

PRINCIPLE 1:

Management system, compliance with laws, international conventions and the ProTerra Standard

International, national and local laws are in place to protect human rights, ecosystems and promote sustainable business practices. This Principle relates to all other ProTerra Principles and the topics they cover. It also includes the need for compliance with Food Safety regulations, as applicable, depending on the level of the organisation and the activity they are engaged with. Principle 1 determines that organisations shall comply with whatever provides the highest level of protection, the ProTerra Standard requirements or laws and regulations.

Disclaimer: ProTerra is a voluntary standard and is not intended to substitute or be equivalent to a legal inspection conducted by regulatory authorities. Therefore, a ProTerra Certification cannot be understood as an attestation of compliance with legal requirements of a given economic operator.

1.1

Compliance with all applicable national and local laws, regulations, and applicable international conventions.

1.1.1

Levels I, II and III

CORE - Certified organisations shall be consistently in compliance with all applicable national and local laws, regulations, and applicable international conventions. This includes having all the necessary valid permits, authorisations and registers associated with its operations. The legal requirements of raw material production and sourcing of the countries into which the economic operator exports raw materials and/or related products must also be complied with.

Guidance: The requirement for legal compliance applies to all topics covered by the ProTerra Principles and their respective Criteria and Indicators. Organisations shall comply with anti-corruption regulations, international laws and standards on the rights of indigenous people and the tenure rights of the local community.

Compliance with Food Safety regulations is mandatory as applicable (depending on the level of the organisation and the activity they are engaged with, typically level III). Implementing operational procedures aligned with the regulation may be a way to reach compliance. It is up to each organisation to provide evidence of legal compliance.

Permits, authorisations and registers associated with an organisation's operations vary depending on its location and type of activity. These typically include, tax identification numbers, environmental operation permits, water abstraction authorisations and rural registers, such as the CAR that is applicable in Brazil.

In the case of smallholders that are part of the supply chain of industrial processors seeking certification, support on compliance issues should be provided by the processors.

A list of relevant international treaties and conventions that shall be complied with can be found in Appendix B. The most stringent rule shall always apply and if the ProTerra Standard exceeds national or local regulatory requirements, certified organisations shall adhere to the Standard.

1.1.2
Levels I, II
and III

Certified organisations shall document and retain records of compliance for at least 5 years or longer if required by local law.

Guidance: Not applicable to independently certified smallholders. In the case of smallholders that are part of the supply chain of industrial processors seeking certification, support should be provided by the processors, as applicable.

1.1.3
Levels I, II
and III

CORE - Certified organisations shall be aware of and understand the legal requirements that apply to them.

Guidance: Keeping copies of up-to-date national and local legislation or having online access to updated regulations are good practices to help meet this requirement.

In the case of smallholders that are part of the supply chain of industrial processors seeking certification, support in understanding regulations should be provided by the processors, as applicable.

1.1.4
Levels I, II
and III

Certified organisations shall make a written commitment not to offer or receive bribes or engage in any other form of corruption. Additionally, certified organisations are required to take measures against unauthorised or illegal activities that may occur within their property or associated with its supply chain.

Guidance: Not applicable to independently certified smallholders. In the case of smallholders that are part of the supply chain of industrial processors seeking certification, support should be provided by the processors, as applicable.

1.1.5
Levels I
and III

CORE - Certified organisations shall demonstrate clear title to land in accordance with national practice and law.

Guidance: Examples of land titles are ownership deeds, leases, or other appropriate legal agreements.

1.1.6
Levels I, II
and III

CORE - Certified organisations shall ensure that suppliers of core inputs and services are compliant with the ProTerra Standard.

Guidance: This is not applicable to smallholders.

1.1.7
Levels I, II
and III

Certified organisations must obtain from non-core suppliers a formal and signed commitment that they comply with legal requirements, including those regulations associated with human rights, labour laws and environmental regulations.

Guidance: This is not applicable to smallholders.

1.2

Continuous improvement

1.2.1

Levels I, II
and III

CORE - Certified organisations shall demonstrate continuous improvement regarding the ProTerra Standard requirements and/or the topics covered by it and in relation to compliance with ProTerra requirements.

Guidance: Improvement Indicator(s) shall be freely selected by the organisation to demonstrate compliance with this requirement. A baseline is established at the first certification under ProTerra Standard. Once an organisation is fully in compliance with the ProTerra Standard, it is expected to define improvement plans that exceed and go beyond the Standard.

In the case of smallholders that are part of the supply chain of industrial processors seeking certification, support should be provided by the processors.

1.3

Use of ProTerra logos, seals, trustmark and certificates

1.3.1

Levels I, II
and III

CORE - ProTerra-certified materials and products shall be identified using correct claims, ProTerra logos, seals, trustmark and certificates, according to the Guidelines and Requirements for the Use of the ProTerra Logos and Seals.

1.4

Management system

1.4.1

Levels II
and III

Certified organisations must implement and maintain a Management System for its supply chain that includes risk assessment and mitigation approaches and measures.