



STANDARDS
MALAYSIA

**MALAYSIA PROFICIENCY TESTING PROVIDER
ACCREDITATION SCHEME (MyPTP)**

**MyPTP POLICY 1 (PP1) -
TERMS AND CONDITIONS GOVERNING THE
MALAYSIA PROFICIENCY TESTING PROVIDER
ACCREDITATION SCHEME**

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MS ISO/IEC 17043

**JABATAN STANDARD MALAYSIA
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1 Introduction

1.1 The Terms and Conditions Governing Malaysia Proficiency Testing Provider Accreditation Scheme (MyPTP) (hereinafter referred to as "MyPTP Conditions" in short) are applicable to accredited proficiency testing providers and are also to be met by proficiency testing providers applying to MyPTP for accreditation.

1.2 These regulations should be read in conjunction with the following document(s):

- i) **MS ISO/IEC 17043**, Conformity assessment – General requirements for proficiency testing;
- ii) **Act 549** - Standards of Malaysia Act 1996;
- iii) **CAB 3** - Appeals
- iv) **CAB 4** – Suspension and Withdrawal of Accreditation; and
- v) MyPTP Policy, other specific criteria or other documents that may be issued / endorsed as MyPTP requirements relating to specific proficiency testing scheme in proficiency testing providers.

The undated references indicate the latest edition of the referenced document (including any amendments) applies.

2 Definition

2.1 For the purpose of this document, the following definitions shall apply:

- a) **Accreditation:** Third party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.
- b) **MyPTP accreditation criteria:** The sets of requirements proficiency testing provider shall comply with to be accredited under MyPTP. The criteria includes the appropriate accreditation standard, and all Standards Malaysia approved policies and procedures at the time of application, and those approved from time to time subsequent to accreditation, that are applicable to MyPTP.
- c) **Accredited proficiency testing provider:** A proficiency testing provider to which MyPTP accreditation certificate has been granted.
- d) **Approved signatory:** A person recognised and approved under the MyPTP to sign MyPTP endorsed proficiency testing reports issued by an accredited proficiency testing provider for specific activities
- e) **Department of Standards Malaysia (referred to as Standards Malaysia):** A governmental accreditation body established under the Standards of Malaysia Act 1996 (Act 549).
- f) **Certificate of accreditation:** A certificate issued by the Director General of Standards Malaysia under Act 549 to a proficiency testing provider attesting that the proficiency testing provider is recognised as competent to perform specific proficiency testing scheme under the MyPTP.

- g) **Inoperative:** Accreditation status of all or part of the accredited scope held in abeyance at the request of the proficiency testing provider until effective corrective action has been taken. While accreditation is held inoperative, no MyPTP endorsed proficiency testing reports shall be issued.
- h) **Suspension:** Accreditation status held in abeyance by Standards Malaysia. This term applies to all or part of the activities under the scope of accreditation of an accredited organisation. No endorsed reports may be issued by an accredited organisation for the activities which are in the state of suspension, termination, voluntary suspension or voluntary termination.
- i) **Withdrawal:** Partial or full cancellation of accredited scope by Standards Malaysia or as requested by an accredited proficiency testing provider. For full withdrawal, the certificate of accreditation shall be returned to Standards Malaysia.
- j) **Reinstatement:** The process of re-establishing/regain the accreditation status of proficiency testing provider.
- k) **Schedule of accreditation:** A schedule issued with a Certificate of Accreditation listing those accredited scopes of proficiency testing scheme that Standards Malaysia recognises a proficiency testing provider is competent to perform.
- l) **MyPTP endorsed report:** A report that bears a MyPTP symbol / mark or a statement that a proficiency testing provider is accredited for the proficiency testing scheme and that the proficiency testing scheme has been performed in accordance with MyPTP requirements and conditions.
- m) **Proficiency testing provider:** Organisation which takes responsibility for all tasks in the development and operation of a proficiency testing scheme.
- n) **Malaysia Proficiency Testing Provider Accreditation Scheme (MyPTP):** The Malaysia Proficiency Testing Provider Accreditation Scheme is a national proficiency testing provider accreditation scheme administered by Standards Malaysia.

For any other terms not listed above, the relevant definitions in ISO/IEC 17000 and the International Vocabulary of Basic and General Terms in Metrology apply.

3 Authority for the granting of MyPTP accreditation

3.1 General

Under Malaysia Proficiency Testing Provider Accreditation Scheme (MyPTP), the Director General of Standards Malaysia is responsible for all policies and decisions affecting the accreditation of proficiency testing providers, including the granting, maintenance, renewal, extension, reduction, suspension, withdrawal or reinstatement of accreditation.

The granting, maintenance, renewal, extension, reduction, suspension, withdrawal or reinstatement of accreditation will be afforded only to a proficiency testing provider which:-

- a) is legally identifiable and operational;
- b) complies with MyPTP conditions and the relevant MyPTP accreditation criteria and any other undertakings as Standards Malaysia may require;
- c) pays such fees (as prescribed in the Fee Schedule) as are due to Standards Malaysia; and
- d) enters into a legally enforceable arrangement with Standards Malaysia.

3.2 Criteria of competence, procedure and amendment of conditions

- a) Standards Malaysia shall have the right to prescribe the relevant criteria of competence against which a proficiency testing provider shall be assessed.
- b) The accreditation standard as set out in 'MS ISO/IEC 17043, Conformity assessment – General requirements for proficiency testing' and any applicable criteria prescribed at the discretion of Standards Malaysia will be taken as the criteria for assessing the competence of a proficiency testing provider.
- c) Standards Malaysia will specify the procedures by which application for accreditation should be made, the conditions for granting, maintenance, extension, reduction, renewal, suspension or withdrawal of accreditation, and the conditions under which MyPTP accreditation may be refused, reduced, suspended, withdrawn or reinstated.
- d) Standards Malaysia reserves the right to amend, alter, add or delete any part of MyPTP conditions, if in the opinion of Standards Malaysia such alterations, amendments, additions are reasonable and necessary to maintain the credibility or smooth operation of MyPTP.
- e) In the event of such amendments, reasonable time shall be given to proficiency testing providers to carry out the necessary adjustments to their management system in order to comply with the altered terms and conditions.

Unless otherwise specified, a period of six (6) months from the date of notification of change by Standards Malaysia will be given for proficiency testing providers to carry out the necessary adjustments to their system.

- f) Standards Malaysia reserve the right to rotate the assessor involve in the assessment team of the proficiency testing provider as part of mechanism to maintain Standards Malaysia impartiality.

3.3 Processing and granting of accreditation

- a) Applicants shall submit necessary documents as required by Standards Malaysia for the purpose of application for accreditation.
- b) An application for accreditation shall be valid for two (2) years from the date of acceptance of application and shall lapse at the end of the two-year period if accreditation has not been successful.

- c) On written request by the applicant proficiency testing provider, Standards Malaysia reserves the right to extend this period, as it deems appropriate.
- d) Standards Malaysia will assess the applicant proficiency testing provider by performing:
 - (i) **Adequacy audit** – a review of its quality manual and associated documents
 - (ii) **Pre-assessment** – a preliminary assessment of the proficiency testing provider's management system and operation to determine its readiness for the compliance assessment
 - (iii) **Compliance** – an assessment to establish whether a proficiency testing provider can competently in development and operation of a proficiency testing scheme for which it seeks accreditation
- e) Standards Malaysia will only consider the granting of accreditation upon satisfactory discharge of all nonconformities raised during the assessments.
- f) Standards Malaysia will grant a MyPTP Certificate of Accreditation and a Schedule of Accredited to a proficiency testing provider after it is satisfied that the proficiency testing provider complies with these conditions and all the MyPTP criteria.
- g) The Certificate of Accreditation shall be valid for three (3) years from the date of approval by the Director General of Standards Malaysia.
- h) The Certificate of Accreditation shall not be transferable.
- i) Subject to such limitations as laid down in these conditions, changes/ amendments to the Certificate/Schedule of accreditation such as:
 - (i) change of name of a proficiency testing provider or its organisation structure;
 - (ii) change in its legal status;
 - (iii) change of address or premises;
 - (iv) change(s) in approved signatories; or
 - (v) other significant editorial changes.

may be considered by Standards Malaysia.

If in the opinion of Standards Malaysia or its authorised representatives, these changes constitute significant changes to the proficiency testing provider management system or affect its technical competence, Standards Malaysia reserves the right to conduct verification assessment or other forms of evaluation to confirm its continued compliance with the MyPTP accreditation criteria.

- j) All accredited proficiency testing provider will be listed in a directory of accredited proficiency testing providers in Standards Malaysia's website. The directory will indicate the current accreditation status of the proficiency testing provider.
- k) At any point in the application or initial assessment process, if there is evidence of fraudulent behavior, if the proficiency testing provider intentionally provides false information or if the proficiency testing provider conceals information, Standards Malaysia shall reject the application or terminate the assessment process.
- l) If a proficiency testing provider is withdrawn or the application is terminated due to evidence of fraudulent behaviour, the proficiency testing provider is not allowed to re-apply within two (2) years.

3.4 Surveillance and re-assessment of accredited proficiency testing provider

- a) Standards Malaysia will monitor the compliance of the proficiency testing providers to the relevant MyPTP accreditation criteria.
- b) Standards Malaysia will schedule assessments of the accredited proficiency testing providers according to the following table:

Table 1: First cycle of accreditation

Surveillance 1	Approximately 9 months from date of granting/renewal
Surveillance 2	Approximately 12 months from date of surveillance
Reassessment	Approximately 3 months before date of expiry

Table 2: Subsequent cycle of accreditation

Surveillance	Approximately 12 months from the date of last expiry
Reassessment	Approximately 6 months before date of expiry

However, Standards Malaysia reserves the right to revert the cycle of accreditation depending on the performance of the proficiency testing provider arising from the results of the assessment.

Proficiency testing providers are strongly advised to adhere to the assessment schedule as fixed by Standards Malaysia. If the proficiency testing provider is unable to proceed with the assessment on the agreed date, it shall notify Standards Malaysia.

After the assessment notification is issued and proficiency testing provider is unable to proceed with the assessment, on the agreed date, Standards Malaysia reserves the right to impose a penalty and the proficiency testing provider shall reimburse any expenses incurred (e.g. flight tickets, non-refundable hotel deposit).

- c) In addition to or as part of its programme of surveillance, Standards Malaysia or its authorised representatives reserve(s) the right to carry out unscheduled assessment to accredited proficiency testing providers if there are reasons to suspect that accredited proficiency testing providers have failed in their obligations to meet the MyPTP accreditation criteria or conditions.
- d) Standards Malaysia reserves the right to conduct the assessments unannounced or without prior notice.

3.5 Unscheduled assessment

Standards Malaysia or its authorised representative reserves the right to carry out unscheduled assessment to applicant or accredited laboratories.

Examples of such unscheduled assessments are as listed below:

- i) verification on the implementation of the corrective actions;
- ii) extension of scope;
- iii) extension of branch;
- iv) verification of significant changes in the proficiency testing provider (e.g. relocation, renovation etc.);
- v) verification of signatory;
- vi) investigation of complaints;
- vii) unannounced assessment;
- viii) others, when necessary.

3.6 Suspension and Withdrawal of Accreditation

- a) Standards Malaysia may at its discretion, suspend or withdraw accreditation in the light of:
 - i) violation of the terms and conditions of accreditation;
 - ii) failure to comply with MyPTP requirements;
 - iii) fraudulent practices, which includes but are not limited to: deception of claims and alteration of MyPTP certificate;
 - iv) failure to provide reasonable cooperation or facilities for Standards Malaysia, its assessors and/or its authorised representatives to discharge their official duties;
 - v) where, in the reasonable view of Standards Malaysia an accredited proficiency testing provider has made unreasonable or irresponsible use of sub-contract;
 - vi) an accredited proficiency testing provider being owned by an individual, such individual is declared bankrupt or enter into a composition with his creditors; or
 - vii) accredited proficiency testing provider, being a company, enters into liquidation, whether compulsory or voluntary (but not including liquidation for the purposes of re-construction) or enters into receivership.

- b) In cases where NCR category 2 and category 3 are not closed satisfactorily within three (3) months from the date of assessment, Standards Malaysia may initiate suspension or withdrawal by issuing a notice to the accredited proficiency testing provider requiring it within 14 working days from the date the proficiency testing provider is informed, to show cause why the certificate of accreditation (all or part of the accredited scope/for the affected scope) should not be suspended or withdrawn.

If no response has been received by Standards Malaysia against the notice of suspension or withdrawal, Standards Malaysia shall on expiry of the notice, suspend or withdraw the accreditation and inform the proficiency testing provider in writing upon approval by the Director General.

- c) A proficiency testing provider whose accreditation has been withdrawn shall return the Certificate of Accreditation to Standards Malaysia immediately.
- d) A proficiency testing provider that has been suspended shall not issue MyPTP endorsed reports for the suspended scope. Failure to comply with the above conditions shall result in legal actions.
- e) The proficiency testing provider needs to inform its affected customers of the suspension, reduction or withdrawal of its accreditation and the associated consequences without undue delay.
- f) The suspension period shall be determined on a case-to-case basis and shall not exceed the expiry date of accreditation. Accreditation shall resume after satisfactory verification/closure of all nonconformities/payment of outstanding fees as prescribed in CAB 4: Suspension and Withdrawal of Accreditation.
- g) Should the suspended/ withdrawn proficiency testing provider wish to appeal against the decision, it should do in writing within 7 working days from the date of the suspension/revocation letter.

3.7 Appeal

An appeal shall be in writing. When such an appeal is received, Standards Malaysia shall consider the explanations given, and provide the accredited proficiency testing provider an opportunity to be heard. A policy on appeals can be referred to CAB 3: Appeals.

3.8 Inoperative accreditation

If an accredited proficiency testing provider is unable to comply with any of MyPTP requirements, and in the opinion of Standards Malaysia, such failure to comply is of a temporary nature and does not warrant suspension of accreditation, Standards Malaysia retains the right to hold the accreditation on an inoperative basis for part or all of the proficiency testing schemes covered in the schedule of accreditation of that proficiency testing provider.

A proficiency testing provider whose accreditation has been made inoperative shall not issue MyPTP endorsed reports for the inoperative scope. Failure to comply with the above conditions shall result in mandatory suspension.

The inoperative period shall be determined on case-to-case basis and shall not exceed the expiry date of accreditation. Accreditation shall be restored after satisfactory verification/closure of all nonconformities, otherwise accreditation shall be withdrawn after the expiry date.

Standards Malaysia (Director of Accreditation) at its discretion may consider specific exceptions to the requirements of the inoperative status, upon consultation with relevant parties where necessary.

3.9 Confidentiality

All information gained by Standards Malaysia, its assessors and authorised representatives in the processing, granting, maintenance, renewal, extension, reduction, suspension or withdrawal of accreditation will be treated as confidential between Standards Malaysia and the accredited proficiency testing provider. Such information will be handled on a strict "need to know" basis and will not, subject to the laws of Malaysia, be divulged without the written instructions of the proficiency testing provider.

Except for the following information, which is published in Standards Malaysia website, all information are treated as confidential:

- a) Name, address and contact details;
- b) MyPTP number;
- c) Scope of accreditation; and
- d) Status of accreditation.

Malaysian Standards and Accreditation Council (MSAC) and Committee members, Standards Malaysia staff members, members of Proficiency Testing Provider Accreditation Evaluation Panels, Technical Committees and Sub-committees, Standards Malaysia authorised representatives and assessors shall be made aware of and abide by this requirement for confidentiality.

4 Obligations of an accredited proficiency testing providers

4.1 General

Participation in MyPTP does not in any way exempt organisations / proficiency testing providers from or diminish their responsibilities in observing / complying with existing laws and regulations currently enforced in the country.

The proficiency testing provider shall:

- a) commit to fulfil continually the requirements for accreditation for the scope for which accreditation is sought or granted and to commit to provide evidence of fulfilment. This includes agreement to adapt to changes in the requirements for accreditation;
- b) cooperate to enable the Standards Malaysia to verify fulfilment of requirements for accreditation;

- c) provide access to proficiency testing provider personnel, locations, equipment, information, documents and records as necessary to verify fulfilment of requirements for accreditation;
- d) provide Standards Malaysia assessment team with suitable personnel protective equipment (PPE) whenever necessary;
- e) arrange the witnessing of proficiency testing activities when requested by Standards Malaysia; claim accreditation only with respect to the scope for which it has been granted;
- f) commit to follow the Standards Malaysia policy for the use of the accreditation symbol;
- g) not use its accreditation in such a manner as to bring the Standards Malaysia into disrepute;
- h) inform the Standards Malaysia without delay of significant changes relevant to its accreditation;
- i) pay fees as determined by Standards Malaysia;
- j) commit to be professional towards the assessment team during the assessment. Standards Malaysia does not tolerate any unprofessional conduct and assessment team will not hesitate to discontinue the assessment. When such incidents are reported and validated, this may lead to suspension of accreditation;
- k) retain all records as stated in the accreditation standard as required by law, or national guidelines or at least 6 years.

4.2 Impartiality and integrity

The proficiency testing provider and its personnel shall be free from any commercial, financial and other pressures or inducement which might influence their technical judgment. This includes, but not limited to:

- a) The proficiency testing provider shall not allow persons or organisations external to the proficiency testing provider to influence the results of proficiency testing.
- b) The proficiency testing provider shall not engage in any activity that may endanger the trust in its independence of judgment and integrity in relation to its proficiency testing activities.
- c) The remuneration of the personnel engaged in proficiency testing activities shall not depend on the number of proficiency testing scheme carried out nor on the results of such proficiency testing scheme.

4.3 MyPTP endorsed reports

- a) All MyPTP endorsed reports shall be signed by a signatory approved by Standards Malaysia for the proficiency testing schemes that are covered by the scope of MyPTP accreditation. Approved signatory shall be identifiable in the proficiency testing report.

- b) MyPTP endorsed report shall not be reproduced except in full without approval of the accredited proficiency testing provider.
- c) An accredited proficiency testing provider shall use the MyPTP endorsement on reports that contain accredited proficiency testing scheme, unless otherwise determined by Standards Malaysia.
- d) All MyPTP endorsed reports shall use the MyPTP endorsement in the form of MyPTP symbol and the identification of accreditation certificate number. Alternatively, they shall use the endorsement in the form of a statement that the proficiency testing provider is accredited under MyPTP and identified by its accreditation certificate number.

4.4 Cooperation with Standards Malaysia

The proficiency testing provider shall afford Standards Malaysia, its assessors and its authorised representatives such reasonable accommodation and cooperation as necessary, to enable Standards Malaysia to monitor compliance with the regulations and relevant accreditation criteria. This cooperation shall include:

- (a) affording Standards Malaysia or its authorised representatives reasonable access to relevant areas of the proficiency testing provider, for the witnessing of proficiency testing scheme;
- (b) preparation, packaging and dispatch, at the expense of the proficiency testing provider of test pieces, artifacts, samples or other items needed by Standards Malaysia;
- (c) permitting scrutiny by Standards Malaysia or its authorised representatives of the results of the proficiency testing provider's own internal audits;
- (d) assist Standards Malaysia or its authorised representatives in the investigation and resolution of any properly authenticated complaints made by third parties or outside parties about the proficiency testing provider's accredited proficiency testing scheme.
- (e) providing any information, document or records related to operational and management of proficiency testing provider (e.g.: cost/charges of proficiency testing services provided) when requested.

4.5 Liabilities

- a) An accredited proficiency testing provider shall have full control of the issue of accredited reports subject to these terms and conditions. It shall therefore assume full liability on the issue of all reports.
- b) The proficiency testing provider is hereby advised to take out professional indemnity insurance against risks that may arise from the use of the results of proficiency testing scheme.

4.6 Notification of change

- a) An accredited proficiency testing provider shall inform the Standards Malaysia immediately any changes bearing on its compliance with these regulations and other requirements affecting the proficiency testing provider's capability, competence, integrity, independence or scope of activity. Such significant change in an accredited proficiency testing provider includes:
- i. changes in personnel, equipment, or scope of activity of an accredited proficiency testing provider;
 - ii. any change in the proficiency testing provider's organisation and management, e.g. Head of proficiency testing provider or Quality Manager;
 - iii. any change, transfer, redesignation of duties, resignation of proficiency testing provider key personnel, approved signatory, authorised representative and other senior proficiency testing provider staff;
 - iv. changes of duties of approved signatories;
 - v. significant changes in address, premises, proficiency testing provider environment, facilities, equipment or other resources;
 - vi. any change in the proficiency testing provider's legal, commercial or organisational status;
 - vii. changes in the proficiency testing provider's policy and procedures.
- b) Under circumstances where an accredited proficiency testing provider's capability or competence is affected by one or more of the above significant changes that reduced the confidence of MyPTP accredited reports, the proficiency testing provider, at its discretion may make voluntarily request to Standards Malaysia for the proficiency testing provider to be placed under inoperative accreditation. After the necessary adjustments and appropriate actions have been instituted to comply fully with Standards Malaysia accreditation criteria and requirements, it should notify Standards Malaysia for a verification assessment to restore accreditation.
- c) A certificate of accreditation may be relinquished by an accredited proficiency testing provider in writing to the Standards Malaysia.
- d) Any notice or other communication shall be made in the form of post, e-mail or facsimile to the last known address/number of the accredited proficiency testing provider.

5 Enforcement

Standards of Malaysia Act 1996 (Act 549), incorporating latest amendment of Act A1425 of year 2012 enables Standards Malaysia to perform enforcement activities for misuse reference of accreditation status as cited in Part V, clause 18(1) as follows:

Any person who—

(a) makes any statement or representation, whether in writing or otherwise, with reference to any conformity assessment that conveys or is likely to convey the impression that a person who is not accredited under this Act with reference to that conformity assessment activity is so accredited;

(b) makes any statement or representation, whether in writing or otherwise, that conveys or is likely to convey the impression that a conformity assessment complies with the requirements of accreditation when it does not so comply; or

(c) having been accredited to use the accreditation symbol, uses the accreditation certificate after its withdrawal, or during its suspension, or otherwise in contravention of the terms and conditions of the accreditation certificate,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both and, for a second or subsequent offence, to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding ten years or to both.

[Subs. Act A1425 of the year 2012]

6 Miscellaneous

a) Accreditation should not be regarded in any way diminishing the normal contractual responsibilities between the proficiency testing provider and the users of its test or calibration data. While MyPTP accreditation will normally be a sound indicator of the quality of proficiency testing scheme offered by the proficiency testing provider, it cannot be taken to constitute a guarantee by Standards Malaysia that the proficiency testing provider always maintains a particular level of performance.

b) Accreditation does not, of itself, qualify the proficiency testing provider to approve any particular product, process or system.

Note: Accreditation may be a relevant factor enabling approval and certification authorities to decide whether to use a given proficiency testing provider in connection with their own activities, or whether to delegate approval or certification authority to a particular proficiency testing provider.

c) Charging arrangements between the proficiency testing provider and its customers are not under the purview of MyPTP accreditation and of these regulations.

d) Standards Malaysia reserves the right not to disclose any information on complainant.

e) Standards Malaysia does not accept or accredit more than one application from a proficiency testing provider, which has different legal entity but having a similar management system, human resources and facilities at the same location.