TERMS OF REFERENCE
OF THE
TECHNICAL COMMITTEE ON MSPO
(TC MSPO)

8 AUGUST 2019

LIST OF ABBREVIATIONS

BOT	**BOARD OF TRUSTEES**
EWG	**EXPERT WORKING GROUP**
MITI	**MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY**
MPI	**MINISTRY OF PRIMARY INDUSTRIES**
MPOB	**MALAYSIAN PALM OIL BOARD**
MPOCC	**MALAYSIAN PALM OIL CERTIFICATION COUNCIL**
MS	**MALAYSIAN STANDARD**
MSPO	**MALAYSIAN SUSTAINABLE PALM OIL**
MyNSC	**MALAYSIAN NATIONAL STANDARDS COMMITTEES**
NP	**NEW PROPOSAL**
NSC X	**NATIONAL STANDARDS COMMITTEE ON OIL PALM AND ITS PRODUCTS**
STANDARDS MALAYSIA	**DEPARTMENT OF STANDARDS MALAYSIA**
SWO	**STANDARDS WRITING ORGANISATION**
TC	**TECHNICAL COMMITTEE**
TOR	**TERMS OF REFERENCE**
TWC	**TECHNICAL WORKING COMMITTEE**
WG	**WORKING GROUP**

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OVERVIEW

1.1 Background

The Malaysian Sustainable Palm Oil (MSPO) Certification Scheme is the national scheme in Malaysia for oil palm plantations, independent and organised smallholdings and palm oil processing facilities to be certified following the requirements of the MSPO Standards. The MSPO Certification Scheme enables applications by potential clients for certification audits; development and review of certification standards; guidelines for auditing; accreditation requirements and notification of certification bodies; peer reviewing of audit reports; supply chain traceability requirements; issuance of relevant logo usage licenses and procedures for handling of complaints.

The MS 2530:2013 Malaysian Sustainable Palm Oil (Part 1 – Part 4) series of standards issued by the Department of Standards Malaysia (Standards Malaysia) is a set of Malaysian Standards that stipulates the general principles on certification requirements for oil palm smallholdings, plantations and palm oil processing facilities to ensure that their palm oil products are produced in a responsible and sustainable manner.

In 2018, the MPOCC met with the newly formed Ministry of Primary Industries (MPI), Malaysian Palm Oil Board (MPOB) and Standards Malaysia on the pathway for reviewing the MS 2530:2013 Malaysian Sustainable Palm Oil (Part 1 – Part 4). The National Standards Committee on Oil Palm and Its Products (NSC X) was formed on 13th September 2018 at a meeting of the Malaysian National Standards Committees (MyNSC). The scope of the NSC X is to develop and monitor the implementation of standards for the oil palm industry, its products and by products to foster sustainable development in various sectors of the oil palm industry, ranging from its planting to its post-harvest activities and processing, thereby covering the entire palm oil supply chain from its fresh produce to its processing.

Further, at its meeting on 13th December 2018, the NSC X also decided that the aforesaid TWC(MSPO) shall henceforth be called the Technical Committee on MSPO (TC MSPO).

1.2 Scope and Deliverables

The TC MSPO is a grouping of oil palm stakeholders with expertise in issues that are affected by the relevant standards, and those that could influence the development and implementation of such standards. The TC MSPO would serve as a multi-stakeholder forum, and its members will comprise of individuals nominated by their respective

organisations representing their oil palm stakeholder groups nationwide.

The scope of the TC MSPO is to develop, review and monitor the standards being used under the MSPO Certification Scheme.

The deliverables of the TC MSPO shall consist of all types of standards development activities, such as the development of new Malaysian Standards (MS), revision, confirmation, amendment, withdrawal, systematic review and other functions like the promotion and participation of its members at national, regional and international fora on oil palm and its products.

1.3 Meaning of the Terms of Reference (TOR)

The TOR outline the common intentions and aspirations of the subscribing organisations working together to ensure that the relevant standardisation activities are implemented accordingly.

Although the TOR are not legally-binding, they represent the values, approaches and goals that are mutually supported in good faith by the participating organisations. As far as possible, the TOR recommend processes that are open, consultative and collaborative, with the aim of producing effective and demonstrable outcomes for sustainable palm oil standards.

2 GOVERNANCE

The Members of the TC MSPO are to be nominated by organisations from various oil palm stakeholder groups as listed in **Appendix 1**. Each organisation shall nominate one Member and one Alternate Member to the TC MSPO. In the case of no reply from an invited organisation within a period of one (1) month, other similar organisations would be approached to nominate their Member and an Alternate Member to ensure balanced representation of from the various stakeholder groups.

The rules of procedure and the appointment of the TC MSPO members shall be as prescribed in the relevant requirements of Standards Malaysia (**Appendix 2**).

The TC MSPO may also establish, from time to time, permanent or *ad-hoc* Working Groups (WGs), consisting of TC MSPO members and other experts, besides identifying the tasks for each of the WGs.

3 ROLES AND RESPONSIBILITIES

3.1 Key roles and responsibilities of the TC MSPO

3.1.1 Developing MSPO Standards

a) Developing the MSPO standards needed under the MSPO Certification Scheme.

b) Supporting the work of its parent NSC X towards international standardisation by:

i. Studying and assessing the relevant international standards and formulating national positions and comments on issues related to the mandate of the MSPO TCs/WGs;

ii. Evaluating and commenting and/or voting on draft international standards in related areas of work; and

iii. Recommending the adoption of relevant international standards as MSPO Standards where appropriate.

3.1.2 Reviewing MSPO Standards

a) Discussing, evaluating and reviewing the various draft standards identified by the WGs, following the relevant procedures of Standards Malaysia;

b) Ensuring that the language used in the standards is clear, simple and focused;

c) Providing advice, guidance, and support for the reviewing of the standards;

d) Approving release of draft MSPO Standards within its purview for purposes of soliciting public comments and public consultations;

e) Reviewing comments and making necessary revisions to draft MSPO Standards in the light of feedback received; and

f) Submitting draft MSPO Standards developed under its direction to the NSC X for their acceptance as Final Draft Malaysian Standards (FDMS), to be finally approved by the Minister of International Trade and Industry (MITI).

3.1.3 Monitoring MSPO Standards.

a) Consulting with other TCs, national level committees and relevant organisations on matters pertaining to the implementation of the MSPO Certification Scheme;

b) Providing assistance to the Secretary of the TC MSPO in responding to queries, communicating to stakeholders and disseminating information to the general public; and

c) Undertaking other tasks related to MSPO Standards setting as directed by the NSC X.

4 PROCESS

4.1 Membership Composition

The multi-stakeholder membership of the TC MSPO shall be a balanced representation of the relevant stakeholders or groups with interest in the oil palm sector.

Membership of the TC MSPO is voluntary and shall comprise of individual members nominated by their respective organisations, representing the eight different stakeholder membership categories (Government Agencies, Industry – Upstream Organisations, Industry – Downstream Organisations, Smallholders Organisations, Environmental NGOs, Indigenous Peoples Organisations, Workers Union Organisations, Academia/Research & Development Institutions), as shown in **Appendix 1**.

4.2 Duties and Responsibilities

4.2.1 The Chairperson and Vice-Chairperson

4.2.1.1 The Chairperson of the TC MSPO shall:

a) Be responsible to the NSC X and ensure that the work of the committee is conducted in accordance with its TOR, approved procedures and assigned scope of work;

b) Oversee the progress of projects under the care of the committee;

c) Preside at every meeting of the committee with the objective of reaching consensus and timely decisions;

d) Ensure that the views of all interests are heard, and effective decisions are made and implemented; and

e) Be impartial and broadly represent the national interests for sustainable palm oil.

4.2.1.2 The Vice-Chairperson shall assist the Chairperson in performing his/her duties and responsibilities, and during the period when the Chairperson is absent, the Vice-Chairperson shall assume the role of the Acting Chairperson until the Chairperson resumes his/her normal duties or a new Chairperson is appointed.

4.2.2 The TC MSPO Members

4.2.2.1 The TC MSPO members shall:

a) Actively and constructively participate in the development of standards under the mandate of the committee;

b) Attend meetings of the committee on a regular basis and participate in the committee's work through discussions and comments on the standards under consideration;

c) Advise their respective organisations to arrange for an alternate member if he/she is unable to attend meetings of the committee; and

d) Consult and consolidate the views of their respective organisations and interested parties that they represent.

4.2.2.2 Each TC MSPO member organisation is eligible to vote except for the co-opted members.

4.2.3 The TC MSPO Secretary

4.2.3.1 The Secretary is responsible for managing the operations of the TC MSPO.

4.2.3.2 The Secretary's responsibilities and duties shall include:

a) Managing the allocated standards development projects;

b) Calling for and arranging of committee meetings;

c) Preparing the minutes of committee meetings including:

i. Establishing the agenda and arranging for its circulation;

ii. Arranging for circulation of all the other documents on the agenda;

iii. Compiling feedback from draft public comments;

iv. Following up on decisions taken at committee meetings and reporting on the actions taken during the next committee meeting.

d) Submitting requests for the preparation of new proposals (NPs) to the NSC X Secretary;

e) Editing draft MSPO Standards;

f) Reviewing and reporting on TC MSPO's work programme to the NSC X; and

g) Upon obtaining approval from the NSC X, highlighting areas of interest, releasing the draft Malaysian Standards for Public Comments and Public Consultation, and compiling the feedback received, if any, for the deliberation of the TC MSPO.

4.3 Decision-making Process

In line with their open, consultative and collaborative processes, all decisions of the TC MSPO shall be by consensus, that is, without any serious and sustained objections. In the case of any serious and sustained objection(s) to a substantive issue, it shall be resolved by

discussion and negotiation with the interested party or parties to find an acceptable compromise, failing which, a vote will be taken to allow for a decision to be made. A majority vote among members of the TC MSPO will suffice. The Chairperson, with the assistance of the Secretary of the TC MSPO, will coordinate the voting process.

Only Members or Alternate Members of the TC MSPO who are physically present at the committee meeting are eligible to vote. When a vote is taken, the range of perspectives expressed shall be reflected in the minutes of the committee meeting as part of the record of its deliberations.

In addition, a complaint may be lodged by a Member or an Alternate Member via a dispute resolution process, which shall be guided by the respective resolution procedures agreed by the TC MSPO.

The Chairperson of the TC MSPO shall report on its progress and activities to the NSC X. In the absence of the Chairperson, the Vice Chairperson of the TC MSPO will assist in the reporting to the NSC X. (Refer to **Figure 1**).

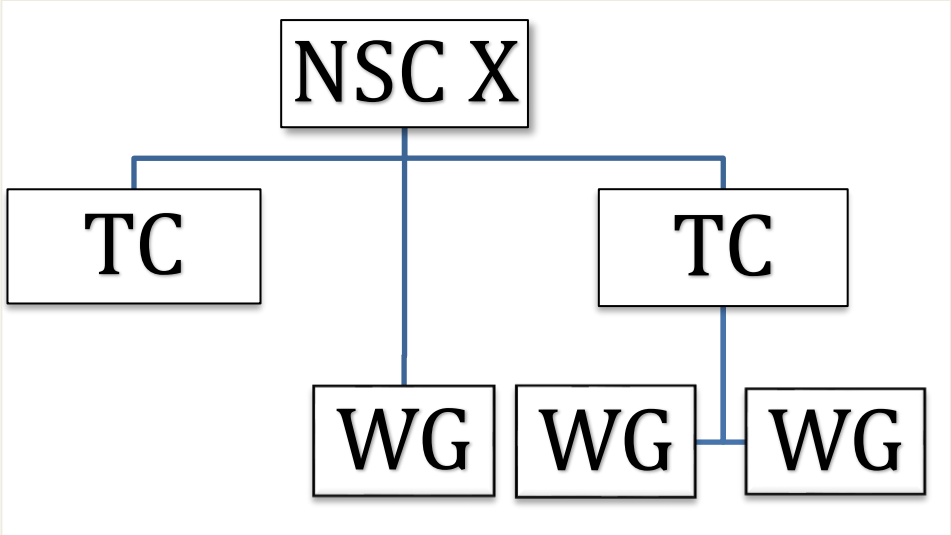

Figure 1. Schematic diagram of MSPO Standards development committee structure and reporting line.

4.4 Participation in Meetings

Both the Member and Alternate Member of a TC MSPO member organisation can attend the its meetings, but each member organisation has only one vote, normally cast by the Member. Experts invited or nominated by member organisations, subject to the consent of the TC MSPO, to provide views and inputs, may also attend the TC MSPO meetings, but will not have a vote. Members and Alternate Members who are unable to attend a TC MSPO meeting or unable to send a representative, may make their views known to the Chairperson and/or the Secretary, via electronic means, which shall form part of the TC MSPO meeting minutes.

To ensure an efficient decision-making process, member organisations shall make all efforts to ensure their continuity of

attendance at TC MSPO meetings by the same representative(s). Member organisations failing to ensure their representatives to attend two (2) consecutive meetings shall be removed from the TC MSPO.

4.5 Quorum

The quorum for convening the TC MSPO meeting shall consist of half the number of organisations listed in **Appendix 1**.

4.6 Membership Withdrawal

Any Member or Alternate Member representing a member organisation may withdraw from the TC MSPO by giving two (2) weeks' notice in writing to the TC MSPO and its Secretary.

Any member organisation may withdraw from the TC MSPO by giving one (1) month notice in writing from the organisation to the TC MSPO and its Secretary, with the nomination of a similar organisation as its replacement.

4.7 Frequency of Meetings

The TC MSPO will meet as and when necessary to carry out its roles and responsibilities.

4.8 Finances and Resources

Honorarium and travelling allowance shall be paid to either the Member or Alternate Member representing the organisation attending the TC MSPO meeting.

A co-opted member shall also receive honorarium and travelling allowance for participating in the TC MSPO meeting. A co-opted member is a person or representative from an organisation invited, on a case by case basis, to the TC MSPO meeting for consultations on specific areas of interest.

Travelling allowances are applicable only for members/experts travelling from outside the Klang Valley, and will cover only the costs of their hotel accommodation, airfare (economy class) and associated transportation, including the costs for their public transport and parking fare. All claims for travelling allowances shall be submitted to the Secretary of the TC MSPO and be paid on a reimbursable basis.

Appendix 1

Stakeholder Membership of the Technical Committee on MSPO (TC MSPO)

Stakeholder Group	Member Organisation
Government Agencies	1) Ministry of Primary Industries (MPI)
	2) Malaysian Palm Oil Board (MPOB)
	3) Malaysian Palm Oil Council (MPOC)
	4) Jabatan Tenaga Kerja (JTK)
	5) Department of Standards Malaysia (Standards Malaysia)
	6) Department of Occupational Safety and Health (DOSH), Ministry of Human Resources
	7) Department of Environment (DOE), Ministry of Energy, Science, Technology, Environment & Climate Change
Industry – Upstream Organisations	1) Malaysian Palm Oil Association (MPOA)
	2) Malaysian Estate Owners Association (MEOA)
	3) Malaysian Oil Palm Dealers Association (MOPDA)
	4) The East Malaysia Planters' Association (EMPA)
	5) Sarawak Oil Palm Plantation Owners Association (SOPPOA)
	6) Malaysian Oil Palm Nurseries Association (MOPNA)
Industry – Downstream Organisations	1) Palm Oil Refiners Association Malaysia (PORAM)
	2) Malaysian Oleochemical Manufacturers Group (MOMG)
	3) The Federation of the Palm Oil Millers Association Malaysia (POMA)
	4) Malayan Edible Oil Manufacturers' Association (MEOMA)
	5) Malaysian Biodiesel Association (MBA)
	6) Malaysian Agricultural Producers Association (MAPA)
Smallholders Organisations	1) National Association of Smallholders (NASH)
	2) Federal Land Development Authority (FELDA)
	3) Sabah Land Development Board (SLDB)
	4) Sarawak Land Consolidation and Rehabilitation Authority (SALCRA)

Stakeholder Group	Member Organisation
	5) Sarawak Dayak Oil Palm Planters Association (DOPPA)
	6) Persatuan Pekebun Kecil Kelapa Sawit Sabah
Environmental NGOs	1) Malaysian Nature Society (MNS)
	2) Sabah Environmental Protection Association (SEPA)
	3) World Wide Fund for Nature Malaysia (WWF-Malaysia)
	4) Sustainable Development Network Malaysia (SUSDEN Malaysia)
	5) Malaysian Environmental NGOs (MENGO)
Indigenous Peoples Organisations	1) Persatuan Orang Asli Semenanjung Malaysia (POASM)
	2) Partners for Community Organizations (PACOS Trust)
	3) Sarawak Dayak National Union (SDNU)
	4) Sarawak Dayak Iban Association (SADIA)
	5) Federation of Orang Ulu Association Sarawak Malaysia (FORUM)
	6) Society for Rights of Indigenous People of Sarawak (SCRIPS)
Workers Union Organisations	1) The National Union of Plantation Workers (NUPW)
	2) Malaysian Trade Union Congress (MTUC)
Academia / Research & Development Institutions	1) Academic Research on Palm Oil Sustainability (ARPOS) Network

Appendix 2

Selection and Appointment of Chairperson, Vice-Chairperson and Committee Members

1. Technical Committee (TC)

1.1. Chairperson

1.1.1. Selection and appointment

The Chairperson of the TC MSPO shall be appointed in his/her individual capacity, based on recommendations of the TC MSPO members or by the NSC X. The decision on the Chairpersonship of the TC MSPO is subject to the approval of the NSC X.

It shall be ensured that the candidate for the Chairpersonship of the TC MSPO is:

a) Knowledgeable in the subjects concerned;

b) A progressive and mature person who is interested in the development of standards;

c) In a position to devote the necessary resources to meet the requirements of his/her work; and

d) Preferably someone other than the Chairperson of the parent committee which is NSC X.

Hence, the Chairperson should be a person with experience or interest in the broad areas of standardisation as defined by the TOR of the TC MSPO. He/She should have the expertise in, knowledge of and be

familiar with the development, management and application of standards and management concepts.

1.2. Vice-Chairperson

1.2.1. The Vice-Chairperson of the TC MSPO shall be selected from among the committee members and be appointed by the committee. The Vice-Chairperson shall act in the absence of the Chairperson at TC MSPO meetings.

In the event that both the Chairperson and Vice-Chairperson of the TC MSPO are not available, the members present shall elect from among themselves a Pro tem Chairperson to preside at the meeting.

1.3. Committee Members of the TC MSPO

1.3.1. Selection and appointment

A minimum number of 10 members are to be recommended for the TC MSPO, including its Secretary).

Members of the TC MSPO are to be selected based on the different categories of organisations specified earlier in Item 4.1 on Membership Composition. The selected organisations shall be approved by the NSC X.

All member organisations shall be requested to nominate representatives who have:

a) The necessary expertise;

b) The mandate of the organisations they represent;

c) The ability to communicate well; and

d) The commitment to serve constructively on the committee.

1.4. Term of office

All members, including the Chairperson, shall serve the TC MSPO for as long as determined by the NSC X.

2. Working Group (WG)

2.1. Chairperson

2.1.1. Selection and appointment

The Chairperson of the WG shall be appointed by the NSC X or theTC MSPO in his/her individual capacity, based on the recommendations of the WG members or by the parent committee, the NSC X or the TC MSPO. The decision on the Chairpersonship of the WG is subject to the approval of the NSC X or the TC MSPO. It shall be ensured that the selected candidate is:

a) Knowledgeable in the subjects concerned;

b) Interested in the development of standards;

c) In a position to devote the necessary resources to meet the requirements of the WG; and

d) Preferably someone other than the Chairperson of the parent committee which is TC MSPO.

2.2. Vice-Chairperson

2.2.1. The Vice-Chairperson of the WG shall be selected from among the WG committee members, and the appointment of the Vice-Chairperson will be resolved by

consensus among the WG committee members. The Vice-Chairperson shall act in the absence of the Chairperson of the WG.

In the event both the WG Chairperson and Vice-Chairperson are not available, the WG members present shall elect from among themselves a Pro tem Chairperson to preside at the meeting

2.3. Members of the WG

2.3.1. Selection and appointment

Members of the WG are to be selected from experts representing organisations. All appointed members shall have:

a) In depth knowledge in the subjects concerned; and

b) Commitment to serve constructively on the WG.

3. Co-opted Members (Non-voting Member)

The Co-opted members could comprise:

a) Individual experts who act in their personal capacity;

b) Members invited on a meeting-to-meeting basis for consultations on specific subject areas;

c) The Chairpersons of subsidiary committees who are invited under the jurisdiction of the NSC X or TC MSPO; and

d) Representatives of the other National Standards Committees, TCs or WGs.

Decisions to appoint the Co-opted Members shall be

made by their respective committee. Their appointments shall be of a limited duration as determined by their respective committee.

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