



STANDARDS AND METROLOGY INSTITUTE
TECHNICAL GUIDE

**TERMS OF REFERENCE FOR NATIONAL TECHNICAL
COMMITTEES**

Standardization Directorate

Malta Competition and Consumer Affairs Authority
Mizzi House, National Road, Blata I-Bajda FMR 9010, Malta.

www.mcca.org.mt

Phone: +356 2395 2000

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STANDARDIZATION DIRECTORATE

TERMS OF REFERENCE FOR NATIONAL TECHNICAL COMMITTEES

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1. Introduction and Scope

- 1.1. This document is intended to be used by National Technical Committees or Mirror National Technical Committees (hereinafter referred to as 'national committees' ,unless otherwise stated) that are set up by the National Standardisation Body, namely, the Malta Competition and Consumer Affairs Authority (hereinafter referred to as 'the MCCA') in order to participate in standardisation work based on the harmonized principles adopted by International and European organizations for standardization and Regulation (EU) 2022/2480 of the European Parliament and the Council of 14 December 2022 amending Regulation (EU) 1025/2012 as regards decisions of European standardisation organisations concerning European Standards and European standardisation deliverables (alternatively referred to as 'the Regulation').
- 1.2. These Terms of Reference shall be made available to all members participating in these national committees. Members of the national committees shall follow the guidance provided in this document during all stages of participation.
- 1.3. The SMI shall ensure that a proper framework is established to facilitate the development of standardization projects requested by both the public and private sectors in Malta. This framework shall cover the legal aspects of standardization in line with the relevant provisions of the Malta Competition and Consumer Affairs Authority Act (Cap. 510 of the Laws of Malta) and also the European and International requirements, policies and guidelines for standardization.
- 1.4. As the national standardization body, the MCCA shall promote this standardization development tool throughout Malta. This promotion shall cover principles of standardization in the local market and also shall cover standardization developments in the European and International Fora / Technical Committees.
- 1.5. The MCCA shall also be a focal point for the industry to help and provide information regarding standardization developments and shall provide a starting point to the development of standardization projects at National, European and International levels.

2. Disclaimer

- 2.1. This document is not legally binding. All the contents of this document are being given gratuitously and without prejudice. They are purely of informational and advisory character and the MCCA shall not accept any liability or claim for damages arising out of such contents.
- 2.2. Only the text of the Regulations is authentic in law. Should there be differences between the contents of this guide and the text of the Regulations, the latter shall prevail.
- 2.3. For further information, please contact the Standardization Directorate within the MCCA

3. Definitions

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- 3.1. *Standardization Project* – A project where standardization is being requested by the private and/or public sector through the development of a standard or a technical report/paper or guideline.
- 3.2. *Standard (SM)* – A standard is a technical document designed to be used as a rule, guideline or definition.
- 3.3. *Technical Report (SM TR)* – a formal report designed to convey technical information in a clear and easily accessible format.
- 3.4. *Guideline (SM Guide)* – Recommended practice that allows some discretion or leeway in its interpretation, implementation, or use.
- 3.5. *Technical Specification (SM TS)* – a document that prescribes technical requirements to be fulfilled by a product, process, service or system.
- 3.6. *National Technical Committee* – A committee made up of interested parties that have key interests in the standardisation work.
- 3.7. *Mirror Technical Committee* – A group of stakeholders of whom each member represents a recognized entity related to the standardization project being developed in another European and/or International technical committee. A mirror technical committee may appoint members to participate in the technical committee being followed.

4. Terms of Reference

4.1. Setting up Technical Committee

- 4.1.1. Requests for national standardization projects or requests for participation in European/International standardisation projects shall be submitted by private or public interested parties.
- 4.1.2. Requests shall be done using template SMI-004 found on the MCCA website <https://www.mccaa.org.mt/Section/Content?contentId=1242>
- 4.1.3. The Director General (Standards and Metrology Institute) within the MCCA in liaison with the Standardisation Director (Standards and Metrology Institute) shall appoint an Representative of the MCCA to co-ordinate the setup of the technical committee (hereinafter referred to as 'the MCCA representative').
- 4.1.4. The MCCA representative shall primarily act as the committee secretary with the responsibility to ensure that the standardisation process is carried out in line with the requirements of the Regulation .
- 4.1.5. Knowledge and experience in the standardisation field shall be factored into the decision of selection and appointment of the MCCA representative.
- 4.1.6. The MCCA representative shall communicate with the interested party making the request to identify potential interested parties on the standardisation field.
- 4.1.7. The MCCA representative shall ensure that the proposal does not conflict with existing European standardisation deliverable (Standard).

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- 4.1.8. The MCCA representative shall issue an expression of interest in the Government Gazette for other potentially interested parties. The MCCA representative may also invite any known potential stakeholders via e-mail.
- 4.1.9. This proposal may be followed up by meetings with the potentially interested stakeholders. During these meetings, the appointed MCCA representative shall brief the potentially interested parties on the process required to develop and complete the standard project.
- 4.1.10. During such meetings, agreement shall be sought on the importance and relevance of such standardization project. The MCCA representative shall also inform the stakeholders of any related standardization project at European and International level. If such standardization projects exist, a mirror technical committee shall be considered.
- 4.1.11. Upon agreement, the MCCA representative shall publish the Standardization Project proposal on the Government Gazette in the form of an 'expression of interest'. This publication shall seek other interested parties and encourage balanced participation and adequate representation of the governing bodies. It also provides the legal recognition for the development of the standardization project.
- 4.1.12. Adequate representation shall be supported by at least one representative from various categories: regulatory bodies, industry, associations, NGO's, member states (through the communication of the work programme, CEN/CLC notifications), general public and other interested parties that may influence or be influenced by the deliverable of the technical committee. Any member of the committee shall not represent any self-interest. MCCA has a list of recognised bodies in the various technical fields that are invited by default during the setting up of technical committees. It is the responsibility of MCCA to ensure non-discriminatory participation using gender neutral and equality principles.
- 4.1.13. Following the deadline date of the expression of interest, the MCCA representative shall convene a meeting with all interested parties in which:
- (a) All interested parties are informed that they cannot participate in the technical committee on their personal capacity, but they are required to represent a recognised entity within the scope of the proposed standardization project. Representation shall be formalised in writing by the umbrella entity to the Committee Chairman.
 - (b) All interested parties are informed of the steps required by the standardization process.
- 4.1.14. All interested parties are informed that the role of the MCCA is to monitor the standardization process for the sake of transparency and to ensure that European and International obligations and requirements are followed.
- 4.1.15. Aside from the committee secretary abovementioned, the committee Chairperson shall be appointed. The appointed chairperson shall be the person representing the recognised entity requesting the standardisation project. In case any member(s) object to such appointment, this shall be done in writing to the Director General of SMI. If such objections are valid, the DG shall invite the members to nominate a chairperson via

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email. In case there is more than one nomination, the committee secretary shall present the nominees to the committee and invite them to vote by electronic means. The nominee with the largest number of votes shall be the appointed chairperson.

- 4.1.16. A person shall not be eligible to be appointed or to continue to be a member of the committee if that person:-
- a. is legally incapacitated or interdicted; or
 - b. has been declared bankrupt or has made a composition or arrangement with his creditors, so long as he has not been rehabilitated to trade in terms of the Commercial Code;
 - c. has been found guilty by any competent court of any offence involving fraud or other dishonesty, or has contravened any provision of law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons involved in business activities or in carrying on a profession, or has engaged in any business practice appearing to the MCCA to be deceitful or oppressive or otherwise improper (whether unlawful or not) or which otherwise reflects discredit on his method of conducting business or his profession, or has been found guilty of any offence;
- 4.1.17. The MCCA representative shall provide documentation templates to serve as guideline for the writing up of the standardisation project.
- 4.1.18. The MCCA shall explain the policy (ANNEX 1) related to decisions taken during the committee meetings.
- 4.1.19. All interested parties are informed that it is their responsibility to obtain information and documentation related to the standardization project being developed.
- 4.1.20. All interested parties are obliged to declare any patents and copyright information related to any aspects of the standardisation work.
- 4.1.21. In the case of mirror technical committee, the MCCA representative is to provide the necessary bridging and communication channel between the European/International technical committee and the mirror committee. This bridging shall include access to information of the technical committee at drafting stage. Participation may also be encouraged.
- 4.1.22. All interested parties are informed that such work is done on a voluntary basis and no remuneration is provided.

4.2. Technical Committee Meetings

- 4.2.1. It is the responsibility of the Chairperson to coordinate technical committee meetings. The logistics related to these meetings shall ideally be agreed prior to the closing of each meeting. It is recommended that a particular committee meeting day of each month is agreed by all committee members. A committee meeting attendance sheet shall be kept for each meeting. This shall be maintained by the MCCA representative.

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- 4.2.2. The MCCA shall also inform the International and European Standardization Organization with the launch of such standardization project.
- 4.2.3. The recognised entity proposing the standardisation project, shall provide a first draft standardisation document which the committee members shall work on.
- 4.2.4. The committee Chairperson is responsible for the proper conduction of the meetings. It is recommended that a meeting agenda is developed and distributed to each committee member prior to each meeting.
- 4.2.5. Each meeting shall be conducted in the form of discussions where decisions are taken and agreed by the committee members. Minutes shall be taken by the committee secretary. These minutes shall be distributed to committee members within 48 hours after each meeting. The minutes shall be approved by all committee members prior to the start of each consecutive meeting.
- 4.2.6. It is recommended that when critical decisions are to be taken, the Chairperson advises the committee members to consult with their respective entities prior to agreement.
- 4.2.7. It is recommended that when any committee member is to introduce a new proposal to the project, he/she provides a written report to the committee members prior to the meeting. This enables the committee members to read and evaluate the proposal and provide their feedback during the meeting.
- 4.2.8. The Committee Secretary together with the Chairperson are responsible to draft the standardization project document during the meetings. Each change in the draft document shall be agreed by the committee members. This draft document with track changes shall be distributed to the committee members after each meeting by the committee secretary. The track changes shall be considered as the minutes of the meeting. It is recommended that the electronic file name of the document includes the version of each updated draft.
- 4.2.9. In case of a mirror technical committee meeting, the Chairperson shall provide all information about the European and/or International Technical committee work. The committee members shall provide feedback and shall agree on proposals which may be sent to the technical committee during the public consultation stage of the standard development.
- 4.2.10. During meetings, it may be agreed that further unavailable information is required to proceed with the project. This information may be in the form of test results, statistical information or any other type of research or study. The committee may appoint a working group made up of a smaller number of committee members who can work on obtaining the unavailable information. Such work may either be done on a voluntary basis or committee members may provide funding.
- 4.2.11. Where a working group is appointed, such working group shall present the results and information required by a deadline date agreed by the committee members.
- 4.2.12. Upon completion of the standardization document, the Chairperson shall attain a unanimous vote from the committee members to proceed with the public consultation

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of the standardization document. This consultation shall be published in the Government Gazette by the MCCA representative. Feedback from interested stakeholders shall reach the committee Chairman by a defined deadline date.

- 4.2.13. In case of Mirror technical Committee, the MCCA representative shall provide the feedback during the public consultation voting stage carried out online. The feedback shall be based on an approved write-up by the committee members.
- 4.2.14. With the exception of any documents that are published for public consultation, all data generated, and communications made, throughout the committee meetings, including but not limited to the meetings minutes, are confidential. The MCCA may also present the data generated for the standardisation work to third parties such as external auditing and regulatory entities.

4.3. Committee Meetings after Public Consultation

- 4.3.1. The Committee Chairman shall provide the feedback received during the public consultation period to the Committee members.
- 4.3.2. Discussions and decisions shall be taken and amendments to the standardization document shall be affected accordingly in the event of any feedback being submitted by interested stakeholders at public consultation stage.
- 4.3.3. The committee members shall agree on the final version of the standardization document where such agreement shall be formalized in writing.
- 4.3.4. The MCCA representative shall publish the final version of the standardization document in the Government gazette. This publication shall indicate the formal commencement date of the standardization document as a recognized national standard.
- 4.3.5. Recognition of the new national standard is submitted to the European and/or international standardization organizations.
- 4.3.6. In case that feedback is received from other NSB's and/or the European Commission, the chairperson shall reply within 3 months from receipt of such feedback. The reply shall be formulated using the feedback of all the committee members. The formulated reply shall be drafted within 2 months from receipt of feedback. This will provide 1 month in advance to ensure that the reply is correctly formulated.

4.4. Follow-up Committee Meetings

- 4.4.1. In case of Mirror technical Committees, the MCCA representative in liaison with the committee Chairperson shall follow up any updates of the new standard and provide such information to the mirror committee members.
- 4.4.2. In case of a Technical Committee, the MCCA shall alert the committee Chairperson to convene a meeting at least after three years to assess and follow up the relevance of the standard and to evaluate the need to revise the standard.

4.5. Code of Conduct

- 4.5.1. Respect others.

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- 4.5.2. Behave Ethically.
- 4.5.3. Escalate and Resolve Disputes.
- 4.5.4. Work for the net benefit of the national community.
- 4.5.5. Uphold consensus and governance (Key principals of international standardisation: consensus, transparency, openness, impartiality, effectiveness, relevance, coherence and the development dimension).
- 4.5.6. Agree to a clear purpose and scope.
- 4.5.7. Participate actively and manage effective presentation.

4.6. Code of Ethics:

- 4.6.1. **Social Responsibilities:** The technical committee shall conduct its business in a manner that is socially responsible. This will include and not be limited to evaluation in regards to safety, economic values and the environment with every decision.
- 4.6.2. **Highest Moral, Legal and Ethical Standards:** The technical committee shall conduct its affairs in keeping with the highest moral, legal, and ethical standards, keeping in mind public safety.
- 4.6.3. **Honesty:** Honesty shall not be subject to compromise. Even where laws or safety standards may be permissive, the technical committee shall follow the course of action that will result in maintaining the integrity of MCCA.
- 4.6.4. **Conflicts of Interest:** An employee's position with an organisation must never be used, directly or indirectly, for private gain or to obtain favours, or for personal benefits for a family member or for any other person. An employee's actions and relationships must be in such a manner as to avoid even the appearance of compromise in performance of duties within the technical committee.
- 4.6.5. **Compliance with applicable laws:** The technical committee shall fully comply with all the applicable laws and regulations that may affect in any way the standard being written/reviewed.
- 4.6.6. **Preservation of Free Enterprise and Fair Competition:** It is important to preserve free enterprise and fair competition when writing/reviewing a standard. Under antitrust laws, competitors may not hold discussions or enter into arrangements among themselves concerning competitive policies and practices. It is vital that competition does not cause organisations to compromise the quality and thoroughness of their input towards a new/reviewing standard.
- 4.6.7. Standardisation personnel shall:
 - Inform a technical committee member of their duty to observe this Code of Ethics at the start of any standardization activity and supply a copy of the Code
 - Respond to any complaint concerning compliance with this Code and co-operate in the investigation of any complaint made.

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4.6.8. Violation of the code: Should these Codes be violated by a member of The Technical Committee or Standardisation personnel (including both those directly employed by MCCA and externally appointed personnel), disciplinary or contractually contemplated actions may be taken by MCCA as appropriate.

4.7. Responsibilities

4.7.1. Chair:

- identify priorities, market and stakeholders' expectations and assess the committee's available resources for planning coordination
- assess the potential risks related to a project, helping identify potential obstacles to its development (consensus, market divergences etc.)
- support the TC activities to reach consensus
- assist with drafting the project plan in cooperation with MCCA Personnel
- assist the secretary with drafting the standard based on the comments from the TC meetings and the public consultation stage.

4.7.2. Secretary:

- ensure that the draft respects the national, regional and international drafting rules accordingly.
- create the basic conditions for effective work (support to MCCA and experts, proactivity and timeliness of actions, with well-prepared TC meetings, i.e. sorting comments to make sure the most critical will be addressed first, etc.)
- advise experts on application of National, regional and international Directives and official procedures accordingly.
- prepare TC meetings and their timely follow-up.
- prepare documents and manage their distribution to the TC members.
- frequent communication with the Chair and relevant MCCA personnel

ANNEX 1 - Committee Meetings Decisions Policy

It is a common policy for each committee meeting that decisions are taken based a unanimous agreement by all committee members. However, in case a unanimous agreement cannot be reached, show of hands voting shall take place by simple majority. In case of committees constituted by an even number of members including the Chairperson, the Chairperson's vote has a weighing of two committee members. In case of no quorum, (at least 4 members of the committee including the Chairperson and Committee Secretary, the meeting shall be rescheduled.

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5. Contact Details

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HMR 9010
Malta
Tel: (+356) 2395 2000
Email address: info.mccaa@mccaa.org.mt

6. Committee Members Declaration

The Terms of reference are to be presented during the initial meeting. Unless there are objections to these Terms of Reference, which shall be documented in the meeting minutes, all members of the committee are declaring to accept such Terms of Reference.