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Rules On Standard Setting Process For Development Of Timber Certification Standards		

RULES ON STANDARD SETTING PROCESS FOR DEVELOPMENT OF TIMBER CERTIFICATION STANDARDS

1. AIM

This document provides the Rules to be followed in the standard setting process to develop the forest management and chain-of-custody certification standards used in the Malaysian Timber Certification Scheme (MTCS) operated by the Malaysian Timber Certification Council (MTCC).

2. BACKGROUND

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 specified in PEFC Technical Document Annex 2 *Rules for Standard Setting*. Annex 2 is based on the requirements of ISO/IEC Guide 59:1994 *Code of good practice for standardization*. In addition, the interpretation of “consensus” in this document is based on PEFC Guideline GL 5/2006 *Interpretation of the PEFC Council Requirements for Consensus in the Standard Setting Process*.

3. RULES ON THE STANDARD SETTING PROCESS

In line with the above-mentioned requirements, the following Rules shall apply in the standard setting process in the development of the standards used in the MTCS:

3.1 Independence

The development of certification standards shall be supported and coordinated by MTCC and be independent from the certification or accreditation processes.

3.2 Levels for Standard Setting

3.2.1 The standard setting process may be carried out at national or at any sub-national level. MTCC coordinates the development of optional national and regional standards for Malaysia.

3.2.2 The forest certification standards may be drafted to be applied in individual, group and/or regional certification.

3.3 Creation of Forum

3.3.1 A Forum shall be created, in the form of an appropriate committee or working group, to develop the standard. All relevant interested parties or stakeholder groups shall be invited to participate in this process.

3.3.2 The members of the Forum shall be representatives of the materially and directly interested parties or stakeholder groups related to the different aspects of forest management or chain-of-custody certification.

- 3.3.3 In the case of forest management certification, the interested parties or stakeholder groups should represent the different aspects of sustainable forest management at national or sub-national level.
- 3.3.4 In the case of chain-of-custody certification, the interested parties or stakeholder groups should represent the different aspects of sustainable forest management, and wood procurement, processing and export.
- 3.3.5 Participation in the Forum shall be organized according to its respective consensus-building procedures which should provide for balanced representation of the interested parties or stakeholder groups. In the Malaysian context, members of the Forum shall comprise representatives from four stakeholder groups, i.e. the social, environmental, economic interest groups and the relevant government agencies from the three regions of Malaysia, i.e. Sabah, Sarawak and Peninsular Malaysia.
- 3.3.6 The Forum may establish a smaller group, comprising such members as the Forum deems fit, to develop the standard.

3.4 Process

- 3.4.1 The Forum shall adopt these Rules for its deliberations in the development of the standard. Copies of these Rules shall be made available to the interested parties or stakeholder groups in a reasonable and timely manner upon request.
- 3.4.2 The Forum shall appoint its own chairperson from among its members.
- 3.4.3 The participation of the interested parties or stakeholder groups in the Forum, and their views, shall be documented and considered in an open and transparent way. No single concerned interest shall be allowed to dominate the process.
- 3.4.4 Decisions made during the standard-setting process shall be based on consensus¹ among the members of the Forum based on the definition as contained in the ISO/IEC Guide 2:1996 entitled *Standardization and Related Activities – General Vocabulary*.
- 3.4.5 The Forum shall define its own written procedures based on the consensus principle which govern the methods used for standards development.
- 3.4.6 The Forum shall provide evidence on consensus having been reached before the formal approval of the standard.

¹“Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests 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.”

3.4.7 In order to reach consensus the Forum can utilize the following alternative processes to establish whether there is opposition to the standard:

- (i) A face-to-face meeting where there is a verbal yes/no vote;
- (ii) A face-to-face meeting where there is a show of hands for a yes/no vote;
- (iii) A face-to-face meeting where there is a “secret ballot” of members on a yes/no vote;
- (iv) A statement on consensus from the Chair at a face-to-face meeting where there are no dissenting voices or hands (votes);
- (v) An e-mail meeting where a request for agreement is provided to members and the members providing written response (a proxy for a vote); or
- (vi) A formal balloting process where votes are collated for the collective consensus decision.

3.4.8 In any case of a negative vote which represents sustained opposition of any important part of the concerned interests to a substantive issue, the issue shall be resolved using the following mechanisms:

- (i) Discussion and negotiation on the disputed issue within the Forum in order to find a compromise;
- (ii) Direct negotiation between the stakeholder(s) submitting the objection and the other stakeholders with different view on the disputed issue in order to find a compromise;
- (iii) Dispute resolution process (which shall be governed by the respective resolution procedures agreed by the Forum).

3.4.9 In the event that a complaint is received from any member of the Forum regarding any substantive and procedural matter related to the standard setting process and cannot be resolved by the Forum under its written procedures, the complaint may be referred to the MTCC which shall deal with the complaint in accordance with document DRP 1/2009 *Dispute Resolution Procedures*.

3.5 Transparency

The start of the standard setting process shall be communicated to the public through various means such as the mass media, direct communication to the interested parties or stakeholder groups and the MTCC website. Such communication should include information on the development process, the members of the Forum and their contact details.

3.6 Consultation

3.6.1 The final draft standard, which is to be the subject of a national-level consultation, shall be made available in a reasonable and timely manner, to all interested parties or stakeholder groups for feedback and comments.

3.6.2 The minimum time allocated for public comments of the final draft standard shall be 60 days.

- 3.6.3 The comments received from the public on the final draft standard shall be discussed, and where appropriate, suitable amendments or additions should be made to the final draft standard based on these comments.
- 3.6.4 The Forum is required to give general information on the changes made as a result of the national consultation process. This information shall be given in the MTCC website as well as through direct communication to the interested parties or stakeholder groups.
- 3.6.5 The final version of the standard shall be published or put on the MTCC website promptly, so as to make it available to any interested party or stakeholder group.

4. PILOT TESTING

- 4.1 The final draft standard shall be pilot-tested and the results of the pilot testing shall be available. Appropriate action shall be taken to incorporate the improvements and recommendations into the standard.
- 4.2 In the case of the revision of the standards, experience gained from the application of the standards can substitute pilot testing.

5. REVIEW OF STANDARDS

The certification standards and implementation arrangements shall be periodically reviewed in the light of new scientific knowledge and practical experience in order to ensure continuous improvement. The standards on forest management and chain-of-custody certification shall be reviewed at least every five years. The MTCC shall be the organisation which is responsible for initiating the review process.