



**STANDARDS**  
MALAYSIA

**MALAYSIA INSPECTION BODIES ACCREDITATION SCHEME  
(MIBAS)**

**MIBAS POLICY 1 (MP1) – TERMS AND CONDITIONS  
GOVERNING MALAYSIA INSPECTION BODIES  
ACCREDITATION SCHEME**

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**MS ISO/IEC 17020**

**JABATAN STANDARD MALAYSIA**  
*Department of Standards Malaysia*

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## 1 Introduction

- 1.1 The Terms and Conditions Governing Malaysia Inspection Bodies Accreditation Scheme (MIBAS) are applicable to accredited inspection bodies and are also to be met by inspection bodies applying to MIBAS accreditation.
- 1.2 MIBAS gives formal recognition to inspection bodies that have been independently assessed and found comply with the criteria established by Department of Standards Malaysia (Standards Malaysia). Accreditation is granted for specific inspection activities of an inspection bodies.
- 1.3 This document shall be read in conjunction with MIBAS accreditation criteria:
- a) **MS ISO/IEC 17020** – Conformity Assessment- Requirements for the Operation of Various Types of Bodies Performing Inspection;
  - b) **ILAC P15** - Application of ISO/IEC 17020:2012 for the Accreditation of Inspection Bodies;
  - c) **Act 549**- Standards of Malaysia Act 1996; **Act 1425** year 2012 (amendment);
  - d) **CAB 3**- Appeals;
  - e) **CAB 4**- Suspension and Withdrawal of Accreditation; and
  - f) **MIBAS Policy** (MP series), other MIBAS Technical Requirements (MTR) or other documents that may be issued/endorsed as MIBAS requirements relating to specific inspection, measurement and quality assurance activities in inspection bodies.

For undated references, the latest edition of the referenced document (including any amendments) applies.

## 2 Definition

- 2.1 **Accreditation:** Third party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.
- 2.2 **Accredited Inspection Bodies:** An inspection body to which MIBAS accreditation certificate has been granted.
- 2.3 **Approved inspector:** An individual who is employee of an accredited inspection bodies and has been authorised by the inspection bodies to perform specific inspection activities.
- 2.4 **Approved signatory:** An individual who is employee of or under contract to an accredited inspection bodies and has been authorised by the accredited inspection bodies to sign reports or certificates issued by inspection bodies for specific activities.
- 2.5 **Multi-location organisation:** An organisation with a central office in which certain activities are performed or managed with a network of locations at which such activities are fully or partially carried out. All locations have a direct legal or contractual link with the central office of the organisation and are subject to a common management system.
- 2.6 **Certificate of accreditation:** A certificate issued by the Director General of Standards Malaysia under Section 16, Part V of Act 549 to a inspection bodies

attesting that the inspection bodies is recognised as competent to perform specific inspection under the MIBAS system.

- 2.7 **Department of Standards Malaysia (referred to as Standards Malaysia):** The accreditation body established under the Standards of Malaysia Act 1996 (Act 549).
- 2.8 **Inoperative accreditation:** Accreditation status of all or part of the accredited scope held in abeyance for a temporary period at the request of the inspection body until effective correction action has been taken. While accreditation is held inoperative, no MIBAS endorsed certificates/reports shall be issued.
- 2.9 **Inspection:** Examination of a product, process, service, or installation, or their design and determination of its conformity with specific requirements or, on the basis of professional judgment, with general requirements.
- 2.10 **Inspection body:** A body or organisation that performs inspection.
- 2.11 **Inspection certificate/report:** A document that presents the inspection results and other information relevant to the inspection.
- 2.12 **MIBAS Accreditation criteria:** The set of requirements an inspection body shall comply with to be accredited under MIBAS. 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 MIBAS.
- 2.13 **MIBAS endorsed certificate or report:** A inspection certificate or report that bears a MIBAS accreditation symbol or a statement that a inspection bodies is accredited for the inspection reported and that the inspection has been performed in accordance with MIBAS requirements and conditions.
- 2.14 **MIBAS (Malaysia Inspection Bodies Accreditation Scheme):**  
The Malaysia Inspection Bodies Accreditation Scheme is a national inspection bodies accreditation scheme and administered by Standards Malaysia.
- 2.15 **Reinstatement:** The process of re-establishing/regain the accreditation status of inspection body.
- 2.16 **Suspension:** Accreditation status of all or part of the accredited scope held in abeyance by Standards Malaysia until effective corrective action has been taken. No endorsed reports or certificates may be issued by an accredited inspection body for the activities which are in the state of suspension.
- 2.17 **Schedule of accreditation:** A schedule issued with a Certificate of Accreditation listing those accredited scopes of inspection that Standards Malaysia recognises an inspection bodies is competent to perform.
- 2.18 **Withdrawal:** Partial or full cancellation of accredited scope by Standards Malaysia or as requested by an accredited inspection body. For full withdrawal, the Certificate of Accreditation shall be returned to 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 shall apply.

### **3 Authority for the Granting of MIBAS Accreditation**

#### **3.1 General**

Under Malaysia Inspection Bodies Accreditation Scheme (MIBAS), the Director General of Standards Malaysia is responsible for all policies and decisions affecting the accreditation of inspection bodies, including the granting, maintaining, renewal, extending, reducing, suspending, withdrawing or reinstatement of accreditation.

The granting, maintaining, renewal, extending, reducing, suspending, withdrawing or reinstatement of accreditation shall be granted only to a inspection bodies which:

- a) is legally identifiable and operational;
- b) complies with these conditions and the relevant MIBAS 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 an inspection bodies shall be assessed.
- b) The accreditation standard set out in document MS ISO/IEC 17020 – Conformity assessment – Requirements for the Operation of Various Types of Bodies Performing Inspection and any applicable criteria prescribed at the discretion of Standards Malaysia, shall be taken as the basis for assessing the competence of inspection bodies.
- c) Standards Malaysia shall specify the procedures by which application for accreditation shall be made, the conditions for maintaining, extending, reducing, suspending or withdrawing of accreditation, and the conditions under which MIBAS accreditation may be refused, reduced, put under suspension, withdrawal, or reinstatement.
- d) Standards Malaysia reserves the right to amend any part of MIBAS conditions, if in the opinion of Standards Malaysia such amendments are necessary to maintain the credibility of MIBAS.
- e) In the event of such amendments, reasonable time shall be given to inspection bodies 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 shall be given for inspection bodies 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 inspection body 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 of accreditation.
- b) An application for accreditation shall be valid for two (2) years from the date of receipt 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 inspection body, Standards Malaysia reserves the right to extend application period, as it deems appropriate.
- d) Standards Malaysia shall assess the applicant inspection bodies by performing:
  - i) **Adequacy audit** – a review of its quality manual and associated documents to ascertain that the MIBAS requirements are addressed.
  - ii) **Pre-assessment** – a preliminary assessment of the inspection bodies management system and its implementation to determine its readiness for the compliance assessment;
  - iii) **Compliance assessment** – an assessment to establish whether an inspection bodies can competently perform the inspection for which it seeks accreditation and make recommendation on accreditation which is subject to the approval by Standards Malaysia.
- e) Standards Malaysia shall only consider the granting of accreditation upon satisfactory discharge of all nonconformities raised during the assessments
- f) Standards Malaysia shall grant a MIBAS Certificate of Accreditation and a Schedule of Accredited Scopes of Inspection to inspection bodies after it is satisfied that the inspection bodies comply with these conditions and all the MIBAS 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 inspection bodies or its organisation structure;
  - ii) change in its legal status;
  - iii) change of address or premises; or
  - iv) other editorial changes

shall be considered by Standards Malaysia. If in the opinion of Standards Malaysia or its authorised representatives, these changes constitute significant changes to the inspection bodies 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 MIBAS accreditation criteria.

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

**3.4 Extension of Scope/Multi-location for Accreditation**

Accredited inspection body may apply for extension of scope/multi-location. An application for extension of scope/multi-location shall be valid for one (1) year from the date of assessment conducted and shall lapse if accreditation has not been successful.

**3.5 Surveillance and Reassessment of Accredited Inspection Bodies**

- a) Standards Malaysia shall monitor the compliance of the inspection bodies to the relevant MIBAS accreditation criteria.
- b) Standards Malaysia shall schedule assessments of the accredited inspection bodies according to the following table:

**Table 1: First cycle of accreditation**

Surveillance 1	Approximately 9 months from date of granting/ renewal of certificate
Surveillance 2	Approximately 12 months from date of Surveillance 1
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 inspection body arising from the results of the assessment.

- c) Inspection bodies are strongly advised to adhere to the assessment schedule as fixed by Standards Malaysia unless otherwise determined. If the inspection body is unable to proceed with the assessment on the agreed date, it shall notify Standards Malaysia.
- d) After the assessment notification is issued and inspection body is unable to proceed with the assessment, on the agreed date, Standards Malaysia reserves the right to impose a penalty and the inspection body shall

reimburse any expenses incurred (e.g. flight tickets, non-refundable hotel deposit).

- e) Standards Malaysia reserves the right to conduct the assessments unannounced or without prior notice.

### **3.6 Unscheduled Assessment**

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

Examples of such unscheduled assessment are as listed below:

- i) verification on the implementation of the corrective actions;
- ii) extension of scope/multi-location;
- iii) verification of significant changes in the inspection body (e.g. relocation, renovation etc.);
- iv) investigation of complaints;
- v) unannounced assessment;
- vi) others, when necessary.

### **3.7 Witnessing of Inspections**

3.7.1 Witnessing of inspections is an essential part of the Standards Malaysia assessment of inspection bodies. This is particularly important when the inspection body is performing inspections of such a nature where the inspector's professional judgment is crucial to the outcome of inspection.

3.7.2 a. When deciding on the types of inspection to be witnessed, consideration will be taken of the following:

- i) Variety of products, services, processes and plant covered by the inspection activities;
- ii) Skills needed by inspector;
- iii) Any regulatory requirements;
- iv) The extent to which inspectors are required to exercise professional judgment.

b. As a minimum, one inspection process will be assessed on-site for each of the fields/types of inspection activities as in Scope of Accreditation.

3.7.3 a. The most critical contribution to inspections decision is the inspectors. Following this, inspectors shall be witnessed during performing inspections. Some of the consideration in determining the amount of witnessing include but not limited to the following:

- i) Numbers of fields or inspection activities as in Scope of Accreditation;
- ii) The extent to which inspectors are required to exercise professional judgements;
- iii) Total number of inspectors;
- iv) Frequency of each type of inspection;
- v) Number of branches of the inspection body;
- vi) History of performance during previous surveillance/reassessment;
- vii) Personnel certification or other formal qualifications held by inspectors;
- viii) The training programme of the inspection body;
- ix) Effectiveness of internal monitoring of inspectors;



- x) Organisational stability and risk awareness of the inspection body;
  - xi) Any statutory requirements.
- b. If none of the inspectors can cover the entire scope of a specific field then more than one inspector will be assessed for that field. Where there is any evidence which casts doubt on the competence of inspection staff, the sample size of inspectors assessed on site may be increased.
- 3.7.4 It will be necessary to examine equipment and documentation, such as procedures and instructions, records, reports and planning arrangements. If an inspector operates from home, this examination will be arranged at a mutually acceptable location.
- 3.7.5 a. Standards Malaysia assessors will ensure that their role during on-site assessment of inspections is one of observer and they will not influence or interfere the inspection being performed.
- b. The assessment team will be –assessing to ensure that as a minimum:
- i) the inspector has the competence for the inspection performed;
  - ii) the inspector’s competence is consistent with the records;
  - iii) the inspector has been supplied with all necessary documented inspection methods and procedures;
  - iv) the procedures are up-to-date;
  - v) the inspector implements the procedure in full and correctly i.e. no shortcuts, no personalised application where it is not permissible to do so;
  - vi) records of all observations are made while on site as required by the procedure;
  - vii) records clearly identify what has been inspected, using what method/procedure and when;
  - viii) all records are signed/initialled, as applicable;
  - ix) all findings that indicate immediate or urgent action are reported as required to the client whilst on site;
  - x) reports comply with the inspection body requirements, MS ISO/IEC 17020 as amplified by ILAC P15 and relevant regulatory requirements
  - xi) facilities and equipment are fit for the inspection purpose.

### **3.8 Suspension and Withdrawal of Accreditation**

- a) Standards Malaysia shall suspend or withdraw accreditation in the light of:
- i) violation of the terms and conditions of accreditation;
  - ii) failure to comply with MIBAS requirements;
  - iii) fraudulent practices, which includes but not limited to, deception of claims and alteration of MIBAS certificate;
  - iv) failure to provide cooperation or facilities for Standards Malaysia, its assessors and/or its authorised representatives to discharge their official duties;
  - v) where, in the view of Standards Malaysia an accredited inspection bodies has made irresponsible use of sub-contracted inspection;
  - vi) an individual of sole proprietorship inspection body is declared bankrupt or enter into a composition with his creditors; or
  - vii) accredited inspection body, being a company, enters into liquidation, whether compulsory or voluntary (but not including liquidation for the purposes of reconstruction) 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 inspection body requiring it within 14 working days from the date the inspection body 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 is 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 inspection body in writing upon approval by the Director General.

- c) An inspection bodies whose accreditation has been withdrawn shall return the Certificate of Accreditation to Standards Malaysia immediately.
- d) An inspection body that has been suspended or withdrawn shall not issue MIBAS endorsed inspection reports/certificates for the suspended or withdrawn scope. Failure to comply with the above conditions shall result in legal actions.
- e) The inspection body 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 inspection body wish to appeal against the decision, it should do in writing within seven (7) working days from the date of the suspension/revocation letter.

### **3.9 Appeal**

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

### **3.10 Inoperative Accreditation**

- a) If an accredited inspection bodies is unable to comply with any of MIBAS requirements, and notifies Standards Malaysia and in the opinion of Standards Malaysia, such failure to comply is of a temporary nature, Standards Malaysia retains the right to hold the accreditation on inoperative for part or all of the accredited scope/multi-location covered in the Schedule of Accreditation of that inspection body.
- b) While accreditation is under inoperative, no MIBAS endorsed inspection certificates or reports shall be issued for the inoperative scope. Failure to comply with the above conditions shall result in mandatory suspension.
- c) The suspension 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.

- d) 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.

### **3.11 Confidentiality**

- a) All information gained by Standards Malaysia, its assessors and authorised representatives in the processing, maintaining, extending, renewal, reducing, suspending or withdrawing of accreditation will be treated as confidential between Standards Malaysia and the accredited inspection bodies. Such information will be handled on a strict "need to know" basis and will not, subject to the law of Malaysia, be disclosed without the written permissions of the inspection bodies.
- b) Except for the following information, which is published in Standards Malaysia website, all information are treated as confidential:
  - i) Name, address and contact details;
  - ii) MIBAS number;
  - iii) Scope of accreditation; and
  - iv) Status of accreditation.
- c) MSAC and Committee members, Standards Malaysia staff members, members of Inspection Bodies Accreditation Evaluation Panels, Technical Committees and Sub-committees, Appeals Panel, Standards Malaysia authorised representative shall be made aware of and abide by this requirement for confidentiality.

### **3.12 Approved Signatory**

- a) MIBAS endorsed inspection reports and certificates shall be signed by an approved signatory.
- b) It is the responsibility of inspection body to ensure the competency and the authorisation of approved signatory.
- c) The inspection body shall have a procedure for determining the competence criteria and the approval process of the signatories. Competence criteria shall be determined with regard to qualification, training, experience and a satisfactory knowledge of the requirements of the inspection activities.
- d) Accredited inspection bodies shall maintained the list of their current approved signatories.
- e) Approved signatory listed by an inspection bodies will be verified by Standards Malaysia assessors during compliance assessment or extension of scope/multi-location.
- f) During surveillance or reassessment, Standards Malaysia assessor will review the list of approved signatories and if possible assessing their competency.

- g) The following attributes are taken into account when assessing the suitability of approved signatory:
  - i) Relevant qualification and experience;
  - ii) Position in staff structure;
  - iii) Familiarity with the principles of the inspections they perform;
  - iv) Knowledge of the standards or specifications for which signatory approval is sought or held;
  - v) Familiarity with the quality system of the inspection body;
  - vi) Knowledge of the procedure for recording, reporting and checking inspection results;
  - vii) Awareness of MS ISO/IEC 17020 and other MIBAS requirements; and
  - viii) Awareness of the need to maintain integrity and impartiality in all operations.
- h) When significant changes occur, (i.e. no signatory available for the accredited scope that affecting accreditation status) Standards Malaysia shall be promptly notified. The status of accreditation may become inoperative if there is no approved signatory for specific inspections or all inspections for which the inspection body is accredited.
- i) The approved signatory shall be assigned for the specific inspections, which the inspection body is accredited. Approved signatories assume responsibility for the technical validity and accuracy of all information in an endorsed document.
- j) Approved signatory is not considered as a personnel qualification and is not transferable from one accredited organisation to another.
- k) For works that are regulated by authority, the nominee shall be qualified by the relevant authority, where applicable.
- l) The approved signatory status is deemed to be terminated when the personnel leaves the organisation.

## **4 Obligations of an Accredited Inspection Bodies**

### **4.1 General**

Participation in MIBAS does not in any way exempt organisations/inspection bodies from or diminish their responsibilities in observing/complying with existing laws and regulations currently enforced in the country.

An accredited inspection bodies 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 as is necessary to enable the Standards Malaysia to verify fulfilment of requirements for accreditation;
- c) provide access to conformity assessment body 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 conformity assessment activities when requested by Standards Malaysia;
- f) have, where applicable, legally enforceable arrangements with their customers that commit the customers to provide, on request, access to Standards Malaysia assessment teams to assess the inspection body's performance when carrying out conformity assessment activities at the customer's site;
- g) claim accreditation only with respect to the scope for which it has been granted;
- h) commit to follow the Standards Malaysia policy for the use of the accreditation symbol;
- i) not use its accreditation in such a manner as to bring the Standards Malaysia into disrepute;
- j) inform the Standards Malaysia without delay of significant changes relevant to its accreditation;
- k) pay fees as determined by Standards Malaysia;
- l) 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;
- m) 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 inspection body 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 remuneration of the personnel engaged in inspection activities shall not depend on the number of inspection carried out nor on the results of such inspections.
- b) The inspection bodies shall not allow persons or organisations external to the inspection bodies to influence the results of inspections performed by the inspection bodies.
- c) The inspection bodies shall not engage in any activity that may endanger the trust in its independence of judgment and integrity in relation to its inspection activities.

#### **4.3 MIBAS Endorsed Inspection Certificates and Reports**

- a) All MIBAS endorsed inspection reports or certificates shall be signed by an approved signatory. Approved signatory shall be identifiable in the inspection report or certificate.
- b) MIBAS endorsed inspection certificates and reports shall not be reproduced except in full without written approval of the accredited inspection bodies.
- c) All MIBAS endorsed inspection certificates and reports shall use the MIBAS endorsement in the form of MIBAS symbol and the identification of accreditation certificate number. Alternatively, they shall use the endorsement in the form of a statement that the inspection bodies is accredited under MIBAS and identified by its accreditation certificate number.
- d) The accredited inspection bodies may issue a MIBAS endorsed inspection certificates and reports that includes inspection activities sub-contracted to another inspection bodies (sub-contractor inspection bodies) in accordance with MS ISO/IEC 17020 requirements and MIBAS Policy 2 (MP 2): Policy on the Use of MIBAS Accreditation Symbol and Combined ILAC MRA Mark or Reference to MIBAS Accreditation.

#### **4.4 Cooperation with Standards Malaysia**

The inspection bodies 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 terms and conditions and relevant accreditation criteria. This cooperation shall include:

- a) affording Standards Malaysia or its authorised representatives reasonable access to relevant areas of the inspection bodies, for the assessment of the management system and witnessing the performance of inspections including inspectors;
- b) undertaking any reasonable check, examination or inspection to enable Standards Malaysia or its representatives to verify the inspection capability of the inspection bodies;
- c) preparation, packaging and dispatch, at the expense of the inspection samples, test pieces, or other items needed by Standards Malaysia or its representative for verification purposes, such as, for conduct of proficiency testing activities;
- d) participation in any appropriate programme of proficiency testing activities that Standards Malaysia may reasonably deem to be necessary.
- e) provision of assess facilities, equipment and personnel for the purposes of assessment against the criteria of competence;
- f) permitting scrutiny by Standards Malaysia or its authorised representatives of documentation including inspection reports, certificates and other records relevant to accredited activities;
- g) permitting scrutiny by Standards Malaysia or its authorised representatives of the result of internal audits and management reviews conducted by the

inspection bodies to verify that quality system is being implemented, is effective and continues to meet its need;

- h) assisting Standards Malaysia or its authorised representatives in the investigation and resolution of any properly authenticated complaints received by Standards Malaysia. These complaints may be made by third parties or interested parties on the inspection bodies accredited inspection activities;
- i) access to any document or records related to operational and management of inspection body (e.g. cost/charges of inspection services provided) where necessary;
- j) providing Standards Malaysia, promptly, with details of safety and health - related incidents within the scope of inspection bodies accredited activities where compliance with Standards Malaysia requirements has not been maintained and the incident may lead to enforcement action against the inspection bodies.

#### **4.5 Liabilities**

- a) An accredited inspection bodies shall have full control of the issue of accredited inspection certificates or reports subject to these terms and conditions. It shall therefore assume full liability on the issue of all inspection results and reports.
- b) The inspection bodies is hereby advised to acquire professional indemnity insurance against risks that may arise from the use of the results of inspections performed.

#### **4.6 Notification of Change**

- a) An accredited inspection bodies shall inform the Standards Malaysia promptly any changes bearing on its compliance with these terms and conditions, and other requirements affecting the inspection bodies capability, competence, integrity, independence or scope of activity. Such change in an accredited inspection bodies includes:
  - i) change in the inspection body management or persons which has overall responsibility for the management and technical operation of the inspection body (e.g. Head of Inspection Body, Technical Manager or Quality Manager);
  - ii) any significant changes in activity of the accredited scope;
  - iii) any significant change in the inspection bodies's organisational and management structure;
  - iv) change of approved signatory (e.g. no signatory available for the accredited scope that affecting accreditation status);

**Note:** If the inspection bodies loses its sole approved signatory, the accreditation status of the inspection bodies will be suspended.

- v) relocation and major renovation affecting the quality of inspection results;

- vi) any change in the inspection bodies legal status;
  - vii) significant changes in the inspection bodies documented policies and/or procedures. The inspection bodies shall provide Standards Malaysia with copies of changes.
- b) Under circumstances where an accredited inspection body's capability or competence is affected by one or more of the above significant changes that reduced the confidence of MIBAS accredited inspection reports, the inspection body, at its discretion may make voluntarily request to Standards Malaysia for the inspection body to be placed under inoperative accreditation.
- After the appropriate actions have been completed 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 inspection body in writing to 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 inspection body.

## 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 shall not be regarded in any way diminishing the normal contractual responsibilities between the inspection bodies and the users of its inspection results.

While MIBAS accreditation shall normally be a sound indicator of the quality of inspection service offered by the inspection bodies, it cannot be taken to constitute a guarantee by Standards Malaysia that the inspection bodies always maintains a particular level of performance.

- b) Accreditation does not, of itself, qualify the inspection bodies 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 inspection bodies in connection with their own activities, or whether to delegate approval or certification authority to a particular inspection bodies.

- c) Charging arrangements between the inspection bodies and its customers are not under the purview of MIBAS accreditation and of these terms and conditions.
- 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 an inspection body which has different legal entity but having a similar management system, human resources and facilities at the same location.