p>2.1.1 Evidence of compliance with relevant legal requirements shall be available.</p> <p>2.1.2 A documented system, which includes written information on legal requirements, shall be maintained.</p> <p>2.1.3 A mechanism for ensuring compliance shall be implemented.</p> <p>2.1.4 A system for tracking any changes in the law shall be implemented.</p> <p><b>Specific Guidance:</b> For 2.1.4: The systems used for tracking any changes in laws and regulations must be appropriate to the scale of the organisation.</p> <p><b>Guidance:</b></p>	<p>•Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008. Art. 57- 60- 66- 282- 321- 323- 376</p> <p>•Código Civil, Registro Oficial Suplemento 46, 24 de junio 2005. Arts.3 -6</p> <p>• Ley Orgánica de Participación Ciudadana. Registro Oficial Suplemento N° 175 de 20 de Abril de 2010. Art. 2</p> <p>• Código Orgánico de Organización Territorial, Autonomía y Descentralización, Registro Oficial Suplemento N°303 de 19 de Octubre 2010. Art.3</p> <p>•Ley de Propiedad Intelectual, Registro Oficial 426 del 29 de</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

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, labour, agricultural practices (e.g. agrochemical 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). Even more, where countries have provisions to respect customary law, these will be taken into account.

Key international laws and conventions are set out in Annex 1

Contradictions and inconsistencies must be identified and solutions must be suggested.

Noviembre del 2006.

Art.1

•Ley de Tierras Baldías y Colonización. Registro Oficial Suplemento N°315 de 16 de abril 2004

Art.1, 9, 27,28, 21, 29, 34

•Instructivo Verificación Planes de Manejo de Explotación de Predios. Registro Oficial Suplemento N°270 de 18 de junio de 2014.

Art. 3

•Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado. Acuerdo Ministerial N°265. Registro Oficial N°206 de 7 de noviembre 2007.

Arts.2- 3- 5- 14-20.

•Delimitación y Declaratoria de Zonas de Reserva y Parques Nacionales, Acuerdo Ministerial N°322. Registro Oficial N°69 de 20 noviembre 1979.

Art.1

•Código Orgánico Integral Penal. Registro Oficial Suplemento N° 180 de 10 de febrero de 2014

Art. 201

•Código Civil, Registro Oficial Suplemento 46, 24 de junio 2005. Art.599, 600, 603, 622, 658, 718.

•Código de Procedimiento Civil, Registro Oficial Suplemento 58, 12 de julio 2005. Art. 668

•Código Orgánico de Organización Territorial, Autonomía y Descentralización. Registro Oficial Suplemento N° 95 de 19 de octubre 2010.

Arts. 103, 308, 436, 447, 524

•Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, Decreto Ejecutivo N° 3609 Registro Oficial Suplemento 1, 20 de marzo 2003. (Arts. 23, 25, 26,34, 39)

•Ley de Desarrollo Agrario. Registro Oficial Suplemento N° 315, 16 de abril 2004.

Art.3, 12, 24, 43, 44, 46, 50,52

•Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008.

Arts. 32, 33, 34, 46.1, 47.5, 325, 326, 327, 369

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

•Código de la Niñez y Adolescencia. Registro Oficial N° 737 de 3 de enero de 2003.

Art.65

•Código Orgánico Integral Penal. Registro Oficial Suplemento N° 180 de 10 de febrero de 2014.

Art. 242, 243, 244

•Código del Trabajo, Registro Oficial Suplemento 167 de 16 de diciembre 2005

Arts. 1-40-42-45

•Ley de Seguridad Social. Registro Oficial Suplemento N° 465 de 30 de Noviembre de 2001.

Art. 5

•Reglamento de Seguridad y Salud de los Trabajadores. Decreto Ejecutivo 2393. Registro Oficial N°565 de 17 de noviembre de 1986.

Art. 6-11-12.

•Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008.

Arts. 32, 262, 263, 267, 320, 396, 410

•Ley de Sanidad Vegetal. Registro Oficial Suplemento N°315 de 16 de abril de 2004.

Art.1, 4, 16, 17

•Ley Orgánica de la Salud. Registro Oficial Suplemento N° 423 de 22 de diciembre 2006

Art. 8-66

•Reglamento para el Manejo de Desechos Sólidos. Acuerdo No. 14630 Registro Oficial 991 de 3 de agosto 1992.

Art. 1-12-95

•Ley Orgánica de Recursos Hídricos Usos y Aprovechamiento del Agua. Registro Oficial Suplemento. Registro Oficial Suplemento 305 de 06 de Agosto de 2014.

Art. 12 inc.6

•Ley de Fomento y Desarrollo Agropecuario. Decreto Supremo 3289. Registro Oficial N° 792 de 15 de marzo 1979.

Art. 1

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

- Política de Ecosistemas Andinos del Ecuador. Acuerdo Ministerial N°64. Registro Oficial N°60 de 5 noviembre 2009. Art. 1
- Texto Unificado de Legislación Secundaria del MAGAP. Decreto Ejecutivo 3609. Registro Oficial Suplemento 1 de 20 de marzo de 2003. Art. 4
- Texto Unificado de Legislación Secundaria Del Ministerio de Agricultura y Ganadería, Acuerdo Ministerial 177 R.O. 154, 25 de agosto de 2003. Art. 2
- Reglamento a la Ley sobre Sustancias Estupefacientes y Psicotrópicas. Registro Oficial Suplemento 637 de 07 de marzo de 1991. Art. 42
- Reglamento control de Sustancias Sujetas a Fiscalización y Medicamentos. Registro Oficial N°521 de 04 de febrero de 2009. Art. 1
- Ley de Comercialización y Empleo de Plaguicidas. Registro Oficial Suplemento 315 de 16 de abril de 2004. Art. 1-2
- Norma Nacional para Registro y Control de Plaguicidas Químicos. Registro Oficial 796 de 25 de septiembre de 2012. Art. 3-5
- Norma INEN 2 -176 Calidad de Agua - Muestreo
- Norma INEN 1-108 Agua Potable
- Norma INEN 2-226 Agua. Calidad de Agua. Muestreo. Diseño de los programas de muestreo.
- Norma INEN, Aceites y Grasas Vegetales y Animales Determinación del Contenido de Impurezas Insolubles, 2180-99
- Norma INEN, Grasa de Palma Africana Requisitos, 30-1974.

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

- Norma INEN, Grasas y Aceites Comestibles Muestreo, 1973-08.
- Norma INEN, Grasas Comestibles y Aditivos, 46-1973.
- Norma INEN, Grasas y Aceites Comestibles Determinación de Adulteraciones, 44-1973.
- Norma INEN, Grasas y Aceites Comestibles Determinación de la Acidez, 38-1973
- Norma INEN, Grasas y Aceites Comestibles Determinación de la Densidad Relativa, 35-1973
- Norma INEN, Grasas y Aceites Comestibles Determinación de la Materia Insaponificable, 41-1973.
- Norma INEN, Grasas y Aceites Comestibles Determinación de la Pérdida por Calentamiento, 39-1973
- Norma INEN, Grasas y Aceites Comestibles Determinación del Color, 473-1980.
- Norma INEN, Grasas y Aceites Comestibles Determinación del Índice de Saponificación, 40-1973.
- Norma INEN, Grasas y Aceites Comestibles Determinación del Índice de Yodo, 37-1973.
- Norma INEN, Grasas y Aceites Comestibles Determinación del Punto de Fusión, 474-1980.
- Norma INEN, Grasas y Aceites Comestibles Determinación del Título, 43-1973
- Norma INEN, Grasas y Aceites Comestibles Ensayo de Rancidez, 45-1973.
- Norma INEN, Grasas y Aceites Comestibles , Envasado y Rotulado, 06-1973.
- Norma INEN, Grasas y Aceites Comestibles Preparación de la Solución de WIJS, 36-1973.
- Norma INEN, Grasas y Aceites Comestibles Determinación del

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Índice de Refracción, 42-1973.

- Norma INEN, Productos Grasos Comestibles. Definiciones y Clasificación, NTE-INEN 7-1973.

- Norma INEN, Productos Líquidos Empaquetados. Procedimiento de Inspección y Prueba de Paquetes de Contenido Neto Constante, 482-1980.

- Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008.

Arts. 14, 15, 66.27, 83, 276, 395, 396, 397, 398, 399

- Plan Nacional del Buen Vivir 2013-2017. Resolución N° CNP-002-2013 Objetivo 7. Registro Oficial Suplemento N° 78 de 11 de Septiembre de 2013.

Objetivo 7

Ley de Gestión Ambiental, R.O.S. 418. 10 de septiembre 2004  
Art. 1

- Ley de Prevención y Control de la Contaminación Ambiental, R.O.S. 418, 10 septiembre 2004.

Art. 2-12-13

- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro VI, de la Calidad Ambiental.

Art. 1-2-4

Anexo 1-2-3-4

- Procedimiento para Registro de Generadores de Desechos Peligrosos. Acuerdo Ministerial N°26. Registro Oficial Suplemento N°334 de 12 de mayo de 2008.

Art. 1-2

- Límites Máximos Permisibles de Emisión en Hidrocarburos. Acuerdo Ministerial N°91. Registro Oficial 430 de enero 2007

Art. 1-2-3

- Manual Operativo del Reglamento para la Prevención y Control de la Contaminación Ambiental Originada por la Emisión de Ruidos. Acuerdo No. 7789.

Art. 1

- Ley Forestal y de Conservación de Áreas Naturales y de Vida Silvestre, Registro Oficial Suplemento N°418 de 10 de septiembre de 2004.

Art. 1

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

- Ley Orgánica de Participación Ciudadana. Registro Oficial Suplemento N°175 de 20 de abril de 2010.  
Art. 2
- Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008.  
Arts.15, 396, 397
- Ley Orgánica de Transporte Terrestre, Tránsito y Seguridad Vial, Registro Oficial Suplemento N°398 de 7 de Agosto de 2008.  
Art. 1-2
- Reglamento a Ley de Transporte Terrestre Transito y Seguridad Vial. Registro Oficial Suplemento N° 731 de 25 de junio de 2012.  
Art. 1
- INEN 2-204 Gestión Ambiental de Vehículos
- INEN 2- 207 Gestión ambiental. Aire. Vehículos automotores. Límites permitidos de emisiones producidas por fuentes móviles terrestres de diesel
- Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008.  
Arts. 52- 276-284-302-396
- Ley Orgánica de Economía Popular y Solidaria del Sistema Financiero, Registro Oficial 444, 10 de mayo de 2011.  
Art. 2-3
- Código Orgánico de la Producción, Comercio e Inversiones, Registro Oficial Suplemento N° 351, 29 de diciembre 2010.  
Art. 1-3
- Convenio de Estocolmo sobre Contaminantes Orgánicos Persistentes, R.O. 381, 20 de julio 2004.  
Art. 1-3
- Convenio de Basilea sobre el Control de los Movimientos Transfronterizos de los Desechos Peligrosos y su Eliminación, R.O.S. 153, 25 de noviembre 2005.  
Art. 1
- Convenio de Viena relativo a la Protección de la Capa de Ozono, R.O. 397, 16 de marzo 1990.  
Art. 2
- Convenio Marco de las Naciones Unidas sobre el Cambio

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>Climático, R.O. 562, 7 de noviembre 1994. Art. 2</p> <p>•Convenio para la Protección Obtenciones Vegetales, R.O. 109 16 de julio 1997. Art. 1-3</p> <p>•Decisión 562/03 Directrices para la elaboración, adopción y aplicación de Reglamentos Técnicos en los Países Miembros de la Comunidad Andina y a nivel comunitario, R.O. 162, 4 de septiembre 2003. Art. 2-3</p> <p>•Decisión 436/98 Norma Andina para el Registro y Control de Plaguicidas Químicos de Uso Agrícola, R.O. 23 10 de septiembre de 1998. Art. 1</p>
2.2	<p>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><b>Indicators:</b></p> <p>2.2.1 The documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</p> <p>2.2.2 Legal boundaries shall be clearly demarcated and visibly maintained.</p> <p>2.2.3 Where there exists or there have existed disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants must be available, and that these have been accepted with free, prior and informed consent (FPIC).</p> <p>2.2.4 There shall be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.</p> <p>2.2.5 For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</p> <p>2.2.6 To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations.</p> <p><b>Specific Guidance:</b></p> <p>For 2.2.2: Plantation operations must cease on land planted beyond the legally determined area and there must be specific plans in place to address such issues for associated smallholders.</p> <p>For 2.2.6: Company policy must prohibit the use of mercenaries and paramilitaries in their operations.</p> <p>Company policy must prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13).</p> <p>Guidance</p> <p>Where there is a conflict on the ownership of the land and property rights by title and/or possession rights, growers must show evidence that necessary action has been taken to resolve the conflict with relevant parties.</p>	<p>Ley de Tierras Baldías y Colonización. Registro Oficial Suplemento N°315 de 16 de abril 2004 . Arts.1- 9- 27-28- 21- 29- 34.</p> <p>Instructivo Verificación Planes de Manejo de Explotación de Predios. Registro Oficial Suplemento N°270 de 18 de junio de 2014. Art. 3</p> <p>Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado. Acuerdo Ministerial N°265. Registro Oficial N°206 de 7 de noviembre 2007. Arts.2- 3- 5- 14-20.</p> <p>Delimitación y Declaratoria de Zonas de Reserva y Parques Nacionales, Acuerdo Ministerial N°322. Registro Oficial N°69 de 20 noviembre 1979. Art.1</p> <p>Código Orgánico Integral Penal. Registro Oficial Suplemento N° 180 de 10 de febrero de 2014. Art. 201</p> <p>Ley de Arbitraje y Mediación R.O. 417 del 29 de noviembre de 2006. Art. 1-43</p> <p>Reglamento de funcionamiento de la Dirección de Mediación del MAGAP. R.O. 836 del 29 de octubre del 2012 Art. 2</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>A mechanism must be in place to facilitate the resolution of any conflict (Criteria 6.3 and 6.4).</p> <p>Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p>	
2.3	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.	<p><b>Indicators:</b></p> <p>2.3.1 Maps of an appropriate scale showing the extent of recognised legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).</p> <p>2.3.2 In the case that legal, customary or use of other users rights exist, copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:</p> <ul style="list-style-type: none"> <li>a) Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making;</li> <li>b) Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken;</li> <li>c) Evidence that the legal, economic, environmental and social implications for 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 company's title, concession or lease on the land.</li> </ul> <p>2.3.3 In the case that legal, customary or use of other users rights exist, all relevant information shall be available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p>2.3.4 The evidence must be available to show that communities are represented through institutions or representatives of their own choosing, including legal advice.</p> <p><b>Specific Guidance:</b></p> <p>For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.</p> <p><b>Guidance:</b></p> <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 2.3.1 and 2.3.2.</p> <p>Where there are legal or customary rights over land, the grower must demonstrate that these rights are understood and are not being threatened or reduced. This Criterion must be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these must be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).</p>	<p>Ley de Tierras Baldías y Colonización. Registro Oficial Suplemento N°315 de 16 de abril 2004. Arts.1- 9- 27-28- 21- 29- 34.</p> <p>Instructivo Verificación Planes de Manejo de Explotación de Predios. Registro Oficial Suplemento N°270 de 18 de junio de 2014. Art. 3</p> <p>Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado. Acuerdo Ministerial N°265. Registro Oficial N°206 de 7 de noviembre 2007. Arts.2- 3- 5- 14-20.</p> <p>Delimitación y Declaratoria de Zonas de Reserva y Parques Nacionales, Acuerdo Ministerial N°322. Registro Oficial N°69 de 20 noviembre 1979. Art.1</p> <p>Código Orgánico Integral Penal. Registro Oficial Suplemento N° 180 de 10 de febrero de 2014 Art. 201</p> <p>Código Orgánico de Organización Territorial, Autonomía y Descentralización. Registro Oficial Suplemento N° 95 de 19 de octubre 2010. Art. 57</p> <p>Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, Decreto Ejecutivo N° 3609 Registro Oficial Suplemento 1, 20 de marzo 2003. Art. 2</p> <p>Ley de Desarrollo Agrario. Registro Oficial Suplemento N° 315, 16 de abril 2004. Art. 27</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

This Criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and voluntary, 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. Adequate time must be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements must be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is a long-term benefit for all parties.

Companies must be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as 'eminent domain').

Growers and millers should refer to the current RSPO approved FPIC guidance ('FPIC and the RSPO: A Guide for Companies')

### PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY.

PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
3.1	There is an implemented management plan that aims to achieve long-term economic and financial viability	<p><b>Indicators:</b></p> <p>3.1.1 A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p>3.1.2 An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.</p> <p><b>Specific Guidance:</b></p> <p>For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none"> <li>• Attention to quality of planting materials;</li> <li>• Crop projection = Fresh Fruit Bunches (FFB) yield trends;</li> <li>• Mill extraction rates = Oil Extraction Rate (OER) trends;</li> <li>• Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends;</li> <li>• Forecast prices;</li> <li>• Financial indicators.</li> </ul> <p>Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need of a low yield during major replanting programmes).</p> <p><b>Guidance:</b></p> <p>Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management must be shall be able to demonstrate attention to economic and financial viability through long-term management planning. There must be</p>	<p>Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008. Arts.308- 309- 310- 320- 385</p> <p>Ley Orgánica de Participación Ciudadana. Registro Oficial Suplemento N° 175 de 20 de Abril de 2010. Art.70</p> <p>Plan Nacional del Buen Vivir 2013-2017. Resolución N° CNP-002-2013. Registro Oficial Suplemento N° 78 de 11 de Septiembre de 2013. OBJETIVO N° 9 y 10.</p> <p>Código Orgánico de Organización Territorial, Autonomía y Descentralización, Registro Oficial Suplemento N°303 de 19 de Octubre 2010. Arts.134-135</p> <p>Código Orgánico de la Producción, Comercio e Inversiones. Registro Oficial Suplemento N° 351 de 29 de diciembre de 2010. Arts. 3-5- 22- 24- 104.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

shall be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).

Consideration of smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme smallholders the content will vary from that suggested (refer to the current RSPO Guidance on Scheme Smallholders).

Growers must 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 (refer to the current RSPO Guidance for Independent Smallholders under Group Certification)

Ley Orgánica de Regulación y Control del Poder de Mercado. Registro Oficial Suplemento N°555 de 13 de octubre de 2011. Arts. 4. NUM. 9, 9-10- 11- 29 LIT.h.

Ley Reformativa para la Equidad Tributaria del Ecuador. Registro Oficial Suplemento 242 de 29 de diciembre de 2007. Arts.159- 180 LIT. i. 182-183

Código Orgánico Integral Penal. Registro Oficial Suplemento N° 180 de 10 de febrero de 2014. Art.222

Código del Trabajo, Registro Oficial Suplemento 167 de 16 de diciembre 2005.

Arts. 42- 43- 80- 87- 97,1- 100- 112

Ley de Compañías. Registro Oficial N° 312 de 5 de Noviembre de 1999.

Arts. 3- 4- 5- 6- 16- 19- 20.

Código de Comercio. Registro Oficial Suplemento N° 1202 de 20 de Agosto de 1960.

Art. 22- 23- 24- 38- 141.

Código Orgánico Monetario y Financiero. Libro I y Libro II. Registro Oficial Suplemento 215 de 22 de Febrero de 2006.

Arts. 114- 153-155

•Código Tributario. Registro Oficial Suplemento N°38 de 14 de junio de 2005.

Arts.16-17-19-20-24-25-26-27-35-36-39.

•Ley Orgánica de Régimen Tributario Interno. Registro Oficial Suplemento N° 463 de 17 de noviembre de 2004.

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			Arts. 3- 4- 4.3- 9.1- 9.2- 9.3- 11- 12- 17-18- 19- 20- 21.  •Reglamento para aplicación Ley de Régimen Tributario Interno. Registro Oficial N° 209 de 8 de junio de 2010  Arts. 2- 4- 7- 9- 10- 15- 22- 47- 48- 49- 55-56 -57 -59- 71- 72- 93.
--	--	--	--

### PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
4.1	Operating procedures are appropriately documented, consistently implemented and monitored.	<p><b>Indicators:</b></p> <p>4.1.1 Standard Operating Procedures (SOPs) for estates and mills shall be documented.</p> <p>4.1.2 A mechanism to check consistent implementation of procedures shall be in place.</p> <p>4.1.3 Records of monitoring and any actions taken shall be maintained and available, as appropriate.</p> <p>4.1.4 The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).</p> <p><b>Specific Guidance:</b></p> <p>For 4.1.1 and 4.1.4: SOP and documentation for mills must include relevant supply chain requirements (see current RSPO Supply Chain Certification Standard).</p> <p><b>Guidance:</b></p> <p>Mechanisms to check the implementations could include documentation management systems and internal control procedures.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <p>Art. 262: Gobiernos regionales autónomos: 7) fomento de actividades productivas</p> <p>Art. 263: Gobiernos provinciales: 4) gestión ambiental 6) fomentar la actividad agropecuaria 7) fomentar las actividades productivas provinciales</p> <p>Art. 267: Gobiernos Parroquiales rurales: 4) incentivar el desarrollo de actividades productivas comunitarias, preservación de la biodiversidad y la protección del ambiente</p> <p>Art. 320: La producción, en cualquiera de sus formas, se sujetará a principios y normas de calidad, sostenibilidad, productividad sistémica, valoración del trabajo y eficiencia económica y social.</p> <p>Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.</p> <p>Art. 410: Apoyo del Estado: desarrollo de prácticas agrícolas, protejan y promuevan la soberanía alimentaria.</p> <p>Estrategia Nacional de Biodiversidad como Política de Estado, D.E. 2232, R.O. 11, 30 de enero 2007.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006.  
CAPITULO III De las políticas sectoriales 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12

Ley Orgánica del Régimen de la Soberanía Alimentaria, R.O.S. 583, 5 de mayo 2009.  
Arts. 6 - 10 - 11- 13 -14 – 15.

Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15/03/1979.  
Arts. 6

Ley de Sanidad Vegetal, R.O.S. 315, 16 de abril 2004.  
Arts. 6- 14-15-21-26

Texto Unificado de Legislación Secundaria del MAGAP.  
Título II.- Arts. 2-3-4  
Título III.-Arts. 4-5-6-10-11  
Título IV.-Arts. 14 – 24

Reglamento para el Manejo de Desechos Sólidos, Acuerdo No. 14630, 3 de agosto 1992.  
Art. 7 - 9- 38 -39- 91 -92 - 105- 134 - 135

Ley Orgánica de la Salud, R.O.S. 423, 22 de diciembre 2006.  
Art. 8-9

Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004.  
Arts. 20-21-23-40-42

Ley Orgánica de Recursos Hídricos Uso y Aprovechamiento del Agua, R.O.S. 305, 06 de agosto 2014.  
Arts. 18-19-20-69-70-106

Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003.  
Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.

Reglamento para la Aplicación de la Ley de Sustancias Estupefacientes y Psicotrópicas, D.E. 2145, R.O. S. 637, 7 marzo 1991.  
Arts. 39-40-43-44

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos, R.O. 521, 4 de febrero 2009. Arts 3-4-5</p> <p>Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004. Arts. 10-12-13-14-18-20</p> <p>Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado, Acuerdo Ministerial 265, R.O. 206 7 de noviembre 2007. Arts. 3-4-5-6-7-21-22.</p> <p>Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROLOCALIDAD 173, R.O. 796, 25 septiembre 2012. Arts.10-11-12-13-14-15-16-38-39.</p> <p>Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROLOCALIDAD 118, R.O. 69 de 18 de noviembre 2009. Arts. 2-3-4</p> <p>Industrialización Reciclaje y Tratamiento de Desechos Sólidos y Líquidos, Acuerdo Ministerial 397, R.O.S. 71, 20 de noviembre 2009 Art.2</p> <p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 38.</p>
4.2	Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	<p><b>Indicators:</b></p> <p>4.2.1 There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield, where possible.</p> <p>4.2.2 Records of fertiliser inputs shall be maintained.</p> <p>4.2.3 There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.</p> <p>4.2.4 A nutrient recycling strategy shall be in place, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <ul style="list-style-type: none"> <li>- Art. 262: Gobiernos regionales autónomos: 7) fomento de actividades productivas</li> <li>- Art. 263: Gobiernos provinciales: 4) gestión ambiental 6) fomentar la actividad agropecuaria 7) fomentar las actividades productivas provinciales</li> <li>- Art. 267: Gobiernos Parroquiales rurales:</li> </ul>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

### Guidance:

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.

Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.

4) incentivar el desarrollo de actividades productivas comunitarias, preservación de la biodiversidad y la protección del ambiente

- Art. 320: La producción, en cualquiera de sus formas, se sujetará a principios y normas de calidad, sostenibilidad, productividad sistémica, valoración del trabajo y eficiencia económica y social.

- Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.

- Art. 410: Apoyo del Estado: desarrollo de prácticas agrícolas, protejan y promuevan la soberanía alimentaria.

Estrategia Nacional de Biodiversidad como Política de Estado, D.E. 2232, R.O. 11, 30 de enero 2007.

Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006.

CAPITULO III.

De las políticas sectoriales 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12

Ley Orgánica del Régimen de la Soberanía Alimentaria, R.O.S. 583, 5 de mayo 2009.

Arts. 6 - 10 - 11- 13 -14 – 15

Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15/03/1979.

Arts. 6

Ley de Sanidad Vegetal, R.O.S. 315, 16 de abril 2004.

Arts. 6- 14-15-21-26

Texto Unificado de Legislación Secundaria del MAGAP Títulos II, III, IV, V.

Reglamento para el Manejo de Desechos Sólidos, Acuerdo No. 14630, 3 de agosto 1992.

Art. 7 - 9- 38 -39- 91 -92 - 105- 134 - 135

Ley Orgánica de la Salud, R.O.S. 423, 22 de diciembre 2006.

Art. 8-9

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004.

Arts. 20-21-23-40-42

Ley Orgánica de Recursos Hídricos Uso y Aprovechamiento del Agua, R.O.S. 305, 06 de agosto 2014.

Arts. 18-19-20-69-70-106

Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003.

Art. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67

Reglamento para la Aplicación de la Ley de Sustancias Estupefacientes y Psicotrópicas, D.E. 2145, R.O. S. 637, 7 marzo 1991.

Arts. 39-40-43-44

Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos, R.O. 521, 4 de febrero 2009.

Arts. 3-4-5

Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004.

Arts. 10-12-13-14-18-20

Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado, Acuerdo Ministerial 265, R.O. 206 7 de noviembre 2007.

Arts. 3-4-5-6-7-21-22.

Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROLOCALIDAD 173, R.O. 796, 25 septiembre 2012.

Arts.10-11-12-13-14-15-16-38-39.

Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROLOCALIDAD 118, R.O. 69 de 18 de noviembre 2009.

Arts. 2-3-4

Industrialización Reciclaje y Tratamiento de Desechos Sólidos y Líquidos, Acuerdo Ministerial 397, R.O.S. 71, 20 de noviembre 2009.

Art.2

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. rt. 4-7-10-11-12</p>
4.3	Practices minimise and control erosion and degradation of soils	<p><b>Indicators:</b></p> <p>4.3.1 Maps and/or sketch and/or plan of any fragile soils shall be available.</p> <p>4.3.2 A management strategy shall be in place for plantations on slopes above the limit established by the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD (this strategy needs to be soil and climate specific).</p> <p>4.3.3 A road maintenance programme shall be in place in case it is applicable.</p> <p>4.3.4 Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place.</p> <p>4.3.5 Drainability assessments shall be required prior to replanting on peat to determine the long- term viability of the necessary drainage for oil palm growing.</p> <p>4.3.6 A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils) according to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p> <p><b>Specific Guidance:</b></p> <p>For 4.3.3: This indicator is applicable to palm growers with their own roads.</p> <p>For 4.3.4: For existing plantations on peat, the water table should be maintained at an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) 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 (Criteria 4.4 and 7.4).</p> <p>For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans must be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters must consider ceasing replanting and implementing rehabilitation.</p>	<p>Sistema Único de Manejo Ambiental, Resolución 757, R.O. 394, 11 de diciembre 2014. Arts. 1-3</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 Arts. 10-12-13-14-18-20</p> <p>Texto Unificado de Legislación Secundaria del MAGAP Libro II. Arts. 2-3-4 Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 4-11-12-38</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p><b>Guidance:</b></p> <p>Plantations on peat must be managed at least to the current standard set out in the 'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat' (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).</p> <p>Techniques that minimise soil erosion are well known and must be adopted, where appropriate. These should include practices like ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of re plantations.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	
4.4	Practices maintain the quality and availability of surface and ground water.	<p><b>Indicators:</b></p> <p>4.4.1 An implemented water management plan shall be in place.</p> <p>4.4.2 Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.</p> <p>4.4.3 Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6).</p> <p>4.4.4 Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.</p>	<p>Ley Orgánica de Recursos Hídricos Uso y Aprovechamiento del Agua, R.O.S. 305, 06 de agosto 2014 Arts. 18-19-20-69-70-106</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. vrts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 vrts. 20-21-23-40-42</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p><b>Specific Guidance:</b></p> <p>For 4.4.1: The water management plan will comply with the current norm and especially consider:</p> <ul style="list-style-type: none"> <li>• Take account of the efficiency of use and renewability of sources;</li> <li>• Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users;</li> <li>• Guarantees that local communities, workers and their families are not affected in order to have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes ;</li> <li>• Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME).</li> </ul> <p>For 4.4.2: Refer to the current 'RSPO Manual on Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat'.</p> <p><b>Guidance:</b></p> <p>Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	<p>Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería. D.E. 3609. R.O.S. 1. 20 marzo 2003. vrts. 2-3-4          Título III.- Arts. 4-5-6-10-11          Título IV.- Arts. 14 – 24</p> <p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. vrt. 13-14-24</p>
4.5	Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.	<p><b>Indicators:</b></p> <p>4.5.1 Implementation of Integrated Pest Management (IPM) plans shall be monitored.</p> <p>4.5.2 Training of those involved in IPM implementation shall be demonstrated.</p> <p><b>Guidance:</b></p> <p>Growers must apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals, according to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p> <p>Native species must be used in biological control where possible, according to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	<p>Decisión 436/98 Norma Andina, Acuerdo de Integración Subregional Andino, para el Registro y Control de Plaguicidas Químicos de Uso Agrícola Arts. 8-9-10-13-15.</p> <p>Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 Arts. 10-12-13-14-18-20</p> <p>Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15 de marzo 1979 vrts. 6</p> <p>Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006          CAPITULO III.-De las políticas sectoriales 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.	<p>Reglamento para la Aplicación de la Ley de Sustancias Estupefacientes y Psicotrópicas, D.E. 2145, R.O.S. 637, 07 marzo 1991 Arts. 39-40-43-44</p> <p>Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos que las Contengan. Resolución CONSEP 7, R.O. 521, 22 noviembre 2011. Art. 3-4-5</p> <p>Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 Arts. 10-12-13-14-18-20</p> <p>Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería. D.E. 3609. R.O.S. 1. 20 marzo 2003. Título II.- Arts. 2-3-4 Título III.-Arts. 4-5-6-10-11 Título IV.-Arts. 14 - 24</p> <p>Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROLOCALIDAD 173, R.O. 796, 25 septiembre 2012 Arts.10-11-12-13-14-15-16-38-39.</p> <p>Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROCALIDAD 118, R.O. 69 de 18 de noviembre 2009 Arts. 2-3-4</p> <p>Ley Orgánica de la Salud, R.O.S. 423, 22 diciembre 2006. Art. 8-9 Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 12</p>
4.6	Pesticides are used in ways that do not endanger health or the environment	<p><b>Indicators:</b></p> <p>4.6.1 Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available.</p> <p>4.6.2 Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.</p>	<p>Decisión 436/98 Norma Andina, Acuerdo de Integración Subregional Andino, para el Registro y Control de Plaguicidas Químicos de Uso Agrícola Arts. 8-9-10-13-15.</p> <p>Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 Arts. 10-12-13-14-18-20</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

4.6.3	Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.	Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 Art. 20-21-23-40-42
4.6.4	Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimised and eliminated as part of a plan, and shall only be used in exceptional circumstances.	Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15 de marzo 1979 Arts. 6
4.6.5	Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate personal safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7).	Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006 CAPITULO III.- De las políticas sectoriales. Arts. 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12
4.6.6	Storage of all pesticides shall be according to recognised best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see Criterion 5.3).	Reglamento para la Aplicación de la Ley de Sustancias Estupefacientes y Psicotrópicas, D.E. 2145, R.O.S. 637, 07 marzo 1991 Arts. 39-40-43-44
4.6.7	Application of pesticides shall be by proven methods that minimise risk and impacts.	
4.6.8	Pesticides shall be applied aerially only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.	Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos que las Contengan. Resolución CONSEP 7, R.O. 521, 22 noviembre 2011.
4.6.9	Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated; including provision of appropriate information materials (see Criterion 4.8).	Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 Arts. 10-12-13-14-18-20
4.6.10	Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).	Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería. D.E. 3609. R.O.S. 1. 20 marzo 2003.
4.6.11	Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.	
4.6.12	No work with pesticides shall be undertaken by pregnant or breast-feeding women.	Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROLOCALIDAD 173, R.O. 796, 25 septiembre 2012. Arts.10-11-12-13-14-15-16-38-39.

### Specific Guidance:

For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification must consider less harmful alternatives and IPM.

Specific guidance for 4.6.3: Justification of the use of such pesticides will be included in the public summary report.

Specific guidance for 4.6.6: Recognised 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

Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROLOCALIDAD 118, R.O. 69 de 18 de noviembre 2009  
Arts. 2-3-4

Ley Orgánica de la Salud, R.O.S. 423, 22 diciembre 2006.  
Art. 8-9

Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>support of the International Code (see Annex 1).</p> <p><b>Guidance:</b></p> <p>The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the 'Research project on Integrated Weed Management Strategies for Oil Palm; CABI, April 2011'.</p> <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders (refer to the current RSPO guide for smallholders).</p> <p>For the eradication of plants with basal stem rot (BSR) it will be possible to use paraquat and/or some other type of pesticide that is approved by the competent authority - Agrocalidad), according to the Manual of Eradication of Basal Stem Rot (BSR) of the Oil Palm, authored by ANCUPA and AGROCALIDAD, 2013.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	<p>marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art.15-16-18-20-33-36-37 .</p>
4.7	An occupational health and safety plan is documented, effectively communicated and implemented..	<p><b>Indicators:</b></p> <p>The health and safety plan shall cover the following:</p> <p>4.7.1 A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.</p> <p>4.7.2 All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.</p> <p>4.7.3 All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8).Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, and land preparation, harvesting and, if it is used, burning.</p> <p>4.7.4 The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.</p> <p>4.7.5 Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other operations, and first aid equipment shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.</p> <p>4.7.6 All workers shall be provided with medical care, and covered by accident insurance.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008</p> <ul style="list-style-type: none"> <li>- Art. 32: Derecho a la Salud es transversal al derecho al agua, alimentación, educación, cultura física, trabajo, seguridad social, ambiente sano y buen vivir.</li> <li>- Art. 33: Derecho al Trabajo</li> <li>- Art. 34: Derecho a la Seguridad Social</li> <li>- Art. 46.1: Prohibición del trabajo a de niños, niñas y adolescentes</li> <li>- Art. 47.5: Derecho al trabajo de los discapacitados</li> <li>- Art. 325: Formas de trabajo: bajo relación de dependencia o autónomas</li> <li>- Art. 327: Prohibición precarización del trabajo, intermediación laboral, tercerización, contratación por horas</li> <li>- Art. 356: Principios del Derecho al trabajo</li> <li>- Art. 369: Seguro universal obligatorio</li> </ul> <p>Reglamento Para el Funcionamiento de los Servicios Médicos de Empresas, Acuerdo Ministerial No. 1404, 6 de junio 1979 Arts. 4-5-10-18.</p> <p>Reglamento al Instructivo Andino de Seguridad y Salud en el Trabajo. Resolución 957. R.O.S. 28. 12 marzo 2008. Arts. 3-7-8-11.</p> <p>Código de Trabajo. R.O.S. 167. 16 diciembre 2005.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>4.7.7 Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics</p> <p><b>Specific Guidance:</b></p> <p>For 4.7.7: The National Interpretation will define the metrics for LTA. For countries where there are no national interpretations, the growers will determine their own metrics.</p> <p><b>Guidance:</b></p> <p>Growers and millers must ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health. Growers and millers must ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. All indicators apply to all workers regardless of status. The health and safety plan must also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p>Refer to the Annex of Laws, Conventions and Treaties for the revision of the labor regulations issued by the Ministry of Work of Ecuador.</p>	<p>Arts.42-43-138-407-412-420-428-436.</p> <p>Ley de Seguridad Social. Ley 55. R.O.S. 465. 30 noviembre 2001. Arts.75-91.</p> <p>Reglamento de Seguridad y Salud de los Trabajadores. D.E. 2393. R.O. 565. 17 noviembre 1986. Arts.11-12-13-14-15-16.</p> <p>Reglamento del Sistema de Auditoria de Riesgos del Trabajo. Resolución IESS 333. R.O.S. 319. 12 noviembre 2010. Arts.8-9.</p> <p>Instructivo del Reglamento al Sistema de Auditorías de Riesgos del Trabajo. Resolución IESS 536. R.O. 520. 25 agosto 2011. Art.7 -14.</p> <p>Reglamento de Seguridad para la Construcción y Obras Públicas. A.M. 174. R.O.S. 249. 10 enero 2008. Arts.7-8-9-10-14-15-17-18-19</p> <p>• Instructivo al Registro de Reglamentos y Comités de Higiene y Seguridad. A.M. 141. R.O. 540. 19 agosto 2015. Art. 3-5-6-7-9-10</p>
4.8	All staff, workers, smallholders and contract workers are appropriately trained.	<p><b>Indicators:</b></p> <p>4.8.1 A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p> <p>4.8.2 Records of training for each employee shall be maintained.</p> <p><b>Guidance:</b></p> <p>Workers must 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 minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organisation.</p> <p>Training must be given to all staff and workers by growers and millers to enable them to fulfill their jobs and responsibilities in accordance with documented procedures, and in</p>	<p>Reglamento de Seguridad y Salud de los Trabajadores. D.E. 2393. R.O. 565. 17 noviembre 1986. Arts.11-12-13-14-15-16</p> <p>Reglamento del Sistema de Auditoria de Riesgos del Trabajo. Resolución IESS 333. R.O.S. 319. 12 noviembre 2010. Arts.8-9.</p> <p>Instructivo del Reglamento al Sistema de Auditorías de Riesgos del Trabajo. Resolución IESS 536. R.O. 520. 25 agosto 2011. Art.7 -14.</p> <p>Reglamento de Seguridad para la Construcción y Obras Públicas. A.M. 174. R.O.S. 249. 10 enero 2008. Arts.7-8-9-10-14-15-17-18-19.</p> <p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 34-35-36-37-40 y anexo 12.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Contract workers must be selected for their ability to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers must demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (FFB) on a contracted basis.</p> <p>Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of growers or millers that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations (refer to the current RSPO guide for smallholders).For individual 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 (refer to the current RSPO guide for smallholders).</p> <p>The appropriate qualifications for occupational training qualifications will be identified to the norm approved by the Ministry of Labor.</p>	
--	--	---	--

### PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

PRINCIPIOS	CRITERIOS	INDICADORES Y GUIAS	IDENTIFICACION LEGAL
5.1	Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	<p><b>Indicators:</b></p> <p>5.1.1 An environmental impact assessment (EIA) shall be documented.</p> <p>5.1.2 Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons.</p> <p>5.1.3 This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p> <p><b>Guidance:</b></p> <p>The EIA must cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"> <li>• Building new roads, processing mills or other infrastructure;</li> <li>• Putting in drainage or irrigation systems;</li> <li>• Replanting and/or expansion of planting areas;</li> <li>• Management of mill effluents (Criterion 4.4);</li> </ul>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Estrategia Nacional de Biodiversidad como Política de Estado, D.E. 2232, R.O. 11, 30 de enero 2007. Línea Estratégica 1 y 2</p> <p>Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006 CAPITULO III.- De las políticas sectoriales. 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<ul style="list-style-type: none"> <li>• Clearing of remaining natural vegetation;</li> <li>• Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7).</li> </ul> <p>An environmental impact evaluation must be done in the format established by the current environmental legislation for its approval by the national environmental authority.</p> <p>Environmental impacts must be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and on the basic services for people (Criterion 6.1), within the area of influence established by the EIA according to the current environmental norm.</p> <p>Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures.</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (refer to the current RSPO guide for smallholders).</p> <p>The current legal dispositions will be taken into account.</p>	
5.2	<p>The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.</p>	<p><b>Indicator:</b></p> <p>5.2.1 Information shall be collated in a High Conservation Value (HCV) assessment that includes the planted area and the landscape (such as wildlife corridors).</p> <p>5.2.2 Where rare, threatened or endangered (RTE) species, including endemic species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan.</p> <p>5.2.3 There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.</p> <p>5.2.4 Where a management plan has been created there shall be ongoing monitoring:</p> <ul style="list-style-type: none"> <li>• The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported;</li> <li>• Outcomes of monitoring shall be fed back into the management plan.</li> </ul> <p>5.2.5 Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights.</p> <p><b>Specific Guidance:</b></p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley Forestal y de Conservación de Áreas Naturales y de Vida Silvestre, R.O. S. 418, 10 septiembre 2004 Arts. 7-8-12-14-15-22</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004. Arts. 20-21-23-40-42</p> <p>Política de Ecosistemas Andinos del Ecuador, Acuerdo Ministerial 64, R.O. 60, 5 noviembre 2009. Art. 1</p> <p>Políticas de Estado para el Sector Agropecuario. CAPITULO III. De las políticas sectoriales.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

For 5.2.1: This information will cover:

- Presence of protected areas that could be significantly affected by the grower or miller;
- Conservation status (e.g. IUCN category, red list), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller;
- Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller;

For 5.2.2: These measures will include:

- Ensuring that any legal requirements relating to the protection of the species or habitat are met;
- Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created;
- Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by wild felines).

For 5.2.5: If a negotiated agreement cannot be reached, there must be evidence of sustained efforts to achieve such an agreement. These could include good offices, facilitation, mediation, third party arbitration or others (see Criteria 2.3, 6.3 and 6.4).

### Guidance:

This information gathering must include checking available biological records and, if approved, consultation with governmental entities, research institutes and interested NGOs. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.

Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.

### Note:

Operators need to 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 can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained 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 relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3), and in accordance with what is established in the current national legislation.

3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12

Delimitación y Declaratoria de Zonas de Reserva y Parques Nacionales, Acuerdo Ministerial 322, R.O. 69, 20 noviembre 1979

Arts. 2-3-4-5-6-7-8

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

5.3	Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.	<p><b>Indicators:</b></p> <p>5.3.1 All waste products and sources of pollution shall be identified and documented.</p> <p>5.3.2 All chemicals and their containers shall be disposed of responsibly.</p> <p>5.3.3 A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.</p> <p><b>Guidance:</b></p> <p>The waste management and disposal plan must conform to the current environmental norm and include measures for:</p> <ul style="list-style-type: none"><li>• Identifying and monitoring sources of waste and pollution.</li><li>• Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes).</li><li>• Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers must 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), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions must be affixed to the package.</li><li>• The use of fire for waste disposal is prohibited.</li></ul>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <p>- Art. 14: Interés público la preservación del ambiente, conservación de los ecosistemas, la biodiversidad y la integridad del patrimonio genético, la prevención del daño ambiental y la recuperación de los espacios naturales degradados.</p> <p>- Art. 66. Se reconoce y garantizará a las personas: 27) Derecho a un medio ambiente sano, ecológicamente equilibrado, libre de contaminación y en armonía con la naturaleza.</p> <p>- Art. 83: Deberes de los ecuatorianos: 6) Los derechos de la naturaleza, preservar un ambiente sano y utilizar los recursos naturales de modo racional, sustentable y sostenible.</p> <p>- Art. 395: Principios medio ambientales: 1) Modelo sustentable de desarrollo 2) Aplicación de políticas de gestión ambiental de manera transversal en el territorio nacional. 3) Participación activa (personas, comunidades y nacionalidades afectadas) en la planificación la planificación, ejecución y control de toda actividad que genere impactos ambientales. 4) Interpretación más favorable a la protección de la naturaleza.</p> <p>- Art. 396: Responsabilidad de daños ambientales es objetiva. Daño ambiental conlleva sanciones, restauración integral de los ecosistemas e indemnización a personas y comunidades afectadas. Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.</p> <p>- Art. 397: Derecho de Repetición del Estado en contra del operador de la actividad que produjo el daño las obligaciones que conlleve reparación integral de acuerdo a la ley. El Estado debe:</p> <p>3) Regular la producción, importación, distribución, uso y disposición final de materiales tóxicos y peligrosos para las personas o el ambiente 4) Asegurar la intangibilidad de las áreas naturales protegidas. El manejo y administración de las áreas naturales protegidas estará a cargo del Estado.</p> <p>- Art. 398: Consulta previa a la comunidad</p> <p>- Art. 399: Sistema Nacional Descentralizado de Gestión</p>
-----	--	---	---

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>Ambiental: Defensoría del ambiente y naturaleza</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 Arts. 20-21-23-40-42</p> <p>Ley de Prevención y Control de la Contaminación Ambiental 11/09/2004 Arts. 3-12-13-14-16</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro V. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Art. 20-21-24-35-39</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Art. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67</p> <p>Acuerdo Ministerial 026 (MAE) Procedimientos para Registro de Generadores de Desechos Peligrosos. R.O.S. 334. 12 mayo 2008. Art. 2</p>
5.4	Efficiency of fossil fuel use and the use of renewable energy is optimised.	<p><b>Indicators:</b></p> <p>5.4.1 A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored.</p> <p><b>Guidance:</b></p> <p>Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill must be monitored.</p> <p>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) must be monitored.</p> <p>Energy efficiency must be taken into account in the construction or upgrading of all operations.</p> <p>Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This must 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 if possible.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008</p> <p>- Art. 15: El Estado promoverá, en el sector público y privado, el uso de tecnologías ambientalmente limpias y de energías alternativas no contaminantes y de bajo impacto. La soberanía energética no se alcanzará en detrimento de la soberanía alimentaria, ni afectará el derecho al agua.</p> <p>- Art. 414: El Estado adoptará medidas adecuadas y transversales para la mitigación del cambio climático, mediante la limitación de las emisiones de gases de efecto invernadero, de la deforestación y de la contaminación atmosférica; tomará medidas para la conservación de los bosques y la vegetación, y protegerá a la población en riesgo.</p> <p>Política de Estado, la Adaptación y Mitigación al Cambio Climático, Decreto Ejecutivo 1815, R.O. 636 del 17 de julio de 2009. Arts.2-3</p> <p>Marco Institucional para Incentivos Ambientales. A.M. 140.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>R.O.S. 387. 04 noviembre 2015. Arts.8-9-10-12-13-15-21-22-23</p> <p>Ley Orgánica del Servicio Público de Energía Eléctrica. R.O.S.418. 16 enero 2015. Arts.25.</p> <p>Plan Nacional para el Buen Vivir 2013-2017. Resolución 2. R.O.S. 78. 11 septiembre 2013. Objetivos 3-7-8</p>
5.5	Use of fire for preparing soil or replanting is avoided, except in specific situations as identified in the ASEAN guidelines or other regional best practice.	<p><b>Indicators:</b></p> <p>5.5.1 There shall be no land preparation by burning, other than in specific situations as identified in the 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p> <p>5.5.2 Where fire has been used for preparing soil for replanting, there shall be evidence of prior approval of the controlled burning as specified in 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p> <p><b>Guidance:</b></p> <p>Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution must be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation.</p> <p>Extension/training programmes for associated smallholders may be necessary.</p>	<p>Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004. Arts. 20-21-23-40-42</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67</p> <p>Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería. D.E. 3609. R.O.S. 1. 20 marzo 2003. Título II.-Arts. 2-3-4 Título III.-Arts. 4-5-6-10-11 Título IV.-Arts. 14 – 24</p> <p>Ley de Defensa contra Incendios. R.O. 815. 19 abril 1979. Art. 15</p> <p>Reglamento General de la Ley de Defensa contra Incendios. A.M. 596. R.O. 834. 17 mayo 1979 Art.15</p>
	Plans to reduce pollution and emissions,	<p>Preamble</p> <p>Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimise these emissions.</p> <p>Growers and millers commit to an implementation period until the end of December 2016</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <p>Art. 414: Estado adoptará medidas adecuadas y transversales para la mitigación del cambio climático, mediante la limitación de las emisiones de gases de efecto invernadero, de la deforestación y de la contaminación atmosférica; tomará medidas para la conservación de los bosques y la vegetación, y protegerá a la población en riesgo.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

5.6	including greenhouse gases, are developed, implemented and monitored.	<p>for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.</p> <p><b>Indicators:</b></p> <p>5.6.1 An assessment of all polluting activities shall be conducted, including gaseous emissions; particulate/soot emissions and effluent (see Criterion 4.4).</p> <p>5.6.2 Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimise them implemented.</p> <p>5.6.3 A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and emissions from estate and mill operations, using appropriate tools.</p> <p><b>Specific Guidance:</b></p> <p>For 5.6.2: Plans will include objectives, targets and timelines. These must be responsive to context and any changes must be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded.</p> <p>For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including soil use practices) can be used as a monitoring tool.</p> <p>For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the soil use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.</p> <p>During the implementation period, reporting on GEI will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process. Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock.</p> <p>PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p><b>Guidance:</b></p> <p>Where practically feasible, operations should follow best management practices to measure and reduce emissions.</p>	<p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. vrs. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 vrs. 20-21-23-40-42</p>
-----	---	--	--

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Advice on this is available from the RSPO.

### PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

PRINCIPLE	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
6.1	Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	<p><b>Indicators:</b></p> <p>6.1.1 A social impact assessment (SIA) including records of meetings shall be documented.</p> <p>6.1.2 There shall be evidence that the assessment has been done with the participation of affected parties.</p> <p>6.1.3 Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.</p> <p>6.1.4 The plans shall be reviewed as a minimum once every two years and updated as necessary in those cases where it is required to make changes to current practices. There shall be evidence that the revision includes the participation of affected parties.</p> <p>6.1.5 Particular attention shall be paid to the impacts of smallholder schemes (where they exist).</p> <p><b>Guidance:</b></p> <p>The grower must carry out the identification of social impacts with the participation of affected parties, including women and migrant workers who have regularized their permanence in the country according to the current norm, under the considerations of the current national legislation, within the processes of environmental regularization. The involvement of independent experts will be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p> <p>Participation in this context means that affected parties 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.</p> <p>Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; smallholder schemes.</p> <p>Plantation and mill management may have social impacts (positive or negative) on</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Reglamento al Instructivo Andino de Seguridad y Salud en el Trabajo. Resolución 957. R.O.S. 28. 12 marzo 2008. Arts. 3-7-8-11.</p> <p>Código de Trabajo. R.O.S. 167. 16 diciembre 2005. Arts.42-43-138-407-412-420-428-436.</p> <p>Reglamento de Seguridad y Salud de los Trabajadores. D.E. 2393. R.O. 565. 17 noviembre 1986. Arts.11-12-13-14-15-16</p> <p>Reglamento del Sistema de Auditoria de Riesgos del Trabajo. Resolución IESS 333. R.O.S. 319. 12 noviembre 2010. Arts.8-9</p> <p>Instructivo del Reglamento al Sistema de Auditorías de Riesgos del Trabajo. Resolución IESS 536. R.O. 520. 25 agosto 2011. Art.7 -14</p> <p>• Reglamento de Seguridad para la Construcción y Obras Públicas. A.M. 174. R.O.S. 249. 10 enero 2008. Arts.7-8-9-10-14-15-17-18-19</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>factors such as:</p> <ul style="list-style-type: none"> <li>• Access and use rights;</li> <li>• Economic livelihoods (e.g. paid employment) and working conditions;</li> <li>• Subsistence activities;</li> <li>• Cultural and religious values;</li> <li>• Health and education facilities;</li> <li>• Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force that has regularized its permanence in the country in accordance with the current norm.</li> </ul> <p>The review can be done (once every two years) internally or externally.</p> <p>The Ecuadorian constitution guarantees equal rights for national and foreign individuals. Ecuador counts on a normative framework for the migratory regularization of individuals. The labor code clearly establishes the illegality of contracting people who are not regularized</p>	
6.2	<p>There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.</p>	<p><b>Indicators:</b></p> <p>6.2.1 Consultation and communication procedures shall be documented.</p> <p>6.2.2 A management official responsible for these issues shall be nominated.</p> <p>6.2.3 A list of stakeholders, records of all communication, including confirmation of receipt and those efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained.</p> <p><b>Guidance:</b></p> <p>Decisions that the growers or mills are planning to make must be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation under the processes established in the current legislation.</p> <p>Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These will consider the use of appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum. Communications must take into account, in case it is necessary, the differential access to information by women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.</p> <p>Consideration will be given to involve third parties, such as disinterested community</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Código de Trabajo. R.O.S. 167. 16 diciembre 2005. Arts.42-43-138-407-412-420-428-436</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 Arts. 20-21-23-40-42</p> <p>Reglamento de Seguridad y Salud de los Trabajadores. D.E. 2393. R.O. 565. 17 noviembre 1986. Arts.11-12-13-14-15-16</p> <p>Reglamento del Sistema de Auditoria de Riesgos del Trabajo. Resolución IESS 333. R.O.S. 319. 12 noviembre 2010. Arts.8-9.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.</p> <p>The national legislation takes into account mechanisms and/or communication processes that must be fulfilled.</p>	<p>Ley de Seguridad Social R.O.S 465 30 de noviembre de 2001 vts.75-91</p> <p>Instructivo de aplicación Reglamento Sistema Auditoria riesgos SART. Resolución del Concejo Superior del IESS R.O. 164 del 05 de abril del 2010 vrt.7 -14</p> <p>Reglamento de los Servicios Médicos de las Empresas Acuerdo Ministerial 1404 R.O. 698 de 25 de octubre 1978 vts. 4-5-10-18.</p>
6.3	<p>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><b>Indicators:</b></p> <p>6.3.1 The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested.</p> <p>6.3.2 Documentation of both the process by which a dispute was resolved and the outcome shall be available.</p> <p><b>Specific Guidance:</b> For 6.3.1: The system must aim to reduce the risks of reprisal.</p> <p><b>Guidance:</b> See also to Criterion 1.2. Conflict resolution mechanisms will be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints will be dealt with by mechanisms established by the company in its complaints and claims procedure, with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>For scheme small producers and small independent producers, refer to the current RSPO Guidance for small producers.</p> <p>Where a resolution is not found mutually, it is recommended to follow the guidelines of the Law of Arbitration and Mediation of the Republic of Ecuador, and complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework', 2011.</p> <p>Each business unit will establish mechanisms for the reception and management of</p>	<p>Ley de Arbitraje y Mediación, R.O. 417, 14 de diciembre 2006 Arts. 2-3-4-5-6</p> <p>Ley Orgánica de Participación Ciudadana, R.O.S. 175 20 abril 2010 Arts. 7-8-9-10-11-12</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		complaints and claims where a registration system is taken into account and the anonymity of the claimant is guaranteed when requested.	
6.4	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><b>Indicators:</b></p> <p>6.4.1 A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.</p> <p>6.4.2 A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of recently established and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.</p> <p>The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.</p> <p><b>Specific Guidance:</b></p> <p>For 6.4.1: The procedure should take into account that the identification of rights shall be implemented through a judicial or administrative act by the competent authority based on the current national legislation.</p> <p>For 6.4.2: Companies will make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in small producer schemes.</p> <p><b>Guidance:</b></p> <p>This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance.</p> <p>The procedure for the calculation and distribution of the compensations will be contained in the judicial or administrative resolutions that have been carried out.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <ul style="list-style-type: none"> <li>- Art. 57: Derechos colectivos:</li> <li>§ No. 4 propiedad imprescriptible, exención pago de impuestos</li> <li>§ No.5 mantener posesión de las tierras y territorios ancestrales/Adjudicación gratuita</li> <li>§ No. 6 uso, usufructo, administración y conservación de los recursos naturales</li> <li>§ No. 7 consulta previa, libre e informada</li> <li>- Art. 60: Propiedad colectiva de las comunas</li> <li>- Art. 66: Derecho a la libertad: el derecho a la propiedad</li> <li>- Art. 282: Uso y acceso a la tierra con función social y ambiental</li> <li>- Art. 321: Propiedad pública, privada, estatal, asociativa, cooperativa, mixta cumplir función social y ambiental</li> <li>- Art. 323: Expropiación: utilidad pública o interés social y nacional</li> <li>- Art. 376: Expropiación de municipalidades por conservación del medio ambiente.</li> </ul> <p>Convenio sobre Pueblos Indígenas y Tribales No. 169, R.O. 206 de 7 de junio de 1999 Arts. 3-4-5-14-18-19</p>
6.5	Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.	<p><b>Indicators:</b></p> <p>6.5.1 Documentation of pay and conditions shall be available.</p> <p>6.5.2 Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc.) shall be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>6.5.3 In accordance with the Regulation of Health and Occupational Safety</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 Arts.42-43-138-407-412-420-428-436</p> <p>Mandato Constituyente 8, Eliminación y Prohibición de</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>established by law, growers and millers shall provide adequate housing, water supplies, and medical services where no such public facilities are available or accessible, and facilitate access to education.</p> <p>6.5.4 Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food.</p> <p>Ecuador counts on a vital minimum salary, which is obligatory for all the national territory, that is reviewed annually by the competent authority and is indexed to the inflation.</p> <p>The fulfillment of the legal minimum standards will be demonstrated with the existence of: payrolls, contracts, affiliation to the obligatory social security insurance and fulfillment of the obligations established by the Ministry of Labor.</p> <p>Refer to Ministerial Agreement 060 that defines the Contracting of Workers of the Oil Palm Sector.</p> <p>Under no circumstance will forced labor be used according to conventions 29 and 105 of the ILO and others.</p> <p>Verification of the efforts to obtain adequate nutrition must be made in accordance with the plans of Health and Occupational Safety regulated by law.</p>	<p>Tercerización, Decreto Legislativo 8 R.O.S. 330. 6 de mayo 2008. Arts. 2-3-4-5-6-7.</p>
6.6	<p>The employer 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><b>Indicators:</b></p> <p>6.6.1 A published statement in local languages recognising freedom of association shall be available.</p> <p>6.6.2 Minutes of meetings with main trade unions or workers representatives shall be documented.</p> <p><b>Guidance:</b></p> <p>The right of employees, including migrant and recently established workers and contract workers, to form associations and bargain collectively with their employer must be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, will be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>Migrant workers will have the right to the same working conditions as Ecuadorian workers, taking into account their migratory status, according to the current legislation in Ecuador.</p> <p>The document of declaration can be made as a sworn statement before a public notary where the commitment of the employer to fulfill the rights of the workers is established in</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 Arts.42-43-138-407-412-420-428-436</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		accordance with the current Ecuadorian legislation.	
6.7	Children are not employed or exploited.	<p><b>Indicators:</b> 6.7.1 There shall be documentary evidence that minimum age requirements are met.</p> <p><b>Guidance:</b> The Ecuadorian legislation through the Labor Code establishes that the minimum working age is 16 years, considering a maximum of 6 hours daily and a weekly workload of 30 hours and it will be organized in such a way so as not to limit the right to an effective education and in addition, for purposes of remuneration, the provisions established in Art. 119 of the Labor Code and in Agreement 138 of the ILO will be applied. Night work for minors less than 18 years of age is prohibited. The prohibitions mentioned in the Code of Childhood and Adolescence will be followed, as well as work that is prohibited work prohibitions for adolescents as determined by the National Council of Childhood and Adolescence.</p> <p>Please refer to the current RSPO Guidance for small producers.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Art. 46.1: Prohibición del trabajo a de niños, niñas y adolescentes</p> <p>Código de la Niñez y Adolescencia, R.O. 737, 3 enero 2003 Arts. 82-83.-84-85-86-87-88-89-90-91-92</p> <p>Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 Arts.42-43-138-407-412-420-428-436</p> <p>Plan Nacional para el Buen Vivir 2013-2017. Resolución 2. R.O.S. 78. 11 septiembre 2013. Objetivo 9</p>
6.8	Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.	<p><b>Indicators:</b> 6.8.1 A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented. 6.8.2 Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against. 6.8.3 It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.</p> <p><b>Guidance:</b> 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 must not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 Arts.42-43-138-407-412-420-428-436</p> <p>Ley de Seguridad Social. Ley 55. R.O.S. 465. 30 noviembre 2001. Arts.75-91</p> <p>Reglamento de Seguridad y Salud de los Trabajadores. D.E. 2393. R.O. 565. 17 noviembre 1986. Arts.11-12-13-14-15-16.</p> <p>Reglamento del Sistema de Auditoria de Riesgos del Trabajo. Resolución IESS 333. R.O.S. 319. 12 noviembre 2010. Arts.8-9</p> <p>Reglamento del Instructivo Andino de Seguridad y Salud en el Trabajo. Resolución de la Secretaria Andina 957 Arts. 3-7-8-11.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

6.9	There is no harassment or abuse in the work place, and reproductive rights are protected.	<p><b>Indicators:</b></p> <p>6.9.1 A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.2 A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.3 A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce.</p> <p><b>Specific Guidance:</b></p> <p>For 6.9.1 and 6.9.2: These policies must include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which will include representatives from all areas of work, will address such issues as: training on women's rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; 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, in accordance with that established in the current legislation.</p> <p>For 6.9.2: see Indicator 4.6.12.</p> <p><b>Guidance:</b></p> <p>A clear policy must be developed in consultation with employees, contract workers and other relevant stakeholders, and the policy must be publicly available. Progress in implementing the policy must be regularly monitored, and the results of monitoring activities will be recorded.</p> <p>Notwithstanding national legislation and regulation, reproductive rights will be respected</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 Arts.42-43-138-407-412-420-428-436</p> <p>Reglamento de Seguridad y Salud de los Trabajadores. D.E. 2393. R.O. 565. 17 noviembre 1986. Arts.11-12-13-14-15-16</p> <p>Reglamento del Sistema de Auditoria de Riesgos del Trabajo. Resolución IESS 333. R.O.S. 319. 12 noviembre 2010. Arts.8-9</p>
6.10	Growers and millers deal fairly and transparently with smallholders and other local businesses.	<p><b>Indicators:</b></p> <p>6.10.1 Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</p> <p>6.10.2 Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</p> <p>6.10.3 Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.</p> <p>6.10.4 Agreed payments shall be made in a timely manner.</p> <p><b>Guidance:</b></p> <p>Transactions with small independent producers will consider issues such as the role of middlemen, transport and storage of FFB, quality and grading. The need to recycle the</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Ley Forestal y de Conservación de Áreas Naturales y de Vida Silvestre, R.O. S. 418, 10 septiembre 2004. Arts. 7-8-12-14-15-22</p> <p>Ley Orgánica de Control de Poder de Mercado. R.O. 555 del 13 de Octubre del 2011. Art. 4. numeral.9. 9-10-11- 29 literal.h.</p> <p>Reglamento a la Ley Orgánica de Control de Poder de</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>nutrients in FFB (see Criterion 4.2) should also be considered; where it is not practicable to recycle wastes to small independent producers, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Small independent producers will have access to the grievance procedure under Criterion 6.3 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for out growers who are contractually obliged to sell all FFB to a particular mill.</p> <p>If mills require small independent producers to change their practices to meet the RSPO Principles and Criteria, advance payments for FFB could be considered to cover the costs of such changes.</p> <p>In business practices, the Statutory Law of Regulation and Control of the Power of the Market will be considered, established in the current legislation as it pertains to contractual agreements.</p>	<p>Mercado, R.O. 697. D.E. 1152 del 7 de mayo del 2012. Art. 7-8</p>
6.11	<p>Growers and millers contribute to local sustainable development where appropriate.</p>	<p><b>Indicators:</b></p> <p>6.11.1 Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p>6.11.2 Where there are scheme small producers, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.</p> <p><b>Guidance:</b></p> <p>Contributions to local development will be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation must be based on the principles of transparency, openness and participation, and will encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference must always be given to members of local communities. Positive discrimination must not be recognised as conflicting with Criterion 6.8.</p> <p>Efforts must be made to identify independent smallholders in the supply base.</p> <p>Where sourcing of fruit is from identified independent smallholders, efforts must be made to contribute to the improvement of their farming practices.</p> <p>The companies will contribute to local development through their policies of social responsibility while keeping in mind the exclusive role of the State.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <p>- Art. 14: Se reconoce el derecho de la población a vivir en un ambiente sano y ecológicamente equilibrado, que garantice la sostenibilidad y el buen vivir, <i>sumak kawsay</i>. Se declara de interés público la preservación del ambiente, la conservación de los ecosistemas, la biodiversidad y la integridad del patrimonio genético del país, la prevención del daño ambiental y la recuperación de los espacios naturales degradados.</p> <p>- Art. 275.- El régimen de desarrollo es el conjunto organizado, sostenible y dinámico de los sistemas económicos, políticos, socio-culturales y ambientales, que garantizan la realización del buen vivir, del <i>sumak kawsay</i>. El Estado planificará el desarrollo del país para garantizar el ejercicio de los derechos, la consecución de los objetivos del régimen de desarrollo y los principios consagrados en la Constitución. La planificación propiciará la equidad social y territorial, promoverá la concertación, y será participativa, descentralizada, desconcentrada y transparente. El buen vivir requerirá que las personas, comunidades, pueblos y nacionalidades gocen efectivamente de sus derechos, y ejerzan responsabilidades en el marco de la interculturalidad,</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>del respeto a sus diversidades, y de la convivencia armónica con la naturaleza.</p> <p>- Art. 276.- El régimen de desarrollo tendrá los siguientes objetivos: 1. Mejorar la calidad y esperanza de vida, y aumentar las capacidades y potencialidades de la población en el marco de los principios y derechos que establece la Constitución. 3. Fomentar la participación y el control social, con reconocimiento de las diversas identidades y promoción de su representación equitativa, en todas las fases de la gestión del poder público. 4. Recuperar y conservar la naturaleza y mantener un ambiente sano y sustentable que garantice a las personas y colectividades el acceso equitativo, permanente y de calidad al agua, aire y suelo, y a los beneficios de los recursos del subsuelo y del patrimonio natural. 7. Proteger y promover la diversidad cultural y respetar sus espacios de reproducción e intercambio; recuperar, preservar y acrecentar la memoria social y el patrimonio cultural.</p> <p>- Art. 277.- Para la consecución del buen vivir, serán deberes generales del Estado: 1. Garantizar los derechos de las personas, las colectividades y la naturaleza.</p> <p>- Art. 278.- Para la consecución del buen vivir, a las personas y a las colectividades, y sus diversas formas organizativas, les corresponde: 1. Participar en todas las fases y espacios de la gestión pública y de la planificación del desarrollo nacional y local, y en la ejecución y control del cumplimiento de los planes de desarrollo en todos sus niveles. 2. Producir, intercambiar y consumir bienes y servicios con responsabilidad social y ambiental.</p>
6.12	No forms of forced or trafficked labour are used.	<p><b>Indicators:</b></p> <p>6.12.1 There shall be evidence that no forms of forced or trafficked labour are used.</p> <p>6.12.2 Where applicable, it shall be demonstrated that no contract substitution has occurred.</p> <p>6.12.3 Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.</p> <p><b>Specific Guidance:</b></p> <p>For 6.12.1: Workers must enter into employment voluntarily and freely, without the threat of a penalty, and will have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy must include:</p> <ul style="list-style-type: none"><li>• Statement of the non-discriminatory practices;</li><li>• No contract substitution;</li></ul>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005. Arts.42-43-138-407-412-420-428-436</p> <p>Ley de Seguridad Social. Ley 55. R.O.S. 465. 30 noviembre 2001. Arts.75-91</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<ul style="list-style-type: none"> <li>• Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.;</li> <li>• Decent living conditions to be provided.</li> </ul> <p><b>Guidance</b> Migrant workers must be legalised, and a separate employment agreement will be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a decent living wage.</p> <p>Passports must only be voluntarily surrendered.</p> <p>There must be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance must be used on contract substitution.</p>	
6.13	Growers and millers respect human rights.	<p><b>Indicator:</b></p> <p>6.13.1 A policy to respect human rights shall be documented and communicated to all levels of the workforce and operations (see Criteria 1.2 and 2.1).</p> <p><b>Guidance:</b></p> <p>See also Criterion 6.3. All levels of operations will include contracted third parties (e.g those involved in security).</p> <p><b>Note:</b></p> <p>From the UN Guiding Principles on Business and Human Rights: “The responsibility of business enterprises to respect human rights refers to internationally recognised 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 Labour Organization’s Declaration on Fundamental Principles and Rights at Work” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 11-18-27-41-53-67-83</p> <p>Plan Nacional de Derechos Humanos. D.E. 1527. R.O. 346. 24 junio 1998. Arts. 1-5-15</p> <p>Convención Interamericana sobre Derechos Humanos. A.M. 202. R.O. 801. 06 agosto 1984. Arts. 4-5-6-7-8-9-10-11-12-13-14-15</p> <p>Declaración Universal de los Derechos Humanos. R.A. 1948. 10 diciembre 1948. Arts. 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

PRINCIPLE	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
7.1	A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantations or operations, or expanding existing ones, and the results incorporated into planning, management and operations.	<p><b>Indicators:</b></p> <p>7.1.1 An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p>7.1.2 Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p> <p>7.1.3 Where the development includes an outgrower scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention.</p> <p><b>Specific Guidance:</b></p> <p>For 7.1.1 The Environmental and Social Evaluation corresponds to that determined by the National Environmental Authority.</p> <p><b>Guidance:</b></p> <p>See also Criteria 5.1 and 6.1.</p> <p>The terms of reference are defined by the National Environmental Authority and impact assessment is carried out by accredited independent consultants, in order to ensure an objective process. Both activities can be done by the same body. A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs must be involved through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p> <p>It is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p> <p>The potential impacts of all major proposed activities will be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <ul style="list-style-type: none"> <li>Assessment of the impacts of all major planned activities, including plantation, mill operations, roads and other infrastructure;</li> </ul>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <p>- Art. 398: Toda decisión o autorización estatal que pueda afectar al ambiente deberá ser consultada a la comunidad, a la cual se informará amplia y oportunamente. El sujeto consultante será el Estado. La ley regulará la consulta previa, la participación ciudadana, los plazos, el sujeto consultado y los criterios de valoración y de objeción sobre la actividad sometida a consulta.</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 Arts. 20-21-23-40-42</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

- Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected;
- Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems;
- Identification of watercourses and wetlands and assessment of potential effects on hydrology and soil subsidence of planned developments. Measures will be planned and implemented to maintain the quantity, quality and access to water and soil resources;
- Baseline soil surveys and topographic information, including the identification of steep slopes as defined in the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding;
- Analysis of type of land—of the vegetation cover in the area where the plantation is developed (forest, degraded forest, cleared land);
- Analysis of property, land ownership and user rights;
- Analysis of current land use patterns;
- 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;
- Identification of activities which may generate significant GHG emissions.

Plans and field operations will be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development may not proceed because of the magnitude of potential impacts.

For small associated producers, the scheme management is responsible for addressing compliance with this criterion. For individual smallholders, this criterion will not be applied.

For land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.

The National Interpretation will identify the relevant accreditations for independent consultants.

7.2

Soil surveys and topographic information are used for site planning in the establishment of new plantations, and the results are incorporated into plans and operations.

### Indicators:

- 7.2.1 Soil suitability maps or soil surveys adequate to establish the long-term suitability of soil for oil palm cultivation shall be available and taken into account in plans and operations.
- 7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken

Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008  
Arts. 262 - 263- 267 - 320 -396-410

Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>into account in plans and operations.</p> <p><b>Guidance:</b> These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but it is not required to be done by independent experts.</p> <p>Soil suitability maps or soil surveys must be appropriate to the scale of operation and 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 must be identified (see Criteria 4.3 and 7.4). This information will be used to plan planting programmes, etc. Measures must be planned to minimise 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 will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information on soil suitability will be based on official information issued by the competent authorities, and it must be obtained by the small independent producers.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	<p>marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 Arts. 20-21-23-40-42</p> <p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 4-7-10-11.</p>
7.3	New plantations since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.	<p><b>Indicators:</b></p> <p>7.3.1 There shall be evidence that no new plantations have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantations shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p>7.3.2 A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new plantations. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.</p> <p>7.3.3 Dates of soil preparation and commencement shall be recorded.</p> <p>7.3.4 An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).</p> <p>7.3.5 Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Instructivo Adjudicación de Tierras del Patrimonio Forestal del Estado, R.O. S. 418, 10 septiembre 2004 Arts. 3-4-5-6-7-21-22.</p> <p>Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre. Codificación 17, R.O. Suplemento 418 del 10 Septiembre del 2004. Art. 7-8-9-10-11-13</p> <p>Ley de Gestión Ambiental, R.O.S No. 418, 10 de septiembre 2004 Art. 20-21-23-40-42</p> <p>Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería. D.E. 3609. R.O.S. 1. 20 marzo 2003. Título II.-Arts. 2-3-4</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p><b>Specific Guidance:</b></p> <p>For 7.3.1: Evidence could include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps could be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p>	<p>Título III.-Arts. 4-5-6-10-11</p> <p>Título IV.-Arts. 14 - 24</p>
7.4	Extensive plantation on steep terrain, and/or marginal and fragile soils, including peat, is avoided.	<p><b>Indicators:</b></p> <p>7.4.1 Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided</p> <p>7.4.2 Where limited plantation on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.</p> <p><b>Guidance:</b></p> <p>This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils must be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008:</p> <p>- Art. 409: Es de interés público y prioridad nacional la conservación del suelo, en especial su capa fértil. Se establecerá un marco normativo para su protección y uso sustentable que prevenga su degradación, en particular la provocada por la contaminación, la desertificación y la erosión. En áreas afectadas por procesos de degradación y desertificación, el Estado desarrollará y estimulará proyectos de forestación, reforestación y revegetación que eviten el monocultivo y utilicen, de manera preferente, especies nativas y adaptadas a la zona.</p> <p>-Art. 410: El Estado brindará a los agricultores y a las comunidades rurales apoyo para la conservación y restauración de los suelos, así como para el desarrollo de prácticas agrícolas que los protejan y promuevan la soberanía alimentaria.</p> <p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 10-11-12.</p>
7.5	No new plantations are	<p><b>Indicators:</b></p> <p>7.5.1 Evidence must be available that 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 grower/miller is signed and ratified by these local peoples.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 Art. 57: No. 7 Consulta Previa e Informada Art.57</p> <p>Convenio sobre Pueblos Indígenas y Tribales No. 169 OIT , R.O. 206 de 7 de junio de 1999.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

	<p>established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. 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>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p><b>Guidance:</b> This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantations are considered to be acceptable, management plans and operations must 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 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantations.</p> <p>Free, prior and informed consent (FPIC) is a guiding principle and must be applied to all RSPO members throughout the supply chain. Refer to the current RSPO approved FPIC guidance.</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p>	<p>Arts. 3-4-5-14-18-19</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003.</p> <p>Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p>
7.6	<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 free, prior and informed consent and negotiated agreements.</p>	<p><b>Indicators:</b></p> <p>7.6.1 Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p>7.6.2 A system for identifying people entitled to compensation shall be in place.</p> <p>7.6.3 A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p> <p>7.6.4 Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p>7.6.5 The process and outcome of any compensation claims shall be documented and made publicly available.</p> <p>7.6.6 Evidence shall be available that the affected communities and rights holders have access to 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><b>Specific Guidance:</b> For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1. For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to the operator.</p> <p><b>Guidance:</b></p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008</p> <p>Art. 57: No. 7 Consulta Previa e Informada.</p> <p>Convenio sobre Pueblos Indígenas y Tribales No. 169, R.O. 206 de 7 de junio de 1999.</p> <p>Arts. 3-4-5-14-18-19</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003.</p> <p>Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance. This requirement includes indigenous peoples (see Annex 1). Refer to the current RSPO approved FPIC guidance	
7.7	No use of fire in the preparation of new plantations other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.	<p><b>Indicators:</b></p> <p>7.7.1 There shall be no soil preparation by burning other than in specific situations, as identified in the 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p> <p>7.7.2 In exceptional cases where fire has to be used for preparing soil for planting, there shall be evidence of prior approval of the controlled burning as specified in 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p> <p><b>Specific Guidance:</b> For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p><b>Guidance:</b> Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution are required for use of fire on peat. This will be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004 Arts. 20-21-23-40-42.</p> <p>Ley de Defensa contra incendios, R.O. 815 del 19 de Abril 1979. Art. 15</p> <p>Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 15-16-17-23-33</p>
		<p><b>Preamble</b></p> <p>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</p> <p>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology.</p> <p>Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations</p>	<p>Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI. D.E. 3516, R.O.S. 3516, 31 marzo 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Política de Estado: La Estrategia Nacional de cambio Climático. A.M. 95 R.O Suplemento 9, del 17 junio del 2013.</p> <p>Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004 Arts. 20-21-23-40-42.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

7.8	Los desarrollos de nuevas siembras plantaciones están diseñados para minimizar las emisiones de gases de efecto invernadero netas	<p>agreed by consensus of the RSPO GHG WG2).</p> <p>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</p> <p><b>Indicators:</b></p> <p>7.8.1 The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.</p> <p>7.8.2 There shall be a plan to minimise net GHG emissions which takes into account the avoidance of new plantations in areas that have soil with high carbon stocks and/or sequestration options.</p> <p><b>Specific Guidance:</b></p> <p>For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The carbon assessment tool for new plantations (Carbon Assessment Tool for New Oil Palm Planting) of RSPO will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.</p> <p>The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantations.</p> <p>Parties seeking to use an alternative tool for new plantations will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>For 7.8.2: Growers are strongly encouraged to establish new plantations on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.</p> <p>Growers and millers must plan to implement RSPO best management practices for the minimization of emissions during the development of new plantations.</p> <p><b>Guidance:</b></p> <p>This Criterion covers plantations, mill operations, roads and other infrastructure. It is</p>	Guía de Buenas Prácticas Agrícolas. Resolución Agrocalidad N°108. R.O.S. No. 90, 17 de diciembre de 2009. Art. 4-5-40
-----	---	--	--

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.</p> <p>Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the carbon assessment tool for new plantations of RSPO, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers must ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, soil use and land use change emissions under Criterion 5.6.</p> <p>Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.</p>	
--	--	--	--

### PRINCIPLE 8: COMMITMENT TO CONTINUAL IMPROVEMENT IN KEY AREAS OF ACTIVITY

PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
8.1	Growers and millers regularly monitor and review their activities, and develop and implement action plans that allow demonstrable continual improvement in key operations.	<p><b>Indicators:</b></p> <p>8.1.1 The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria.</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>• Reduction in use of pesticides(Criterion 4.6);</li> <li>• Environmental impacts (Criteria 4.3, 5.1 and 5.2);</li> <li>• Waste reduction (Criterion 5.3);</li> <li>• Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8);</li> <li>• Social impacts (Criterion 6.1);</li> <li>• Optimising the yield of the supply base.</li> </ul> <p><b>Guidance:</b></p> <p>Growers will have a system of best practices in accordance with new information and</p>	<p>Constitución de la República del Ecuador, Registro Oficial No. 499, 20 de octubre 2008. Art.310-313- 337</p> <p>Política de Estado: La Estrategia Nacional de cambio Climático. A.M. 95 R.O Suplemento 9, del 17 junio del 2013.</p> <p>Ley Orgánica de Participación Ciudadana. Registro Oficial Suplemento N° 175 de 20 de Abril de 2010. Art.70.</p> <p>Plan Nacional del Buen Vivir 2013-2017. Resolución N° CNP-002-2013. Registro Oficial Suplemento N° 78 de 11 de Septiembre de 2013. OBJETIVO N° 8 -9-10</p> <p>Código Orgánico de la Producción, Comercio e Inversiones.</p>

## Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continual improvement.

Refer to the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, November 2015.

Registro Oficial Suplemento N° 351 de 29 de diciembre de 2010.

Art. 3-5- 22- 24- 104

Ley Orgánica de Regulación y Control del Poder de Mercado. Registro Oficial Suplemento N°555 de 13 de octubre de 2011.

Art. 4. numeral.9. 9-10-11- 29 literal.h.

Ley Reformatoria para la Equidad Tributaria del Ecuador. Registro Oficial Suplemento 242 de 29 de diciembre de 2007.

Art.159-180 literal i. 182-183

•Código Orgánico Integral Penal. Registro Oficial Suplemento N° 180 de 10 de febrero de 2014.

Art.222.

•Ley de Fomento y Desarrollo Agropecuario. Registro Oficial N° 792 de 15 de marzo de 1979.

Arts. 5 -55.

•Políticas de Estado para el Sector Agropecuario. Decreto Ejecutivo 1419. Registro Oficial N° 281 de 31 de mayo de 2006.

Art. 1-2

# **“LEGAL CONCEPT ON THE FEASIBILITY TO SUBSCRIBE CONTRACTS WITH THE PALM PRODUCERS FOR THE EFFECT OF RSPO CERTIFICATION”**

## **Executive summary**

The implementation of a strategy for the adoption of the RSPO standards (Roundtable for Sustainable Palm Oil) in the production of African palm at national level entails significant changes in the traditional productive and managerial vision of the business. These standards as known in the industry, aim to improve the levels of fulfillment of the current environmental, labor, social and community norms at national and international level, and a substantial improvement of the productive processes so that they are compatible with the principles of sustainability of the Roundtable for Sustainable Palm Oil (RSPO).

In the implementation of these standards, some modalities are found to opt for certification. On the one hand there are “independent” producers (without contractual bond with the extractor plant) and on the other, “associated” producers with which a contractual bond with the extractor plant exists. On this latter modality it is required to establish with clarity the scope of the link that aims at the establishment of long-term relationships with the suppliers of the fruit to be certified, with a clear understanding that this predictability and stability over time aims to strengthen the relationships between the palm oil processing companies and the suppliers of the fruit in such a way that technical assessments can be undertaken to improve the productive, labor, and environmental agricultural practices.

If it is understood in this way, that the processes of RSPO certification are carried out within the framework of a partner relationship with the fruit suppliers, which determines a change of practice in the industry and which must be assimilated in the most suitable way to the interests of the fruit suppliers, and of the companies and the industry in general, based on a clear understanding that the new forms of association benefit all, and in the present case taking into account the new regulatory powers of the state in the matter of control of the markets.

### **The system of rights and protection of the guarantees of the freedom of labor, association and production**

In relation to the current guarantee system that we find in our Political Constitution, referred to as the Rights of Freedom in Art. 66 numeral 15, the right to develop economic activities, in individual or collective form, in accordance with the principles of solidarity, social and environmental responsibility, and in continuation in numeral 16, is the establishment of the right to the freedom of contracting, a right that has formed part of our system of constitutional protection for several decades. These two regulations, that constitute inalienable rights, are found within the regime of state guarantees, thus no legislation can contradict them, by virtue of the principle of constitutional supremacy, since they would lack legal effectiveness, that is to say, they would have no effect.

Of the analyzed legal texts<sup>1</sup> it is clear that the mechanisms of association and anticipated contracting within the strategies necessary to implement RSPO certification, supported by a stable commitment with a legal basis between suppliers of fruit and the companies, in no manner are related to the conducts described on disloyal practices in article 335 of the constitutional text. Also, of the analysis of the preceding text and connected articles it is clear that the mechanisms of association and anticipated contracting within the strategies necessary to implement RSPO certification, supported by a stable commitment with a legal basis between fruit suppliers and the companies, in no manner are related to the conducts described on disloyal practices that are a matter of state intervention.

On the other hand, that established in article 336 of the constitutional charter that talks about distortions in intermediation, also mentions the promotion of sustainability in which the RSPO strategy would be advisable.

With respect to the case of the two fundamental rights mentioned previously, including the right to develop economic activities, in individual or collective form, in accordance with the principles of solidarity, social and environmental responsibility, and, the right to the freedom of contracting, governing constitutional principles that point to these rights can be exercised, promoted and demanded in individual or collective form before the competent authorities; these authorities have the obligation to guarantee their fulfillment in agreement with that provided in article 11 of the same constitutional text.

Also, all practices designed exclusively to obtain unjustified advantages to the detriment of a supplier are prohibited. However, in the case of agreements where both parties benefit, and freely and voluntarily accept the conditions, and where they do not cause damage to third parties, they are protected by the stipulations in article 11 of the Constitution<sup>2</sup>. Likewise, exclusive sales contracts,

---

<sup>1</sup> Includes the freedom of hiring contained in articles 1453 y 1454 of the Civil Code.

<sup>2</sup> Art. 11 no. 1 The rights can be exercised, promoted and enforced individually or collectively before the competent authorities; these authorities will guarantee their fulfillment. Art. 11 no. 3. For the exercise of rights and constitutional guarantees, no conditions or requirements will be demanded that are not established in the Constitution or the law.

provided they are justified by the benefit of the counterparty and its free acceptance, do not seem to represent a problem in the light of the provisions of article 12 of the following Statutory Law of Regulation and Control of the Power of the Market that establishes some conditions for exceptions:

**Art. 12.- Exemptions to the prohibition.-** The agreements are exempt of the prohibition contained in the preceding article that contribute to the improvement of production or commercialization and distribution of goods and services or to promote technical or economic progress, without the need for prior authorization, as long as all the following conditions are fulfilled:

The powers of control and monitoring, and oversight and control of the Superintendency of Control of the Market are ample to issue norms of obligatory character through resolutions, but they cannot alter or innovate the existing legal provisions and regulations issued by the Regulation Board, according to that established in article 37 of the Statutory Law of Regulation and Control of the Power of the Market.

Anyhow, it should be mentioned that the Regulation to the Statutory Law of Regulation and Control of the Power of the Market establishes a provision on the confidentiality of the information submitted in the course of an investigation that must be requested by the stakeholder. And with respect to the evaluation of the breaches, these will apply according to what is stated in article 4 of said regulation, a system of case by case analyses evaluating if such conducts and activities have the purpose or effect, actually or potentially, to prevent, restrict, falsify or distort the competition, or to undermine economic efficiency, and the general well-being or rights of the consumers or users.

### **The system of state protection provided to safeguard sustainable and ecologically balanced production**

For the correct understanding of this subject it is essential to recall the Code of the Production, which is intended to regulate the productive process in the stages of production, distribution, interchange, commerce, consumption, management of externalities, and productive investments aimed at achieving good living.

In agreement with article 3, the intention of this law is to generate and consolidate the regulations that harness, impel and stimulate the production of greater added value, that establishes the conditions to increase productivity and promotes the transformation of the productive matrix, facilitating the implementation of productive development tools that will generate quality jobs and balanced development that is equitable, eco-efficient, sustainable, and with care for nature.

In the Constitution of 2008, in article 66 numeral 27, the right for people to live in a healthy environment that is ecologically balanced, free of contamination, and in harmony with nature are established. In article 14, the right of the population to live in a healthy environment that is ecologically balanced, with guaranteed sustainability and good living (sumak kawsay), is recognized. In addition, public interest in the preservation of the environment, conservation of the ecosystems, biodiversity and integrity of the genetic patrimony of the country, prevention of environmental damage and the recovery of degraded natural areas are declared.

While the environmental provisions in constitutional matters are extensive, it is worthwhile to look at those that deal with environmental protection, particularly in reference to that which guarantees environmental protection as a sustainable model of development, of which the RSPO system of certification is a part.

### **Final appreciation and recommendations**

- ✓ To offer this legal concept, it has been necessary to start from the supreme norm. The issue that is of concern in reference to the structuring of associations of providers with stability and exclusivity on the part of the processing companies could be interpreted as a disloyal or distortive practice, and it is not a minor concern in the current circumstances. Nevertheless, of the analysis that has been done, as much with respect to the competences of the Superintendency of Control of the Markets as well as the provisions of the Statutory Law of Regulation and Control of the Market, it can be concluded that the creation of these associative structures are totally justified in the demands of the RSPO standards and that they have not been created for a different purpose that could configure one of the types analyzed, finding in this the justification that the norm addresses.
- ✓ In addition, our constitutional system in article 82 has emphasized that the right to legal security is based on respect for the Constitution and the existence of previous legal norms that are clear, public, and applied by the competent authorities. This is with respect to the possible extensive interpretations of undefined types like ones that are of this law, that lack concretion, calculation formulas and references that can guarantee security in the fulfillment of this law.
- ✓ Additionally, the institutions of the State, their organisms, dependencies, public servants and the people who act by virtue of a state power shall exercise only the competences and powers that are given in the Constitution and the law. They have the duty to coordinate actions for the fulfillment of its purposes and make effective the privilege and exercise of the rights recognized in

the Constitution. That is to say that the rights protected by article 66 numeral 27 (freedom of contracting) must be guaranteed by all the civil servants of the State administration, and in case of doing so, a basis for protective action will exist in addition to the administrative and contentious methods contained in the law.

- ✓ The posed contractual adjustment is not complex, especially because the breaches to the Law of Regulation and Control of Markets are determined by the practice, spirit and absence of a valid justification, rather than by the structure through which it operates.
- ✓ The objective and last aim of RSPO certification resides in the protection and strengthening of the collective right to a healthy and ecologically balanced environment through fulfilling one of the postulates of the constitution, that of ecologically sustainable production, which is one of the guarantees most strongly protected by our legal system, through multiple legal and constitutional provisions. This said, it would seem that this strategy finds its justification in another constitutional right of equal hierarchy and value to that protected by the Law of Regulation and the Control of the Power of the Market, and it will be complex to verify that these associative arrangements are made with the purpose of guaranteeing the dominant position in a market, or that it intends to obstruct the competition, with disloyal or distortive practices.
- ✓ Finally, it will not be foreign to the good practices of the RSPO that among companies and associations of fruit producers -that are constituted with the intention of deciding on RSPO certification-, that all the agreements are documented and formalized, not only the initial ones, but all types of communications that are maintained between the parties, so that any investigative event on the part of the authority has minimum margins for speculation and subjective judgments.