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**Rules on Standard Setting Process for Development of Timber Certification Standards**



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## 1. SCOPE

- 1.1 This document provides the Rules to be followed in the standard setting process to develop the forest management standard used in the Malaysian Timber Certification Scheme (MTCS) operated by the Malaysian Timber Certification Council (MTCC).
- 1.2 The standard setting process may be carried out at national or at any sub-national level, and the standard drafted to be applied in individual, group and/or regional certification.

## 2. NORMATIVE REFERENCES

As the MTCC is a member of the Programme for the Endorsement of Forest Certification schemes (PEFC), it is important to ensure that in developing the standards used in the MTCS, the standard setting process complies with the PEFC Council requirements as follows:

- (a) PEFC ST 1001:2010 *Standard Setting - Requirements*;
- (b) ISO/IEC Guide 59:1994 *Code of good practice for standardization*; and
- (c) ISO/IEC Guide 2:1996 *Standardisation and related activities—General vocabulary*.

## 3. TERMS AND DEFINITIONS

For the purposes of this document, the terms and definitions contained in PEFC ST 1001:2010 (see list in **Appendix A**) and ISO/IEC Guide 2:1996 *Standardisation and related activities – General vocabulary* apply.

## 4. STANDARDISING BODY

- 4.1 The development of certification standards shall be supported and coordinated by MTCC as the standardisation body and be independent from the certification or accreditation processes.
- 4.2 The standardising body shall have written procedures for standard-setting activities describing:
  - (a) its status and structure, including a body responsible for consensus building and for formal adoption of the standard;
  - (b) the record-keeping procedures;
  - (c) the procedures for balanced representation of stakeholders;
  - (d) the standard-setting process;
  - (e) the mechanism for reaching consensus; and
  - (f) revision of standards/normative documents
- 4.3 The standardising body shall make its standard-setting procedures publicly available and shall regularly review its standard-setting procedures including consideration of comments from stakeholders.
- 4.4 The standardising body shall keep records relating to the standard-setting process providing evidence of compliance with the requirements of this document and the

standardising body's own procedures. The records shall be kept for a minimum of five years and shall be available to interested parties upon request.

- 4.5 The standardising body shall establish a permanent or temporary working group/committee responsible for standard-setting activities. The working group/committee shall:
- (a) be accessible to materially and directly affected stakeholders;
  - (b) have balanced representation and decision-making by stakeholder categories relevant to the subject matter with equal representation of the following stakeholder groups: environmental, economic, social (indigenous peoples), social (workers' union), and relevant government agencies, and with balanced representation from the three geographical regions covering Sabah, Sarawak and Peninsular Malaysia, where single concerned interests shall not dominate nor be dominated in the process; and
  - (c) include stakeholders with expertise relevant to the subject matter of the standard, those that are materially affected by the standard, and those that can influence the implementation of the standard. The materially affected stakeholders shall represent a meaningful segment of the participants.
- 4.6 The standardising body shall establish procedures, which are accessible to stakeholders, for dealing with any substantive and procedural complaints relating to the standardising activities. Upon receipt of the complaint, the standardising body shall:
- (a) acknowledge receipt of the complaint to the complainant,
  - (b) gather and verify all necessary information to validate the complaint, impartially and objectively evaluate the subject matter of the complaint, and make a decision upon the complaint, and
  - (c) formally communicate the decision on the complaint and of the complaint handling process to the complainant.
- 4.7 The standardising body shall establish at least one contact point for enquiries and complaints relating to its standard-setting activities. The contact point shall be made easily available.

## **5. STANDARD SETTING PROCESS**

- 5.1 The standardising body shall identify stakeholders relevant to the objectives and scope of the standard-setting work. In the case of forest management certification, the relevant stakeholder groups should represent the different aspects of sustainable forest management at national or sub-national level covering the social, economic, environmental interest groups and the relevant government agencies.

[Note: A stakeholder mapping exercise that includes defining which interest sectors are relevant and why, and for each sector what are likely to be the key issues, who are the key stakeholders, and what means of communication will best reach them, is a recognised means of meeting the requirement.]

- 5.2 The standardising body shall identify disadvantaged and key stakeholders. The standardising body shall address the constraints of their participation and proactively seek their participation and contribution in the standard-setting activities.

- 5.3 The standardising body shall make a public announcement of the start of the standard-setting process and include an invitation for participation in a timely manner on its website and in suitable media as appropriate to afford stakeholders an opportunity for meaningful contributions. The announcement and invitation shall include:
- (a) information about the objectives, scope and the steps of the standard-setting process and its timetable;
  - (b) information about opportunities for stakeholders to participate in the process;
  - (c) an invitation to stakeholders to nominate their representative(s) to the working group/committee. The invitation to disadvantaged and key stakeholders shall be made in a manner that ensures that the information reaches intended recipients and in a format that is understandable;
  - (d) an invitation to comment on the scope and the standard-setting process; and
  - (e) reference to publicly available standard-setting procedures.
- 5.4 The standardising body shall review the standard-setting process based on comments received from the public announcement and establish a working group/committee or adjust the composition of an already existing working group/committee based on received nominations. The acceptance and refusal of nominations shall be justifiable in relation to the requirements for balanced representation of the working group/committee and resources available for the standard-setting.
- 5.5 The work of the working group/committee shall be organised in an open and transparent manner where:
- (a) working drafts shall be available to all members of the working group/committee,
  - (b) all members of the working group/committee shall be provided with meaningful opportunities to contribute to the development or revision of the standard and submit comments to the working drafts, and
  - (c) comments and views submitted by any member of the working group/committee shall be considered in an open and transparent way and their resolution and proposed changes shall be recorded.
- 5.6 The standardising body shall organise a public consultation on the enquiry draft and shall ensure that:
- (a) the start and the end of the public consultation is announced in a timely manner in suitable media;
  - (b) the invitation of disadvantaged and key stakeholders shall be made by means that ensure that the information reaches its recipient and is understandable;
  - (c) the enquiry draft is publicly available and accessible;
  - (d) the public consultation is for at least 60 days;
  - (e) all comments received are considered by the working group/committee in an objective manner; and
  - (f) a synopsis of received comments compiled from material issues, including the results of their consideration, is publicly available, for example on a website.
- 5.7 The standardising body shall organise pilot testing of the new standards and the results of the pilot testing shall be considered by the working group/committee.

Note: Pilot testing is not required in case of revision of a standard where experience from its usage can substitute for pilot testing.

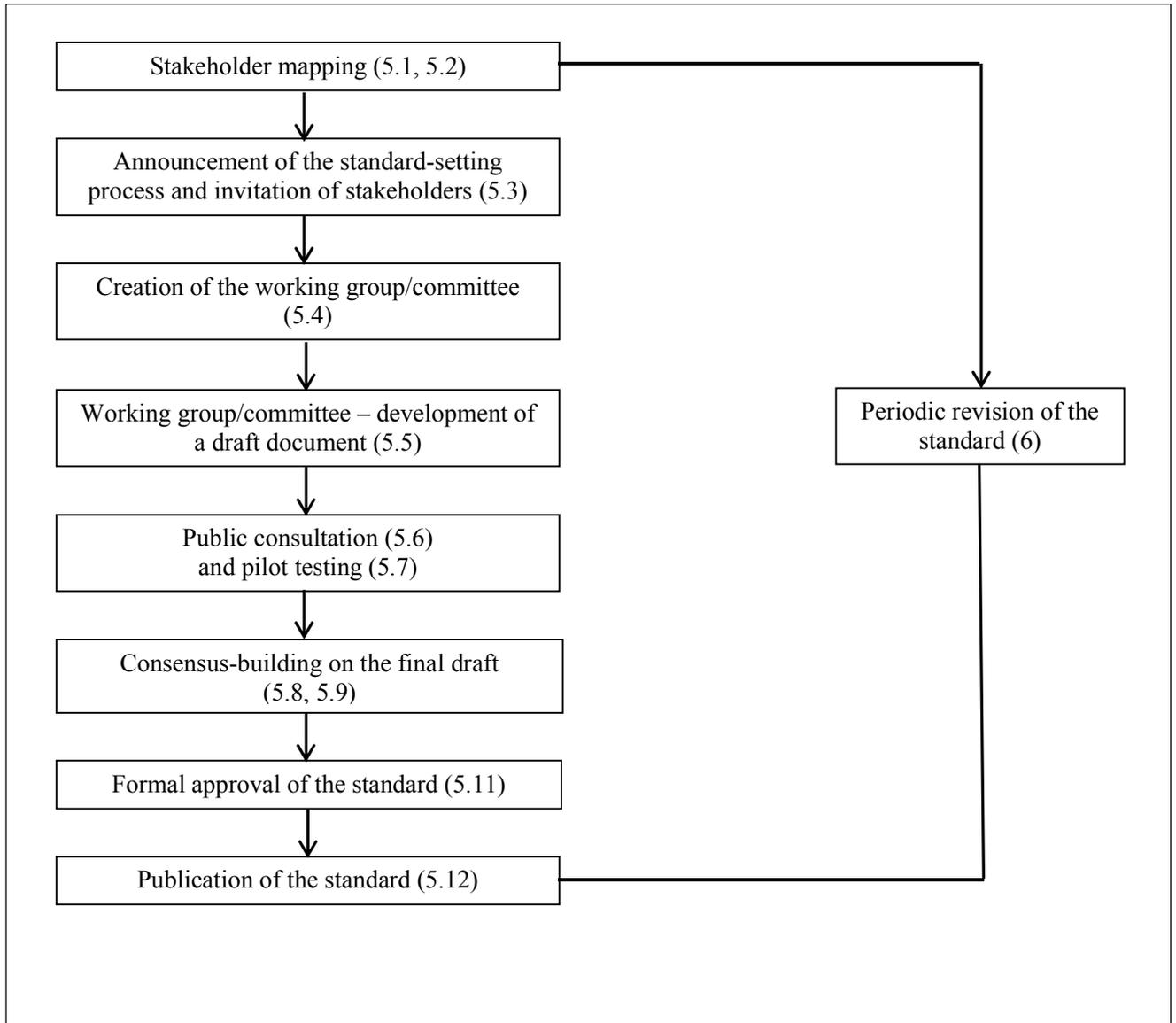
- 5.8 The decision of the working group/committee to recommend the final draft for formal approval shall be taken on the basis of a consensus. In order to reach a consensus, the working group/committee can utilise the following alternative processes to establish whether there is opposition:
- (a) a face-to face meeting where there is a verbal yes/no vote, show of hands for a yes/no vote; a statement on consensus from the Chair where there are no dissenting voices or hands (votes); a formal balloting process, etc.,
  - (b) a telephone conference meeting where there is a verbal yes/no vote,
  - (c) an e-mail meeting where a request for agreement or objection is provided to members with the members providing a written response (a proxy for a vote), or
  - (d) combinations thereof.
- 5.9 In the case of a negative vote which represents sustained opposition to any important part of the concerned interests surrounding a substantive issue, the issue shall be resolved using the following mechanism(s):
- (a) discussion and negotiation on the disputed issue within the working group/committee in order to find a compromise;
  - (b) direct negotiation between the stakeholder(s) submitting the objection and stakeholders with different views on the disputed issue in order to find a compromise; and
  - (c) dispute resolution process (which shall be guided by the respective resolution procedures agreed by the working group/committee).
- 5.10 Documentation on the implementation of the standard-setting process shall be made publicly available.
- 5.11 The standardising body shall formally approve the standards and normative documents based on evidence of consensus reached by the working group/committee. The approval of the standards and normative documents shall gain the support of at least two-third (2/3) of the membership of the working group/committee. All standards and normative documents shall be approved by the Board of Trustees of MTCC.
- 5.12 The formally approved standards/normative documents shall be published in a timely manner and made publicly available.

## **6 REVISION OF STANDARDS/NORMATIVE DOCUMENTS**

- 6.1 The standards/normative documents shall be reviewed and revised at intervals that do not exceed a five-year period. The procedures for the revision of the standards/normative documents shall follow those set out in chapter 5.
- 6.2 The revision shall define the application date and transition date of the revised standards/normative documents.
- 6.3 The application date shall not exceed a period of one year from the publication of the standard.

- 6.4 The transition date shall not exceed a period of one year except in justified exceptional circumstances where the implementation of the revised standards/normative documents requires a longer period.

Figure 1: Standard-setting process



List of Terms and Definitions extracted from PEFC ST 1001:2010 Standard Setting - Requirements

**1. Consensus**

General agreement characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interest and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.

Note: Consensus need not imply unanimity (ISO/IEC Guide 2)

**2. Disadvantaged stakeholder**

A **stakeholder** who might be financially or otherwise disadvantaged in participating in the standard-setting work.

**3. Enquiry draft**

Proposed document that is available for public consultation.

**4. Final draft**

A proposed document that is available for formal approval.

**5. Key stakeholder**

A **stakeholder** whose participation is critical to the results of the standard-setting work.

**6. Normative document**

A document that provides rules, guidelines or characteristics for activities or their results.

Note 1: The term “normative document” is a generic term that covers such documents as standards, technical specifications, codes of practice and regulations.

Note 2: “A document” is to be understood as any medium with information recorded on or in it.

Note 3: The terms for different kinds of normative documents are defined considering the document and its content as a single entity (ISO/IEC Guide 2)

**7. Revision**

Introduction of all necessary changes to the substance and presentation of a normative document.

Note: The results of the revision are presented by issuing a new edition of the normative document (ISO/IEC Guide 2).

## **8. Review**

Activity of checking a normative document to determine whether it is to be reaffirmed, changed or withdrawn.

## **9. Stakeholder**

A person, group or organisation with an interest in the subject of the standardisation.

Note: The nine major groups that have been defined by Agenda 21 of the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 provides an example of stakeholders involved in/concerned by sustainable forest management: (i) business and industry, (ii) children and youth, (iii) forest owners, (iv) indigenous people, (v) local authorities, (vi) NGOs, (vii) scientific and technological community, (viii) women, and (ix) workers and trade unions.

## **10. Standard**

A document, established by consensus and approved by a recognised body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree or order in a given context.

Note: Standards should be based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum benefits (ISO/IEC Guide 2).

## **11. Standardising body**

Body that has recognised activities in standardisation (ISO Guide 2).

Note: A standardising body for a forest management scheme/standard is a body which is responsible for the development and maintenance of standards for the forest certification scheme. The standardising body can be a PEFC national governing body or the standardising body can be separate from the governance of the forest certification scheme.

## **12. Working draft**

Proposed document that is available generally for comments or voting within a working group/committee.