

<i>Normative Document</i>	19 May 2009	NCB1/2009
Procedure for PEFC Notification of Certification Bodies operating Forest Management System and/or Chain of Custody Certification		

**PROCEDURE FOR PEFC NOTIFICATION OF CERTIFICATION BODIES
OPERATING FOREST MANAGEMENT SYSTEM AND/OR CHAIN OF CUSTODY
CERTIFICATION**

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1. Objectives

This procedure describes the requirements for PEFC notification of certification bodies operating forest management system and/or chain of custody certification under the Malaysian Timber Certification Scheme (MTCS) in Malaysia.

2. Scope

This procedure is based on PEFC Technical Document Annex 6 *Certification and Accreditation Procedures*.

This procedure covers the PEFC notification by MTCC of certification bodies providing certification for the *Malaysian Criteria and Indicators for Forest Management Certification [MC&I(2002)]* or subsequent editions of *MC&I(2002)* and/or PEFC Technical Document Annex 4 entitled *Chain of Custody of Forest Based Products-Requirements* together with the document SO 1/2008 entitled *Specification for the Origin for the Purposes of the MTCC Label and Declarations*, or subsequent editions of Annex 4 and SO 1/2008.

As MTCC is the PEFC National Governing Body (NGB) in Malaysia in which the certification body is providing PEFC recognised certification, the certification body shall apply to MTCC to obtain the PEFC notification using the application form as shown in **Appendix I**.

3. Conditions for PEFC Notification

The certification body applying for PEFC notification from MTCC shall:

- be a legal entity, such as a company, business or society, within Malaysia;
- if outside Malaysia, be a legal entity in the country concerned and be registered by an accreditation body, which is a member of the International Accreditation Forum (IAF);
- agree to be listed on the publicly available MTCC [[http://www.mtcc.com my](http://www.mtcc.com.my)] and PEFC Council [<http://register.pefc.ez/>] Internet-based databases with information that will include the certification body's identification data and/or other data as specified in the *Internal Rules for the PEFC Registration System*;
- have a valid accreditation certificate issued by the Department of Standards Malaysia ("Standards Malaysia"), Malaysia's national accreditation body which is a member of the IAF or by a national accreditation body from another country which is also a member of the IAF;

¹ MTCC is to provide data in accordance with the specifications of content and format outlined in the PEFC Council's *Internal Rules for the PEFC Registration System [GLI4-2003]*.

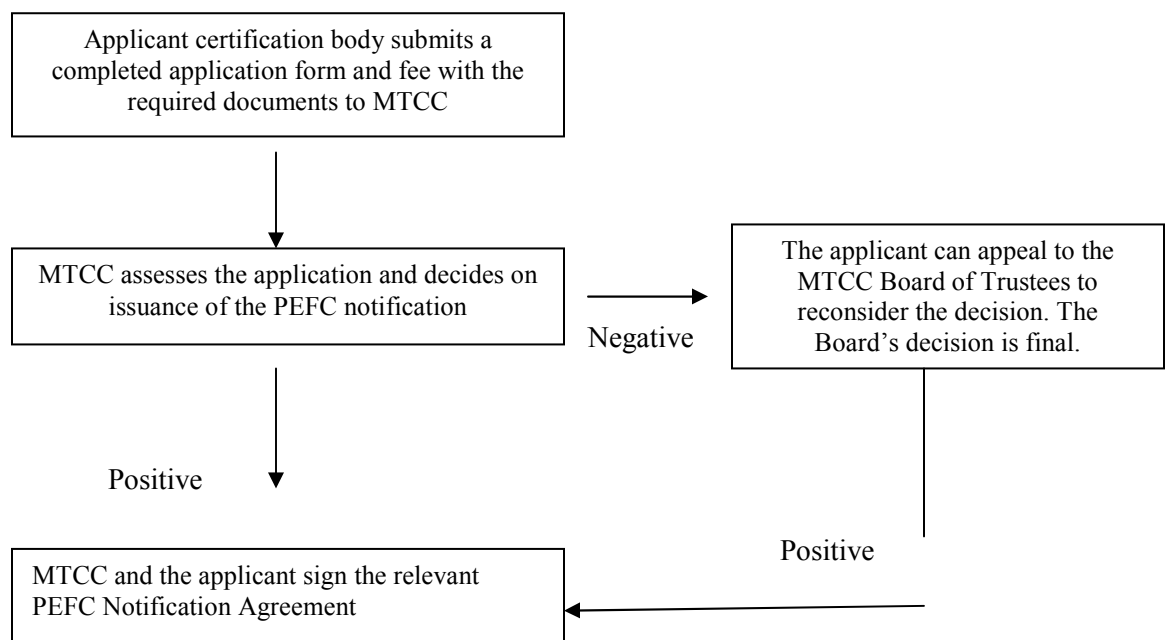
The accreditation can cover forest management system certification or product certification or both types of certification.

For forest management system certification, the accreditation shall be issued against ISO/IEC 17021 (*Conformity assessment – Requirements for bodies providing audit and certification of management systems*) and the scope of the accreditation shall explicitly include the *Malaysian Criteria and Indicators for Forest Management Certification [MC&I(2002)]* or subsequent editions of *MC&I (2002)* within Malaysia.

For product certification, the accreditation shall be issued against ISO Guide 65 (*General requirements for certification/registration bodies operating product certification*) and the scope of the accreditation shall explicitly include PEFC Annex 4 and SO 1/2008, or subsequent editions of Annex 4 and SO 1/2008 within Malaysia.

- be prepared to sign a PEFC Notification Agreement with MTCC (**Appendix II**); and
- as part of its certification approval process for a client organisation with forest management system and/or chain of custody certification within Malaysia, ensure that the client organisation has applied for or entered into a valid *Logo Usage Licence Agreement* for the PEFC Logo with MTCC. In the absence of a *Logo Usage Licence*, no recognition by either MTCC or PEFC will be given to any certification and it will not be listed on the publicly available MTCC [<http://www.mtcc.com.my>] and PEFC Council [<http://register.pefc.cz/>] Internet-based databases.

4. PEFC Notification Issuance Procedures



5. Obligations of the PEFC Notified Certification Body

The PEFC notified certification body shall:

- carry out forest management system certification to the *MC&I(2002)* or subsequent editions of the *MC&I(2002)* within Malaysia which is within the scope of the valid accreditation;
- carry out chain of custody certification to PEFC Annex 4 and SO 1/2008 within Malaysia which is within the scope of the valid accreditation;
- inform MTCC about any changes in its accreditation status, the scope of which covers forest management system and/or chain of custody certification;
- provide MTCC, without undue delay, information on every forest management system and/or chain of custody certificate that the PEFC notified certification body issues to a client organisation covered by the PEFC notification and/or information on any changes to currently issued certificates. The range of data is specified by MTCC; and
- ensure that its client organisation has applied for or entered into a *Logo Usage Licence Agreement* with MTCC.

6. Validity of PEFC Notification

MTCC acknowledges that the period of validity of a certification body's accreditation from the relevant accreditation body may not have an expiry date, only a commencement date, or it may be for a defined period with an expiry date, although accreditations are subject to periodic audits.

The PEFC notification shall be valid for a period of three years from the date of signing by both parties provided that the certification body's accreditation remains valid.

Evidence of validity of the certification body's accreditation shall ensure a renewal process, prior to the expiry date of the PEFC notification, with MTCC within the terms of this procedure.

The PEFC notification can be suspended by MTCC if the certification body is suspected of violations of the PEFC Notification Agreement (see conditions in **Appendix II**). If, after investigation, the suspicion is proven to be founded, the PEFC notification can be cancelled by MTCC.

Application for PEFC Notification

I. Applicant's Identification Data

Organisation name			
Company number			
Organisation's representative			
Address	No. Street		
	City		Post Code
	Country		
Contact person			
Telephone			Fax
E-mail			Http

II. Information and Documents for Application Processing

Accreditation number/expiry date of validity	
Accreditation body name	
<p>Documents required for the Application Processing:</p> <p><input type="checkbox"/> Copy of the accreditation attestation issued against ISO/IEC 17021 and which scope explicitly covers certification against <i>MC&I(2002)</i></p> <p><input type="checkbox"/> Copy of the accreditation attestation issued against MS ISO Guide 65 and which scope explicitly covers certification against the PEFC Technical Document Annex 4</p>	

III. Self-Declaration

I hereby confirm that:

- I have read the Malaysian Timber Certification Council's procedure document NCB 1/2009 and the PEFC Notification Agreement concerning MTCS and PEFC certification and PEFC notification and accept them; and
- the data included in this application is complete and truthful.

Signature of applicant's representative
(*person named in Section I*)

[Name]

Application processing form
(To be completed by MTCC)

I. Application Processing

		Date	Signature
Date application received	<input type="checkbox"/> Yes		
Fulfilment of the MTCS and PEFC requirements	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Agreements completed by MTCC and sent to the applicant	<input type="checkbox"/> Yes		
Signed agreements returned by the applicant	<input type="checkbox"/> Yes		
Agreement signed by MTCC and returned to applicant	<input type="checkbox"/> Yes		

II. PEFC Notification Fee Payment

Year	Amount	Paid on Date	Signature

III. Application Appeal Process

		Date	Signature
Appeal received	<input type="checkbox"/> Yes		
Appeal processed with decision	<input type="checkbox"/> Positive <input type="checkbox"/> Negative		

IV. Suspension and Termination of the PEFC Notification

Statutes of Decision	Date	Penalty

PEFC Notification Agreement

between

- 1) **Malaysian Timber Certification Council** (Company No: 471002M), having its registered office at: **No. 19F**, Level 19, Menara PGRM, 8 Jalan Pudu Ulu, Cheras, 56100 Kuala Lumpur, Malaysia. (hereafter referred to as “MTCC”)

and

- 2) *Name, address of registered office and company number of the certification body (hereafter the ‘Notified Certification Body’)*

Recitals:

Whereas MTCC is a company limited by guarantee incorporated under the laws of Malaysia which is principally involved in establishing and operating a timber certification scheme in Malaysia and MTCC is the governing body of the Malaysian Timber Certification Scheme (MTCS) and is the owner of the MTCC logo and MTCS claims;

Whereas Programme for the Endorsement of Forest Certification schemes (hereafter the “PEFC”) is an independent, non-profit non-governmental organisation which promotes sustainably managed forests worldwide through third party certification and is the owner of the PEFC Logo and PEFC claims;

Whereas MTCC is a member of the PEFC Council and has been duly appointed by PEFC Council as the National Governing Body in Malaysia, and the MTCS is a PEFC Council endorsed national scheme and further that MTCC has an agreement with the PEFC Council to provide the PEFC Logo and PEFC claims in Malaysia;

Whereas (*name of the Notified Certification Body*) is a PEFC Notified Certification Body operating forest management system and/or chain of custody certification which is recognised by MTCC and the PEFC Council;

Whereas the PEFC Notified Certification Body is to be granted a PEFC notification and will be allowed to issue the MTCS and PEFC recognised forest management and chain of custody certificates to organisations which are registered in Malaysia within the scope of a valid accreditation from Department of Standards Malaysia (STANDARDS MALAYSIA) or a valid accreditation from an accreditation body from another country for chain of custody certification provided the accreditation body is a member of the International Accreditation Forum (IAF), subject to the following terms and conditions contained herein;

Terms of Agreement

The Parties agree that the following terms and conditions shall apply to the notification of the Certification Body:

Article 1: Definitions

1. *Malaysian Criteria and Indicators for Forest Management Certification [MC&I(2002)]*

This is the standard under the MTCS which defines the requirements for certification of sustainable forest management. *MC&I(2002)* forms part of the agreement documentation and is accessible at <http://www.mtcc.com.my/documents>. *MC&I(2002)* is valid as at the date hereof and as may be from time to time revised through consultations coordinated by MTCC.

2. *Chain of Custody of Forest Based Products–Requirements* (PEFC Technical Document Annex 4)

This is the standard under the MTCS which defines the requirements for chain of custody certification. Annex 4 forms part of the agreement documentation and is accessible at <http://www.pefc.org/internet/html/documentation>. Annex 4 is valid as at the date hereof and as may be from time to time revised by the PEFC Council.

3. Conformity assessment – Requirements for bodies providing audit and certification of management *systems*

This is MS ISO/IEC 17021:2006 of the STANDARDS MALAYSIA forest management system certification accreditation programme, which forms part of the agreement documentation and is available online at http://www.standardsmalaysia.gov.my/index_2.htm. MS ISO/IEC 17021:2006 is valid as at the date hereof and as may be from time to time revised by the STANDARDS MALAYSIA.

4. *General requirements for bodies operating product certification systems*

This is MS ISO/IEC Guide 65:2000 of the STANDARDS MALAYSIA product certification accreditation programme, which forms part of the agreement documentation and is available online at http://www.standardsmalaysia.gov.my/index_2.htm. MS ISO/IEC Guide 65:2000 is valid as at the date hereof and as may be from time to time revised by STANDARDS MALAYSIA.

Article 2: Responsibilities of the PEFC Notified Certification Body

The PEFC Notified Certification Body is obliged to:

1. As a Malaysian certification body, have and keep valid accreditation issued in compliance with MS ISO/IEC 17021:2006 of the STANDARDS MALAYSIA forest management system certification accreditation programme and/or MS ISO/IEC Guide 65:2000 of the STANDARDS MALAYSIA product certification accreditation programme, and to inform MTCC immediately about any changes in the accreditation status of the Notified Certification Body.

The PEFC Notified Certification Body must provide, at the beginning of each year as well as each time it is so requested, updated evidence that it meets the requirements of valid accreditation from STANDARDS MALAYSIA.

2. As a certification body from a country other than Malaysia, have and keep valid accreditation issued in compliance with the requirements of a national accreditation body which is a member of the IAF for chain of custody (product) certification which is recognised by the PEFC Council.

The PEFC Notified Certification Body must provide, at the beginning of each year as well as each time it is so requested, updated evidence that it meets the requirements of valid accreditation from the national accreditation body.

3. Carry out the forest management system certification against the *MC&I(2002)* and/or chain of custody certification against the PEFC Technical Document Annex 4 *Chain of Custody of Forest Based Products-Requirements* within Malaysia which is within the scope of the accreditation.
4. Provide MTCC immediately and truthfully with information on the issuance of a forest management system or chain of custody certificate, as the case may be, to an organisation in Malaysia covered by the PEFC notification and/or inform of any changes to already issued certificates within the range of data as specified by MTCC.
5. Ensure that its client organisation has applied for or entered into a *Logo Usage Licence Agreement*¹ with MTCC for the use of the PEFC Logo.
6. Agree to be listed on the publicly available MTCC [www.mtcc.com.my] and PEFC Council [<http://register.pefc.cz/>] Internet databases including the certification body's identification data and/or other data as specified in the *Internal Rules for the PEFC Registration System*.

Article 3: Responsibilities of MTCC and the PEFC Council

1. MTCC and the PEFC Council recognise the accredited certificates issued by the PEFC Notified Certification Body in compliance with this Notification Agreement.
2. MTCC provides organisations holding forest management system and/or chain of custody certificate with access to the PEFC Logo, which is registered in Malaysia as Trade Mark nos. 03000463-469, under a *Logo Usage Licence Agreement* subject to the conditions and fees specified within and as prescribed by MTCC.
3. MTCC will agree to list on the publicly available MTCC [<http://www.mtcc.com.my>] and PEFC Council [<http://register.pefc.cz/>] Internet-based databases, information that will include the client organisation's identification data and/or other data in relation to its certification after the client organisation has applied for or entered into a *Logo Usage Licence Agreement*.
4. MTCC is obliged to inform the PEFC Notified Certification Body of any changes to the MTCC and/or PEFC Council regulations and documentation which affect this Notification Agreement.

¹ Issuance of PEFC Logo Usage Licenses by MTCC (LG2/2009)

Article 4: Termination

1. MTCC as well as the PEFC Notified Certification Body may terminate the Notification Agreement with three months prior notice by a registered letter.
2. MTCC may suspend the Notification Agreement with immediate effect if there are reasons to believe that any provision of the PEFC Notification Agreement is not being adhered to.
3. Withdrawal, suspension or the end of the validity of the PEFC Notified Certification Body’s accreditation will result in automatic termination of this Notification Agreement with effect on the same date as the withdrawal, suspension or the end of the validity of the PEFC Notified Certification Body’s accreditation.
4. MTCC and the PEFC Council are not obliged to pay compensation for any costs, expenses, loss or other damages which any temporary suspension or termination causes to the PEFC Notified Certification Body.

Article 5: Validity of the Contract

1. The terms of the Notification Agreement come into effect when it has been signed by both parties.
2. The Notification Agreement remains valid for a period of three years after it comes into effect under sub-article 1 above.

Article 6: Governing Law – Jurisdiction

This Notification Agreement shall be governed by the laws of Malaysia. The Parties submit to the exclusive jurisdiction of the courts in the Federal Territory of Kuala Lumpur.

Signed in duplicate.

In Kuala Lumpur on DD.MM.YYYY

In on DD.MM.YYYY

For and on behalf of the
Malaysian Timber Certification Council

[Name]
Chief Executive Officer

For and on behalf of the
Notified Certification Body

[Name]
[Position]