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Standard Setting Procedures for Forest Management Certification Standards



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The official language of the document is in English. When there is inconsistency between language translations, the English version of the document is the reference.

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1. SCOPE

This document provides the standard setting procedures to develop, review and revise the forest management standard used under the Malaysian Timber Certification Scheme (MTCS) operated by the Malaysian Timber Certification Council (MTCC).

2. NORMATIVE REFERENCES

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

- a) PEFC ST 1001:2017 Standard Setting - Requirements;
- b) ISO/IEC Guide 59: Code of good practice for standardization;
- c) ISO/IEC Guide 2: Standardisation and related activities—General vocabulary; and
- d) PEFC GD 1007:2017 Endorsement and Mutual Recognition of Certification Systems and their Revision.

3. TERMS AND DEFINITIONS

In addition to the definitions stated in this section, the terms and definitions given in ISO/IEC Guide 2 are applicable for the purposes of this standard.

3.1 Affected stakeholder

A stakeholder who might experience a direct change in living and/or working conditions caused by implementation of the standard, or a stakeholder who might be a user of the standard and therefore is subject to the requirements of the standard.

Note 1: Affected stakeholders include neighbouring communities, indigenous people, workers, etc. However, having an interest in the subject matter of the standard (e.g. NGOs, scientific community, and civil society) is not equal to being affected.

Note 2: A stakeholder who might be a user of the standard is likely to become a certified entity, e.g. a forest owner in the case of a forest management standard, or a wood processing enterprise in the case of a chain of custody standard.

3.2 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).

3.3 Disadvantaged stakeholder

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

3.4 Editorial changes

Changes to a system that do not alter the technical content.

Note: This can include clarifications, guidance and grammatical changes.

3.5 Enquiry draft

A proposed document that is available for public consultation.

3.6 Final draft

A proposed document that is available for formal approval.

3.7 Key stakeholder

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

3.8 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).

3.9 Publicly available

Generally accessible to the interested public in any form and without the need for a request.

Note 1: When information is available by request only, this is indicated explicitly in the document as available on request.

Note 2: Special consideration might be needed for disadvantaged stakeholders to ensure their access, e.g. providing hard copies to stakeholders identified as having no access to electronic media.

3.10 Review

Activity of checking a normative document to determine whether it is to be reaffirmed, changed or withdrawn (ISO/IEC Guide 2).

3.11 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).

3.12 Stakeholder

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

3.13 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).

3.14 Standardising body

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

Note: A standardising body for a forest management system/standard is a body which is responsible for the development and maintenance of standards for the forest certification system. The standardising body for the Malaysian Timber Certification Scheme (MTCS) is the Malaysian Timber Certification Council (MTCC).

3.15 Working draft

A proposed document that is available generally for feedback or voting within a working group.

4. STANDARD-SETTING PRINCIPLES

The standard-setting process is governed by the key principles of:

- Stakeholder engagement – an opportunity for meaningful participation in the process that is open to all stakeholders through participation in working groups and public consultations.
- Balanced representation – no single stakeholder group should dominate or be dominated in the process. While each party is free to decide on its participation, the standardising body makes an effort to ensure that all relevant stakeholder groups are represented and considers an appropriate gender balance.
- Consensus – standards are approved by consensus. Any sustained opposition to specific issues is resolved by means of dialogue whenever possible.

- Improvement – periodic review of a standard seeks continual improvement and to ensure the standard continues to meet expectations of stakeholders.
- Transparency – relevant documents are publicly available so interested parties can follow developments during and after the process.

5. STANDARDISING BODY

5.1 Standard-setting procedures

5.1.1 The development, review and revision of certification standards shall be supported and coordinated by MTCC as the standardisation body and be independent from the certification or accreditation processes.

5.1.2 MTCC shall have written procedures for standard-setting activities describing:

- a) its legal status and organisational structure, including a body responsible for consensus building (working group, refer to Clause 6.4) and procedures for formal adoption of the standard (refer to Clause 7.1),
- b) procedures for keeping documented information,
- c) procedures for balanced representation of stakeholders,
- d) the standard-setting process,
- e) the mechanism for reaching consensus, and
- f) review and revision of standard(s)/normative document(s).

5.1.3 MTCC shall make its standard-setting procedures publicly available and shall regularly review its standard-setting procedures including consideration of feedbacks from stakeholders.

5.2 Documented information

5.2.1 MTCC shall keep documented information relevant to the standard-setting and review process providing evidence of compliance with the requirements of this document and MTCC's own procedures which include:

- a) standard-setting procedures,
- b) stakeholder identification mapping,
- c) contacted and/or invited stakeholders,
- d) stakeholder involved in standard-setting activities including participants in each working group meeting,
- e) feedback received and a synopsis of how feedback was addressed,
- f) all drafts and final versions of the standard,
- g) outcomes from working group considerations,
- h) evidence of consensus on the final version of the standard(s),
- i) evidence relating to the review process, and
- j) final approval by the Board of Trustees of MTCC.

- 5.2.2 Documented information shall be kept until completion of the next review or revision of the standard. Otherwise, the documented information must be kept for a minimum of five years after publication of the standard and shall be available to interested parties upon request.

5.3 Handling of complaints and appeals

- 5.3.1 MTCC shall establish procedures, which are accessible to stakeholders, for dealing with any substantive and procedural complaints and appeals relating to the standardising activities. Upon receipt of a complaint or appeal, MTCC shall:
- a) acknowledge receipt of the complaint or appeal to the complainant,
 - b) gather and verify all necessary information to validate the complaint or appeal, impartially and objectively evaluate the subject matter of the complaint or appeal, and make a decision upon the complaint or appeal, and
 - c) formally communicate the decision on the complaint or appeal and the complaint handling process to the complainant.
- 5.3.2 The contact point for enquiries, complaints and appeals relating to the standard-setting activities shall be the head of unit responsible for the standard setting activities and the details of the contact point shall be published at the beginning of the process.

6. STANDARD SETTING PROCESS

6.1 Standard proposal

- 6.1.1 MTCC shall develop a proposal for creation of new standard which needs to include:
- a) the scope of the standard,
 - b) justification on the need of the standard,
 - c) a clear description of the intended outcomes,
 - d) a risk assessment of potential negative impacts arising from implementing the standard such as;
 - factors that could affect the achievement of the outcomes negatively,
 - unintended consequences of implementation,
 - actions to address the identified risks, and
 - e) a description of the stages of standard development and their expected timetable.

Note: Guidance for development of a proposal and justification is given in ISO Directives, Part 1, Annex C and Annex SL (Appendix 1).

- 6.1.2 The proposal shall cover at least (a) and (e) of Clause 6.1.1 for the revision of a standard.

6.2 Stakeholder identification

6.2.1 MTCC shall identify stakeholders relevant to the objectives and scope of the standard-setting activities by means of stakeholder identification mapping exercise. 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.

6.2.2 As defined by Agenda 21 of the *United Nations Conference on Environment and Development* (UNCED) in Rio de Janeiro in 1992, identification of stakeholder groups shall be based on nine major stakeholder groups. At least the following groups shall be included in the stakeholder mapping:

- forest owners,
- business and industry,
- indigenous peoples,
- non-government organisations,
- scientific and technological community,
- workers and trade unions.

Other groups shall be added if relevant to the scope of standard-setting activities.

Note: The full list of nine major stakeholder groups defined by Agenda 21 of the UNCED consists of: (i) business and industry, (ii) children and youth, (iii) forest owners, (iv) indigenous peoples, (v) local authorities, (vi) non-government organisations, (vii) scientific and technological community, (viii) women, and (ix) workers and trade unions.

6.2.3 MTCC shall identify disadvantaged stakeholders and key stakeholders. MTCC shall address the constraints of their participation and proactively seek their participation and contribution in the standard-setting activities.

Note: A stakeholder can be both a disadvantaged and a key stakeholder at the same time.

6.3 Public announcement of the process

6.3.1 MTCC shall make a public announcement of the start of the standard-setting process and include an invitation to stakeholders to participate in the process. The announcement shall be made 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) overview of the standard-setting process,
- b) access to the proposal for the standard (refer to Clause 6.1),

- c) information about opportunities for stakeholders to participate in the process;
- d) an invitation to stakeholders to nominate their representative(s) or themselves 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 easy to understand,
- e) an explicit invitation and clear instruction on how to submit feedback on the scope and the standard-setting process, and
- f) access to standard-setting procedures.

Note 1: In a timely manner means (at the latest) four weeks before the first standard-setting activity is scheduled to occur.

Note 2: Through suitable media means at least through the MTCC's website and by email and/or letter to identified stakeholders. Other media includes press releases, news articles, features in trade-press, information sent to branch organisations, social media, digital media, etc.

- 6.3.2 MTCC shall review the standard-setting process based on feedback received in response to the public announcement.

6.4 Working group requirements

- 6.4.1 MTCC shall establish a permanent or temporary working group/ committee or adjust the composition of an already existing committee based on nominations it received. Acceptance and refusal of nominations shall be justified in relation to the requirements for balanced representation of the working group, considerations of an appropriate gender balance, relevance of the organization, and individual's competence, and individual's relevant experience and resources available for standard setting.

- 6.4.2 The working group/committee shall:

- a) have balanced representation and decision-making by stakeholder categories relevant to the subject matter representing the following stakeholder groups; environmental, economic, social (indigenous people and worker) and relevant government agencies and with balanced representation from the three geographical regions covering Sabah, Sarawak and Peninsular Malaysia; where no single concerned stakeholder group can dominate nor be dominated in the process; and
- b) include stakeholders with expertise relevant to the subject matter of the standard, those that are affected by the standard, and those that can influence the implementation of the standard. The affected stakeholders shall represent a meaningful segment of the participants.

- 6.4.3 MTCC shall strive to have all identified stakeholder groups (refer to Clause 6.2) represented in order to achieve balanced representation. MTCC shall set target for the participation of key stakeholders and proactively seek their participation by using outreach methods such as (but not limited to) personal emails, phone calls, meeting invitations, etc.

Note: When a stakeholder group is not represented and key stakeholders cannot be encouraged to participate, MTCC may consider alternative options.

6.4.4 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 feedback on the working drafts, and
- c) feedback and views submitted by any member of the working group/committee shall be considered in an open and transparent way where the outcome of these considerations is recorded.

6.4.5 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 determine whether there is any sustained opposition, the working group/committee can utilize the following methods:

- 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 request to the working group/committee for agreement or objection where the members provide a formal (written) response (a vote), or
- d) combinations thereof.

6.4.6 Where a vote is used in decision-making, the decision-making thresholds that quantifies consensus shall be at least two-third (2/3) of the vote. However, a majority vote cannot override sustained opposition in order to achieve consensus.

6.4.7 When there is sustained opposition to a substantial issue, the issue shall be resolved using the following methods:

- a) finding a compromise through discussion and negotiation on the disputed issue within the working group/committee,
- b) finding a compromise through direct negotiation between stakeholder(s) making the objection and other stakeholders with different views on the disputed issue,
- c) additional round(s) of public consultation (if necessary) where further stakeholder input can help to achieve consensus on unresolved issues. MTCC will determine the scope and duration of any additional public consultation.

6.4.8 When a substantial issue cannot be resolved and sustained opposition persists, MTCC shall initiate dispute resolution in accordance with its procedures for impartial and objective action.

6.5 Public consultation

6.5.1 MTCC shall organise a public consultation on the enquiry draft and shall ensure that:

- a) the start and the end dates of the public consultation is announced in a timely manner through suitable media,

Note: In a timely manner means (at the latest) the day before the start of public consultation.

- b) a direct invitation to comment on the enquiry draft is sent to each stakeholder identified by stakeholder identification mapping (refer to Clause 6.2) aiming for a balanced participation of stakeholder groups,
- c) the invitation to disadvantaged and key stakeholders shall be made by means that ensure that the information reaches its recipient and is easy to understand,
- d) the enquiry draft is publicly available and accessible,
- e) the public consultation is for at least 60 days,
- f) all feedback received are considered by the working group/committee in an objective manner, and
- g) a synopsis of feedback is compiled for each material issue, including the outcome of the consideration of the issue by the working group/committee. The synopsis is made publicly available (e.g. on a website) and is sent to each stakeholder/ party that gave feedback.

Note: MTCC will aggregate responses on material issues where there was similar feedback from different stakeholders. However, MTCC may choose to publish each piece of original feedback and the response, to allow each stakeholder to identify its own feedback.

- 6.5.2 For new standards, MTCC shall organize a second round of public consultation lasting at least 30 days.

6.6 Pilot testing

MTCC shall organise pilot testing of new standard(s) to assess the clarity, auditability and feasibility of the requirements. The working group/committee shall consider the outcome of pilot testing.

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

7. APPROVAL AND PUBLICATION

7.1 Formal approval of standards

MTCC shall formally approve the standard(s) and normative document(s) based on evidence of consensus reached by the working group/committee.

7.2 Publication and availability of standards

- 7.2.1 The formally approved standard(s)/normative document(s) shall be published and made publicly available at no cost within 14 days of approval, or as otherwise defined by MTCC.

- 7.2.2 Standard(s) shall include:

- a) identification and contact information for MTCC,

- b) official language of the standard,
- c) a note that when there is inconsistency between versions, the English version of the standard as endorsed by the PEFC Council is the reference, and
- d) the approval date and the date of next periodic review.

Note: The date of next periodic review may be within a shorter period than five years based on (for example) stakeholder expectations or other foreseen developments.

7.2.3 Printed copies shall be made available upon request at a price that covers no more than administrative costs (if any).

7.2.4 MTCC shall make the development report (refer to PEFC GD 1007:2017) publicly available.

8. PERIODIC REVIEW OF STANDARDS

8.1 General

The standard(s)/normative document(s) shall be reviewed at intervals that do not exceed a five-year period. The review shall be based on consideration of feedback received during the standard's implementation and a gap analysis. If necessary, a stakeholder consultation shall be organised to obtain further feedback and input.

8.2 Feedback mechanism

8.2.1 MTCC shall establish and maintain a permanent mechanism for collecting and recording feedback on a standard. This mechanism shall be accessible on MTCC website with clear directions for providing feedback.

Note: Feedback can be sent in various formats: comments, requests for clarification and/or interpretation, complaint, etc.

8.2.2 All feedback received through all channels, including meetings, training courses, etc. shall be recorded and considered.

8.3 Gap analysis

8.3.1 At the start of a review, MTCC shall evaluate the standard against appropriate PEFC International standards, national laws and regulations, and other relevant standard to identify potential gaps in the standard.

8.3.2 MTCC shall consider the latest scientific knowledge, research and relevant emerging issues.

8.4 Stakeholder consultation

8.4.1 Where the feedback and the gap analysis do not identify a need to revise the standard, MTCC shall organise stakeholder consultation to determine whether stakeholders see a need for revising the standard. MTCC shall include the gap analysis in the stakeholder consultation.

8.4.2 At the start of a review, MTCC shall update the stakeholder identification mapping (refer to Clause 6.2).

8.4.3 MTCC shall organise:

- a) a public consultation period of at least 30 days (following requirements of clause 6.5.1) and/or,
- b) stakeholder meetings.

8.4.4 MTCC shall announce the review in a timely manner (refer to Clause 6.3).

8.5 Decision-making

8.5.1 Based on the feedback received during the period of a standard's implementation, the outcome of the gap analysis and the consultations, MTCC shall decide whether to reaffirm the standard or whether a revision of the standard is necessary.

8.5.2 The decision shall be made by the Board of Trustees of MTCC.

8.5.3 Where the decision is to reaffirm a standard, MTCC shall provide a justification for the decision and make the justification publicly available.

8.5.4 Where the decision is to revise the standard, MTCC shall specify the type of revision (normal or editorial revision).

9. REVISION OF STANDARDS

9.1 Normal revision

9.1.1 Procedures for revision of standard(s)/normative document(s) shall conform to those stated in section 6.

9.1.2 A normal revision can occur at the periodic review, or between periodic reviews, but does not include editorial revision and time-critical revisions.

9.2 Editorial revision

Editorial revisions can be made without triggering the normal revision process. MTCC shall approve the editorial changes formally and publish an amendment or a new edition of the standard.

9.3 Time-critical revision

9.3.1 A time-critical revision is a revision between two periodic reviews using a fast-track process.

9.3.2 A time-critical revision can be conducted only in the following situations:

- a) change in national laws and regulations affecting compliance with PEFC International requirements, and
- b) instruction by PEFC International to comply with specific or new PEFC requirements within a timescale that is too short for a normal revision.

9.3.3 Time-critical revision shall follow these steps:

- a) MTCC shall draft the revised standard,
- b) MTCC may consult stakeholders, but is not mandatory,
- c) MTCC shall explain the justification for the urgent change(s) and make the justification publicly available, and
- d) the revised standard shall be approved formally by the Board of Trustees of MTCC.

9.4 Application and transition of revised standards

9.4.1 A revision shall define the application date and transition period of the revised standard(s)/normative document(s).

9.4.2 An application date shall not be more than one year after the publication of the standard. This allows time for endorsement of the revised standard(s) / normative document(s), introduction of change(s), information dissemination and training.

9.4.3 The transition period shall not exceed one year. MTCC may determine a longer period when justified by exceptional circumstances.