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Roundtable on Sustainable Palm Oil

**National Interpretation of the International  
RSPO Principle and Criteria of the Republic of  
Honduras  
Option under the National Interpretation in  
Small Producing Countries**

**Draft for public consultation V3  
December, 2014**

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## Preamble

This document is the National Interpretation of the Republic of Honduras of the international RSPO standard under the category of National Interpretations for Small Producing Countries, and is based on the generic document Principles and Criteria for the Production of Sustainable Palm Oil 2013 (P&C 2013), which is used as a standard for the certification of palm oil mills and plantations seeking to obtain certification under the RSPO scheme. The process was initiated at the request of a consortium of Palm Oil stakeholders (NGOs, private sector and government) within the PASH project (Sustainable Oil Palm in Honduras) who seek to improve the sustainability of the Honduran oil palm sector.

The document was developed by Proforest alongside a multisectoral working group (called Technical Committee) who met three times in 2014. This document went under a public consultation period of 83 days, after which the document was reviewed in light of the feedback received.

Once approved by the RSPO, this document will become the RSPO standard applicable to all RSPO certified palm producers in Honduras. The document will be reviewed periodically in accordance with any changes to the generic Principles and Criteria determined by the RSPO.

The National Interpretation of RSPO for Honduras is based on the following documents:

- RSPO Principles and Criteria for the Production of Sustainable Palm Oil (2013)
- RSPO Principles and Criteria for Sustainable Palm Oil Production, Guidance on Scheme Smallholders (2009)
- Principles and Criteria for the Production of Sustainable Palm Oil, RSPO Guidance for Independent Smallholders under Group Certification (2010)

The document contains a list of relevant definitions of the RSPO Principles and Criteria for the Production of Sustainable Palm Oil (2013). Also included within this list are definitions of smallholders, which were reviewed and adjusted under the National Interpretation process.

Annex 1 of this document contains a complete list of international laws, conventions and treaties applicable to the sustainable production of palm oil in Honduras (as listed on the RSPO Principles and Criteria for the Production of Sustainable Palm Oil 2013).

Annex 2 includes a complete list of applicable national legislation to the sustainable production of palm oil in Honduras. Annex 3 includes the main activities of agricultural and industrial operations to be considered to develop operational procedures within the oil palm sector while Annex 4, finally, refers to the Guide to Good Environmental Practices for the Production of Palm Oil in Honduras.

The document uses generic language, while recognises the importance of fostering inclusive communication to highlight gender inclusion in the various statements and also to avoid exclusion that could affect both women and men dignity.

The National Interpretation document will be reviewed periodically in accordance with any changes in the generic Principles & Criteria as determined by RSPO or any future needs, such as changes in the law or regulations.

This document is subject to a 60 day public consultation period and will be reviewed in the light of the feedback received, before it is submitted to RSPO for review and formal approval.



## Principle 1: Commitment to transparency

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<b>Criterion 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.</b>		
<p><b>Indicators:</b></p> <p><b>1.1.1</b> There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to relevant stakeholders for effective participation in decision making.</p> <p><b>1.1.2(M)</b> Records of requests for information and responses shall be maintained</p> <p><b>Specific Guidance:</b></p> <p><b>For 1.1.1:</b> Evidence should 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><b>Guidance:</b></p> <p>Growers and millers should have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe to respond to requests for information. Growers and millers should respond constructively and promptly to requests for information from stakeholders.</p> <p>Growers and millers should 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><b>Guidance For Scheme Managers:</b></p> <p>Scheme managers must ensure that participant smallholders are provided copies of :</p> <ul style="list-style-type: none"> <li>• Contracts between scheme managers and smallholders (criterion 1.2)</li> <li>• Land titles/smallholders' user rights (2.2)</li> <li>• Training materials in IPM and safe use of agro-chemical use (4.6)</li> <li>• Health and safety plan (4.7).</li> <li>• Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3).</li> <li>• Pollution prevention plans (5.6).</li> <li>• Details of complaints and grievances (6.3).</li> <li>• Negotiation procedures (6.4).</li> <li>• Procedure for calculating prices, and for grading, FFB (6.10)</li> <li>• Up-to-date records of debts and repayments, charges and fees (6.10)</li> <li>• Continuous improvement plan (8.1).</li> </ul> <p><b>Guidance For Independent Smallholders:</b></p> <p>Group managers must provide documents showing compliance with Section 2.1 of the RSPO Standard for Group Certification as well as a continuous improvement plan (8.1). Group managers must ensure that each participant smallholder is provided a copy of the agreements between them and the group (criterion 1.2) and</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Country Vision: OBJECTIVE 1; Goal 1.5. OBJECTIVE 2; Goal 2.3, Goal 2.5. OBJECTIVE 3; Goal 3.1, Goals 3.3, 3.6, 3.7. OBJECTIVE 4; Goal 4.1.</li> <li>• Law for Administrative Simplification.</li> <li>• National Tax Registry (Decree-Law Number 102).</li> <li>• Law for the Strengthening of the Tax Administration.</li> <li>• Property Law.</li> <li>• Regulation of the Property Law.</li> <li>• Health Code.</li> <li>• Labour Code.</li> <li>• General Regulation of the Preventive Measures of Accidents and Occupational Diseases</li> <li>• Legislative Decree 113-14 Law on Compulsory Purchase</li> <li>• Legislative Decree 24-2008 Law on Consumer Protection</li> <li>• Regulation on Land Allocation within the Land Reform</li> <li>• Organic Law on the National Human Rights Commissioner</li> </ul> <p><b>International Legislation</b></p> <ul style="list-style-type: none"> <li>• Central American Convention for the Protection of Industrial Property</li> <li>• Paris Convention for the Protection of Industrial Property Convention 0010</li> <li>• ILO (International Labour Organisation) Convention 29 on Forced Labour</li> <li>• ILO (International Labour Organisation) Convention 95</li> </ul>

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	<p>up-to-date records of sales and prices of their produce (6.10).</p> <p>Group managers should also provide all group members with simplified training materials in a format and language understood by the group members on:</p> <ul style="list-style-type: none"> <li>• IPM and safe use of agro-chemicals (4.6)</li> <li>• Health and safety plan (4.7).</li> <li>• Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3).</li> <li>• Pollution prevention plans (5.6).</li> <li>• Details of complaints and grievance procedures (6.3).</li> <li>• Procedures for pricing and grading members' FFB (6.10)</li> </ul> <p>Official versions are kept centralized at group manager level for reference and all group members are made aware of this. Training shall be identified and provided where appropriate in relation to these documents (see 4.8).</p>	<p>on the Protection of Wages</p> <ul style="list-style-type: none"> <li>• ILO (International Labour Organisation) Convention 131 on Minimum Wage Fixing</li> </ul>
Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<p><b>Criterion 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.</b></p>		
<p><b>Indicators:</b></p> <p>1.2.1(M) 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> </ul>	<p><b>Guidance for Scheme Managers:</b></p> <p>Scheme managers have shared and explained management plans to smallholders and/or their cooperatives, including documents summarizing complaints and grievance procedures and land acquisition processes.</p> <p>Smallholders have contracts from the scheme managers</p> <p><b>Guidance For Independent Smallholders:</b></p> <p>Group managers must also have shared and explained the relevant RSPO standard for Sustainable Oil Palm Production as set out in this</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law</li> <li>• General Regulations on Environmental Health</li> <li>• Law on Forests, Protected Areas and Wildlife Decree 98-2007</li> <li>• Regulation on Integrated Solid Waste Management</li> <li>• Regulation of the National System for Environmental Impact</li> <li>• Legislative Decree 51-2003 Law on Fair Taxation</li> <li>• Legislative Decree 143-2010 Law for the Promotion of Public-Private Partnerships</li> </ul>

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Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<ul style="list-style-type: none"> <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.</p> <p>The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.</p> <p>Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information.</p> <p>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 should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available</p>	<p>document or in an approved national interpretation to group members.</p> <p>Group smallholders have agreements with the group managers.</p> <p>Group Manager must provide a copy of the agreement (mutually agreed) to each smallholder in the group.</p> <p>Group Management Documentation is made available to group members by the group manager on request.</p> <p>Additional management documents (e.g. related to marketing, pricing, purchasing of inputs etc.) should be made available for all group members</p>	<ul style="list-style-type: none"> <li>General Regulation of the Law for the Promotion of Public-Private Partnerships</li> <li>Decree Law 10-72: Law of the Honduran Institute for Vocational Training (INFOP)</li> <li>Legislative Decree 51-2011 Law for the Promotion and Protection of Investments</li> <li>Regulation on Land Allocation within the Land Reform</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>Central American Convention for the Protection of Industrial Property</li> <li>Convention 0020</li> <li>Paris Convention for the Protection of Industrial Property Convention 0010</li> </ul>

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Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<b>Criterion 1.3</b> Growers and millers commit to ethical conduct in all business operations and transactions.		
<p><b>Indicators:</b></p> <p><b>1.3.1</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></p> <p>All levels of the operations will include contracted third parties (e.g. those involved in security).</p> <p>The policy should 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 should be set within the frame work of the UN Convention Against Corruption, in particular Article 12.</p>		<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• National Law of the Anti-Corruption Council</li> <li>• Law for Transparency and Access to Public Information</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• United Nations Convention against Corruption (2000).</li> </ul>

**Principle 2: Compliance with applicable laws and regulations**

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<b>Criterion 2.1:</b> There is compliance with all applicable local, national and ratified international laws and regulations.		
<p><b>Indicators:</b></p> <p><b>2.1.1(M)</b> Evidence of compliance with relevant legal requirements shall be available.</p> <p><b>2.1.2</b> A documented system, which includes written information on legal requirements, shall be maintained.</p> <p><b>2.1.3</b> A mechanism for ensuring compliance shall be implemented.</p> <p><b>2.1.4</b> A system for tracking any changes in the law shall be implemented.</p>	<p><b>Guidance for scheme managers:</b></p> <p>Scheme managers must regularly provide an up-to-date list of applicable laws and must ensure smallholders can show evidence of compliance with all relevant legal requirements including legally or contractually obligated provisions of lands, plantings, training and services to smallholders. Scheme smallholders should be aware of and understand the intent of applicable laws and regulations. Training of</p>	<p><b>National Legislation:</b></p> <p>Compliance with all the laws listed in <b>Annex 2</b> of this document.</p> <p><b>International Legislation:</b></p> <p>Compliance with all the laws listed in <b>Annex 1</b> of this document.</p>

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<p><b>Specific Guidance:</b>  <b>For 2.1.4:</b> The systems used for tracking any changes in laws and regulations should be appropriate to the scale of the organization.</p> <p><b>Guidance:</b>                      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. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex1 Contradictions and inconsistencies should be identified and solutions suggested.</p>	<p>smallholders is required under 4.8. More detailed guidance should be given in the national interpretations.</p> <p><b>Guidance for independent smallholders:</b>                      Group managers must hold an up-to-date list of applicable laws and regulation, which is known to be available for reference by group members. Through periodic assessments, group managers must ensure smallholders can show evidence of compliance with all relevant legal requirements including the acquisition or holding of lands. Group smallholders should be aware of and understand the intent of applicable laws and regulations. More detailed guidance must be given in the national interpretations.</p>	

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<b>Criterion 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.</b>		
<p><b>Indicators:</b>  <b>Indicators:</b>  <b>2.2.1(M)</b> Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</p>	<p><b>Guidance for Scheme Managers</b>                      Scheme managers have maps or other documents showing land allocations for scheme smallholders and can show these lands are not claimed or contested by third parties with legitimate claims. Where the land</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Property Law, 82-2004</li> <li>• Law for the Modernization and Development of the Agricultural Sector</li> </ul>

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<p><b>2.2.2</b> Legal boundaries shall be clearly demarcated and visibly maintained.</p> <p><b>2.2.3</b> Where there are or have been disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants shall be available, and that these have been accepted with free, prior and informed consent (FPIC).</p> <p><b>2.2.4(M)</b> 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><b>2.2.5</b> 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><b>2.2.6 (M)</b> 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><b>For 2.2.2:</b></p> <p>Plantation operations should cease on land planted beyond the legally determined area and there should be specific plans in place to address such issues for associated smallholders.</p> <p><b>For 2.2.6:</b></p> <p>Company policy should prohibit the use of mercenaries and para-militaries in their operations. Company policy should 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 condition of land use as per land title, growers should show evidence that necessary action has been taken to resolve the conflict with relevant parties.</p>	<p>titles of scheme smallholders are retained by mills until the smallholder debts have been paid off, the scheme manager need to show clearly which lands are allocated to which smallholders (and see 1.1),</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers have maps or other documents showing the lands held by group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims. National interpretations must identify what kinds of documents are needed to show compliance.</p>	<ul style="list-style-type: none"> <li>• Legislative Decree 180-2003 Law on Land Use</li> <li>• Regulation of the Law on Land Use</li> <li>• Legislative Decree 170-1974 Law for Land Reform</li> </ul> <p><b>International Legislation</b></p> <ul style="list-style-type: none"> <li>• UN Declaration on the Rights of Indigenous Peoples</li> <li>• United Nations Convention on Biological Diversity (1992).</li> <li>• ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries</li> <li>• ILO Recommendation 132 concerning the Improvement of Conditions of Life and Work of Tenants, Share-croppers and Similar Categories of Agricultural Workers</li> </ul>

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<p>A mechanism should be in place to resolve 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> <p><b>GUIDANCE</b></p> <p>In order to prove the tenure rights to the land to be used to grow palm cultivation, the owner must prove that:</p> <ol style="list-style-type: none"> <li>1. The land is legally registered (Institute of Property and Municipality), cleared in all cases where evidence and ownership is proven as well as free of encumbrances.</li> <li>2. No land that lies within national parks or adjacent buffer zones was purchased, nor land with an Ethnic heritage or affecting cultural heritage</li> <li>3. Recognized customary use rights shall be identified through:             <ol style="list-style-type: none"> <li>a. Georeferenced maps showing the extent of recognized customary rights (e.g. roads, power lines, etc.)</li> <li>b. Participatory mapping, evidence and testimony involving affected stakeholders, including neighbouring communities where applicable and any relevant authorities.</li> <li>c. Signs indicating the status of the properties must be put in place to deter any action leading to encroachment by any person or group of the estate or land where owners have established plantations.</li> </ol> </li> </ol> <p>In the event of the existence of customary, use or other rights (e.g. roads or paths, etc.) of land to be acquired that is already planted, the right can be compensated through an alternative pathway and granting stakeholders permanent free access to their communities or areas of influence.</p>		

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<b>Criterion 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.</b>		
<p><b>Indicators:</b></p> <p><b>2.3.1(M)</b> 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><b>2.3.2</b> 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> <p><b>a)</b>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;</p> <p><b>b)</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;</p> <p><b>c)</b> 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</p> <p><b>2.3.3</b> All relevant information shall be available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p><b>2.3.4(M)</b> Evidence shall be available to show that communities are represented through institutions or representatives of their own choosing, including legal counsel.</p> <p><b>Specific Guidance:</b></p> <p><b>For 2.3.4:</b> Evidence should be available from the companies,</p>	<p><b>Guidance for scheme smallholders</b></p> <p>Scheme managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers can show that lands acquired for group smallholders do not diminish legal or customary rights of other users. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Property Law, 82-2004</li> <li>• Regulation of the Property Law</li> <li>• Legislative Decree 170-1974 Law for Land Reform</li> </ul> <p><b>International Legislation</b></p> <ul style="list-style-type: none"> <li>• UN Declaration on the Rights of Indigenous Peoples</li> <li>• United Nations Convention on Biological Diversity (1992).</li> <li>• ILO Recommendation 132 concerning the Improvement of Conditions of Life and Work of Tenants, Share-croppers and Similar Categories of Agricultural Workers</li> </ul>

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<p>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 should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).</p> <p>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 entered into voluntarily, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of communities should be transparent and in open communication with other community members.</p> <p>Adequate time should be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is of long-term benefit for all parties.</p> <p>Companies should be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as ‘eminent domain’).</p> <p>Growers and millers should refer to the RSPO approved FPIC guidance (‘FPIC and the RSPO: A Guide for Companies’, October 2008).</p>		

### Principle 3: Commitment to long-term economic and financial viability

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<b>Criterion 3.1 There is an implemented management plan that aims to achieve long-term economic and financial viability. .</b>		
<p><b>Indicators:</b></p> <p><b>Indicators:</b></p> <p><b>3.1.1(M)</b> A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p><b>3.1.2</b> 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><b>For 3.1.1:</b> 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><b>Suggested calculation:</b> trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes).</p> <p><b>Guidance:</b></p> <p>Whilst it is recognized that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning. There should be longer term aplaning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p>	<p><b>Guidance for Scheme Managers:</b></p> <p>Scheme managers have a documented management plan for scheme smallholders (minimum 3 years) which is shared with them in appropriate languages.</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers have a documented annual business plan which shows economic benefits for the group and sets out expansion plans (see 7.1). This plan is shared with group members in an appropriate format.</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Law for Incentivising Production, Competitiveness and Support to Human Development - Decree 131-98 (April 20th, 1998);</li> <li>• Law for the Modernization and Development of the Agricultural Sector</li> <li>• Legislative Decree 194-2002 Law on Financial Stability and Social Protection.</li> <li>• Decree Law 24-63: Law on Sales Tax</li> <li>• Legislative Decree 51-2003 Law on Fair Taxation</li> <li>• Legislative Decree 24-2008 Law on Consumer Protection</li> <li>• Legislative Decree 96-2012 Law on Income Tax Anti-Evasion Measures</li> <li>• Legislative Decree 135-2008 Law for the Promotion and Development of the Competitiveness of Micro and Medium Enterprises.</li> <li>• Regulation of the Law for the Promotion and Development of the Competitiveness of Micro and Medium Enterprises.</li> <li>• Legislative Decree 73-1950 Code of Mercantile Law.</li> <li>• Regulation of the Law on Income Tax.</li> <li>• Regulation of the Law on Financial Stability and Social Protection.</li> <li>• Code of Mercantile Law.</li> <li>• Regulation of the Law on Income Tax.</li> <li>• Regulation of the Law on Financial Stability and Social Protection.</li> <li>• Regulation of the Law on Fair Taxation</li> </ul>

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<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 RSPO Guidance On Scheme Smallholders, July 2009).</p> <p>Growers should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements.</p> <p>This Criterion is not applicable to independent smallholders (refer to RSPO Guidance for Independent <i>Smallholders under Group Certification</i>, June 2010).</p>		<ul style="list-style-type: none"> <li>• Regulation of the Law on the Population's Financial Security</li> <li>• Regulation of the Fourteenth Month's Salary as Social Compensation.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• International Financial Reporting Standards (IFRS)</li> </ul>

**Principle 4: Use of Appropriate Best Practices by Growers and Millers**

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<b>Criterion 4.1 Operating procedures are appropriately documented, consistently implemented and monitored.</b>		
<p><b>Indicators:</b></p> <p><b>4.1.1(M)</b> Standard Operating Procedures (SOPs) for estates and mills shall be documented.</p> <p><b>4.1.2</b> A mechanism to check consistent implementation of procedures shall be in place.</p> <p><b>4.1.3</b> Records of monitoring and any actions taken shall be maintained and available, as appropriate.</p> <p><b>4.1.4 (M)</b> The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).</p> <p><b>Specific Guidelines:</b></p> <p>For 4.1.1 and 4.1.4: SOP and documentation for mills should include relevant supply chain requirements (see RSPO Supply Chain Certification Standard, Nov 2011).</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers can show how they document, monitor and manage implementation of best practices by smallholders. Scheme managers should ensure that smallholders can show evidence of compliance.</p> <p>More detailed guidance should be given in the national interpretations. Training should be provided under 4.8.</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>The Group managers can show how they</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Guidance on Good Environmental Practices for biodiesel production from palm oil in Honduras.</li> <li>• Guidance on Good Environmental Practices for Palm Oil Production in Honduras</li> </ul>

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<p><b>Guidance:</b> Mechanisms to check implementations could include documentation management systems and internal control procedures.</p> <p><b>GUIDANCE</b></p> <p>A management system should be established allowing the planning, implementation, monitoring and evaluation of operational activities, through standardized processes and procedures that are consistent with industry's best practice.</p> <ol style="list-style-type: none"> <li>1. Such procedures, protocols or work instructions shall be clearly documented and described in languages understandable to all employees and partners.</li> <li>2. Employees and partners will be taught and trained, so that procedures, protocols or work instructions are understood and implemented</li> <li>3. Itemize the list of activities to carry out on each applicable operation (agricultural or industrial). See Annex 3 of this document.</li> <li>4. The monitoring system should include in particular the following:             <ol style="list-style-type: none"> <li>a. Checklist</li> <li>b. Internal audit</li> <li>c. Record keeping of training sessions on operational procedures</li> <li>d. Record keeping of the checks carried out</li> <li>e. Any other considered relevant</li> </ol> </li> <li>5. For small producers, operational processes will be in accordance to their scale and these will be supported by the group or scheme manager.</li> </ol>	<p>document, monitor and manage the implementation of best practices by group smallholders e.g. through the internal assessment of members from Group Managers. Group Manager can show that awareness raising took place to address the non-compliant smallholders and these smallholders were included in the continuous improvement plan. Three years will be given for smallholders to comply with this nonconformance. More detailed guidance should be given in the national interpretations. Training should be provided under 4.8.</p>	

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<b>Criterion 4.2 Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.</b>		
<p><b>Indicators:</b></p> <p><b>4.2.1</b> 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><b>4.2.2</b> Records of fertilizer inputs shall be maintained.</p> <p><b>4.2.3</b> There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.</p> <p><b>4.2.4</b> 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><b>Guidance:</b></p> <p>Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production.</p> <p><b>Guidance:</b></p> <p><u>Maintaining the soil's health and fertility is important to the sustainability of palm cultivation, as these are its main assets over time.</u></p> <p><u>Long-term soil fertility depends on conservation of the soil's structure, organic matter content, nutrient status and microbiological health. To this end, the nutrient recycling strategy is crucial and should include the incorporation of organic waste resulting from the different production processes, the use of mulches and the addition of chemical fertilizers.</u></p> <p><u>The following should be considered to ensure soil's</u></p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers can show that lands prepared for smallholdings have been chosen so as to maintain soil fertility, that they have carried out trainings with scheme smallholders to explain best practices (see 4.8) and that they can monitor and verify effective implementation.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers can show that they have carried out trainings with group smallholders to explain best practices to maintain soil fertility (see 4.8) and monitor effective implementation</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law - Decree 104-93 (June 30th, 1993). Guidance on Good Environmental Practices for the production of biodiesel from palm oil.</li> <li>• Regulation on the Registration, Use and Control of Fertilizers and Raw Materials</li> <li>• General Water Law</li> <li>• Technical Standards for Wastewater Discharges to Receptor Water Bodies and Sewers</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Agreement on Environmental Cooperation</li> <li>• Rotterdam Convention</li> </ul>

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<p><b>sustainability and maintaining its health and fertility:</b></p> <ol style="list-style-type: none"> <li>1. Carry out soil and foliar analyses</li> <li>2. The analyses must be carried out by accredited laboratories</li> <li>3. Soil analyses should be conducted every five years</li> <li>4. Foliar analyses should be conducted every year</li> <li>5. To determine soil fertility records should be kept of:                             <ol style="list-style-type: none"> <li>a. Nutrient levels indicators</li> <li>b. Precipitation records</li> <li>c. Use of agroindustrial by-products for crop nutrition</li> <li>d. Fertiliser dosage per hectare</li> <li>e. Fruit production per year</li> <li>f. Oil Production per hectare per year</li> </ol> </li> </ol> <p>For small producers, operational practice related to this criterion will be in accordance to their scale and they will be supported by the group or scheme manager with technical assistance.</p>		

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<b>Criterion 4.3 Practices minimise and control erosion and degradation of soils.</b>		
<p><b>Indicators:</b></p> <p><b>4.3.1(M)</b> Maps of any fragile soils shall be available.</p> <p><b>4.3.2</b> A management strategy shall be in place for plantings on slopes above a certain limit (this needs to be soil and climate specific).</p> <p><b>4.3.3</b> A road maintenance programme shall be in place.</p> <p><b>4.3.4(M)</b> Subsidence of peat soils shall be minimized and monitored. A documented water and ground cover management programme shall be in place.</p> <p><b>4.3.5</b> 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><b>Guidance for Scheme Managers :</b></p> <p>Scheme managers can show that lands prepared for smallholdings have been chosen so as to minimize and control erosion and soil degradation in accordance with the indicators</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers can show that they have carried out trainings with group smallholders to explain best practices to minimize and control the erosion and degradation (see 4.8) and monitor and verify effective implementation. National interpretations shall contain details on peat depth.</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law - Decree 104-93 (June 30th, 1993).</li> <li>• General Regulation of the Environmental Law - Agreement 109-93 (February 6th, 1994), Regulation on Integrated Solid Waste Management;</li> <li>• Legislative Decree 180-2003 Law on Land Use</li> <li>• Regulation of the Law on Land Use</li> <li>• Law on Forests, Protected Areas and Wildlife</li> </ul> <p><b>International Legislation:</b></p>

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<p><b>4.3.6</b> A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils).</p> <p><b>Specific Guidelines:</b></p> <p><b>For 4.3.4:</b> For existing plantings 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><b>For 4.3.5:</b> Where drainability assessments have identified areas unsuitable for oil palm replanting, plans should 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 should consider ceasing replanting and implementing rehabilitation.</p> <p><b>Guidance:</b> Plantations on peat should be managed at least to the standard set out in the '<i>RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat</i>', June 2012 (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).</p> <p>Techniques that minimize soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or</p>		<ul style="list-style-type: none"> <li>• Agreement on Environmental Cooperation</li> </ul>

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<p>restoration instead of replanting.</p> <p><b>Guidance</b></p> <ol style="list-style-type: none"> <li>1. To follow these techniques to minimize soil erosion                             <ol style="list-style-type: none"> <li>a. Adequate management of soil green cover</li> <li>b. Recycling of the plant's vegetative material</li> <li>c. Spontaneous restoration and regeneration</li> <li>d. Make good use of irrigation (if applicable)</li> <li>e. Minimise the use of heavy machinery during harvesting activities</li> <li>f. Identify fragile soils</li> <li>g. Maintain buffer strips around water bodies.</li> </ol> </li> <li>2. Refer to Criterion 4.2 to maintain and/or improve soil fertility.</li> <li>3. Refer to the Guidance on Good Environmental Practices for Palm Oil Production in Honduras (Annex 4).</li> <li>4. Observe the following restrictions for planting on slopes:                             <ol style="list-style-type: none"> <li>a. Maximum admissible inclination of 25%.</li> <li>b. Implement soil conservation measures (eg. construction of terraces, banks, cover crops, etc.) to slopes with inclination between 9 and 25%.</li> </ol> </li> <li>5. Fire should not be used for land preparation.</li> </ol> <p>For small producers, the application of the above techniques will be in accordance to their scale and they will be supported by the group or scheme manager with technical assistance.</p>		

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<b>Criterion 4.4 Practices maintain the quality and availability of surface and ground water</b>		
<p><b>Indicators:</b></p> <p><b>4.4.1</b> An implemented water management plan shall be in place.</p> <p><b>4.4.2(M)</b> Protection of water courses and wetlands,</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers can show they have chosen and prepared lands allocated for smallholdings so as to maintain the quality and availability of surface and ground water, have carried out</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Constitution of the Republic of Honduras - Decree 171 (January 20th, 1982),</li> </ul>

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<p>including maintaining and restoring appropriate riparian and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.</p> <p><b>4.4.3</b> 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><b>4.4.4</b> 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><b>For 4.4.1:</b> The water management plan will:</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>• Aim to ensure local communities, workers and their families 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><b>For 4.4.2:</b> Refer to the 'RSPO Manual On Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat', July 2012.</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>trainings with scheme smallholders to explain best practices (and see 4.8) and can monitor, manage and verify effective implementation by smallholders. Scheme managers should provide information and training about appropriate technology and efficient water management practices to minimize water loss and improve efficiency of use. Scheme managers should ensure that smallholders can show evidence of compliance. More detailed guidance should be given in the national interpretations.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group Managers shall ensure that group members are maintaining riparian buffer zones and not contributing to water quality degradation. This is monitored and overseen by the Group Manager. Where existing smallholdings are already established in riparian buffer zones these areas should be restored with natural vegetation at replanting.</p>	<ul style="list-style-type: none"> <li>• General Environmental Law - Decree 104-93 (June 30th, 1993),</li> <li>• General Regulation of the Environmental Law - Agreement 109-93 (February 6th, 1994),</li> <li>• Health Code - Decree 65-91 (August 26th, 1991)</li> <li>• General Regulation of Environmental Health - Agreement No. 0094 (June 20th, 1998).</li> <li>• Law on Forests, Protected Areas and Wildlife – Decree No. 98 – 2007 (February 26th, 2008).</li> <li>• General Regulation of the Law on Forests, Protected Areas and Wildlife – Agreement No. 031-2010 (October 16th, 2010).</li> <li>• Technical Standard for Drinking Water Quality - Agreement No. 084-95 of July 31st, 1991 (October 4th, 1995).</li> <li>• General Water Law - Legislative Decree 181 – 2009 (December 14th, 2009),</li> <li>• Framework Law for the Drinking Water and Sanitation Sector - Agreement No. 118 - 2003 (October 8th, 2003).</li> <li>• Regulation of the Framework Law for the Drinking Water and Sanitation Sector - Agreement No. 006 (May 8th, 2004).</li> <li>• Regulation of the Water Management Boards.</li> <li>• Municipal Tax Plan.</li> <li>• Regulation for the Health Control of Products, Services and Health-Related Establishments.</li> </ul> <p><b>International Legislation</b></p> <ul style="list-style-type: none"> <li>• Stockholm Convention on Persistent Organic Pollutants (2001).</li> <li>• FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, reviewed 2002).</li> </ul>

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<b>Criterion 4.5 Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.</b>		
<p><b>Indicators:</b></p> <p><b>4.5.1(M)</b> Implementation of Integrated Pest Management (IPM) plans shall be monitored.</p> <p><b>4.5.2</b> Training of those involved in IPM implementation shall be demonstrated.</p> <p><b>Guidance:</b></p> <p>Growers should apply recognized IPM techniques, including cultivation, biological, mechanical and physical methods that minimize the use of agrochemicals.</p> <p>Native species should be used in biological control where possible.</p> <ol style="list-style-type: none"> <li>1. An Integrated Pest Management Plan should be implemented as a strategy to reduce the use of chemicals and to prevent damage to other species.</li> <li>2. Integrated pest management requires to carry out the following activities prior to the application of pesticides:               <ol style="list-style-type: none"> <li>a. Understanding of the pest's life cycle and ecology and its natural enemies.</li> <li>b. Maintaining regular cycles of surveillance of the plantations for early detection of outbreaks of each pest and continuous monitoring, mainly of the levels of parasitism and predation, in order to plan and implement control measures at the most effective time.</li> <li>c. Identifying the economic loss level and/or impact and thresholds for action, in order to allow the development of natural enemies to restore the natural balance.</li> <li>d. Choosing the most selective possible product against the pest to be controlled. Using the lowest effective possible dose, with minimal toxicity to humans and the lesser polluting effect to the</li> </ol> </li> </ol>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers should provide regular training to scheme smallholders in IPM techniques (incorporating cultural, biological, mechanical or physical methods – see 4.8) to minimize use of chemicals and provide appropriate assistance for application.</p> <p>Scheme managers should manage implementation of best practices by smallholders and ensure that smallholders can show evidence of compliance where good quality inputs are available at affordable prices in local markets. More detailed guidance should be given in the national interpretations.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers should provide regular training to group smallholders in IPM techniques incorporating cultural, biological, mechanical or physical methods – see 4.8) to minimize use of chemicals and provide appropriate assistance for application. More detailed guidance should be given in the national interpretations.</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Law on Plant and Animal Health – Decree No. 157-94.</li> <li>• International Health Regulations.</li> <li>• Regulation of Diagnosis, Surveillance and Phytosanitary Campaigns.</li> <li>• Regulation for the Health Control of Products, Services and Health-Related Establishments.</li> <li>• Regulation on the Registration, Use and Control of Fertilizers and Raw Materials.</li> <li>• Regulation for the Inspection and Safety of Fruits and Fresh and Processed Vegetables.</li> <li>• Health Code - Decree 65-91 (August 26th, 1991).</li> </ul> <p><b>International Legislation</b></p> <ul style="list-style-type: none"> <li>• Stockholm Convention on Persistent Organic Pollutants (2001).</li> <li>• FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, reviewed 2002).</li> <li>• Agreement on Environmental Cooperation</li> <li>• FAO International Code of Conduct on the Distribution and Use of Pesticides.</li> </ul>

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<p>environment.</p> <p>e. Choosing application dates and times that minimise the negative impact on the natural enemies of the pest and other beneficial insects. Where feasible, the application must be localised to the parts of the plant where the pest is found.</p> <p>3. A plan of systematic monitoring of pests and diseases should be implemented regularly to record their presence and assess their status.</p> <p>4. To every extent possible, native species should be used in biological control by monitoring and assessing their impacts on surrounding areas.</p> <p>5. Identifying all pests and diseases affecting the plantations and describing the actions to take, in coordination with neighbouring producers whenever possible.</p> <p>6. Training staff responsible for implementing and developing the IPM plan and keeping records of trainings.</p> <p>Periodic training should be provided to small producers in integrated pest management techniques (incorporating cultivation, biological, mechanical or physical methods), and records be kept.</p>		

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<b>Criterion 4.6 Pesticides are used in ways that do not endanger health or the environment.</b>		
<p><b>Indicators:</b></p> <p><b>4.6.1(M)</b> 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><b>4.6.2(M)</b> Records of pesticides use (including active</p>	<p><b>Guidance for scheme smallholders</b></p> <p>Scheme managers will provide regular training to group smallholders on agrochemical use (see 4.8), especially on how:</p> <ul style="list-style-type: none"> <li>• Chemicals should only be applied in accordance with the product label.</li> <li>• Appropriate safety equipment can be acquired and used.</li> </ul>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Regulation of the Registration, Marketing, Use and Control of Agricultural Pesticides and Related Substances.</li> <li>• Agreement of the Creation of an Interagency Commission on Pesticides - Ministerial Agreement SAG 642-98 (September 12th, 1998).</li> <li>• General Regulation of the Preventive Measures of Accidents</li> </ul>

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<p>ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.</p> <p><b>4.6.3(M)</b> Any use of pesticides shall be minimized 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><b>4.6.4</b> Pesticides that are categorized as World Health Organization Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimized and eliminated as part of a plan, and shall only be used in exceptional circumstances.</p> <p><b>4.6.5(M)</b> 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 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><b>4.6.6(M)</b> Storage of all pesticides shall be according to recognized best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see criterion 5.3).</p> <p><b>4.6.7</b> Application of pesticides shall be by proven methods that minimize risk and impacts.</p> <p><b>4.6.8(M)</b> 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><b>4.6.9</b> Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated, including provision of appropriate</p>	<ul style="list-style-type: none"> <li>• All precautions attached to the products should be properly observed, applied, and understood.</li> <li>• Chemicals should be securely and safely stored. And chemical containers should be properly disposed of and not used for other purposes (and see criterion 5.3).</li> <li>• Pesticides should be applied by proven methods that minimize risk and impacts.</li> <li>• Proper disposal of waste material, according to procedures that are fully understood (also see criterion 5.3 on waste disposal).</li> </ul> <p>Scheme managers records will also show:</p> <ul style="list-style-type: none"> <li>• Justification of all chemical use</li> <li>• List of all agrochemicals used</li> <li>• Records of pesticides supplied to smallholders.</li> <li>• Documentary evidence that use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat is reduced and/or eliminated.</li> <li>• Evidence of CPO residue testing, as required by the supply chain.</li> <li>• Annual health screening for all smallholders using or handling agrochemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat.</li> <li>• No chemical spraying by pregnant women or children.</li> </ul> <p><b>Note:</b> RSPO will identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organization Type</p>	<p>and Occupational Diseases - Executive Agreement No. STSS (June 28th, 2004). Articles 1-471.</p> <ul style="list-style-type: none"> <li>• General Environmental Law - Decree 104 – 93 (June 30th, 1993).</li> <li>• General Regulation of the Environmental Law - Agreement 109-93 (February 6th, 1994),</li> <li>• Health Code - Decree 65-91 (August 26th, 1991).</li> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Law on Vehicular Traffic - Legislative Decree 205 – 2005 (January 3rd, 2006),</li> <li>• Regulation of Plant and Animal Quarantine - Agreement 1618–97 (September 26th, 2001).</li> <li>• Regulation of Fees for Services Rendered by the Directorate General of the National Agricultural Health Service (SENASA).</li> <li>• General Regulation of the National Agricultural Health Service (SENASA).</li> <li>• Agreement No. 103–02 SAG: Pesticide Residues in Food.</li> <li>• International Health Regulations.</li> <li>• General Regulation on Environmental Health</li> <li>• Regulation on the Registration, Use and Control of Fertilizers and Raw Materials</li> <li>• Agreement SAG 012-2007</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Rotterdam Convention on Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade (1998).</li> <li>• Stockholm Convention on Persistent Organic Pollutants (2001).</li> <li>• FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, reviewed 2002).</li> </ul>

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<p>information materials (see Criterion 4.8).</p> <p><b>4.6.10</b> 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><b>4.6.11(M)</b> Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.</p> <p><b>4.6.12(M)</b> No work with pesticides shall be undertaken by pregnant or breast-feeding women</p>	<p>1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results will be collated and reported by November 2007.</p>	<ul style="list-style-type: none"> <li>• Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.</li> <li>• Agreement on Environmental Cooperation</li> <li>• FAO International Code of Conduct on the Distribution and Use of Pesticides.</li> </ul>
<p>Specific Guidance:</p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification should consider less harmful alternatives and IPM.</p> <p>For 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>For 4.6.6: Recognized best practice includes: Storage of all pesticides as prescribed in the FAO International Code of Conduct on the distribution and use of pesticides and its guidelines, and supplemented by relevant industry guidelines in support of the International Code (see Annex 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'. Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders (refer to 'Guidance for Independent Smallholders under Group Certification', June 2010).</p>	<p><b>Guidance for independent smallholders:</b></p> <p>Group managers will provide regular training to group smallholders on agrochemical use (see 4.8), especially on how:</p> <ul style="list-style-type: none"> <li>• Chemicals should only be applied in accordance with the product label.</li> <li>• Appropriate safety equipment can be acquired and used.</li> <li>• All precautions attached to the products should be properly observed, applied, and understood the dangers of use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat.</li> <li>• Chemicals should be securely and safely stored and how all chemical containers should be properly disposed of and not used for other purposes (and see criterion 5.3).</li> <li>• Pesticides should be applied by proven methods that minimize risk and impacts.</li> <li>• Proper disposal of waste material, according to procedures that are fully understood (also see criterion 5.3 on waste disposal).</li> </ul> <p>Group managers records will also show:</p> <ul style="list-style-type: none"> <li>• List of all agrochemicals used by group members</li> <li>• Documentary evidence that use of chemicals categorized as World Health Organization</li> </ul>	

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	<p>Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat is reduced and/or eliminated and alternatives identified where possible by the group manager in accordance with the dangers identified of these chemicals.</p> <ul style="list-style-type: none"> <li>• They have assessed options for regular health screening for all group smallholders and workers they employ (if any) using or handling agrochemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat and encouraged smallholders to have such screening where accessible facilities exist.</li> </ul> <p><b>Note:</b> RSPO will identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results will be collated and reported by November 2007.</p>	

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<b>Criterion 4.7 Un plan de salud y seguridad ocupacional es debidamente documentado, efectivamente comunicado e implementado.</b>		
<p><b>Indicators:</b></p> <p><b>The health and safety plan shall cover the following:</b></p> <p><b>4.7.1 (M)</b> 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><b>4.7.2 (M)</b> 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</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers have a health and safety plan for scheme smallholders and their families which is managed, implemented and monitored. There are records of regular meetings between the responsible person and smallholders where concerns about health, safety and welfare are discussed. Accident and emergency procedures should exist and instructions should be clearly explained to all smallholders (and see 4.8) and</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• General Regulation of the Preventive Measures of Accidents and Occupational Diseases - Executive Agreement No. STSS (June 28th, 2004). Articles 1-471.</li> <li>• Health Code - Decree 65-91 (August 26th, 1991).</li> <li>• Legislative Decree 294-93 Law on the Firefighting Service of</li> </ul>

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<p>identified issues. All precautions attached to products shall be properly observed and applied to the workers.</p> <p><b>4.7.3 (M)</b> 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><b>4.7.4 (M)</b> 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><b>4.7.5</b> 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><b>4.7.6</b> All workers shall be provided with medical care, and covered by accident insurance.</p> <p><b>4.7.7</b> 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 should ensure that the workplace,</p>	<p>provided in written form to all smallholders in appropriate languages. Scheme managers should ensure that smallholders understand and implement health and safety procedures. More detailed guidance should be given in the national interpretations.</p> <p><b>Guidance for independent smallholders:</b></p> <p>The Group Manager will identify the risk related to the group smallholdings and will address them in awareness training for the smallholders (and see 4.8). Major risks only will be addressed through emergency procedures. More detailed guidance should be given in the national interpretations.</p>	<p>the Republic.</p> <ul style="list-style-type: none"> <li>• Legislative Decree 151-2009 Law of the National Risk Management System (SINAGER).</li> <li>• Regulation of the Law of the National Risk Management System (SINAGER)</li> <li>• Decree 230-2010: Law on Part Time Employment.</li> <li>• Regulation of the National Programme on Part Time Employment.</li> <li>• Law on Social Security</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• ILO Convention 143 (1975) on Migrant Workers (Supplementary Provisions).</li> <li>• ILO Convention 184 (2001) on Safety and Health in Agriculture.</li> <li>• ILO Convention 110 (1958) on Plantations.</li> <li>• ILO Convention 29 (1930) concerning Forced or Compulsory Labour.</li> <li>• ILO Convention 81 (1947) concerning Labour Inspection in Industry and Commerce.</li> <li>• Dominican Republic–Central America Free Trade Agreement (CAFTA-DR).</li> <li>• ILO Convention 42 (1934) on Workmen's Compensation (Occupational Diseases).</li> </ul>

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<p>machinery, equipment, transport and processes under their control are safe and without undue risk to health. Growers and millers should 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 should also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p><b>GUIDANCE</b></p> <p>1. The company is responsible to have a policy in place defining the management commitment to provide a safe working environment.</p> <p>2. An effective safety plan should be in place that is implemented, monitored and understood. It must include the following elements:</p> <ul style="list-style-type: none"> <li>a. Risk analysis of all activities;</li> <li>b. Provide personal protective equipment;</li> <li>c. Identify, record and report on all occupational injuries;</li> <li>d. All injuries should be investigated and corrective actions should be taken to avoid reoccurrence;</li> <li>e. Training of employees on health and safety issues at the workplace;</li> <li>f. Records kept of all training;</li> </ul> <p><b>ABSENTEEISM</b></p> <p>Absence rate of employees due to accidental injuries, or occupational or common diseases.</p> <p>The company needs to find strategies to identify, prevent, reduce and control occupational diseases and accidents at the workplace.</p> <p>The success of strategies to reduce absenteeism depends on how to prevent, measure, evaluate and address it.</p>		

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<p><b>Parameters to consider in measuring absenteeism.</b></p> <p>Ne = Number of employees</p> <p>Ht = Total hours worked per month</p> <p>Hi = Total hours absence per month</p> <p>Ea = Employees absent</p> <p><b>Basic calculation suggested for measuring absenteeism</b></p> <p>Absenteeism % = (Total absent hours / Total Hours Worked) X 100</p> <p><math>A\% = (Hi) / (Ht) \times 100</math></p> <p>It is recommended to use this formula by type of absenteeism.</p>		

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<b>Criterion 4.8 All staff, workers, smallholders and contract workers are appropriately trained.</b>		
<p><b>Indicators:</b></p> <p><b>Guide:</b></p> <p>Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimize exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organization. Training should be given to all staff and workers by growers and millers to enable them</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Los administradores del sistema suministran entrenamiento formal y desarrollan un programa de concientización creciente, que incluye la evaluación periódica de las necesidades de capacitación y de la documentación del programa; además se registra la capacitación impartida a cada sistema de pequeños propietarios. Este entrenamiento incluye cómo cumplir las tareas y responsabilidades de manera acorde con procedimientos documentados, y en cumplimiento de los requerimientos de los principios, los Criterios y las guías para pequeños propietarios de la RSPO. La capacitación y sensibilización creciente también pueden ser</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Regulation of the Preventive Measures of Accidents and Occupational Diseases - Executive Agreement No. STSS (June 28th, 2004).</li> <li>• Law on Social Security Reform Decree 080-2001</li> <li>• Legislative Decree 158-2009 Special Law for Environmental Education and Communication.</li> <li>• Labour Code.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• ILO Convention 143 (1975) on Migrant Workers (Supplementary Provisions).</li> </ul>

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<p>to fulfil 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 should be selected for their ability to fulfil 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 should 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' organizations, or through collaboration with other institutions and organizations (refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009) 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 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009)</p> <p><b><u>GUIDANCE</u></b></p> <p><b><u>1. Each company must conduct a training needs assessment by work area including basic issues of RSPO, quality, environment, occupational health and safety, or others.</u></b></p> <p><b><u>2. Also to implement a regular programme of training and continuous improvement, according to the</u></b></p>	<p>suministradas mediante los servicios de extensión y por organizaciones de pequeños productores, como cooperativas o instituciones comunitarias.</p> <p>Los métodos de capacitación deben ser efectivos utilizando metodologías de educación para adultos. El entrenamiento debe cubrir:</p> <ul style="list-style-type: none"> <li>• La relevancia del estándar RSPO</li> <li>• Conformidad legal (ver 2.1.).</li> <li>• Procedimientos operativos (ver 4.1).</li> <li>• Manejo del suelo y del agua (ver 4.2 y 4.4.).</li> <li>• Manejo integrado de plagas (ver 4.5).</li> <li>• Uso de los agroquímicos (ver 4.6).</li> <li>• Salud y seguridad ocupacional (ver 4.7).</li> <li>• Uso del fuego y regulaciones relevantes (ver 5.5).</li> </ul> <p><b>Guidance for independent smallholders:</b></p> <p>Los administradores del Grupo deben crear conciencia sobre temas relevantes e identificar las necesidades de capacitación proporcionarla a los pequeños cuando sea necesario.</p> <p>Las áreas de evaluación de la capacitación incluyen:</p> <ul style="list-style-type: none"> <li>• El funcionamiento de los grupos y las responsabilidades de los miembros del grupo.</li> <li>• La importancia del estándar RSPO.</li> <li>• Cumplimiento Legal (ver 2.1).</li> <li>• Procedimientos de operación (ver 4.1) Del suelo y la gestión del agua (ver 4.2, 4.3 y 4.4).</li> <li>• Manejo Integrado de Plagas (ver 4.5).</li> </ul>	<ul style="list-style-type: none"> <li>• ILO Convention 184 (2001) on Safety and Health in Agriculture.</li> <li>• ILO Convention 110 (1958) on Plantations.</li> <li>• ILO Convention 81 (1947) concerning Labour Inspection in Industry and Commerce.</li> </ul>

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<p>results of the training needs assessment.</p> <p>3. The required skills of training providers on relevant topics need to be determined.</p> <p>4. Measurement tools to assess training impacts need to be developed.</p> <p>The company must have an induction and periodic retraining programme for key suppliers and contractors on issues related to RSPO, quality, environment, occupational safety and health.</p>	<ul style="list-style-type: none"> <li>• El uso de agroquímicos (ver 4.6).</li> <li>• Salud y Seguridad Ocupacional (ver 4.7)</li> <li>• El uso del fuego y reglas pertinentes (véase el apartado 5.5).</li> </ul>	

**Principle 5: Environmental responsibility and conservation of natural resources and biodiversity**

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<p><b>Criterion 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.</b></p>		
<p><b>Indicator:</b></p> <p><b>5.1.1(M)</b> An environmental impact assessment (EIA) shall be documented.</p> <p><b>5.1.2</b> 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><b>5.1.3</b> 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><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must undertake and document an impact assessment, developed with the participation of smallholders, that includes all the scheme smallholdings and sets out appropriate management planning and operational procedures for each impact identified which requires changes in current practice. They have a timetable for the implementation of required actions, which are monitored to demonstrate continuous improvement. Impact assessments will include consideration of:</p> <ul style="list-style-type: none"> <li>• Building and maintenance of roads to service smallholdings and provide access to mills</li> <li>• Putting in drainage or irrigation systems.</li> <li>• Replanting or expansion of smallholdings.</li> </ul>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Regulation of the National System for Environmental Impact Assessment - Executive Agreement 189 – 2009 (December 31st, 2009).</li> <li>• General Environmental Law - Decree 104-93 (June 30th, 1993) and its Regulation.</li> <li>• Law on Forests, Protected Areas and Wildlife – Decree 98 – 2007 (February 26th, 2011).</li> <li>• Regulation of Environmental Auditing - Agreement No. 887 – 2009 (January 15th, 2010).</li> <li>• Regulation of the National Register of Environmental Services Providers - Agreement 826 – 2009 (January 15th, 2010).</li> <li>• Agreement 1714 - 2010 - Table of Environmental and Health Impacts/Risk Categories.</li> </ul>

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<p>The EIA should 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> <p>Impact assessment can be a non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this Criterion and raised through stakeholder consultation.</p> <p>Environmental impacts should be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and people’s amenity (Criterion 6.1), both on and off-site.</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 ‘Guidance for Independent Smallholders under Group Certification’, June 2010, and ‘Guidance on Scheme Smallholders’, July 2009).</p>	<ul style="list-style-type: none"> <li>• Clearing of remaining natural vegetation and the need to avoid the use of fire (see 5.5).</li> </ul> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must undertake and document an impact assessment, developed with the participation of smallholders and local communities, that includes all the group smallholdings and sets out appropriate actions to address each impact identified when:</p> <ul style="list-style-type: none"> <li>• Replanting or expanding smallholdings.</li> <li>• Clearing remaining natural vegetation and given the need to avoid the use of fire (see 5.5).</li> </ul>	<ul style="list-style-type: none"> <li>• Decree 181-207 - Delegation of Environmental Licensing to Municipalities.</li> <li>• Decree 1152 - 2002 (Publication of Contracts regarding Mitigation Measures).</li> <li>• Technical and Administrative Standards for the Development of the Management of Protected Areas.</li> <li>• Framework Law for the Drinking Water and Sanitation Sector.</li> <li>• Decrees concerning Declarations of Protected Areas and Management Plans.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Agreement on Environmental Cooperation between countries.</li> <li>• Agreement on Environmental Cooperation signed between Honduras and Peru.</li> <li>• United Nations Conference on Environment and Development (UNCED).</li> <li>• World Summit on Sustainable Development (WSSD) RIO+10.</li> <li>• United Nations Framework Convention on Climate Change.</li> <li>• Central American Articles of Association for the Protection of the Environment.</li> <li>• Kyoto Protocol to the United Nations Framework Convention on Climate Change.</li> <li>• Dominican Republic–Central America Free Trade Agreement (CAFTA-DR).</li> </ul>

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<b>Criterion 5.2 . 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</b>		

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<b>plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.</b>		
<p><b>Indicators:</b></p> <p><b>5.2.1(M)</b> Information shall be collated in a High Conservation Value (HCV) assessment that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors).</p> <p><b>5.2.2(M)</b> Where rare, threatened or endangered (RTE) 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><b>5.2.3</b> 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><b>5.2.4</b> 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><b>5.2.5</b> 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><b>For 5.2.1:</b> 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 status), legal protection, population status and habitat requirements of rare, threatened, or endangered</li> </ul>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers will compile Information about the status of these aspects for scheme smallholdings, as well as the associated mill and directly managed estate (if any). This information should be provided to scheme smallholders and should cover:</p> <ul style="list-style-type: none"> <li>• Presence of protected areas that could be significantly affected by smallholdings.</li> <li>• Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the smallholdings.</li> <li>• Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the smallholdings.</li> <li>• If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate measures for management planning and operations will include: <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 applicable habitats.</li> </ul> </li> </ul> <p>Controlling any illegal or inappropriate hunting, fishing or collecting activities; and developing responsible measures to resolve human-wildlife conflicts (e.g., incursions by elephants).</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers will compile Information about</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law and its Regulation</li> <li>• Law on Forests, Protected Areas and Wildlife – Decree 98 – 2007 (February 26th, 2011).</li> <li>• General Regulation of the Law on Forests, Protected Areas and Wildlife – Executive Agreement 031-2010.</li> <li>• Legislative Decree 180-2003 Law on Land Use</li> <li>• Law on Land Use and Regulation of the Law on Land Use.</li> <li>• Technical and Administrative Standards for the Development of the Management of Protected Areas.</li> <li>• Law of Municipalities.</li> <li>• Technical Standards for Wastewater Discharges to Receptor Water Bodies and Sewers.</li> <li>• Law on Fishing Activities No. 154</li> <li>• Decrees of all protected areas and management plans for these areas</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Convention on Biological Diversity.</li> <li>• Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</li> <li>• Agreement on Environmental Cooperation</li> <li>• United Nations Conference on Environment and Development (UNCED).</li> <li>• World Summit on Sustainable Development (WSSD) RIO+10.</li> <li>• United Nations Framework Convention on Climate Change.</li> <li>• Central American Articles of Association for the Protection of the Environment.</li> <li>• Ramsar Convention.</li> </ul>

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<p>(RTE) species that could be significantly affected by the grower or miller;</p> <ul style="list-style-type: none"> <li>• Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller;</li> </ul> <p><b>For 5.2.2: These measures will include:</b></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> <li>• Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants).</li> </ul> <p><b>For 5.2.5:</b> If a negotiated agreement cannot be reached, there should be evidence of sustained efforts to achieve such an agreement. These could include third party arbitration (see Criteria 2.3, 6.3 and 6.4).</p> <p><b>Guidance:</b></p> <p>This information gathering should include checking available biological records and consultation with relevant government departments, research institutes and interested NGOs if appropriate. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.</p> <p>Wherever HCV benefits can be realized outside of the management unit, collaboration and cooperation between other growers, governments and organizations should be considered.</p> <p><b>Note:</b></p> <p>Operators need to consider a variety of land management and tenure options to secure HCV management areas in</p>	<p>the status of critical aspects as listed in National Interpretations within the area of group smallholdings. This information should be provided to scheme smallholders and should cover:</p> <ul style="list-style-type: none"> <li>• Presence of protected areas that could be significantly affected by smallholdings.</li> <li>• Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the smallholdings.</li> <li>• Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the smallholdings.</li> <li>• If rare, threatened or endangered species, or high conservation value habitats, are present, the appropriate measures must be adopted by the management according to the national interpretation and the corresponding laws.</li> </ul>	

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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 such relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3).		

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<b>Criterion 5.3 Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner</b>		
<p><b>Indicators:</b></p> <p><b>5.3.1 (M)</b> All waste products and sources of pollution shall be identified and documented.</p> <p><b>5.3.2 (M)</b> All chemicals and their containers shall be disposed of responsibly.</p> <p><b>5.3.3</b> 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 should 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 utilization 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</li> </ul>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must develop and implement a plan for the management and disposal of waste from smallholdings include the safe disposal of pesticide containers. This waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> <li>Identifying and monitoring sources of waste and pollution from smallholdings and the mills which process their FFB.</li> <li>Improving the efficiency of resource utilization and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes).</li> </ul> <p>Appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer's labels should be adhered to.</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>Regulation of Integrated Solid Waste Management - Executive Agreement No. 1567-2010 (February 22nd, 2011).</li> <li>International Health Regulations.</li> <li>Regulation for the Health Control of Products, Services and Health-Related Establishments.</li> <li>General Regulation of Irrigation Districts.</li> <li>Regulation for the Health Control of Products, Services and Health-Related Establishments.</li> <li>Technical Standards for Wastewater Discharges to Receptor Water Bodies and Sewers.</li> <li>Law on Plant and Animal Health Decree Law 157-94.</li> <li>Regulation of the Registration, Marketing, Use and Control of Agricultural Pesticides and Related Substances.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>Agreement on Environmental Cooperation</li> <li>Regional Agreement on Transboundary Movements of</li> </ul>

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<p>containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to. Use of open fire for waste disposal should be avoided.</p>	<p><b>Guidance for independent smallholders:</b></p> <p>Group Managers shall ensure that group members are made aware of the need to identify all waste and dispose of it in a responsible manner. This is monitored and overseen by the Group Manager.</p> <p>There should be appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer's labels should be adhered to.</p>	<p><b>Hazardous Wastes.</b></p> <ul style="list-style-type: none"> <li>• United Nations Conference on Environment and Development (UNCED).</li> <li>• World Summit on Sustainable Development (WSSD) RIO+10.</li> <li>• Central American Articles of Association for the Protection of the Environment.</li> <li>• Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.</li> <li>• Kyoto Protocol to the United Nations Framework Convention on Climate Change.</li> <li>• Dominican Republic–Central America Free Trade Agreement (CAFTA-DR).</li> <li>• Free Trade Agreement between the Republic of China (Taiwan), the Republic of El Salvador and the Republic of Honduras.</li> <li>• Free Trade Agreement between Central America and Chile.</li> <li>• Free Trade Agreement between Honduras, Guatemala, El Salvador and Mexico.</li> <li>• Free Trade Agreement between Central America and the Dominican Republic.</li> <li>• Free Trade Agreement between Colombia and the CA3 (El Salvador, Guatemala and Honduras).</li> <li>• Stockholm Convention on Persistent Organic Pollutants (2001)</li> <li>• FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002).</li> <li>• Rotterdam Convention on Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade (1998).</li> </ul> <p>prior and informed consent for certain hazardous chemicals and pesticides in international trade (1998)</p> <ul style="list-style-type: none"> <li>• UN Declaration on the Rights of Indigenous Peoples (2007).</li> </ul>

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<b>Criterion 5.4</b> Efficiency of fossil fuel use and the use of renewable energy is optimized.		
<p><b>Indicators:</b></p> <p><b>5.4.1</b> A plan for improving efficiency of the use of fossil fuels and to optimize renewable energy shall be in place and monitored.</p> <p><b>Guidance:</b></p> <ul style="list-style-type: none"> <li>Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill should be monitored.</li> <li>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) should be monitored</li> <li>Energy efficiency should be taken into account in the construction or upgrading of all operations.</li> <li>Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.</li> <li>The feasibility of collecting and using biogas should be studied if possible.</li> </ul>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers should develop provisions for improving the efficiency of energy use by scheme smallholders. This provision may not apply to scheme smallholders who only use manual labour to care for and harvest FFB.</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>This criterion is not applicable to group smallholders.</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>General Environmental Law and its Regulation</li> <li>Law for the Replacement of Incandescent with Fluorescent Bulbs - Decree No. 112-2007 (13 December 2007).</li> <li>Law for the Promotion of Electricity Generation through Renewable Resources - Decree No. 70-2007 (October 2nd, 2007).</li> <li>Regulation of the Framework Law of the Electrical Power Subsector - Agreement No. 934-97 (April 12th, 1999).</li> <li>Regulation of the Installation and Operation of Service Stations, Fuel Tanks for Own Consumption and Alternative or Substitute Products.</li> <li>Decree Law 85-98.</li> <li>Law on Hydrocarbons – Decree 194-84.</li> <li>Law on the Production and Consumption of Biofuels.</li> <li>Law for the Promotion of Electricity Generation through Renewable Resources.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>Agreement on Environmental Cooperation between countries.</li> <li>Agreement on Environmental Cooperation signed between Honduras and Peru.</li> <li>United Nations Framework Convention on Climate Change.</li> </ul>

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<b>Criterion 5.5</b> Use of fire for preparing land 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><b>Guidance for Scheme Managers</b></p> <p>Scheme managers will carry out training and</p>	<p><b>National Legislation:</b></p>

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<p><b>5.5.1(M)</b> 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><b>5.5.2</b> Where fire has been used for preparing land 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> Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and exceptional levels of caution should be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for associated smallholders may be necessary.</p>	<p>provide extension support to scheme smallholders to ensure smallholder awareness and that fire is not used except in accordance with ASEAN guidelines or other regional best practice (see 4.8). National Interpretations should consider setting thresholds of pest attacks before burning is acceptable.</p> <p><b>Guidance for independent smallholders:</b> Group Managers shall ensure that group members are not utilizing fire in operations. This is monitored by the Group Manager.</p>	<ul style="list-style-type: none"> <li>• Law on Forests, Protected Areas and Wildlife – Decree 98 – 2007 (February 26th, 2011).</li> <li>• General Regulation of the Law on Forests, Protected Areas and Wildlife – Decree No. 031 – 2010.</li> <li>• General Environmental Law - Decree 104-93 (June 30th, 1993).</li> </ul>

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<p><b>Criterion 5.6 Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored</b></p>		
<p><b>Preamble</b> Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognized that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognized that it is not always feasible or practical to reduce or minimize these emissions. 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><b>Guidance for scheme smallholders</b></p>	<p><b>National Legislation</b></p>

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<p><b>5.6.1 (M)</b> An assessment of all polluting activities shall be conducted, including gaseous emissions, particulate/soot emissions and effluent (see Criterion 4.4).</p> <p><b>5.6.2 (M)</b> Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimize them implemented.</p> <p><b>5.6.3</b> 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><b>For 5.6.2:</b> Plans will include objectives, targets and timelines. These should be responsive to context and any changes should be justified.</p> <p><b>For 5.6.2 and 5.6.3:</b> The treatment methodology for POME will be recorded.</p> <p><b>For 5.6.3 (GHG):</b> For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including land use practices) can be used as a monitoring tool.</p> <p><b>For 5.6.3:</b> 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 land 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 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 for the process. Public reporting is desirable, but remains voluntary until the end of the implementation</p>	<p>Scheme managers must include an assessment of all polluting activities of scheme smallholdings in their overall plans for pollution and emissions abatement. Significant pollutants and emissions from scheme smallholdings must be identified and plans to reduce them implemented</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>This criterion is not applicable to group smallholders</p>	<ul style="list-style-type: none"> <li>• Regulation of the Gas Pollutants and Exhaust Emissions of Motor Vehicles - Agreement 719 - 1999 (October 11th, 1999).</li> <li>• General Regulation for the Control of Emissions Generated by Fixed Point Sources - Executive Agreement No. 1566 – 2010 (February 22nd, 2011).</li> <li>• General Regulation on the Use of Substances that Deplete the Ozone Layer.</li> <li>• General Environmental Law - Decree 104 – 93 (June 30th, 1993).</li> <li>• General Regulation of the Environmental Law - Agreement 109-93 (February 6th, 1994),</li> <li>• Health Code - Decree 65-91 (August 26th, 1991).</li> <li>• General Regulation of Environmental Health - Agreement No. 0094 (June 20th, 1998).</li> <li>• Law on Biofuels and its Regulation</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Agreement on Environmental Cooperation between countries.</li> <li>• Agreement on Environmental Cooperation signed between Honduras and Peru.</li> <li>• United Nations Conference on Environment and Development (UNCED).</li> <li>• United Nations Framework Convention on Climate Change.</li> <li>• Regional Convention on Climate Changes.</li> <li>• Montreal Protocol on Substances that Deplete the Ozone Layer and the Vienna Convention for the Protection of the Ozone Layer.</li> <li>• Amendments to the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer and its Annexes, and the Montreal Protocol on Substances that Deplete the Ozone Layer.</li> <li>• Kyoto Protocol to the United Nations Framework</li> </ul>

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<p>period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognizing 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. Advice on this is available from the RSPO.</p>		<p><b>Convention on Climate Change.</b></p> <ul style="list-style-type: none"> <li><b>Dominican Republic–Central America Free Trade Agreement (CAFTA-DR).</b></li> </ul>

**Principio 6 Responsible consideration of employees and of individuals and communities affected by growers and millers**

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<p><b>Criterion 6.1</b> 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>		
<p><b>Indicators:</b></p> <p><b>6.1.1 (M)</b> A Social Impact Assessment (SIA) that includes records of the meetings, shall be documented.</p> <p><b>6.1.2 (M)</b> There shall be evidence that the assessment has been done with the participation of affected parties.</p> <p><b>6.1.3 (M)</b> Plans to avoid or mitigate the negative impacts and promote the positive ones, and monitoring of the identified impacts shall be developed, documented, with a schedule established in consultation with the affected parties, including responsibilities in the implementation.</p> <p><b>6.1.4</b> The plans must be reviewed at least once every two years and updated if necessary for cases where the review has concluded that changes should be made to current practices. There must be evidence that the review</p>	<p><b>Guía para los administradores del sistema:</b></p> <p>Scheme managers must be able to demonstrate that scheme smallholders participated in the development of impact assessments for smallholder schemes. Scheme managers must provide:</p> <ul style="list-style-type: none"> <li>A documented social impact assessment.</li> <li>Evidence that the assessment has been done with the participation of scheme smallholders. Participation in this context means that scheme smallholders are able to express their views through their own representative institutions during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the</li> </ul>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li><b>Regulation of the National System for Environmental Impact Assessment - Executive Agreement 189 – 2009 (December 31st, 2009).</b></li> <li><b>General Environmental Law - Decree 104-93 (June 30th, 1993).</b></li> <li><b>Regulation of Environmental Auditing - Agreement No. 887 – 2009 (January 15th, 2010). Regulation of the National Register of Environmental Services Providers - Agreement 826 – 2009 (January 15th, 2010).</b></li> <li><b>Agreement 1714 - 2010 - Table of Environmental and Health Impacts/Risk Categories.</b></li> </ul>

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<p>includes the participation of the affected parties.</p> <p><b>6.1.5</b> Particular attention to the impacts of smallholder schemes will be provided (where planting includes such a scheme).</p> <p>Identification of social impacts should be carried out by the grower with the participation of affected parties, including women and migrant workers as appropriate to the situation. The involvement of independent experts should 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 factors such as:</p> <p>A. Access and use rights;</p> <p>B. Economic livelihoods (e.g. paid employment) and working conditions;</p> <p>C. Subsistence activities;</p> <p>D. Cultural and religious values;</p> <p>E. Health and education facilities;</p> <p>F. Other community values, resulting from changes such</p>	<p>success of implemented plans.</p> <ul style="list-style-type: none"> <li>• A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices.</li> </ul> <p>The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must be able to demonstrate that scheme smallholders participated in the development of impact assessments for smallholder schemes. Scheme managers must provide exploitations from their group. Scheme managers must provide:</p> <ul style="list-style-type: none"> <li>• A documented simplified social impact assessment.</li> <li>• Evidence that the assessment was conducted with the participation of small groups, local communities and stakeholders.</li> </ul> <p>A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary in those cases where the evaluation concluded must make changes to current practices.</p>	<ul style="list-style-type: none"> <li>• Legislative Decree 134-90 Law of Municipalities.</li> <li>• Decree 181 – 207 – Delegation of Environmental Licensing to Municipalities.</li> <li>• Decree 1152 - 2002 (Publication of Contracts regarding Mitigation Measures).</li> <li>• Decree 220-1997: Law for the Protection of the National Cultural Heritage.</li> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Political Constitution of the Republic of Honduras.</li> <li>• Health Code - Decree 65-91.</li> <li>• Law of the National Risk Management System (SINAGER).</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Central American Alliance for Sustainable Development (ALIDES).</li> <li>• Central American Articles of Association for the Protection of the Environment.</li> <li>• Basic ILO (International Labour Organisation) Conventions.</li> <li>• UN Declaration on the Rights of Indigenous Peoples (2007).</li> </ul>

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<p>as improved transport /communication or arrival of substantial migrant labour force.</p> <p>The review can be done (once every two years) internally or externally.</p> <p><b>GUIDANCE</b></p> <p><u>The breadth, depth and type of analysis required for social assessment is proportionate to the nature and size of the potential impacts of the proposed operations on the communities and native peoples<sup>1</sup> (Indigenous and Afro-Honduran).</u></p> <p><u>The social impact assessment should include the following elements:</u></p> <ul style="list-style-type: none"> <li><u>a. Preparation of a legal and institutional framework relevant to the local communities and native peoples in the area of the project intervention.</u></li> <li><u>b. Gathering of background information on the demographic, socioeconomic, cultural and political characteristics of the affected local communities and native peoples, the land and territories they customary possess, or regularly use or occupy, and the natural resources on which they depend. (See Criteria 2.3, 5.1 and 5.2).</u></li> <li><u>c. Preparation of a consultation process according to the customs and traditions of communities and native peoples at every stage of the preparation and implementation of the project.</u></li> <li><u>d. Identification of positive and negative impacts, relative to the stakeholders, and based on the initial assessment. With regard to the negative impacts, the identification of the necessary means to reduce wherever possible, mitigate or compensate for such impacts.</u></li> </ul>		

<sup>1</sup> Pueblos originarios : referente a PIAH (Pueblos indígenas y afro-hondureños)

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<p>The implementation of the mitigation and compensation plans will be reviewed every two years in coordination with local governments, communities and native peoples.</p>		

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<p><b>Criterion 6.2</b> 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><b>6.2.1(M)</b> The consultation and communication procedures will be documented.</p> <p><b>6.2.2</b> A management official responsible for these issues shall be nominated</p> <p><b>6.2.3</b> A list of stakeholders, records of all communications, including confirmation of receipts and the efforts made to ensure understanding of the 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 should be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation.</p> <p>Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These should consider the use of appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum.</p> <p>Communications should take into account 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</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must have documentary evidence that they have clear, implemented procedures for regular communications and consultations with scheme smallholders, including:</p> <ul style="list-style-type: none"> <li>• A nominated manager responsible for these issues.</li> <li>• Maintenance of a list of scheme smallholders, records of all communication and records of actions taken in response to input from scheme smallholders.</li> </ul> <p>Communications and consultations should make use of existing local mechanisms and languages.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must have documentary evidence that they have implemented procedures for regular communications with, and assessments of, group smallholders in line with the requirements of the <b>RSPO Standard for Group Certification</b> and liaise with local</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Regulation of the National System for Environmental Impact Assessment - Executive Agreement 189 – 2009 (December 31st, 2009).</li> <li>• General Environmental Law - Decree 104-93 (June 30th, 1993).</li> <li>• Regulation of Environmental Auditing - Agreement No. 887 – 2009 (January 15th, 2010). Regulation of the National Register of Environmental Services Providers - Agreement 826 – 2009 (January 15th, 2010).</li> <li>• Agreement 1714 - 2010 - Table of Environmental and Health Impacts/Risk Categories.</li> <li>• Legislative Decree 134-90 Law of Municipalities.</li> <li>• Decree 181 – 207 – Delegation of Environmental Licensing to Municipalities.</li> <li>• Decree 1152 - 2002 (Publication of Contracts regarding Mitigation Measures).</li> <li>• Decree 220-1997: Law for the Protection of the National Cultural Heritage.</li> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Law of the National Risk Management System (SINAGER).</li> <li>• Law for Incentivising Production, Competitiveness and Support to Human Development.</li> </ul>

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<p>groups.</p> <p>Consideration should be given to involving 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><b>Guidance</b></p> <p>In those cases where the communities involved are subject to the risks and impacts identified for a project, the company will undertake a consultation process in order to provide opportunities to the communities to express their views on the risks, impacts and mitigation measures of the project, and for the company to take them into consideration and respond to them.</p> <p>The extent and degree of the necessary participation for the consultation process should be proportionate to the risks and adverse impacts of the project and the concerns raised by the communities involved.</p> <p>Participatory and informed consultation is a process that must:</p> <ol style="list-style-type: none"> <li>Define the duly accredited representatives of each party.</li> <li>Start the consultation early in the process by identifying the risks and the environmental and social impacts.</li> <li>Be based on the prior disclosure and dissemination of relevant, transparent, objective and meaningful information in a local language and a format that is culturally acceptable and understandable for the communities involved.</li> <li>Be free of external manipulation, interference, coercion or intimidation (See Indicator 2.2.6 and Criterion 6.13)</li> <li>Enable a meaningful participation, where appropriate.</li> </ol>	<p>communities.</p>	<p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>Central American Alliance for Sustainable Development (ALIDES).</li> <li>Central American Articles of Association for the Protection of the Environment.</li> </ul>

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<p>and document all stages including confirmation of receipts and record keeping of actions taken to address the concerns of affected or interested parties.</p> <p>f. Seek the views of both men and women, through segregated participation or focal groups if necessary.</p> <p>g. Reflect the different concerns and priorities of men and women about the impacts, the mitigation measures and the benefits, wherever appropriate.</p> <p>h. Incorporate to the decision-making process the views of the communities involved on the issues that affect them directly, including any proposed mitigation measures, the distribution of benefits and opportunities arising from the development, and any implementation issues.</p> <p><b>External communication</b></p> <p>Companies will establish and maintain a procedure for handling external communications including procedures to:</p> <p>a. Receive and record external communications with the public;</p> <p>b. Analyse and evaluate the issues raised in the communications and determine how to address them;</p> <p>c. Answer them appropriately, track and document them.</p> <p>Keep lists and minutes of any meetings held with stakeholder groups.</p>		

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<b>Criterion 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.</b>		
<p><b>Indicators:</b></p> <p><b>6.3.1 (M)</b> 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><b>Guidance for Scheme Managers</b></p> <p>Scheme managers have a documented system to resolve disputes concerning scheme smallholdings in an effective, timely and appropriate manner. Documents exist of both the</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Political Constitution of the Republic of Honduras.</li> <li>• Health Code - Decree 65-91.</li> </ul>

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<p><b>6.3.2 (M)</b> 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><b>For 6.3.1:</b> The system should aim to reduce the risks of reprisal.</p> <p><b>Guidance:</b></p> <p>See also to Criterion 1.2.</p> <p>Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>For scheme and independent smallholders, refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009.</p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework', 2011.</p>	<p>process by which a dispute was resolved and the outcome showing the process was open to any affected parties. These dispute resolution mechanisms should be established through open and consensual agreements with smallholders.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers have a documented system to resolve disputes concerning group smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any affected parties. These dispute resolution mechanisms should be established through open and consensual agreements with smallholders.</p>	<ul style="list-style-type: none"> <li>• General Environmental Law.</li> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Law on Consumer Protection</li> </ul>

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<p><b>Criterion 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</b></p>		
<p><b>Indicators:</b></p> <p><b>6.4.1(M)</b> A procedure for identifying legal, customary or user rights, and a procedure for identifying people</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must be able to show that they have acquired and/or allocated land for smallholdings in compliance with this criterion. This includes:</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Law on Forests, Protected Areas and Wildlife Decree 98-2007.</li> <li>• Legislative Decree 51-2011 Law for the Promotion and</li> </ul>

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<p>entitled to compensation, shall be in place.</p> <p><b>6.4.2</b> 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 transmigrantes and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.</p> <p><b>6.4.3 (M)</b>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 6.4.2:</b> Companies should make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in smallholder 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>	<ul style="list-style-type: none"> <li>• Establishment of a process for identifying legal and customary rights and for identifying people entitled to compensation.</li> <li>• A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented.</li> <li>• These procedures should take into account gender differences in the power to claim rights, ownership and access to land; differences of transmigrantes and long-established communities and; differences in ethnic groups' proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost.</li> <li>• The process and outcome of any negotiated agreements and compensation claims is documented and made publicly available where beneficiaries agree.</li> </ul> <p>This criterion should be considered in conjunction with Criterion 2.3 and the grievances, which is implemented and accepted by all parties</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must be able to show that group members have acquired lands by legal or accepted customary means. This includes:</p> <ul style="list-style-type: none"> <li>• Establishment of a process for identifying legal and customary rights and for identifying people entitled to compensation.</li> <li>• A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented.</li> </ul> <p>These procedures should take into account</p>	<p><b>Protection of Investments.</b></p> <ul style="list-style-type: none"> <li>• Decree Law 118-1968: Organic Law of the Honduran Institute of Anthropology and History.</li> <li>• Customary Law.</li> <li>• Law on Compulsory Purchase.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries.</li> <li>• Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System</li> <li>• UN Declaration on the Rights of Indigenous Peoples (2007).</li> </ul>

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	gender differences in the power to claim rights, ownership and access to land; differences of transmigrants and long- established communities and; differences in ethnic groups’ proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost. This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance. National interpretations should provide additional guidance.	

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<b>Criterion 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.</b>		
<p><b>Indicators:</b></p> <p><b>6.5.1 (M)</b> Documentation of pay and conditions shall be available.</p> <p><b>6.5.2(M)</b> 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><b>6.5.3</b> Growers and millers shall provide adequate housing, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible.</p> <p><b>6.5.4</b> Growers and millers shall make demonstrable efforts to monitor and improve workers’ access to adequate, sufficient and affordable food.</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must ensure that workers employed to service smallholders enjoy the same rights, conditions and protections as estate and mill employees in accordance with RSPO P&amp;C.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must ensure that workers employed to service smallholders enjoy the labour rights, conditions and protections stipulated in the respective National Interpretations</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Law on Minimum Wage - Decree 103 (June 31st, 1971).</li> <li>• Ministerial Agreement on the Labour Secretariat No. 001-2012.</li> <li>• Law on Social Security - Decree No. 140 – 1959.</li> <li>• Law on Income Tax - Decree No. 394-2005.</li> <li>• Legislative Decree 51-2003 Law on Fair Taxation</li> <li>• Decree 230-2010: Law on Part Time Employment.</li> <li>• Regulation of the National Programme on Part Time Employment.</li> <li>• Legislative Decree 112: Law of the Seventh Day and Thirteenth Month as Extraordinary Bonus.</li> <li>• Regulation of the Fourteenth Month's Salary as Social Compensation.</li> <li>• Regulation of the Committees for a Minimum Wage.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Ministerial Agreement on the Labour Secretariat No. 001-2012.</li> <li>• Regulation of the Payment in concept of Education Bonus.</li> <li><b>International Legislation:</b></li> <li>• ILO Convention 14 (1921) concerning the Application of the Weekly Rest in Industrial Undertakings.</li> <li>• ILO Convention 42 (1934) on Workmen's Compensation (Occupational Diseases).</li> <li>• ILO Convention 81 (1947) concerning Labour Inspection in Industry and Commerce.</li> <li>• ILO Convention 95 (1949) concerning the Protection of Wages.</li> <li>• ILO Convention 122 (1964) concerning Employment Policy.</li> <li>• ILO Convention 106 (1957) concerning Weekly Rest in Commerce and Offices.</li> <li>• ILO Convention 100 (1951) on Equal Remuneration for Men and Women Workers for Work of Equal Value.</li> <li>• ILO Convention 97 (1949) concerning Migration for Employment.</li> <li>• ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)</li> </ul>

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<p><b>Criterion 6.6 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</b></p>		
<p><b>Indicators:</b></p> <p><b>6.6.1(M)</b> A published statement in local languages recognizing freedom of association shall be available.</p> <p><b>6.6.2</b> Minutes of meetings with main trade unions or workers representatives shall be documented.</p>	<p><b>Guidance for independent smallholders:</b></p> <p>Scheme managers must respect the right of scheme smallholders to form and represent themselves through their own representative associations and / or trades unions and accept them as parties to participatory processes,</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Legislative Decree 24-2008 Law on Consumer Protection</li> </ul>

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<p><b>Guidance:</b></p> <p>The right of employees, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organization (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, should be available in the languages understood by the workers or explained carefully to them by a management official.</p>	<p>consultations, communications and negotiations in the management of the scheme.</p> <hr/> <p><b>Guidance for Scheme Managers</b></p> <p>This criterion is not applicable to group smallholders.</p>	<p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• ILO Convention 182 (1999) on the Worst Forms of Child Labour.</li> <li>• ILO Convention 87 (1948) on Freedom of Association and Protection of the Right to Organise.</li> <li>• ILO Convention 98 (1949) on the Right to Organise and Collective Bargain.</li> <li>• ILO Convention 141 (1975) on Rural Workers' Organisations.</li> <li>• ILO Convention 87 (1948) concerning Freedom of Association and Protection of the Right to Organise.</li> <li>• ILO Convention 98 (1949) on the Right to Organise and Collective Bargain.</li> <li>• ILO Convention 100 (1951) on Equal Remuneration for Men and Women Workers for Work of Equal Value.</li> <li>• ILO Convention 111 (1951) concerning Discrimination in Respect of Employment and Occupation.</li> <li>• UN Declaration on the Rights of Indigenous Peoples (2007).</li> </ul>

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<b>Criterion 6.7 Children are not employed or exploited.</b>		
<p><b>Indicators:</b></p> <p><b>6.7.1(M)</b> There shall be documentary evidence that minimum age requirements are met.</p> <p><b>Guidance:</b></p> <p>Growers and millers should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers will train scheme smallholders in the national and ratified international legal requirements for avoiding the use of child labour. Work by children on family smallholdings within the scheme is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.</p> <hr/> <p><b>Guidance for independent smallholders:</b></p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Childhood and Adolescence Code, Decree 73-96, Published in <i>La Gaceta</i> No. 28053.</li> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Family Code - Decree 76-84.</li> <li>• Convention on the Elimination of All Forms of Discrimination against Women Decree no. 979</li> </ul> <p><b>International Legislation</b></p>

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<p>not be done by those under 18, as per International Labour Organization (ILO) Convention 138.</p> <p>Please refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009 for additional guidance on family farms.</p>	<p>Group managers will train group smallholders in the national and ratified international legal requirements for avoiding the use of child Labour.</p> <p>Work by children on family smallholdings is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.</p>	<ul style="list-style-type: none"> <li>• ILO Convention 182 (1999) on the Worst Forms of Child Labour.</li> <li>• ILO Convention 138 (1973) concerning Minimum Age for Admission to Employment.</li> <li>• ILO Convention 29 (1930) concerning Forced or Compulsory Labour.</li> <li>• ILO Convention 105 (1957) concerning the Abolition of Forced Labour.</li> <li>• ILO Convention 111 (1951) concerning Discrimination in Respect of Employment and Occupation.</li> <li>• ILO Convention 138 (1973) concerning Minimum Age for Admission to Employment.</li> <li>• ILO Convention 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.</li> <li>• UN Declaration on the Rights of Indigenous Peoples (2007).</li> </ul>

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<p><b>Criterion 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.</b></p>		
<p><b>Indicators:</b></p> <p><b>6.8.1 (M)</b> A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented.</p> <p><b>6.8.2 (M)</b> Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.</p> <p><b>6.8.3</b> 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</p>	<p><b>Guidance for scheme smallholders</b></p> <p>Scheme managers must ensure that there is no discrimination in the recruitment and employment of workers employed to service smallholders. Scheme managers will not allocate smallholdings or recruit smallholders in a discriminatory way, except where local communities have negotiated to be provided smallholdings in accepting the establishment of schemes on their lands.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must provide training to group</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Law on Equal Opportunities for Women - Decree 34 – 2000. D</li> <li>• Legislative Decree 147-99 Special Law on HIV/AIDS.</li> <li>• Legislative Decree 17-91 Law for the Promotion of Employment for People with Disabilities.</li> <li>• Law of the Public Prosecution Office Decree No. 228-93.</li> <li>• National Policy on Women and 2nd Plan of Equality and Gender Equity of Honduras 2010-2022 (II PIEGH).</li> </ul> <p><b>International Legislation:</b></p>

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<p>documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers, and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p>	<p>members about the need to avoid discrimination in the recruitment and employment of workers employed by, or to assist, smallholders.</p>	<ul style="list-style-type: none"> <li>• ILO Convention 111 (1951) concerning Discrimination in Respect of Employment and Occupation.</li> <li>• ILO Convention 29 (1930) concerning Forced or Compulsory Labour.</li> <li>• ILO Convention 100 (1951) on Equal Remuneration for Men and Women Workers for Work of Equal Value.</li> <li>• ILO Convention. 111 (1951) concerning Discrimination in Respect of Employment and Occupation.</li> <li>• UN Declaration on the Rights of Indigenous Peoples (2007).</li> <li>• Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter-American Human Rights System.</li> <li>• ILO Convention 97 (1949) concerning Migration for Employment.</li> <li>• ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)</li> </ul>

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<b>Criterion 6.9 There is no harassment or abuse in the work place, and reproductive rights are protected.</b>		
<p><b>Indicators:</b></p> <p><b>6.9.1(M)</b> 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><b>6.9.2(M)</b> 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><b>6.9.3</b> 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><b>For 6.9.1 y 6.9.2:</b> These policies should include education</p>	<p><b>Guidance for scheme smallholders</b></p> <p>Scheme managers must ensure that this provision applies to personnel employed to service smallholders, as well as those working in mills and estates as well as smallholders and those they employ.</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must provide training to group members about the need to prevent sexual harassment and the abuse of women among both smallholders and any workers employed by them.</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Law on Equal Opportunities for Women - Decree 34 – 2000.</li> <li>• Family Code - Decree 76-84</li> <li>• Childhood and Adolescence Code, Decree 73-96, Published in <i>La Gaceta</i> No. 28053.</li> <li>• Health Code - Decree 65-91 (August 26th, 1991).</li> <li>• National Policy on Women and 2nd Plan of Equality and Gender Equity of Honduras 2010-2022 (II PIEGH).</li> <li>• Code of Ethical Conduct for Public Servants Decree No. 36-2006.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• ILO Convention 100 (1951) on Equal Remuneration for Men</li> </ul>

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<p>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 should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the 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.</p> <p><b>For 6.9.2:</b> See Indicator 4.6.12</p> <p><b>Guidance:</b></p> <p>There should be a clear policy developed in consultation with employees, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>Notwithstanding national legislation and regulation, reproductive rights are respected.</p>		<p>and Women Workers for Work of Equal Value.</p> <ul style="list-style-type: none"> <li>• ILO Convention 110 (1958) Plantations</li> </ul>

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<b>Criterion 6.10 Growers and millers deal fairly and transparently with smallholders and other local businesses.</b>		
<p><b>Indicators:</b></p> <p><b>6.10.1</b> Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</p> <p><b>6.10.2 (M)</b> Evidence shall be available that growers/millers have explained FFB pricing, and pricing</p>	<p><b>Guidance for scheme smallholders</b></p> <p>Scheme managers must ensure that:</p> <ul style="list-style-type: none"> <li>• Current and past prices paid for FFB are publicly available.</li> <li>• Fair and transparent pricing mechanisms</li> </ul>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Legislative Decree 24-2008 Law on Consumer Protection</li> <li>• Law of Transparency and Access to Public Information.</li> <li>• Law on Investments Decree No. 80-92.</li> </ul>

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<p>mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</p> <p><b>6.10.3</b> Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.</p> <p><b>6.10.4</b> Agreed payments shall be made in a timely manner.</p> <p><b>Guidance:</b></p> <p>Transactions with smallholders should consider issues such as the role of middle men, 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 smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Smallholders should 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 middle men are involved.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for Outgrowers who are contractually obliged to sell all FFB to a particular mill.</p> <p>If mills require smallholders to change practices to meet the RSPO Principles and Criteria, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p>	<p>must be established</p> <ul style="list-style-type: none"> <li>● Pricing mechanisms for FFB and inputs/services are documented (where these are under the control of the mill or plantation).</li> <li>● Evidence is available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal, and transparent and in appropriate languages and all costs, fees and levies are explained and agreed in advance.</li> <li>● Agreed payments are made in a timely manner.</li> <li>● Debt repayment schemes are fair and fully transparent.</li> <li>● Where smallholders pay relevant service fee, roads must be maintained and transportation provided in a timely manner</li> <li>● Renegotiations over second plantings or extensions are commenced with an adequate lead in time.</li> </ul> <p>Transactions with scheme smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, and inputs from family labour. Smallholders must 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 middle men are involved.</p> <p>If mills require smallholders to change practices to meet RSPO criteria, consideration must be given to the costs of such changes, and the possibility of advance payments for FFB could be considered.</p>	<p><b>international legislation</b></p> <ul style="list-style-type: none"> <li>● UN Declaration on the Rights of Indigenous Peoples (2007).</li> <li>● ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries.</li> </ul>

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	<p><b>Guidance for independent smallholders:</b></p> <p>Group managers must ensure that</p> <ul style="list-style-type: none"> <li>• Current and past prices paid for FFB are freely available to group members and other parties.</li> <li>• Fair and transparent mechanisms must be established to pay members and other parties for their FFB</li> <li>• Agreed payments are made in a timely manner.</li> </ul> <p>Transactions with group smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, and inputs from family labour.</p> <p>Smallholders must 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 middle men are involved.</p>	

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<b>Criterion 6.11</b> Growers and millers contribute to local sustainable development where appropriate.		
<p><b>Indicators:</b></p> <p><b>6.11.1</b> Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p><b>6.11.2</b> Where there are scheme smallholders, 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 should be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation should be based on the principles of transparency, openness and</p>	<p><b>Guidance for Scheme Managers</b></p> <p>This criterion is not applicable at the generic level, but could be considered by National Interpretations. However, scheme managers are encouraged to facilitate the identification of local sustainable development needs. Contributions to local sustainable development should be based on the results of consultation with local communities and should be entered into on a free will basis. See also criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation, and</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law.</li> <li>• Legislative Decree 134-90 Law of Municipalities.</li> <li>• Legislative Decree 143-2010 Law for the Promotion of Public-Private Partnerships</li> <li>• General Regulation of the Law for the Promotion of Public-Private Partnerships.</li> <li>• Decree Law 10-72: Law of the Honduran Institute for Vocational Training (INFOP).</li> <li>• Legislative Decree 135-2008 Law for the Promotion and</li> </ul>

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<p>participation, and should 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 should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.8. Efforts should be made to identify independent smallholders in the supply base.</p> <p>Where sourcing of fruit is from identified independent smallholders, efforts should be made to contribute to the improvement of their farming practices.</p> <p><b>GUIDANCE</b></p> <p><u>Businesses should take action to support local sustainable development by contributing to the following:</u></p> <p><u>a. Development and implementation of a policy of contribution to sustainable development.</u></p> <p><u>b. Provision of basic services.</u></p> <p><u>c. Programmes that are compatible and in agreement with the local social and environmental needs.</u></p> <p><u>d. Employment generation, prioritising local labour.</u></p> <p><u>e. Monitoring and participation of measurements of their contribution to sustainable development.</u></p>	<p>should encourage communities to identify their own priorities and needs, including the different needs of men and women. Funds should where possible be used in ways that are sustainable, productive, build community capacity and ownership, do not create dependency and seek to achieve long-term, quality of life improvements for local communities</p> <p><b>Guidance for independent smallholders:</b></p> <p>This criterion is not applicable to group smallholders.</p>	<p><b>Development of the Competitiveness of Micro and Medium Enterprises.</b></p> <ul style="list-style-type: none"> <li><b>Regulation of the Law for the Promotion and Development of the Competitiveness of Micro and Medium Enterprises.</b></li> <li><b>Regulation of the Payment in concept of Education Bonus.</b></li> </ul>

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<b>Criterion 6.12 No forms of forced or trafficked labour are used.</b>		
<p><b>Indicators:</b></p> <p><b>6.12.1(M)</b> There shall be evidence that no forms of forced or trafficked labour are used.</p> <p><b>6.12.2</b> Where applicable, it shall be demonstrated that no contract substitution has occurred</p> <p><b>6.12.3(M)</b> Where temporary or migrant workers are</p>		<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li><b>Law against Human Trafficking. Decree 59-2012.</b></li> <li><b>Labour Code.</b></li> <li><b>Family Code - Decree 76-84</b></li> <li><b>Childhood and Adolescence Code.</b></li> </ul>

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<p>employed, a special labour policy and procedures shall be established and implemented.</p> <p><b>Specific Guidance:</b></p> <p><b>For 6.12.1:</b> Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p><b>For 6.12.3:</b> The special labour policy should 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 should be legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards.</p> <p>Any deductions made should not jeopardize a decent living wage.</p> <p>Passports should only be voluntarily surrendered.</p> <p>There should be evidence of due diligence in applying this to all sub-contract workers and suppliers.</p> <p>National guidance should be used on contract substitution</p> <p><b><u>GUIDANCE</u></b></p> <p><b>Temporary worker:</b> a person who works in a company on a non-regular basis for short periods or during the high production seasons.</p> <p><b>Migrant worker:</b> a person who relocates for employment</p>		<ul style="list-style-type: none"> <li>• Labour Code - Decree 189 – 59 (July 15th, 1959).</li> <li>• Law for the Promotion of Employment for People with Disabilities. Decree No. 17-91</li> <li>• Law on Part Time Employment.</li> <li>• Law for Employment Generation.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Convention on Forced Labour. ILO. 1930.</li> <li>• Convention Concerning the Abolition of Forced Labour. ILO. 1957</li> <li>• ILO Convention 110 (1958) Plantations</li> <li>• ILO Convention 143 (1975) on Migrant Workers (Supplementary Provisions).</li> </ul>

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<p><u>reasons from one area to another within or outside the country. Workers will not be considered migrants after a year or more since they relocated to the region where they work, if the employer has offered them a permanent position or have been legally granted permanent residency status.</u></p> <p><u>Substitution or interim contract</u> is one used by the company to cover the temporary absence of workers that are inactive due to special circumstances that prevent them from fulfilling their work duties.</p> <p><b>Decent Living Wage is defined as follows:</b></p> <p><u>Remuneration received during a standard period of work by an employee in a particular place, that is enough to allow a decent standard of living for the worker and the worker's family.</u></p> <p><u>The components of a decent standard of living include food, water, housing, education, health, transport, clothing and other basic needs including the provision for unanticipated events.<sup>2</sup></u></p>		

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<b>Criterion 6.13</b> Growers and millers respect human rights.		
<p><b>Indicators:</b></p> <p><b>6.13.1(M)</b> 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><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>Organic Law on the National Human Rights Commissioner.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>Universal Declaration of Human Rights UN General Assembly. 1948</li> </ul>

<sup>2</sup> A Shared Approach to Estimating Living Wages Short description of the agreed methodology Richard and Martha Anker November 2013, for the ISEAL Alliance Living Wage Working Group (la traducción al español del nombre del documento es: Un abordaje compartido para estimar salario digno de la metodología acordada. Richard y Martha Anker Noviembre 2013, para el Grupo de trabajo de salario digno de la Alianza ISEAL)

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<p>See also Criterion 6.3.</p> <p>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:</p> <p>“The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International 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>		<ul style="list-style-type: none"> <li>• Basic ILO (International Labour Organisation) Conventions.</li> <li>• UN Declaration on the Rights of Indigenous Peoples (2007).</li> <li>• ILO Convention 110 (1958) Plantations</li> <li>• United Nations Guiding principles on Business and Human Rights (2011).</li> <li>International Bill of Human Rights.             <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> </li> </ul>

**Principle 7: Responsible development of new plantings**

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<p><b>Criterion 7.1 A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.</b></p>		
<p><b>Indicators:</b></p> <p>An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p><b>7.1.2</b></p> <p>Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Where proposed new plantings include schemes for smallholders, scheme managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impact assessments. In addition to the considerations outlined in the RSPO P&amp;C such assessments must include participatory consideration of:</p> <ul style="list-style-type: none"> <li>• Land use planning and land allocations to</li> </ul>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Regulation of the National System for Environmental Impact Assessment - Executive Agreement 189 – 2009 (December 31st, 2009).</li> <li>• General Environmental Law - Decree 104 – 93 (June 30th, 1993).</li> <li>• Regulation of Environmental Auditing - Agreement No. 887 –</li> </ul>

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<p><b>7.1.3</b></p> <p>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>Guidance: See also Criteria 5.1 and 6.1. The terms of reference should be defined and impact assessment should be carried out by accredited independent experts, in order to ensure an objective process. Both should not 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 should 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 should be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <p>A. Assessment of the impacts of all major planned activities, including planting, mill operations, roads and other infrastructure; • Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected;</p> <p>B. Assessment of potential effects on adjacent natural</p>	<p>smallholders and arrangements regarding land acquisition.</p> <ul style="list-style-type: none"> <li>• Identification and mitigation of environmental impact, road building and road maintenance.</li> <li>• Debt provisions and payments, FFB pricing procedures, transport and grading.</li> <li>• Conservation Values (see criterion 7.3) that could be negatively affected.</li> <li>• Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressure on nearby natural ecosystems.</li> <li>• Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources.</li> <li>• Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting.</li> <li>• Analysis of type of land to be used (forest, degraded forest, cleared land).</li> <li>• Analysis of land ownership and user rights.</li> <li>• Assessment of potential social impact on surrounding communities of a plantation and associated smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents.</li> </ul> <p>Plans and field operations should be developed and implemented with the participation of</p>	<p>2009 (January 15th, 2010).</p> <ul style="list-style-type: none"> <li>• Regulation of the National Register of Environmental Services Providers - Agreement 826 – 2009 (January 15th, 2010). Articles 19, 20</li> <li>• Agreement 1714 - 2010 - Table of Environmental and Health Impacts/Risk Categories.</li> <li>• Decree 181 – 207 – Delegation of Environmental Licensing to Municipalities.</li> <li>• Decree 1152 - 2002 (Publication of Contracts regarding Mitigation Measures). Articles 2, 3, 4</li> <li>• Legislative Decree 135-2008 Law for the Promotion and Development of the Competitiveness of Micro and Medium Enterprises.</li> <li>• Law of the Mutual Guarantee Funds System for the Promotion of MSMEs, Social Housing and Technical Vocational Education.</li> <li>• Decree Law 118-1968: Organic Law of the Honduran Institute of Anthropology and History.</li> <li>• Special Regulation of the Administration of the Fund for Forestry Reinvestment and Development of Plantations.</li> <li>• Law on the Firefighting Service of the Republic.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• United Nations Conference on Environment and Development (UNCED).</li> <li>• World Summit on Sustainable Development (WSSD) RIO+10.</li> <li>• United Nations Framework Convention on Climate Change.</li> <li>• Regional Convention on Climate Changes.</li> <li>• ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries.</li> <li>• ILO Convention 110 (1958) Plantations</li> </ul>

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<p>ecosystems of planned developments, including whether development or expansion will increase pressure on negatively affected;</p> <p>C. Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources;</p> <p>D. Baseline soil surveys and topographic information, including the identification of steep slopes, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding;</p> <p>E. Analysis of type of land to be used (forest, degraded forest, cleared land);</p> <p>F. Analysis of land ownership and user rights;</p> <p>G. Analysis of current land use patterns;</p> <p>H. 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;</p> <p>I. Identification of activities which may generate significant GHG emissions.</p> <p>Plans and field operations should 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.</p> <p>For smallholder schemes, the scheme management should address this Criterion. For individual smallholders, this Criterion does not apply.</p> <p>Where there is no National Interpretation, for land areas greater than 500ha, a full independent assessment will be</p>	<p>smallholders to incorporate the results of the assessment.</p> <p>Consider including unacceptable negative social impacts in the national context (eg displacement, loss of food security for Native people, etc.).</p> <p><b>Guidance for independent smallholders:</b></p> <p>Where groups plan to expand their aggregate holdings by more than 500 ha. In any one year, group managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impact assessments. In addition to the considerations outlined in the RSPO P&amp;C such assessments must include participatory consideration of:</p> <ol style="list-style-type: none"> <li>1. Land use planning and land allocations to smallholders and arrangements regarding land acquisition.</li> <li>2. Identification and mitigation of environmental impact, road building and road maintenance.</li> <li>3. Conservation Values (see criterion 7.3) that could be negatively affected.</li> <li>4. Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressure on nearby natural ecosystems.</li> <li>5. Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources.</li> <li>6. Baseline soil surveys and topographic</li> </ol>	

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<p>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.</p>	<p>information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting, where such data already exists.</p> <ol style="list-style-type: none"> <li>7. Analysis of type of land to be used (forest, degraded forest, cleared land).</li> <li>8. Analysis of land ownership and user rights.</li> <li>9. Analysis of current land use patterns.</li> <li>10. Assessment of potential social impact on surrounding communities of a plantation</li> <li>11. and associated smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents</li> </ol> <p>Where groups plan to expand their aggregate holdings by less than 500 ha. In any one year, group managers should carry out a simplified social and environmental impact assessment which assesses HCVs, identifies suitable lands and other rights holders.</p>	

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<p><b>Criterion 7.2. Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.</b></p>		
<p><b>Indicator:</b></p> <p><b>7.2.1 (M)</b> Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation shall be available and taken into account in plans and operations.</p> <p><b>7.2.2</b> 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><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must ensure that they apply the same procedures required for mills and new estates to all associated smallholder schemes. Information on soils may be collected and provided by scheme management or the mill that purchases the scheme's FFB. National interpretations should include detail on peat depth.</p> <p><b>Guidance for independent smallholders:</b></p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Water Law - Decree No. 181-2009.</li> <li>• Regulation of the National System for Environmental Impact Assessment - Executive Agreement 189 – 2009 (December 31st, 2009).</li> <li>• Legislative Decree 180-2003 Law on Land Use</li> <li>• Special Regulation of the Administration of the Fund for Forestry Reinvestment and Development of Plantations.</li> <li>• Regulation of Land Encumbrance.</li> <li>• Regulation of the Valuation of Useful and Necessary</li> </ul>

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<p>These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but need not be done by independent experts. Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, and hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices should be identified (see Criteria 4.3 and 7.4).</p> <p>This information should be used to plan planting programmes, etc. Measures should be planned to minimize erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation 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 should be collected on soil suitability by companies planning to purchase Fresh Fruit Bunches (FFB) from potential developments of independent smallholders in a particular location. Companies should assess this information and provide information to independent smallholders on soil suitability, and/or in conjunction with relevant government/public institutions and other organizations (including NGOs) provide information in order to assist independent smallholders to grow oil palm sustainably.</p> <p><b>Guidance</b> Because of the characteristics of the African oil palm as a</p>	<p>Where groups plan to expand their aggregate holdings by more than 500 ha. In any one year, group managers must ensure that these requirements are applied to all group members planning to expand their holdings or acquire new ones applied to all group members planning to expand their holdings or acquire new ones on behalf of all members of the group.</p> <p>Where groups plan to expand their aggregate holdings by less than 500 ha. in any one year only a simplified soil survey is required (see 7.1)</p>	<p><b>Improvements, Construction and Permanent Plantations.</b></p> <ul style="list-style-type: none"> <li>• <b>Law of Municipalities.</b></li> <li>• <b>Municipal Tax Plans.</b></li> </ul>

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<p>perennial crop with late production, this crop demands a high initial investment in the plantation, and thus it requires a pre-planting analysis. Therefore, it is important to study the soil and the terrain characteristics.</p> <p>Such analysis requires the following studies:</p> <ul style="list-style-type: none"> <li>a. Land suitability for palm growing;</li> <li>b. Topographical surveys;</li> <li>c. Soil characterization.</li> </ul> <p><b>a) Land suitability studies for oil palm cultivation</b></p> <p>Land suitability studies consist of the assessment of the different types of soil and climatic conditions of a region, displayed on a map. Their objective is to inform policy-making for the sustainable expansion of a crop and maximizing the available natural resources.</p> <p>A good agronomic practice for new palm oil producers is to refer to land capability studies, in order to verify whether owned or prospective land could meet palm growing requirements.</p> <p>It is important that those managing new projects consult documents leading to the identification of any areas where agriculture is restricted, e.g. municipal land use plans. Such enquiries prevent, due to ignorance, from purchasing land or establishing crops in restricted areas such as nature reserves or wetlands, that are protected by the State and precluded from agriculture.</p> <p><b>b) Topographical surveys</b></p> <p>Topographical studies are conducted to define the area and contours of the terrain, the presence of natural areas under protection or restrictions for planting and identifying highest and lowest points.</p> <p>Good practice requires to request topographical surveys after verifying that the land destined to a new palm</p>		

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<p>project fulfils the basic requirements for cultivation and does not affect any nature reserves or wetlands. Topographical surveys are preferably conducted before any land clearing work takes place.</p> <p>Topographical surveys must be restricted to the delimitation and quantification of the area containing forests, rivers, streams or spring sources, spillways and wetlands, whether they are within established crops or in new projects. Thus, it is possible to develop protection strategies as required by the national environmental regulations.</p> <p><b>c) Soil characterization studies</b></p> <p>The main objective is to implement a nutritional management specific to the characteristics of each soil.</p> <p>The best practice is to request soil characterization studies with at least six months before planting the new crop.</p> <p>The soil characterization maps or topographical surveys should be appropriate to the scale of the project and should include information on:</p> <ul style="list-style-type: none"> <li>a. Type of soil</li> <li>b. Topography</li> <li>c. Rooting depth</li> <li>d. Moisture availability</li> <li>e. Soil stoniness</li> <li>f. Fertility</li> <li>g. Long-term soil sustainability</li> </ul> <p>For small producers, soil studies should take place if there is a significant group in a locality and the soil may share the same characteristics.</p>		

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<b>Criterion 7.3. New plantings since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.</b>		
<p><b>Indicators:</b></p> <p><b>7.3.1 (M)</b> There shall be evidence that no new plantings have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantings shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p><b>7.3.2 (M)</b> A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new planting. 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><b>7.3.3</b> Dates of land preparation and commencement shall be recorded.</p> <p><b>7.3.4 (M)</b> 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><b>7.3.5</b> 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><b>For 7.3.1:</b> Evidence should 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 should be used to inform the HCV assessment.</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must ensure that this criterion is applied to scheme smallholdings</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must ensure that this criterion is applied to group smallholdings. This criterion also applies to independent smallholders who later seek to become members of smallholder groups seeking certification.</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Law on Forests, Protected Areas and Wildlife – Decree No. 98 – 2007 (February 26th, 2008).</li> <li>• General Regulation of the Law on Forests, Protected Areas and Wildlife – Agreement No. 031-2010 (October 16th, 2010).</li> <li>• Decrees concerning the Declarations of Protected Areas and Management Plans</li> <li>• Ramsar Convention.</li> </ul>

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<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><b>For 7.3.5:</b> 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><b>Guidance:</b></p> <p>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. HCVs may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.</p> <p>The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments should be conducted according to the National Interpretation of the HCV criteria or according to the Global HCV Toolkit if a National Interpretation is not available (see Definitions).</p> <p>Developments should actively seek to utilize previously cleared and/or degraded land on mineral soil. Plantation development should not put indirect pressure on forests through the use of all available agricultural land in an area.</p> <p>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 land use plans.</p> <p>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardize large areas or species, an independent assessment will be required. HCV areas can be very small.</p>		

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<p>Once established, new developments should comply with Criterion 5.2.</p> <p><b>Guidance</b></p> <p>Given that there is no specific definition of HCVs in Honduras, we will simply follow the guidelines established by the HCV Network. New plantings shall not take place within primary forests or areas containing high conservation values.</p> <p><b>The following needs to be considered:</b></p> <ol style="list-style-type: none"> <li>1. Developing georeferenced maps to identify whether there were changes in land use before or after November 2005.</li> <li>2. Once identified, action plans should be developed for the appropriate management of high conservation values, with the aim to reduce the impacts that may be caused by the planting project.</li> </ol> <p>It needs to be taken into consideration that compliance for small producers will be based on their group, scheme or partnership context.</p>		

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<b>Criterion 7.4 Extensive planting on steep terrain, and/or marginal and fragile soils, including peat, is avoided.</b>		
<p><b>Indicators:</b></p> <p><b>7.4.1</b> 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><b>7.4.2 (M)</b> Where limited planting on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must ensure that no lands are allocated to scheme smallholders on steep terrain and/or on marginal and fragile soils. Where limited planting is proposed it must be fully justified and must not to push people into poverty, and must be done in accordance with the indicators.</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law - Decree 104 – 93 (June 30th, 1993). Article 50.</li> <li>• Law on Forests, Protected Areas and Wildlife – Decree No. 98 – 2007 (February 26th, 2008).</li> </ul>

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<p>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 should 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>Marginal and degraded lands suitable for restoration should be distinguished from fragile lands that need to be avoided.</p> <p><b>Guidance for independent smallholders:</b></p> <p>Where groups plan to expand their aggregate oil palm holdings by more than 500 ha. in any one year, group managers must ensure that no new lands are acquired by existing group members on steep terrain and/or on marginal and fragile soils.</p>	<ul style="list-style-type: none"> <li>• General Regulation of the Law on Forests, Protected Areas and Wildlife – Agreement No. 031-2010 (October 16th, 2010).</li> <li>• Agreement 1714 - 2010 - Table of Environmental and Health Impacts/Risk Categories.</li> <li>• Legislative Decree 180-2003 Law on Land Use</li> <li>• Regulation of the Law on Land Use</li> <li>• Regulation of Land Encumbrance.</li> <li>• Law of the National Risk Management System (SINAGER).</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Agreement ICF 040-2012.</li> </ul>

Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<p><b>Criterion 7.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their 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</b></p>		
<p><b>Indicators:</b></p> <p><b>7.5.1 (M)</b> Evidence shall 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</p>	<p><b>Guidance for scheme smallholders</b></p> <p>This criterion must be considered with 2.2, 2.3, 6.4 and 7.6. Scheme managers must ensure that they first identify local owners of any and all lands for proposed scheme smallholdings. Scheme managers must provide:</p> <ul style="list-style-type: none"> <li>• Maps showing extent of recognized customary rights (criteria 2.3, 7.5 and 7.6)</li> <li>• Copies of negotiated agreements detailing process of consent</li> </ul> <p><b>Guidance:</b></p> <p>Where lands are encumbered by legal or customary rights, the scheme manager must</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• Property Law - Decree 82 – 2005 (June 15th, 2004-08-10).</li> <li>• Decree Law 118-1968: Organic Law of the Honduran Institute of Anthropology and History.</li> <li>• Law of the National Risk Management System (SINAGER).</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries - Decree 26 – 94 (July 30th, 1994).</li> </ul>

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<p>Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantings.</p> <p>Free, prior and informed consent (FPIC) is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Companies', October 2008).</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p>	<p>demonstrate that these rights are understood and are not being threatened or reduced. This criterion should be considered in conjunction with criteria 6.4 and 7.6 .Where customary rights areas are unclear these are best established through participatory mapping exercises involving affected and neighbouring communities.</p> <p>This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for scheme smallholdings should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Communities must be permitted to seek legal counsel if they so choose.</p> <p>Communities must be represented through institutions or representatives of their own choosing, operating transparently 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 should be binding on all parties and enforceable in the courts.</p> <p>Scheme managers have maps or other documents showing land allocations for scheme smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.</p> <p>Scheme managers can show that lands acquired for smallholders do not diminish legal or</p>	

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	<p>customary rights. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p>	
	<p><b>Guía para pequeños productores independientes:</b></p> <p>This criterion must be considered with 2.2, 2.3, 6.4 and 7.6. Group managers must ensure that members first identify local owners of any and all lands for the expansion or acquisition of new group smallholdings.</p> <p><b>General Guidance:</b> Where lands are encumbered by legal or customary rights, the group manager must demonstrate that these rights are understood by group members and are not being threatened or reduced.</p> <p>This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for group smallholdings should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Those selling or leasing lands must be permitted to seek legal counsel if they so choose.</p> <p>Communities selling or leasing lands must be represented through institutions or representatives of their own choosing, operating transparently and in open</p>	

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	<p>communication with other community members. Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.</p> <p>Group managers have maps or other documents showing the land holdings of group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.</p> <p>Group managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over there is proof of transfer of rights (e.g. sale or lease) and of payment or provision of agreed compensation.</p>	

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<b>Criterion 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.</b>		
<p><b>Indicators:</b></p> <p><b>7.6.1 (M)</b> Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p><b>7.6.2 (M)</b> A system for identifying people entitled to compensation shall be in place.</p> <p><b>7.6.3 (M)</b> A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p> <p><b>7.6.4</b> Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p><b>7.6.5</b> The process and outcome of any compensation</p>	<p><b>Guidance for Scheme Managers</b></p> <p>See 7.5.</p> <p><b>Guidance for independent smallholders:</b></p> <p>See 7.5 above.</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• <b>Property Law - Decree 82 – 2005 (June 15th, 2004-08-10).</b></li> </ul>

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<p>claims shall be documented and made publicly available.</p> <p><b>7.6.6</b> 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><b>For 7.6.1:</b> This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p><b>For 7.6.6:</b> 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).</p> <p>Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Companies', October 2008)</p>		

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<b>Criterion 7.7 No use of fire in the preparation of new plantings other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.</b>		
<p><b>Indicators:</b></p> <p><b>7.7.1 (M)</b> 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><b>7.7.2</b> In exceptional cases where fire has to be used for</p>	<p><b>Guidance for Scheme Managers</b></p> <p>Scheme managers must ensure that no fire is used to establish new plantings.</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease</p>	<p><b>National Legislation</b></p> <ul style="list-style-type: none"> <li>• Law on Forests, Protected Areas and Wildlife – Decree No. 98 – 2007 (February 26th, 2008).</li> <li>• General Regulation of the Law on Forests, Protected Areas and Wildlife – Agreement No. 031-2010 (October 16th,</li> </ul>

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<p>preparing land 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></p> <p><b>For 7.7.2:</b> 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 should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and exceptional levels of caution are required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p> <p><b>GUIDANCE</b></p> <p><u>In the Honduran context, the use of fire should not allowed as an acceptable practice for soil preparation for planting palm because of its negative effects on the organic matter content, the destruction of the soil's flora and fauna and the emission of greenhouse gases.</u></p>	<p>outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.</p> <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the implementation of the ASEAN policy on zero burning', or comparable guidelines in other locations.</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>Group managers must ensure that no fire is used to establish new plantings.</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.</p> <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the implementation of the ASEAN policy on zero burning', or comparable guidelines in other locations.</p>	<p>2010).</p> <ul style="list-style-type: none"> <li>• Agreement ICF 040-2012.</li> <li>• Agreement ICF 045-2011.</li> </ul> <p><b>International Legislation</b></p> <ul style="list-style-type: none"> <li>• Ramsar Convention.</li> <li>• Kyoto Protocol to the United Nations Framework Convention on Climate Change.</li> </ul>

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<b>Criterion 7.8 New plantation developments are designed to minimize net greenhouse gas emissions.</b>		
Preamble		

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<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 recognized 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 minimize 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>		
<p><b>Indicators:</b></p> <p><b>7.8.1 (M)</b> 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><b>7.8.2</b> There shall be a plan to minimize net GHG emissions which takes into account avoidance of land areas with high carbon stocks and/or sequestration options.</p> <p><b>Specific Guidance:</b></p> <p><b>For 7.8.1:</b> GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The RSPO carbon assessment tool for new plantings 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. 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 plantings.</p> <p>Parties seeking to use an alternative tool for new plantings will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p><b>For 7.8.2:</b> Growers are strongly encouraged to establish</p>		<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law.</li> <li>• Special Regulation of the Administration of the Fund for Forestry Reinvestment and Development of Plantations.</li> <li>• Law on Land Use.</li> <li>• Regulation of the National System for Environmental Impact Assessment</li> <li>• General Water Law.</li> </ul>

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<p>new plantings 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 should 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 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. 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 RSPO carbon assessment tool for new plantings, recognizing the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers will ensure that new plantation developments are designed to minimize net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, land use and land use change emissions under Criterion 5.6.</p>		

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<p><b>GUIDANCE</b></p> <p>To prove that new plantings after April 2013 have been designed so they minimize greenhouse gas emissions.</p> <p><b>To which effect the following must be in place at least:</b></p> <ol style="list-style-type: none"> <li>1. Identification of areas where emissions of greenhouse gases can take place (cultivation and transport).</li> <li>2. Consideration of good practices for reducing greenhouse gas emissions:                             <ol style="list-style-type: none"> <li>a. Integrated Pest Management</li> <li>b. Proactive servicing of machinery and transport equipment</li> <li>c. Soil Conservation</li> <li>d. Critical Pathways Plan</li> <li>e. Geographic Information System</li> <li>f. Weed Control</li> <li>g. Fuel Monitoring</li> <li>h. Fertilizer use reduction</li> <li>i. Irrigation water usage monitoring</li> </ol> </li> </ol> <p>Organic waste management</p>		

**Principle 8: Commitment to continual improvement in key areas of activity**

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<p><b>Criterion 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.</b></p>		
<p><b>8.1.1 (M)</b> 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</p>	<p><b>Guidance for Scheme Managers</b></p> <p>El administrador del sistema debe desarrollar un plan de acción para el mejoramiento continuo, de una manera participativa con pequeños productores, basado en consideraciones sobre los principales impactos y</p>	<p><b>National Legislation:</b></p> <ul style="list-style-type: none"> <li>• General Environmental Law.</li> <li>• Regulation of Integrated Solid Waste Management.</li> </ul>

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Indicator / Guidance	Guidance for Smallholders	Laws, Conventions & Treaties
<p>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>• Optimizing the yield of the supply base.</li> </ul> <p><b>Guidance:</b> Growers should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continual improvement.</p>	<p>oportunidades sociales y ambientales sobre las parcelas; el mismo debe incluir una serie de indicadores cubiertos por estos Principios y Criterios.</p> <hr/> <p><b>Guidance for independent smallholders:</b></p> <p>Los administradores del Grupo deben desarrollar un plan de acción para la mejora continua, desarrollado en forma participativa con los pequeños productores del grupo, basado en la consideración de los principales impactos sociales y ambientales y oportunidades de las pequeñas explotaciones, y debe incluir una serie de indicadores cubiertos por estos principios y criterios.</p>	<ul style="list-style-type: none"> <li>• General Water Law</li> <li>• Regulation for the Control of Emissions Generated by Fixed Point Sources.</li> <li>• General Regulation of the Preventive Measures of Accidents at Work and Occupational Diseases.</li> </ul> <p><b>International Legislation:</b></p> <ul style="list-style-type: none"> <li>• Montreal Protocol on Substances that Deplete the Ozone Layer and the Vienna Convention for the Protection of the Ozone Layer</li> <li>• Amendments to the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer and its Annexes, and the Montreal Protocol on Substances that Deplete the Ozone Layer</li> </ul>

## 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 refugia.
- **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 practice 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 recognized 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 substituent 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)).

**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 other subsistence agricultural or forestry activities. Their families provide a part of the labour. The production of oil palm usually provides the principal source of income and the planted area of oil palm is below 50 hectares in size. In the case of Honduras, this definition includes producers considered by law to be small (1–10 hectares) and medium-scale producers (11–50 hectares). Where land held under communal title is concerned, it is the number of hectares per member of the communal scheme that is taken into consideration.

- **Scheme smallholders** – Smallholders that have a formal contract of at least 15 years of duration with a company that owns a mill and who receive technical support from the company during this period.
- **Independent smallholders** – Smallholders who do not have a formal contract of at least 15 years of duration, including technical assistance, with a company that owns a 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.

- **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. 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	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.  Promoting transparency  Ensuring that companies have sufficient internal auditing controls to prevent corruption.
Respect for human rights	United Nations Guiding Principles on Business and Human Rights (2011) International Bill of Human Rights <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>	Principles 11 to 24  Articles 1 – 30  Articles 1 – 27  Articles 1 – 15	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organization size, sector of operation or ownership
Just Land Acquisition	ILO Convention 169 (1989) on Indigenous and Tribal peoples	Articles 13 - 19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
Just Land Acquisition	UN Declaration on the Rights of Indigenous Peoples (2007)  UN Convention on Biological Diversity (1992)	Articles 25, 26  Article 10(c)	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.  Protect and encourage customary use of biological resources in accordance with traditional practices.
Fair Representation and Participation of Indigenous and Tribal Peoples	ILO Convention (1989) on Indigenous and Tribal People	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).

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<b>Principles</b>	<b>International Standards</b>	<b>Key Provisions</b>	<b>Summary Of Protections</b>
	<p>UN Declaration on the Rights of Indigenous UN Declaration on the Rights of Indigenous</p> <p>Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.</p>	<p>Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).</p> <p>UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter-American Commission on Human Rights</p>	<p>Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.</p> <p>Free Prior Informed Consent for decisions that may affect indigenous peoples.</p> <p>(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).</p>
No Forced Labour	<p>ILO Convention 29 (1930) Forced Labour</p> <p>ILO Convention 105 (1957) Abolition of Forced Labour</p>	<p>Article 5</p> <p>Article 1</p>	<p>No concession to companies shall involve any form of forced or compulsory labour.</p> <p>Not make use of any form of forced or Not make use of any form of forced or</p>
Protection of Children	<p>ILO Convention 138 (1973) Minimum Age</p> <p>ILO Convention 182 (1999) Worst Forms</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007)</p>	<p>Articles 1-3</p> <p>Articles 1-7</p> <p>Articles 17(2), 21, 22(2)</p>	<p>Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).</p> <p>Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance</p> <p>No exploitation or exposure to hazard or discrimination against indigenous women and children</p>
Freedom of Association and Collective Bargaining	<p>ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise</p> <p>ILO Convention 98 (1949) Right to Organise and Collective Bargaining</p> <p>ILO Convention 141 (1975) Rural Workers' Organisations</p>	<p>Articles 2- 11</p> <p>Articles 1-4</p> <p>Articles 2-3</p>	<p>Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.</p> <p>Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.</p> <p>Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.</p>

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<b>Principles</b>	<b>International Standards</b>	<b>Key Provisions</b>	<b>Summary Of Protections</b>
	UN Declaration on the Rights of Indigenous	Article 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development
Non- Discrimination and Equal Remuneration	ILO Convention 100 (1951) Equal Remuneration  ILO Convention 111 (1958) Discrimination (Employment and Occupation)  UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 1-3  Articles 1-2  Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	Equal remuneration for men and women for work of equal value.  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.  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
Fair Representation and Participation of Indigenous and Tribal Peoples	ILO Convention (1989) on Indigenous and Tribal People  UN Declaration on the Rights of Indigenous UN Declaration on the Rights of Indigenous  Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.	Articles 6-9  Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).  UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter-American Commission on Human Rights	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).  Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.  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  ILO Convention 105 (1957) Abolition of Forced Labour	Article 5  Article 1	No concession to companies shall involve any form of forced or compulsory labour.  Not make use of any form of forced or Not make use of any form of forced or
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).

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<b>Principles</b>	<b>International Standards</b>	<b>Key Provisions</b>	<b>Summary Of Protections</b>
	ILO Convention 182 (1999) Worst Forms  UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 1-7  Articles 17(2), 21, 22(2)	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance  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  ILO Convention 98 (1949) Right to Organise and Collective Bargaining  ILO Convention 141 (1975) Rural Workers' Organisations  UN Declaration on the Rights of Indigenous	Articles 2- 11  Articles 1-4  Articles 2-3  Article 3	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.  Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.  Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.  Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development
Non- Discrimination and Equal Remuneration	ILO Convention 100 (1951) Equal Remuneration  ILO Convention 111 (1958) Discrimination (Employment and Occupation)  UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 1-3  Articles 1-2  Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	Equal remuneration for men and women for work of equal value.  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.  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
Just employment of Migrants	ILO Convention 97 (1949) Migration for Employment		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

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<b>Principles</b>	<b>International Standards</b>	<b>Key Provisions</b>	<b>Summary Of Protections</b>
	ILO Convention 143 (1975) Migrant Workers(Supplementary Provisions)	Articles 1 - 12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.
Protection of Plantation Workers	ILO Convention 110 (1958) Plantations	Articles 5 - 91	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.
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)  FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Articles 1-5  Article 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).  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

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Principles	International Standards	Key Provisions	Summary Of Protections
	<p>Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007)</p>	<p>Articles 1, 5 and 6</p> <p>Articles 21(1), 23, 24, 29(3)</p>	<p>poisoning.</p> <p>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.</p> <p>Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.</p>

## Annex 2: Key international laws and conventions ratified by Honduras and national laws and regulations applicable to the production of palm oil

The list of laws presented in this document is a compilation of laws until **December 1<sup>st</sup>, 2014**. Companies must also comply with all the new and amended laws that have arisen after this date.

### AGREEMENTS, PARTNERSHIPS, CONFERENCES, CONVENTIONS, TREATIES AND INTERNATIONAL PROTOCOLS SIGNED BY HONDURAS, APPROVED BY THE EXECUTIVE AND ENDORSED BY THE NATIONAL CONGRESS OF THE REPUBLIC.

Listed below are some of the agreements, partnerships, conferences, conventions, protocols and treaties signed and ratified by Honduras that are in force as laws of the Republic:

- **Acuerdo sobre Cooperación Ambiental**: Decreto Legislativo 205-206, publicado en el Diario Oficial La Gaceta en fecha 14 de marzo de 2007.
- **Acuerdo Regional sobre Movimientos Transfronterizos de Desechos Peligrosos**: Decreto Legislativo 40-93, publicado en el Diario Oficial La Gaceta en fecha 28 de agosto de 1993.
- **Acuerdo Regional sobre Movimientos Transfronterizos de Desechos Peligrosos (Panamá)**: ratificado el 20 de julio de 1994.
- **Acuerdo de Cooperación Ambiental celebrado entre varios países**: Decreto Legislativo 136-2011, publicado en el Diario Oficial La Gaceta en fecha 10 de diciembre del 2011.
- **Acuerdo de Cooperación en Materia de Medioambiente, celebrado entre Honduras y Perú**: Decreto Legislativo 208-2011, publicado en el Diario Oficial La Gaceta en fecha 21 de febrero del 2012.
- **Alianza Centroamericana para el Desarrollo Sostenible (ALIDES)**: suscrita en fecha 13 de octubre de 1994.
- **Código Internacional de Conducta para la Distribución y Utilización de Plaguicidas**: emitido por la Organización de las Naciones Unidas para la Agricultura y la Alimentación en 1986.
- **Conferencia de las Naciones Unidas para el Medio Ambiente y el Desarrollo (CNUMAD)**: también llamada Cumbre de la Tierra. Se llevó a cabo en el año 1992.
- **Conferencia Mundial Sobre Desarrollo Sostenible (CMDS) RÍO+**: este instrumento fue suscrito en el año 2002.
- **Convención Marco de las Naciones Unidas sobre Cambio Climático**: Decreto Legislativo 26-95, publicado en el Diario Oficial La Gaceta en fecha 29 de julio de 1995.
- **Convenio Constitutivo Centroamericano para la Protección del Ambiente**: Decreto Legislativo 14-90 de marzo de 1990, publicado en el Diario Oficial La Gaceta en fecha 03 de abril de 1990.
- **Convenio Constitutivo de la Comisión Centroamericana de Ambiente y Desarrollo (CCAD)**: Decreto Legislativo 21-92, publicado en el Diario Oficial La Gaceta en fecha 24 de abril de 1992.
- **Convenio Constitutivo del Centro de Coordinación para la Prevención de Desastres Naturales en América Central**: Decreto Legislativo 175-94, publicado en el Diario Oficial La Gaceta en fecha 18 de febrero de 1995.
- **Convenio de Basilea sobre el Control de Movimientos Transfronterizos de los Desechos Peligrosos y de su Eliminación**: Decreto Legislativo 31-95, publicado en el Diario Oficial La Gaceta en fecha 28 de octubre de 1995.
- **Convenio Regional sobre Cambio Climático**: Decreto Legislativo 111-96, publicado en el Diario Oficial La Gaceta en fecha 30 de julio de 1996.
- **Convenio de Estocolmo sobre los Contaminantes Orgánicos Persistentes**: Decreto Legislativo 24-2004, publicado en el Diario Oficial La Gaceta en fecha 23 de abril del año 2005.
- **Convenio Relativo a la Aplicación del Descanso Semanal en las Empresas Industriales (convenio 14)**: contenido en Decreto Legislativo 39, publicado en el Diario Oficial La Gaceta en fecha 11 de marzo de 1963.
- **Convenio Relativo al Trabajo Forzoso u Obligatorio (convenio 29)**: contenido en Decreto Legislativo 17, publicado en el Diario Oficial La Gaceta en fecha 24 de mayo de 1956.
- **Convenio Relativo a la Indemnización por Enfermedades Profesionales (convenio 42)**: contenido en Decreto Legislativo 45, publicado en el Diario Oficial La Gaceta en fecha 15 de mayo de 1963.
- **Convenio Relativo a la Inspección del Trabajo (convenio 81)**: contenido en el Decreto Legislativo 69, publicado en el Diario Oficial La Gaceta en fecha 25 de marzo de 1982.
- **Convenio sobre la Libertad Sindical y la Protección del Derecho de Sindicación (convenio 87)**: contenido en Decreto Legislativo 17, publicado en el Diario Oficial La Gaceta en fecha 24 de mayo de 1956.

- **Convenio Relativo a la Protección del Salario (convenio 95)**: contenido en Decreto Legislativo 126, publicado en el Diario Oficial La Gaceta en fecha 16 de marzo de 1960.
- **Convenio sobre el Derecho de Sindicación y de Negociación Colectiva (convenio 98)**: contenido en Decreto Legislativo 18, publicado en el Diario Oficial La Gaceta en fecha 24 de mayo de 1956.
- **Convenio Relativo a la Igualdad de Remuneración entre la Mano de Obra Masculina y la Mano de Obra Femenina por Trabajo de Igual Valor (convenio 100)**: contenido en Decreto Legislativo 19, publicado en el Diario Oficial La Gaceta en fecha 7 de julio de 1956.
- **Convenio Relativo a la Abolición del Trabajo Forzoso (convenio 105)**: contenido en Decreto Legislativo 39, publicado en el Diario Oficial La Gaceta en fecha 23 de mayo de 1958.
- **Convenio Relativo al Descanso Semanal en el Comercio y en las Oficinas (convenio 106)**: contenido en Decreto Legislativo 194, publicado en el Diario Oficial La Gaceta en fecha 14 de mayo de 1960.
- **Convenio Relativo a la Discriminación en Materia de Empleo y Ocupación (111)**: contenido en Decreto Legislativo 209, publicado en el Diario Oficial La Gaceta en fecha 21 de mayo de 1960.
- **Convenio Relativo a la Política del Empleo (convenio 122)**: contenido en Decreto Legislativo 948, publicado en el Diario Oficial La Gaceta en fecha 25 de marzo de 1980.
- **Convenio sobre la Edad Mínima de Admisión al Empleo (convenio 138)**: contenido en Decreto Legislativo 952, publicado en el Diario Oficial La Gaceta en fecha 8 de julio de 1980.
- **Convenio sobre Pueblos Indígenas y Tribales en Países Independientes (convenio 169)**: contenido en Decreto Legislativo 26-94, publicado en el Diario Oficial La Gaceta en fecha 30 de julio de 1994.
- **Convenio sobre la Prohibición de las Peores Formas de Trabajo Infantil y la Acción Inmediata para su Eliminación (convenio 182)**: contenido en Decreto Legislativo 62-2001, publicado en el Diario Oficial La Gaceta en fecha 28 de julio de 2001.
- **Convenio de París para la protección de la Propiedad Industrial**: emitido en fecha 20 de marzo de 1883.
- **Enmiendas al Protocolo de Montreal sobre el Convenio de Viena para la Protección de la Capa de Ozono y sus Anexos, y el Protocolo de Montreal Relativo a las Sustancias que Agotan la Capa de Ozono**: Decreto Legislativo 141-2000, publicado en el Diario Oficial La Gaceta en fecha 30 de noviembre del año 2000.
- **Protocolo de Montreal relativo a las Sustancias que Agotan la Capa de Ozono y Convenio de Viena para la Protección de la Capa de Ozono**: Decreto Legislativo 73-93, publicado en el Diario Oficial La Gaceta en fecha 21 de agosto de 1993.
- **Protocolo de Kioto a la Convención Marco de las Naciones Unidas para el Cambio Climático**: Decreto Legislativo 37-00, publicado en el Diario Oficial La Gaceta en fecha 16 de junio del año 2000.
- **Tratado de Libre Comercio CAFTA**: Decreto Legislativo 10-2005, publicado en el Diario Oficial La Gaceta en fecha 03 de marzo del 2005.
- **Tratado de Libre Comercio entre la República de China (Taiwán) y las Repúblicas de Honduras y El Salvador**: entró en vigencia en fecha 15 de julio del 2008, mediante Acuerdo SIC 255-2008.
- **Tratado de Libre Comercio entre Centroamérica y Chile**: entró en vigencia en fecha 19 de julio del 2008.
- **Tratado de Libre Comercio entre Honduras, Guatemala, El Salvador y México**: aprobado mediante Acuerdo SIC-170-2000 de fecha 02 de octubre del 2000, ratificado por el Congreso Nacional mediante Decreto Legislativo 7-2001 del 20 de febrero del 2001.
- **Tratado de Libre Comercio entre Centroamérica y la República Dominicana**: firmado el 16 de abril de 1998 en la ciudad de Santo Domingo, República Dominicana.
- **Tratado de Libre Comercio entre Colombia y CA3 (El Salvador, Guatemala y Honduras)**: entró en vigencia mediante Acuerdo SIC-402-2010, publicado en el Diario Oficial La Gaceta en fecha 27 de mayo del 2010.
- **Tratado sobre el Derecho de Marcas**: contenido en acuerdo ejecutivo de la Secretaría de Industria y Comercio número 31-DT, publicado en el Diario Oficial La Gaceta en fecha 21 de noviembre del 2009.

## **SECONDARY LAWS (GENERAL AND SPECIAL LAWS), REGULATIONS, LEGISLATIVE AND EXECUTIVE AGREEMENTS AND DECREES, TECHNICAL STANDARDS, RESOLUTIONS, MUNICIPAL ORDINANCES, RELATED ADMINISTRATIVE PROVISIONS AND INTERINSTITUTIONAL CONVENTIONS**

**Secondary laws**: also called ordinary rules. These are the most important laws after the Constitution of the Republic and the agreements, partnerships, conferences, conventions, protocols and treaties duly approved by the executive power

and ratified by the national congress. The environmental laws have been ordered hierarchically in special and general laws.

- a) **Special laws or individual rules:** are legal standards that regulate concrete and broad subject areas.
- **Decreto Legislativo 104-93: Ley General del Ambiente:** publicado en el Diario Oficial La Gaceta en fecha 30 de junio de 1993. Su objetivo es la protección, conservación, restauración y manejo sostenible del ambiente y de los recursos naturales del país, siendo la primera normativa plenamente ambiental en la historia de Honduras.
  - **Decreto Legislativo 181-2009: Ley General de Aguas:** publicado en el Diario Oficial La Gaceta en fecha 14 de diciembre del 2009. Establece los principios y regulaciones aplicables al manejo adecuado del recurso agua, para la protección, conservación, valorización y aprovechamiento del recurso hídrico y de esa manera propiciar la gestión integrada de dicho recurso a nivel nacional. Esta ley sustituyó la antigua Ley de Aprovechamiento de Aguas Nacionales del año 1927.
  - **Decreto Legislativo 118-2003: Ley Marco del Sector Agua Potable y Saneamiento:** publicado en el Diario Oficial La Gaceta en fecha 08 de octubre del 2003. Establece las normas aplicables a los servicios de agua potable y saneamiento en el territorio nacional, como un instrumento básico en la promoción de la calidad de vida de la población y el afianzamiento del desarrollo sostenible.
  - **Decreto Legislativo 134-90: Ley de Municipalidades:** tiene por objeto desarrollar los principios constitucionales referentes al régimen departamental y municipal, en armonía con el desarrollo sostenible de los recursos naturales de cada municipio.
  - **Decreto Legislativo 82-2004: Ley de Propiedad:** publicado en el Diario Oficial La Gaceta en fecha 29 de junio del 2004. Establece la normativa legal relativa a la propiedad en el país.
  - **Decreto Legislativo 113-14: Ley de Expropiación Forzosa:** publicado en el Diario Oficial La Gaceta en fecha 9 de mayo de 1914. Regula la expropiación forzosa de bienes privados por razones de utilidad pública.
  - **Decreto Legislativo 294-93: Ley de Bomberos de la República:** publicado en el Diario Oficial La Gaceta en fecha 11 de enero de 1994. Regula la organización y funcionamiento del Cuerpo de Bomberos de la República de Honduras.
  - **Decreto Legislativo 226-2001: Ley de Policía y Convivencia Social:** publicado en el Diario Oficial La Gaceta en fecha 07 de marzo del 2002. Establece lineamientos básicos de convivencia y urbanidad.
  - **Decreto Legislativo 205-2005: Ley de Tránsito:** publicado en el Diario Oficial La Gaceta en fecha 03 de enero del 2006. Regula el tránsito de vehículos y peatones dentro de la República de Honduras.
  - **Decreto Legislativo 194-2002: Ley de Equilibrio Financiero y de Protección Social:** publicado en el Diario Oficial La Gaceta en fecha 05 de junio del 2002. Contiene distintas reformas a leyes tributarias del país.
  - **Decreto Legislativo 9-90: Ley de Contingencias Nacionales:** publicado en el Diario Oficial La Gaceta en fecha 25 de enero de 1991. Regula las situaciones de contingencia nacional, regional o local provocadas por los fenómenos naturales que se clasifiquen como emergencias, desastres o calamidades.
  - **Decreto Legislativo 131-98: Ley de Estímulo a la Producción, a la Competitividad y Apoyo al Desarrollo Humano:** publicado en el Diario Oficial La Gaceta en fecha 30 de abril de 1998. Su objetivo es promover la producción, la competitividad y el desarrollo humano.
  - **Decreto Legislativo 158-94: Ley Marco del Subsector Eléctrico:** publicado en el Diario Oficial La Gaceta en fecha 26 de noviembre de 1994. Regula la generación de electricidad en el país.
  - **Decreto Legislativo 70-2007: Ley de Promoción a la Generación de Energía Eléctrica con Recursos Renovables:** publicado en el Diario Oficial La Gaceta en fecha 02 de octubre del 2007. Su objetivo es promover la generación de energía eléctrica con recursos renovables.
  - **Decreto Ley 25-63: Ley del Impuesto sobre la Renta:** publicado en el Diario Oficial La Gaceta en fecha 27 de diciembre de 1963. Crea y regula el Impuesto sobre la Renta.
  - **Decreto Ley 24-63: Ley de Impuesto sobre Ventas:** publicado en el Diario Oficial La Gaceta en fecha 27 de diciembre de 1963. Crea y regula el Impuesto sobre Ventas.
  - **Decreto Legislativo 51-2003: Ley de Equidad Tributaria:** publicado en el Diario Oficial La Gaceta en fecha 10 de abril del 2003. Reforma diversas leyes tributarias.

- **Decreto Legislativo 17-2010: Ley de Fortalecimiento de los Ingresos, Equidad Social y Racionalización del Gasto Público:** publicado en el Diario Oficial La Gaceta en fecha 22 de abril del 2010. Contiene reformas a leyes tributarias y nuevos impuestos, tasas y contribuciones.
- **Decreto Legislativo 24-2008: Ley de Protección al Consumidor:** publicado en el Diario Oficial La Gaceta en fecha 7 de julio del 2008. Tiene por objeto proteger, defender, promover, divulgar y hacer que se cumplan los derechos de los consumidores.
- **Decreto Legislativo 228-93: Ley del Ministerio Público:** publicado en el Diario Oficial La Gaceta en fecha 6 de enero de 1994. Crea el Ministerio Público, como entidad garante de los derechos de la población hondureña.
- **Decreto Legislativo 140-59: Ley del Seguro Social:** regula la seguridad social que ofrece el Estado de Honduras.
- **Decreto Legislativo 151-2009: Ley del Sistema Nacional de Gestión de Riesgos (SINAGER):** publicado en el Diario Oficial La Gaceta en fecha 26 de diciembre del 2009. Tiene por objeto establecer un sistema nacional de gestión de riesgos con el objeto de prevenir desastres.
- **Decreto Legislativo 158-2009: Ley Especial de Educación y Comunicación Ambiental:** publicado en el Diario Oficial La Gaceta en fecha 28 de diciembre del 2009. Tiene por objeto educar al pueblo hondureño en materia ambiental, con el objeto de hacer conciencia en la población sobre la necesidad de preservar el ambiente.
- **Decreto Legislativo 143-2010: Ley de Promoción de la Alianza Público-Privada:** de fecha 11 de agosto del 2010. Crea esquemas de colaboración y esfuerzo común entre los sectores público y privado.
- **Decreto Legislativo 147-99: Ley Especial sobre VIH/SIDA:** de fecha 30 de septiembre de 1999. Tiene por objeto evitar la discriminación hacia las personas contagiadas con VIH/SIDA.
- **Decreto Legislativo 17-91: Ley de Promoción de Empleos para Personas Minusválidas:** de fecha 05 de marzo de 1991. Tiene por objeto promover el empleo de las personas minusválidas.
- **Decreto Ley 10-72: Ley del Instituto Hondureño de Formación Profesional (INFOP):** publicado en el Diario Oficial La Gaceta en fecha 06 de enero de 1973. Su objetivo es promover la formación profesional en el país.
- **Decreto Legislativo 182-2009: Ley de Garantías Reales Mobiliarias:** publicado en el Diario Oficial La Gaceta en fecha 28 de enero del 2010. Su objeto es incrementar el acceso al crédito por parte de la población.
- **Decreto Legislativo 51-2011: Ley para la Promoción y Protección de Inversiones:** publicado en el Diario Oficial La Gaceta en fecha 15 de julio del 2011. Promueve y protege la inversión nacional y extranjera.
- **Decreto Legislativo 167-91: Ley del Fondo Social de la Vivienda (FOSOVI):** su principal objetivo es fomentar el ahorro entre sus afiliados para canalizarlo al financiamiento habitacional, contribuyendo al mejoramiento de las condiciones de vida de un considerable sector de la población. Fue separado del FOSOVI mediante Decreto Ejecutivo 53-93 de fecha 17 de noviembre de 1993.
- **Decreto Legislativo 96-2012: Ley de Medidas Anti Evasión en el Impuesto sobre la Renta:** publicado en el Diario Oficial La Gaceta en fecha 20 de julio del 2012. Su objetivo es evitar la evasión en el pago del impuesto sobre la renta.
- **Decreto Legislativo 135-2008: Ley para el Fomento y Desarrollo de la Competitividad de la Micro y Mediana Empresa:** publicado en el Diario Oficial La Gaceta en fecha 14 de enero del 2009. Su objetivo es fomentar y proteger el desarrollo y competitividad de la micro y mediana empresa.
- **Decreto Legislativo 205-2011: Ley del Sistema de Fondos de Garantía Recíproca para la Promoción de las MYPYMES, Vivienda Social y Educación Técnica Profesional:** publicado en el Diario Oficial La Gaceta en fecha 26 de enero del 2012. Establece diversos beneficios para la micro y mediana empresa.
- **Decreto Legislativo 40-2012: Ley del Factor de Corrección de los Combustibles:** publicado en el Diario Oficial La Gaceta en fecha 11 de abril del 2012. Establece normativa relacionada con combustibles.
- **Decreto 230-2010: Ley del Empleo por Horas:** publicado en el Diario Oficial La Gaceta en fecha 5 de noviembre del 2010. Establece normativa relacionada con el empleo por horas.
- **Decreto Legislativo 103-93: Ley del Instituto Hondureño del Turismo:** publicado en fecha 14 de julio de 1993. Crea el Instituto Hondureño del Turismo.
- **Decreto Ley 118-1968: Ley Orgánica del Instituto Hondureño de Antropología e Historia:** publicado en el Diario Oficial La Gaceta en fecha 24 de noviembre de 2012. Crea el Instituto Hondureño de Antropología e Historia, con el objeto de salvaguardar el patrimonio cultural de la Nación.
- **Decreto 220-1997: Ley para la Protección del Patrimonio Cultural de la Nación:** emitido en fecha 17 de diciembre de 1997. Instituye lineamientos para la protección del patrimonio cultural de la Nación.

- **Decreto Legislativo 98-2007: Ley Forestal, Áreas Protegidas y Vida Silvestre:** publicado en el Diario Oficial La Gaceta en fecha 26 de febrero de 2008. Deroga la gran mayoría de las normativas forestales anteriores, con el objeto de mejorar y hacer más eficiente la protección el recurso forestal.
- **Decreto Legislativo 180-2003: Ley de Ordenamiento Territorial:** publicado en el Diario Oficial La Gaceta en fecha 30 de diciembre del 2003. Establece lineamientos para el ordenamiento del territorio nacional.
- **Decreto Legislativo 134-1999: Ley Orgánica de la Procuraduría del Ambiente y Recursos Naturales:** publicado en el Diario Oficial La Gaceta en fecha 29 de septiembre de 1999. Crea dicha dependencia, misma que representará al Estado de Honduras en materia ambiental y de recursos naturales.
- **Decreto Legislativo 170-1974: Ley de Reforma Agraria:** publicado en el Diario Oficial La Gaceta en fecha 08 de enero de 1975. Regula el proceso de reforma agraria en el país.
- **Decreto Legislativo 105-2011: Ley de Seguridad Poblacional:** publicado en el Diario Oficial La Gaceta en fecha 8 de julio del 2011. Pretende establecer mecanismos de fortalecimiento al proceso de seguridad del Estado.
- **Decreto Legislativo 12-2000: Ley para el Desarrollo Rural Sostenible:** publicado en el Diario Oficial La Gaceta en fecha 5 de mayo del 2000. Crea el Programa Nacional de Desarrollo Rural Sostenible (PRONADERS).
- **Decreto Legislativo 31-92: Ley de Modernización y el Desarrollo del Sector Agrícola:** publicado en el Diario Oficial La Gaceta en fecha 6 de abril de 1992. Su objetivo es instaurar las condiciones para que los productores agrícolas obtengan la mejor ganancia, de forma que no se afecte el medioambiente y los recursos del país.
- **Decreto Legislativo 157-94: Ley Fitozoosanitaria:** publicado en el Diario Oficial La Gaceta en fecha 14 de enero de 1995. Fue reformado casi en su totalidad mediante decreto legislativo número 344-2005, publicado en el Diario Oficial La Gaceta en fecha 7 de febrero del 2006. Su objetivo es velar por la protección de la salud de las personas, el ambiente y la inocuidad de los productos agropecuarios.
- **Decreto Ley 1046-1980: Ley de Semillas:** emitido en fecha 15 de julio de 1980. Su objetivo es regular el Programa Nacional de Producción de Semillas (PRONAPROSE).
- **Decreto Legislativo 103: Ley del Salario Mínimo:** publicado en el Diario Oficial La Gaceta en fecha 3 de junio de 1971. Determina los procedimientos para la aplicación del salario mínimo.
- **Decreto Legislativo 112: Ley del Séptimo Día y Décimo Tercer Mes en Concepto de Aguinaldo:** publicado en el Diario Oficial La Gaceta en fecha 1 de noviembre de 1982. Reconoce el derecho de los trabajadores al pago del séptimo día y del décimo tercer mes en concepto de aguinaldo.
- **Decreto Legislativo 34-2000: Ley de Igualdad de Oportunidades para la Mujer:** publicada en el Diario Oficial La Gaceta en fecha 22 de mayo del 2000. Promueve la igual de oportunidades para la mujer y pretende combatir la discriminación de género.
- **Decreto Legislativo 255-2002: Ley de Simplificación Administrativa:** tiene por objeto establecer las bases para simplificar y racionalizar los procedimientos administrativos.
- **Decreto Legislativo 4-99: Ley del Derecho de Autor y de los Derechos Conexos:** publicado en el Diario Oficial La Gaceta en fecha 15 de enero del 2000. Su objetivo es proteger la propiedad intelectual en el país.
- **Decreto Legislativo 12-99: Ley de Propiedad Industrial:** publicado en el Diario Oficial La Gaceta en fecha 29 de enero del 2000. Su objetivo principal es proteger la propiedad industrial en el país, que incluye patentes, marcas, etc.

**B. General laws:** establish the guidelines that govern generic subject areas.

- **Decreto Legislativo 76-06: Código Civil:** publicado en el Diario Oficial La Gaceta en fecha 08 de febrero de 1906. Contiene disposiciones sobre el agua y el suelo.
- **Decreto Legislativo 65-91: Código de Salud:** publicado en el Diario Oficial La Gaceta en fecha 06 de agosto de 1991. Contiene esencialmente la estructura legal en materia de contaminación. Considera la salud como un estado de bienestar integral y un derecho inalienable. Regula aspectos relativos a la contaminación del agua, suelo, atmósfera, residuos sólidos, líquidos, etc.
- **Decreto Legislativo 189-1959: Código del Trabajo:** establece lineamientos ambientales, sanitarios y de higiene que se deben cumplir dentro de las empresas, para garantizar la salud de los trabajadores, regulando los riesgos profesionales, enfermedades, etc.
- **Decreto Legislativo 144-84: Código Penal:** publicado en el Diario Oficial La Gaceta en fecha 12 de marzo de 1984. Tiene por objeto la aplicación de la ley penal en el país.

- **Decreto Legislativo 22-97: Código Tributario:** publicado en el Diario Oficial La Gaceta en fecha 30 de mayo de 1997. Tiene por objeto establecer los principales lineamientos tributarios que rigen en Honduras.
- **Decreto Legislativo 73-1950: Código de Comercio:** emitido en fecha 17 de febrero de 1950. Regula los comerciantes, los actos de comercio y las cosas mercantiles.
- **Decreto Legislativo 73-96: Código de la Niñez y la Adolescencia:** publicado en el Diario Oficial La Gaceta en fecha 5 de septiembre de 1996. Establece disposiciones contra la explotación económica de los menores de edad (artículos 114 al 138).
- **Decreto Legislativo 211-2006: Código Procesal Civil:** publicado en el Diario Oficial La Gaceta en fecha 26 de mayo del 2007. Instauro el nuevo derecho procesal civil en el país.
- **Decreto Legislativo 146-86: Ley General de la Administración Pública:** publicado en el Diario Oficial La Gaceta en fecha 29 de noviembre de 1986. Establece los lineamientos generales que rigen la Administración Pública en Honduras.

**C. Regulations:** are declarations of generic application emitted by the public administration but are subordinate to laws.

- **Reglamento de la Ley General del Ambiente:** contenido en el Acuerdo Ejecutivo 109-93, publicado en el Diario Oficial La Gaceta en fecha 5 de febrero de 1994. Tiene por objeto desarrollar los preceptos establecidos en la Ley General del Ambiente.
- **Reglamento General de Salud Ambiental:** contenido en el Acuerdo Ejecutivo 0094-95, publicado en el Diario Oficial La Gaceta en fecha 20 de junio de 1998. Establece los mecanismos de aplicación y otras disposiciones complementarias del Código de Salud.
- **Reglamento del Sistema de Evaluación del Impacto Ambiental (SINEIA):** contenido en el Acuerdo Ejecutivo 189-2009, publicado en el Diario Oficial La Gaceta en fecha 31 de diciembre del 2009. Tiene como objetivos, entre otros, organizar, coordinar y regular Sistema Nacional de Evaluación de Impacto Ambiental (SINEIA), establecer los nexos entre la **SERNA**, las entidades de los sectores públicos privados e internacionales, asegurar que los planes, políticas, programas y proyectos, instalaciones, industriales o cualquier otra actividad pública o privada susceptibles de contaminar o degradar el ambiente, sean sometidas a una evaluación de impacto ambiental a fin de evitar daños al ambiente.
- **Reglamento de Auditorías Ambientales:** contenido en el Acuerdo 887-2009, publicado en el Diario Oficial La Gaceta en fecha 15 de enero del 2010. Tiene por objeto normar todo lo relativo a las auditorías ambientales derivadas del proceso de licenciamiento y control ambiental en sus diversas modalidades, con el fin de establecer un mecanismo de control y seguimiento ambiental eficiente.
- **Reglamento del Registro Nacional de Prestadores de Servicios Ambientales:** contenido en el Acuerdo Ejecutivo 826-2009, publicado en el Diario Oficial La Gaceta en fecha 15 de enero del 2010. Tiene como propósito establecer los mecanismos de administración del Registro Nacional de Prestadores de Servicios Ambientales, regular el accionar y asegurar la calidad de los estudios elaborados por los prestadores de servicios ambientales, como parte del proceso de evaluación y control ambiental.
- **Reglamento para la Regulación de las Emisiones de Gases Contaminantes y Humo de los Vehículos Automotores:** contenido en el Acuerdo Ejecutivo 719-99, publicado en el Diario Oficial La Gaceta en fecha 11 de octubre de 1999. Regula la emisión de gases contaminantes y humo de los vehículos automotores que circulan en las vías públicas del territorio nacional, al mismo tiempo que instituye disposiciones de educación ambiental para la ciudadanía, referentes al impacto de la contaminación atmosférica.
- **Reglamento General de la Ley Marco del Sector Agua Potable y Saneamiento:** contenido en el Acuerdo Ejecutivo 006-2004. Su objetivo es la aplicación de la Ley Marco del Sector Agua Potable y Saneamiento, precisando sus alcances y estableciendo disposiciones complementarias.
- **Reglamento para el Control de Emisiones Generadas por Fuentes Fijas:** contenido en Acuerdo Ministerial **SERNA** 1566-2010, publicado en el Diario Oficial La Gaceta en fecha 21 de febrero del 2011. Tiene por objeto el control y prevención de la contaminación del aire producida por emisiones generadas por fuentes fijas.
- **Reglamento para el Manejo Integral de los Residuos Sólidos:** contenido en Acuerdo Ministerial **SERNA** 1567-2010, publicado en el Diario Oficial La Gaceta en fecha 22 de febrero del 2011. Tiene como objetivo regular la gestión integral de los residuos sólidos ya sea de origen domiciliario, comercial, de servicios, áreas públicas, industriales, etc.; y facilitar una guía para la gestión integral de los residuos industriales y peligrosos, contemplados dentro de los

residuos con características especiales, con excepción de los residuos peligrosos generados en establecimientos de salud, los cuales serán regulados por reglamentación especial emitida por la Secretaría de Salud.

- **Reglamento General de Medidas Preventivas de Accidentes de Trabajo y Enfermedades Profesionales:** contenido en el Acuerdo Ejecutivo No. STSS-053-04 publicado en el diario la Gaceta No. 30,523 el 19 de octubre de 2004. Su objetivo es instituir las condiciones de seguridad y salud con deben desarrollarse las labores en los centros de trabajo.
- **Reglamento de la Ley de Municipalidades:** contenido en el Acuerdo Ejecutivo 18-93, publicado en el Diario Oficial La Gaceta en fecha 18 de febrero de 1993. Su objetivo es desarrollar complementariamente las disposiciones de la Ley de Municipalidades.
- **Reglamento General sobre Uso de Sustancias Agotadoras de la Capa de Ozono:** contenido en el Acuerdo Ejecutivo 907-2002, publicado en el Diario Oficial La Gaceta en fecha 21 de diciembre del año 2002. Tiene por objeto regular la emisión y el uso de sustancias que contaminan y destruyen la capa de ozono.
- **Reglamento de la Ley de Propiedad:** contenido en la resolución del Instituto de la Propiedad número C.D.-IP N° 003-2010. Desarrolla con mayor profundidad lo instaurado en la Ley de Propiedad.
- **Reglamento de la Ley Marco del Subsector Eléctrico:** contenido en Acuerdo Ejecutivo 934-97, publicado en el Diario Oficial La Gaceta en fecha 12 de abril de 1999. Establece los mecanismos de aplicación de la Ley Marco del Subsector Eléctrico.
- **Reglamento para la Instalación y Operación de Estaciones de Servicio, Depósitos de Combustible para Consumo Propio y Productos Alternativos o Sustitutivos:** contenido en Acuerdo Ejecutivo 1011, publicado en el Diario Oficial La Gaceta el 18 de abril del 2009. Establece las regulaciones para la instalación y operación de estaciones de servicio y/o depósitos de combustible para consumo propio de las empresas e industrias en general, con fundamento en el principio de libre mercado.
- **Reglamento al Régimen de Importación Temporal:** contenido en Acuerdo Ejecutivo 545-87, publicado en el Diario Oficial La Gaceta en fecha 16 de mayo de 1987. Establece distintos beneficios fiscales.
- **Reglamento de la Ley sobre el Impuesto sobre la Renta:** contenido en Acuerdo Ejecutivo 189-2004, publicado en el Diario Oficial La Gaceta en fecha 15 de enero de 1970. Desarrolla la Ley sobre el Impuesto sobre la Renta.
- **Reglamento de la Ley de Equilibrio Financiero y Protección Social:** contenido en Acuerdo Ejecutivo 1375-2002, publicado en el Diario Oficial La Gaceta en fecha 05 de junio del 2002. Desarrolla la Ley de Equilibrio Financiero y Protección Social.
- **Reglamento de la Ley de Equidad Tributaria:** contenido en Acuerdo Ejecutivo 0948-2003, publicado en el Diario Oficial La Gaceta en fecha 28 de junio del 2003. Desarrolla la Ley de Equidad Tributaria.
- **Reglamento de la Ley de Fortalecimiento de los Ingresos, Equidad Social y Racionalización del Gasto Público:** contenido en Acuerdo Ejecutivo 1121-2010, publicado en el Diario Oficial La Gaceta en fecha 13 de agosto del 2010. Desarrolla la Ley de Fortalecimiento de los Ingresos, Equidad Social y Racionalización del Gasto Público.
- **Reglamento General de la Ley de Promoción de la Alianza Público Privada:** contenido en Acuerdo Ejecutivo 02073-2010, publicado en el Diario Oficial La Gaceta en fecha 21 de enero del 2011. Desarrolla la Ley de Promoción de la Alianza Público Privada.
- **Reglamento de la Ley del Seguro Social:** contenido en Acuerdo de la Junta Directiva del Instituto Hondureño de Seguridad Social (IHSS) 003-JD-.2005. Su objetivo es desarrollar e implementar la Ley del Seguro Social.
- **Reglamento de la Ley del Sistema Nacional de Riesgo:** contenido en Acuerdo Ejecutivo 32-2010, publicado en el Diario Oficial La Gaceta en fecha 04 de octubre del 2010. Desarrolla la Ley del Sistema Nacional de Riesgo.
- **Reglamento de la Ley de Protección al Consumidor:** contenido en Acuerdo Ejecutivo 15-2009. Desarrolla la Ley de Protección al Consumidor.
- **Reglamento relativo a Desechos de Buques en la Marina Mercante:** contenido en Acuerdo Ejecutivo número 53-2012, publicado en el Diario Oficial La Gaceta en fecha 25 de julio del 2012. Contiene disposiciones que regulan los desechos de buques en la marina mercante.
- **Reglamento de la Ley para el Fomento y Desarrollo de la Competitividad de la Micro y Mediana Empresa:** publicado en el Diario Oficial La Gaceta en fecha 26 de julio del 2012. Regula con más detalle lo instituido en la Ley para el Fomento y Desarrollo de la Competitividad de la Micro y Mediana Empresa.
- **Reglamento General de la Ley para el Desarrollo Rural Sostenible:** contenido en acuerdo ejecutivo SAG 1036-2000, publicado en el Diario Oficial La Gaceta en fecha 5 de septiembre del 2000. Tiene por objeto establecer con más detalle los lineamientos del Programa Nacional de Desarrollo Rural Sostenible (PRONADERS).

- **Reglamento Sanitario Internacional:** contenido en Acuerdo número 06-2012 emitido por la Secretaría de Salud, publicado en el Diario Oficial La Gaceta en fecha 21 de agosto del 2012. Establece normativa internacional relacionada con el tema sanitario.
- **Reglamento Técnico Centroamericano (RTCA):** contenido en la resolución 280-2012 emitida por COMIECO, publicada en el Diario Oficial La Gaceta en fecha 19 de octubre del 2012. Contiene disposiciones arancelarias.
- **Reglamento del Programa Nacional de Empleo por Horas:** contenido en Acuerdo STSS-002-2011 y publicado en el Diario Oficial La Gaceta en fecha 7 de enero del 2011. Profundiza y define con mayor detalle lo instituido en la Ley del Empleo por Horas.
- **Reglamento General de la Ley Forestal, Áreas Protegidas y Vida Silvestre:** contenido en el acuerdo ejecutivo número 031-2010, publicado en el Diario Oficial La Gaceta en fecha 16 de octubre de 2010. Define con mayor detalle lo dispuesto en la Ley Forestal, Áreas Protegidas y Vida Silvestre.
- **Reglamento de la Ley de Ordenamiento Territorial:** contenido en acuerdo ejecutivo 25-2004. Define con más detalle lo estipulado en la Ley de Ordenamiento Territorial.
- **Reglamento de Sistema Nacional de Áreas Protegidas:** contenido en acuerdo ejecutivo 921-97, publicado en el Diario Oficial La Gaceta en fecha 25 de septiembre del 1999. Su objetivo principal es conservar y desarrollar los recursos naturales y culturales del país.
- **Reglamento del Registro de Garantías Inmobiliarias:** contenido en acuerdo ejecutivo 2074-2010, publicado en el Diario Oficial La Gaceta en fecha 14 de marzo del 2011. Define los requisitos necesarios para registrar una garantía inmobiliaria.
- **Reglamento de la Ley de Seguridad Poblacional:** contenido en acuerdo ejecutivo 1775-2011, publicado en el Diario Oficial La Gaceta en fecha 25 de enero del 2012. Regula con mayor profundidad lo establecido en la Ley de Seguridad Poblacional.
- **Reglamento de Cuarentena Agropecuaria:** contenido en acuerdo ejecutivo número 1618-97. Tiene por objeto establecer las disposiciones técnicas, administrativas y legales para preservar la sanidad agropecuaria en el país.
- **Reglamento de Diagnóstico, Vigilancia y Campañas Fitosanitarias:** contenido en acuerdo ejecutivo 002-98 de fecha 27 de enero de 1998. Tiene por objetivo establecer las disposiciones técnicas, administrativas y legales para la puesta en práctica de las disposiciones sobre vigilancia, diagnóstico y campañas fitosanitarias contempladas en la Ley Fitozoosanitaria del país, a través de acciones para detectar y diagnosticar plagas de importancia, cuarentenaria, económica y social que amenacen la sanidad vegetal del país y definir estrategias para el manejo de las mismas.
- **Reglamento de la Ley de Semillas:** contenido en acuerdo ejecutivo número 1942. Regula el Programa Nacional de Producción de Semillas (PRONAPROSE).-
- **Reglamento sobre el Registro, Uso y Control de Plaguicidas y Sustancias Afines:** contenido en Acuerdo Ejecutivo 642-98 de enero de 1999. Tiene por objeto establecer las disposiciones técnicas, administrativas y legales enmarcadas en la Ley Fitozoosanitaria, referente al registro, importación, exportación, fabricación, etc., de agroquímicos, biológicos, biotecnológicos o sustancias afines.
- **Reglamento sobre el Registro, Uso y Control de Fertilizantes y Materias Primas:** contenido en Acuerdo Ejecutivo 002-02, publicado en el Diario Oficial La Gaceta en fecha 03 de abril del 2002. Tiene por objeto establecer las disposiciones técnicas, administrativas y legales enmarcadas en la Ley Fitozoosanitaria, referente al registro, importación, exportación, fabricación, etc., de fertilizantes y materias primas.
- **Reglamento para la Agricultura Orgánica:** contenido en acuerdo ejecutivo número: 135-2002, publicado en el Diario Oficial La Gaceta en fecha 16 de febrero del 2002. Aplica a la recolección y reproducción de productos de origen vegetal y animal.
- **Reglamento para la Inspección e Inocuidad de Frutas, Vegetales Frescos y Procesados:** contenido en Acuerdo SAG 632-03, publicado en el Diario Oficial La Gaceta en fecha 11 de febrero del 2004. Tiene por objeto establecer los mecanismos que garanticen la correcta aplicación y cumplimiento de la Ley Fitozoosanitaria en todo lo relacionado con los procedimientos de inspección higiénica sanitaria en los campos donde se producen.
- **Reglamento de Bioseguridad con Énfasis en Plantas Transgénicas:** contenido en Acuerdo Ejecutivo 1570-98. Tiene por objeto establecer los principios generales que deberán ser tomados en cuenta para la regulación del uso de organismos modificados genéticamente.
- **Reglamento de Tasas por Servicios de Sanidad Vegetal:** contenido en Acuerdo Ejecutivo número 003-99, publicado en el Diario Oficial La Gaceta en fecha 16 de abril de 1999. Su objetivo es instaurar las tasas por servicios de sanidad vegetal.

- **Reglamento General del Servicio Nacional de Sanidad Agropecuaria (SENASA)**: contenido en Acuerdo Ejecutivo número 588-01, publicado en el Diario Oficial La Gaceta en fecha 01 de agosto del 2001. Establece los lineamientos que rigen la entidad gubernamental relacionada.
  - **Reglamento de Tasas por Servicios Prestados por la Dirección General del Servicio Nacional de Sanidad Agropecuaria (SENASA)**: contenido en acuerdo ejecutivo número 003-2010, publicado en el Diario Oficial La Gaceta en fecha 30 de enero del 2010. Instaura las tasas que los usuarios deberán pagar por los servicios que presta la dependencia aludida.  
**Reglamento General de los Distritos de Riego**: contenido en el acuerdo ejecutivo número 2079-2011, publicado en el Diario Oficial La Gaceta en fecha 14 de junio del 2012. Establece normas operativas, disciplinarias y administrativas para asegurar el buen funcionamiento de los distritos de riego estatales a nivel nacional.
  - **Reglamento de Comités de Cadenas Agroalimentarias por Rubro**: contenido en Acuerdo Ministerial 1115-2003. Establece lineamientos para el Comité de Cadenas Agroalimentarias por Rubro.
  - **Reglamento Especial para la Administración del Fondo para la Reinversión Forestal y Fomento de Plantaciones**: contenido en el acuerdo ejecutivo número 011-2010, publicado en el Diario Oficial La Gaceta en fecha 24 de diciembre del 2010. Establece los lineamientos para la administración del fondo aludido.
  - **Reglamento de Afectación**: contenido en el acuerdo ejecutivo número 2123-92 de fecha 19 de octubre de 1992. Desarrolla las normas legales sobre la afectación de predios rústicos o tierras rurales susceptibles de uso agrícola o ganadero contenidas en la Ley para la Modernización y el Desarrollo Agrícola.
  - **Reglamento de Adjudicación de Tierra en la Reforma Agraria**: contenido en el acuerdo ejecutivo 2124-92 de fecha 19 de octubre de 1992. Establece que los beneficiarios de la reforma agraria sólo podrán ser personas naturales, cooperativas de campesinos, empresas asociativas de campesinos y cualquier otra forma de organización societaria de campesinos reconocida legalmente por el Estado.
  - **Reglamento de Avalúo de Mejoras Útiles y Necesarias, Construcciones y Plantaciones Permanentes**: contenido en acuerdo número 346 de fecha 22 de julio de 1975. Tiene como objetivo el cumplimiento del título III, capítulo II de la Ley de Reforma Agraria.
  - **Reglamento de las Unidades Agrícolas Familiares y Comités Agrícolas de Producción**: contenido en acuerdo ejecutivo número 01431 de fecha 27 de junio de 1991. Establece las normas y procedimientos para la organización y funcionamiento de las Unidades Agrícolas de Producción, con el objeto de aumentar la producción agropecuaria y agroindustrial.
  - **Reglamento de Organización y Funcionamiento de las Oficinas Regionales Agrarias**: acuerdo número 662, publicado en el Diario Oficial La Gaceta en fecha 12 de noviembre de 1997. Establece los lineamientos a que estarán sujetas las oficinas regionales agrarias.
  - **Reglamento de las Comisiones del Salario Mínimo**: contenido en acuerdo ejecutivo número 345, publicado en el Diario Oficial La Gaceta en fecha 14 de noviembre de 1988. Tiene por objeto la aplicación de las normas que regulan los aspectos orgánicos y procesales de las comisiones del salario mínimo.
  - **Reglamento para el Pago del Bono Educativo**: contenido en acuerdo ejecutivo número STSS 134-200, publicado en el Diario Oficial La Gaceta en fecha 5 de octubre del 2000. Se emitió para en cumplimiento del artículo 21-A y 21-B de la Ley del Salario Mínimo y tiene como objetivo desarrollar complementariamente sus preceptos, a fin de que permita su aplicación justa.
  - **Reglamento del Décimo Cuarto Mes de Salario en Concepto de Compensación Social**: contenido en acuerdo ejecutivo número 02-95, publicado en el Diario Oficial La Gaceta en fecha 23 de febrero de 1995. Establece que todos los empleados y trabajadores permanentes tendrán derecho al pago de décimo cuarto mes de salario en concepto de compensación social.
  - **Reglamento para el Control Sanitario de Productos, Servicios y Establecimiento de Interés Sanitarios**: contenido en Acuerdo de la Secretaría de Estado en los Despachos de Salud y Seguridad Social 06-2005, publicado en fecha 4 de noviembre del 2005 en el Diario Oficial La Gaceta. Su objetivo es regular los productos, servicios y establecimientos de interés sanitario y el personal vinculado a los mismos.
- D. Technical standards:** establish the technical guidelines that are to be followed in relation to a determined subject area or activity;

- **Normas Técnicas de Descargas de Aguas Residuales a Cuerpos Receptores y Alcantarillado Sanitario:** contenida en el Acuerdo Ejecutivo 058-97, publicado en el Diario Oficial La Gaceta en fecha 13 de diciembre de 1997. Su objetivo primordial es regular las descargas de aguas residuales a los cuerpos receptores y alcantarillado sanitario, así como fomentar la creación de programas de minimización de desechos, la instalación de sistemas de tratamiento y la disposición de aguas residuales, para reducir la producción y concentración de los contaminantes descargados al ambiente.
- **Norma Técnica Nacional para la Calidad del Agua Potable:** contenida en el Acuerdo Ejecutivo 084-95, publicado en el Diario Oficial La Gaceta en fecha 4 de octubre de 1995. Su objetivo es proteger la salud pública mediante el establecimiento de los niveles adecuados o máximos que deben tener aquellos componentes o características del agua que pueden presentar un riesgo para la salud de la comunidad e inconvenientes para la preservación de los sistemas de abastecimiento de agua.
- **Norma Técnico-Administrativa para el Desarrollo de Manejo de Áreas Protegidas:** contenida en la resolución número 138-2002, emitida por la Corporación Hondureña de Desarrollo Forestal (COHDEFOR). Contiene distintas normas para el manejo de áreas protegidas.

***E. Agreements, decrees, resolutions and interinstitutional conventions:*** The agreements and decrees can be emitted by the President of the Republic, individually or together with the ministerial council, for each of the secretaries of state, on basis of what is established in the General Law of Public Administration. The resolutions are emitted by different secretaries of state performing their duties. The interinstitutional conventions are signed in order to promote cooperation between different government entities:

- **Acuerdo Ejecutivo 781-2008:** publicado en el Diario Oficial La Gaceta en fecha 25 de marzo del 2009. Aprueba la Política de Producción más Limpia de Honduras.
- **Acuerdo Ministerial SERNA 1714-2010:** publicado en el Diario Oficial La Gaceta en fecha 23 de febrero del 2011. Contiene la tabla de categorización ambiental.
- **Acuerdo Ministerial SERNA 1317-2010:** publicado en el Diario Oficial La Gaceta en fecha 30 de octubre del 2010. Crea el Comité Nacional Interinstitucional de Producción más Limpia.
- **Acuerdo Ministerial SERNA 455-2004:** de fecha 25 de junio del 2004. Establece los requisitos para los proyectos categoría uno y el trámite que han de seguir las solicitudes respectivas.
- **Acuerdo Ministerial SERNA 752-2006:** establece disposiciones para la publicación de solicitudes de licencias ambientales.
- **Acuerdo Ejecutivo 781-2008:** publicado en el Diario Oficial La Gaceta en fecha 25 de marzo del 2009. Aprueba la Política de Producción más Limpia de Honduras.
- **Acuerdo Ministerial SECRETARÍA DE SALUD 32-2004:** de fecha 16 de enero del 2004. Establece la prohibición de importación, comercialización y uso de asbesto.
- **Acuerdo Ministerial SERNA 0295-2012:** publicado en el Diario Oficial La Gaceta en fecha 23 de enero del 2012. Crea el Departamento de Residuos Sólidos.
- **Acuerdo ICF 42-2012:** publicado en el Diario Oficial La Gaceta en fecha 28 de septiembre del 2012. Establece el organigrama del ICF.
- **Acuerdo Ministerial SECRETARÍA DE SALUD número 2760:** publicado en el Diario Oficial La Gaceta en fecha 29 de septiembre del 2012. Contiene el manual de organización y funciones de las regiones sanitarias.
- **Acuerdo Ministerial SECRETARÍA DEL TRABAJO número 001-2012:** publicado en el Diario Oficial La Gaceta en fecha 17 de enero del 2012: contiene la tabla del salario mínimo vigente.
- **Acuerdo ICF 040-2012:** publicado en el Diario Oficial La Gaceta en fecha 6 de octubre del 2012. Establece planes de manejo y operativos en distintas áreas protegidas del país.
- **Acuerdo ICF 045-2011:** publicado en el Diario Oficial La Gaceta en fecha 3 de marzo del 2012. Contiene el Manual de Normas Técnico Administrativas para el Manejo y Aprovechamiento Sostenible de la Vida Silvestre de Honduras.
- **Acuerdo SERNA 1178-2012:** publicado en el Diario Oficial La Gaceta en fecha 8 de noviembre del 2012: ordena adoptar las guías ambientales como instrumento de autogestión y autorregulación del sector regulado y de consulta y referencia de carácter conceptual y metodológico, tanto para las autoridades ambientales, como para la ejecución del desarrollo de los proyectos.

- **Acuerdo SERNA 948-2012**: publicado en el Diario Oficial La Gaceta en fecha 17 de noviembre del 2012. Aprueba el procedimiento interno mediante el cual se tramitarán en la SERNA los permisos de estudio para la construcción de obras de generación, licencia de operación o contrato de operación, contrata de aprovechamiento de aguas nacionales y licencia ambiental.
- **Acuerdo SAG 012-2007**: publicado en el Diario Oficial La Gaceta en fecha 18 de enero del 2007. Aprueba la guía fitosanitaria de cumplimiento obligatorio para los productores y exportadores de frutas y vegetales.
- **Acuerdo SAG 2231-2011**: publicado en el Diario Oficial La Gaceta en fecha 9 de febrero del 2012. Contiene el “Acuerdo marco para la competitividad de la cadena agrícola entre la Secretaría de Agricultura y Ganadería y el Sector Privado”.
- **Acuerdo 657-02**: declara la región que abarca los municipios de Sonaguera, Sabá, Trujillo, Tocoa, Bonito Oriental, Santa Fe, Olanchito, Arenal y Jocón, pertenecientes a los departamentos de Yoro y Colón, como Área Libre de Mosca del Mediterráneo (*Ceratitis capitata*).
- **Acuerdo ICF 020-2012**: publicado en el Diario Oficial La Gaceta en fecha 28 de mayo del 2012. Aprueba el Manual de Normas Simplificadas para la Elaboración de Planes de Manejo y Planes Operativos en Bosques de Conífera Mixtos, Latifoliados y Sistemas Agroforestales en Terrenos Iguales o Menores a Cien Hectáreas.
- **Acuerdo ICF 46-2011**: publicado en el Diario Oficial La Gaceta en fecha 28 de mayo del 2012. Autoriza, bajo la modalidad de plan de salvamento en áreas no mayores a 5 manzanas, el aprovechamiento de residuos forestales varios.
- **Decreto Legislativo 1089-96**: establece los niveles de organización de la SERNA.
- **Decreto Legislativo 85-98**: publicado en el Diario Oficial La Gaceta en fecha 01 de febrero de 1999. Regula el desarrollo de fuentes alternas de energía.
- **Decreto del Presidente de la República en Consejo de Ministros (PCM) 23-2006**: publicado en el Diario Oficial La Gaceta en fecha 18 de agosto del 2006. Crea la Unidad de Comercio y Ambiente, como una dependencia de la SERNA que tendrá como objetivo coordinar, impulsar y fortalecer las acciones establecidas por el Consejo de Asuntos Ambientales del CAFTA.
- **Decreto del Presidente de la República en Consejo de Ministros (PCM) 37-84**: Su objetivo es instaurar un mecanismo de importación temporal con el fin de promover las exportaciones, consistente en la suspensión del pago de derechos aduaneros, derechos consulares, etc.

**F. Taxation plans, municipal ordinances and related administrative provisions:** These include the taxation plans of each municipality where the companies operate and the provisions, agreements, ordinances or any other act of general character that has been emitted by the municipal corporations. As an example, we can mention the case of the municipal authorities of la Lima, that has a current taxation plan for the year 2012, as well as different standards and regulations of land use planning, construction, installation of signs and painting of facades of businesses and housing.

## **Annex 3: Main activities that should be considered within Agricultural and Industrial Operations to develop operational procedures**

### **Agricultural Activities**

1. Soil preparation for planting
2. Soil preparation for replanting
3. Nursery Practices
4. Planting - Techniques
5. Soil Erosion Control
6. Weed Control
7. Production Management
  - a. Pruning
  - b. Felling
  - c. Fresh Fruit Collection
  - d. Quality Control
  - e. Gathering
  - f. Transport
8. Management of Agrochemicals
  - a. Pesticide Application
  - b. Fertilizer Application
  - c. Pesticide Waste Management
  - d. Pest and Disease Control
9. Foliar and soil analyses
10. Water management
  - a. Wastewater
  - b. Irrigation
11. Road maintenance for collection

### **Industrial activity**

12. Fruit reception
  - a. Acceptance
  - b. Weighing
  - c. Storage
13. Sterilization
  - a. Cage loading
  - b. Boiling
  - c. Cage unloading
14. Debunching
15. Digestion
16. Crushing
17. Clarification
18. Nut Processing
19. Kernel Processing
20. Water Treatment
21. Steam and Electric Power Generation
22. Maintenance of Machinery & Infrastructure

23. Processing of Muddy Waters

24. Processing of Empty Fruit Bunches

25. Fruit purchasing procedure to prove traceability of fruit accepted

26. Sales of products

**Annex 4: Guidance on Good Environmental Practices for Palm Oil Production in Honduras**