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CONSUMER PROTECTION ACT 1999

CONSUMER PROTECTION (CERTIFICATE OF CONFORMANCE AND CONFORMITY  
MARK OF SAFETY STANDARDS) REGULATIONS 2010

IN exercise of the powers conferred by sections 19 and 150 of the Consumer Protection Act 1999 [Act 599], the Minister makes the following regulations:

**Citation and commencement**

1. (1) These regulations may be cited as the **Consumer Protection (Certificate of Conformance and Conformity Mark of Safety Standards) Regulations 2010**.

(2) These Regulations come into operation on 1 August 2010.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“goods” means the goods as specified in column (1) of the First Schedule;

“accredited laboratory” means a laboratory accredited by the Department of Standards Malaysia or recognized through any arrangement made by the Department of Standards Malaysia;

“product owner” means the product owner as specified in column (3) of the First Schedule;

“certificate of conformance” means the certificate made under regulation 5 pursuant to a declaration by the product owner under regulation 4;

“conformity mark” means the conformity mark as specified in the Second Schedule.

**Registration of business activity prior to declaration**

3. (1) The product owner, before making the declaration pursuant to regulation 4, shall register his business activity of supplying or offering or advertising for supply or importing any goods with the Controller.

(2) The Controller shall assign a registration number to each product owner so registered.

(3) For the purpose of registration under subregulation (1), the product owner shall provide to the Controller any documents as determined by the Controller.

(4) The Controller may, at any time after receiving the application for registration under subregulation (1), request in writing for the product owner to provide such additional document or information within the time specified by the Controller.

(5) Where subregulation (3) or (4) is not complied with, the application for registration shall be deemed to have been withdrawn, but without prejudice to a fresh application being made by the product owner.

(6) Any product owner who fails to comply with this regulation commits an offence.

#### **Declaration of conformance**

4. (1) A product owner who intend to supply, or offer or advertise for supply, or import any goods shall ensure that the goods have been tested by an accredited laboratory and is compliant with the safety standards relating to such goods as specified in column (2) of the First Schedule.

(2) The product owner shall declare that the goods have conformed to the safety standards in the form of a certificate of conformance which shall be issued in the manner determined by the Controller.

(3) Any product owner who fails to comply with this regulation commits an offence.

#### **Certificate of conformance**

5. (1) The product owner shall produce the certificate of conformance to the Controller in the manner determined by the Controller and the Controller shall assign a reference number to each certificate of conformance.

(2) The product owner shall keep the certificate of conformance and maintain records or documents relating to the specification of the goods and its conformance to the standards issued by the accredited laboratory and any other document as determined by the Controller and shall, upon request, furnish the Controller with the said certificate of conformance, records or documents.

(3) The product owner shall provide to the distributor or retailer of its goods the reference number of the certificate of conformance for such goods in writing, or a copy of the certificate of conformance, and the distributor or retailer shall produce that reference number or the copy of the certificate of conformance to the Controller whenever requested to do so.

(4) Where the distributor enters into any dealings with other distributors or retailers for the goods, the distributor shall provide to such other distributor or retailer the reference number of the certificate of conformance in writing, or a copy of the certificate of conformance, and that distributor or retailer shall produce the reference number or the copy of the certificate of conformance to the Controller whenever requested to do so.

(5) Any person who fails to comply with this regulation commits an offence.

**Marking or affixing of conformity mark or particulars on goods, etc.**

6. (1) The product owner who has satisfied the requirements mentioned under regulations 3, 4 and 5 shall mark or affix the goods with the conformity mark and the particulars as specified in subregulation (2).

(2) The goods shall be indelibly marked or affixed, in a conspicuous position easily read by any person, with the following particulars:

- (a) either one of the conformity mark, as specified in the Second Schedule, of a minimum size of 5 mm x 5 mm;
- (b) the registration number assigned to the product owner under subregulation 3(2) which is to be placed below the conformity mark; and
- (c) the name and address of the product owner or any authorized representative of the product owner, which may include the distributor or retailer of the goods.

(3) Where the manner of marking and affixing as provided under subregulation (2) is not practical to be done on the goods, the particulars under subregulation (2) may be marked or affixed on each unit of packaging, box or container in which the goods are supplied to the consumers.

(4) Any product owner who fails to comply with this regulation commits an offence.

**Obligation of product owner**

7. (1) The product owner shall carry out corrective action as soon as practicable upon receiving information that the goods have caused or is likely to cause injury to person or is otherwise unsafe or the goods placed in the market is not compliant with these Regulations.

(2) The product owner shall inform the Controller within a reasonable time of the information referred to in subregulation (1) and the corrective action taken by the product owner.

(3) Any product owner who fails to comply with this regulation commits an offence.

**Goods for sampling, demonstration or research and development purposes**

8. (1) Any person who imports goods for the purposes of sampling, demonstration or research and development are exempted from regulations 3, 4, 5, 6 and 7.

(2) Notwithstanding subregulation (1), such person shall complete and submit a notification form as determined by the Controller to notify the Controller of the importation of such goods.

(3) Any person who fails to comply with this regulation or who supplies such goods otherwise than for the purpose of this regulation commits an offence.

**Non-compliance with safety standards**

9. Failure to comply with these Regulations is deemed to be a failure to comply with the safety standards under section 19 of the Act.

**Revocation**

10. The Consumer Protection (Certificate of Approval and Conformity Mark of Safety Standard) Regulations 2009 [P.U. (A) 276/2009] is revoked.

FIRST SCHEDULE

[Regulation 5]

(1) <i>Goods</i>	(2) <i>Regulations</i>	(3) <i>Product Owner</i>
1. Toys	Consumer Protection (Safety Standards for Toys) Regulations 2009 [P.U. (A) 275/2009]	Local manufacturers or importers or suppliers who conduct repackaging activities

## SECOND SCHEDULE

[Regulation 6]

## CONFORMITY MARK OF SAFETY STANDARDS



OR



Made 27 July 2010  
[PUU(U<sup>2</sup>)26/2/5; PN(PU<sup>2</sup>)607/III]

DATO' SRI ISMAIL SABRI BIN YAAKOB  
*Minister of Domestic Trade,  
Co-operatives and Consumerism*

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH  
PERCETAKAN NASIONAL MALAYSIA BERHAD,  
KUALA LUMPUR  
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA