

# SAFE GUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES

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## MALAYSIA: TOYS SAFETY REGULATION UPDATE

In order to ensure that toys manufactured, imported or sold in Malaysia are safe, and to minimize potential hazards associated with toys resulting from their use in their intended play modes (normal use) as well as unintended play modes (reasonably foreseeable abuse), the Malaysian Government Ministry of Domestic Trade, Co-operatives And Consumerism (MDTCC) published two Consumer Protection Regulations in the government gazette on July 30, 2009.

These regulations are:

1. Consumer Protection (Certificate of approval and conformity mark of safety standards) regulations 2009, and
2. Consumer Protection (Safety Standards for Toys) Regulations 2009.

When initially published, a 6 month implementation period for the regulations was defined with an enforcement date of January 30, 2010. On December 21, 2009, the government of Malaysia released an official Regulation Announcement in a [media conference](#). **The transition period has been extended until July 1, 2010** based on industry feedback, with the aim of providing more time for manufacturers, importers and distributors to comply with the new regulations. Please see [SGS SafeGuard 166/09](#) for additional details.

Prior to implementation of the new regulations, the government of Malaysia received feedback from the industry. Industry comments were focused on the Conformity Assessment Report (CAR) and the following concerns were raised:

- Product samples and test reports have to be submitted to authorized agency for review,
- The cost of an authorized agency review is expensive,
- Reliance on visual assessment between samples and test reports,
- Lack of local accredited laboratory facilities.

After giving consideration to the feedback and additional consultation with the industry, the government revised the regulations to allow the use of a **self**



**declaration method** which would ease the burden on the industry and facilitate faster implementation of the regulations. The December 2009 Announcement described the provisions of the **self declaration method** and the general requirements are as follows.

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1. The product owner is responsible for initiating the declaration to MDTCC stating that:
  - i. the toys manufactured, imported or sold in Malaysia are safe;
  - ii. the toys are tested and conform to the prescribed safety standards for toys;
  - iii. the test report from accredited laboratory for the particular toys will be produced upon request by the enforcement authorities; and
  - iv. the toys comply with other applicable requirements as prescribed in related laws or regulations.
2. The declaration made must be in the form of a Certificate of Conformance (COC) based on the format determined by MDTCC;
3. Any person or business that supplies, advertises or offers the supply or sale of toys must ensure that:
  - i. the toy complies with prescribed safety standards for toys;
  - ii. the COC is issued by the product owner;
  - iii. a copy of the COC is to be kept for record and enforcement purposes;
  - iv. the toy or its packaging is marked with the conformity mark together with the registration number issued by MDTCC (see fig. 1);
  - v. the toy or its packaging is marked with the name and address of the manufacturer, importer or distributor; and
  - vi. the toy or its packaging must be marked with applicable warnings and cautionary information when necessary in Bahasa Malaysia or/and English language. Other languages may also be used as appropriate.
4. Any products supplied as accessories and/or extensions (add-ons) of a toy product shall conform to the applicable prescribed safety standards for toys.
  - i. The product owner is responsible for defining the intended purpose of a product to the MDTCC and provide a rationalization as to whether the product is intended for play or has a play value elements.
  - ii. Test report(s) from an accredited laboratory shall be produced on request for the particular toy for which accessories and/or extensions are intended.
5. Starting July 1, 2010, only toys that comply with the above requirements will be allowed. This is applicable to all toys whether new or existing products.

MDTCC has released a [guideline](#) on its website for public use. This includes the detailed provisions of the implementation of the self declaration method.

The Regulation Announcement offers the conclusion that even though the Ministry allows the concept of self accountability, the individual manufacturer, importer or distributor of toy products are responsible to ensure that all toys conform to the applicable safety standards and are properly supported by appropriate test reports.

SGS will follow up and keep you informed about developments of the regulation in consumer products as a complementary service.

Through our global network of laboratories, we enable to provide a range of services, including analytical testing and consultancy work for technical and non-technical parameters in a comprehensive range of consumer products in the chemical field. Please do not hesitate to contact us for further information.



Fig 1: Two Conformity Mark formats with illustrative approval number

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