



# **Standardization Law of People's Republic of China**

## **(Issued on 4 November 2017)**

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## Chapter I General Provisions

**Article 1** Standardization Law of the People's Republic of China (the "Law") is developed with a view to strengthening the standardization work, improving the quality of products and services, advancing the progress of science and technology, assuring people's health and their life and property safety, safeguarding national security and eco-environmental safety, and boosting the levels of economic and social development.

**Article 2** Standards in this Law (including sample standards) refer to technical requirements that need to be unified in the field of agriculture, industry, service industry and social undertakings.

Standards include national standards, industry standards, local standards, social organization standards and enterprise standards. National standards fall into mandatory standards and recommended standards. Industry standards and local standards are recommended standards.

Mandatory standards must be implemented. The State encourages the adoption of recommended standards.

**Article 3** The task of the standardization work is to develop standards, implement standards, and supervise the development and implementation of such standards. The People's governments at county level and above shall include the standardization work in the national economic and social development plan of its level and the standardization work expenses in its budget.

**Article 4** Standards shall be developed based on scientific & technological achievements and social practice experience. Investigations and tests shall be performed and comments shall be solicited from all sides in order to ensure the standards are scientific, normative and with timeliness and to improve the quality of standards.

**Article 5** The administrative department for standardization under the State Council shall be in charge of the unified management of national standardization work. Relevant administrative departments under the State Council shall be in charge of the standardization work of their own departments and sectors in accordance with division of labor.

The administrative departments for standardization of people's governments at county level and above shall be in charge of the unified management of standardization work within their administrative areas respectively. Relevant administrative departments of people's governments above county level shall be



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in charge of the standardization work of their own departments and sectors within their administrative areas in accordance with division of labor.

**Article 6** The State Council shall establish coordination mechanisms for standardization, coordinate the development of major reforms on standardization, study major policies thereof, and coordinate the formulation and implementation of disputable standards for cross-sectoral.

People's governments above city level can establish coordination mechanisms for standardization if work demands, in order to coordinate major issues concerning standardization work within their administrative areas.

**Article 7** The State encourages enterprises, social organizations, Institutions for education and scientific research and others to carry out or participate in standardization work.

**Article 8** The State encourages participation in international standardization events, external cooperation and communication about standardization, participation in formulation of international standards, adoption of international standards in combination of national conditions and conversion and application between standards of internal and external.

The State encourages enterprises, social organizations, institutions for education and scientific research, etc to participate in international standardization events.

**Article 9** Commendation and reward shall be given to unit or individual who made remarkable contribution to standardizing work in accordance with relevant provisions of the State.

## **Chapter II Formulation of Standards**

**Article 10** Mandatory national standards shall be formulated for technical requirements concerning safeguarding human health, life and property safety, national security and eco-environmental security and satisfying the basic needs of economic and social management.

Relevant administrative departments under the State Council shall be in charge of the proposal, organization of the drafting, seeking for opinions and technical reviews of compulsory national standards according to their duties. Standardization administrative department under the State Council shall be in charge of the initiation, numbering and disclosure of mandatory national standards. The standardization administrative department under the State Council shall examine whether the mandatory national standards to be formulated conform to the preceding paragraph, and give project approval to the ones who do.

The administrative departments for standardization of people's governments of all provinces, autonomous regions and municipalities directly under the Central Government may propose to initiate mandatory national standards formulation to the administrative department for standardization under



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the State Council, which will make decisions jointly with administrative departments concerned under the State Council.

Social organizations, enterprise and public institutions and citizens may propose to initiate mandatory national standards formulation to mandatory national standards formulation under the State Council, which will make decisions jointly with administrative departments concerned under the State Council.

The State Council approves or authorizes the approval of the publication of mandatory national standards.

Where otherwise concerning mandatory standards provided by laws, administrative regulations or the State Council's decisions, such provisions shall prevail.

**Article 11** Recommend national standards shall be formulated for technical requirements satisfying basic common usage, complementing mandatory national standards and guiding all industries concerned.

The recommended national standards shall be formulated by the administrative department for standardization under the State Council.

**Article 12** Industry standards shall be formulated for technical requirements without guidance from recommended national standard but with necessity to be unified within certain industry nationwide. Industry standards will be formulated by the competent administrative authorities under the State Council and be submitted to the administrative department for standardization under the State Council for filing.

**Article 13** Local standards can be formulated to meet local natural conditions, customs and others.

Local standards shall be formulated by the administrative departments for standardization of people's governments of all provinces, autonomous regions and municipalities directly under the Central Government; The administrative departments for standardization of people's governments of cities and autonomous prefectures divided into districts may formulate, according to their special needs, local standards governing their administrative areas with the approval from administrative departments for standardization of local provinces, autonomous regions and municipalities directly under the Central Government. Local standards will be reported to the administrative department for standardization under the State Council for record by administrative departments for standardization of people's governments of all provinces, autonomous regions and municipalities directly under the Central Government, and the administrative department for standardization under the State Council will report to the competent administrative authorities under the State Council.

**Article 14** Project approval and execution shall be prioritized by administrative departments in charge of standards formulation for imperative standard projects concerning the safeguard of human health, life and property safety, national security, eco-environmental security and the development of economy and society.



**Article 15** In developing mandatory and recommended standards, the actual demand of the relevant administrative department, enterprises, social organizations, consumers, education institutions and research institutes shall be surveyed before the approval of standard projects, and the necessity and practicability of developing the standards shall be assessed; In the process of formulation, the principle of convenience and effectiveness shall be adopted for soliciting opinions in various approaches, investigation and analysis, experiment and confirmation shall be organized for standard related issues and coordination between related standards shall be ensured.

**Article 16** In developing recommended standards, a standardization technical committee formed of relevant stakeholders shall undertake the drafting and technical review of the standards. In developing mandatory standards, a standardization technical committee formed of relevant stakeholders shall undertake the drafting and technical review of the standards. In the case where the technical committee is not formed yet, an expert group shall be established to undertake the drafting and technical review of relevant standards. Members of the standardization technical committee and expert group shall be representative and chosen from a wide range of fields.

**Article 17** Texts of mandatory standards shall be disclosed on a free basis. Texts of recommended standards are encouraged by the States to be disclosed on a free basis.

**Article 18** The State encourages social organizations such as societies, associations, chambers of commerce, federations and industry technology alliances to coordinate relevant market entities to jointly develop group standards meeting the needs of market and innovation, which may be implemented by members of these organizations by agreement or be provided for other social members' voluntary use in accordance with rules made by organizations in question.

The social organization standards shall be developed on an open, transparent and fair basis, to ensure participant's access to relevant information, and representation of common needs of all participants, while investigations and analysis, tests and confirmation on the standard-related matters shall be organized.

The Administrative department for standardization under the State Council shall work in consultation with relevant administrative departments under the State Council to regulate, guide and supervise the development of social organization standards.

**Article 19** An enterprise may, if needs arise, develop an enterprise standard on its own, or work with other enterprises to collaboratively develop enterprise standards.

**Article 20** The State supports the use of indigenous innovative technology to develop association standards and enterprise standards in the field such as key sectors, strategic emerging industries and critical & generic technology.

**Article 21** Technical requirements of recommended national standards, industry standards, local standards, association standards and enterprise standards shall not be lower than those of mandatory national standards.

The State encourages social organizations, enterprises to develop association standards and enterprise standards higher than relevant technical requirements of recommended standards.

**Article 22** The standards developed shall be able to facilitate reasonable utilization of resources, promotion of scientific & technological achievements, enhancement of product security, universality and interoperability, improvement of economic benefits, social benefits and eco benefits, and be technically advanced and reasonable economically.

It is prohibited to use standards for behaviors preventing the free flow of goods and services or excluding/limiting market competition.

**Article 23** The State works to promote the integration of dual-use standards and the sharing of standardization resources between military and civilian, ensure dual-use standards are better applied in both fields, actively advance the adoption of advanced and applicable civilian standards in the national defense and military development, and convert advanced and applicable military standards for civilian use

**Article 24** Standards shall be numbered according to numbering scheme for standards, which shall be developed and published by the administrative department for standardization under the State Council.

### **Chapter III Standards Implementation**

**Article 25** Products or services failing to comply with mandatory standards shall not be manufactured, sold, imported or supplied.

**Article 26** The technical requirements for exported products and services shall be implemented according to agreed terms of contracts.

**Article 27** The State introduces a self-declaration system for disclosure and supervision of social organization and enterprise standards. Enterprises shall disclose the numbers and names of the mandatory, recommended, association or enterprise standards they follow; those who follow the enterprise standards developed on its own shall also announce the functional indicators of products and services, performance indicators of products. The State encourages the disclosure of association standards and enterprise standards via a standards information public service platform.

The enterprise shall organize manufacturing and business activities in line with standards, and products manufactured by and services offered by the enterprise shall comply with the technical requirements of the standards disclosed by the enterprise.

**Article 28** The development of new products, improvement of products or technical upgrades by an enterprise shall conform to the standardization requirements defined in this Law.



**Article 29** The State establishes a Statistical analysis report system for the implementation of mandatory standards.

The administrative department for standardization under the State Council and relevant administrative departments under the State Council, and the standardization administration department under People's Governments at and above city level with districts shall set up a feedback and assessment mechanism with respect to standards implementation information, so as to reexamine the standards they develop based on the feedback and assessment results.

The reexamination period shall not be over five years generally. The standards which fail to adapt to economic and social development needs and technological progress, shall be revised or abolished timely after the reexamination.

**Article 30** In the case where standards are repeat or not harmonized with each other, the administrative department for standardization under the State Council shall work in consultation with relevant administrative departments under the State Council or the State Council standardization coordination mechanism can be used for settlement, based on the feedback, assessment and reexamination results.

**Article 31** People's Governments at and above county level shall support the launch of standardization trials and publicity work, spread standardization concepts, promote standardization practices, and enable all walks of life to apply standardized practices in the manufacturing, operations, management and service offering, so as to give play to the role of standards in supporting the industry transformation and upgrading and leading the innovation effort.

#### **Chapter IV Supervision and Administration**

**Article 32** The administrative department for standardization and relevant administrative departments under People's Governments at and above county level shall, in line with their statutory duties, provide guidance and supervision for the development of standards, and supervision and inspection for the implementation of standards.

**Article 33** For settling disputes occurred in the case where disputes occur in the development or implementation of standards by a relevant administrative department under the State Council, the administrative department for standardization under the State Council shall organize a negotiation; where the negotiation fails to settle the disputes, the State Council standardization coordination mechanism can be used for settlement.

**Article 34** In the case where any administrative department under the State Council and the administrative department for standardization under People's Governments at and above city level with districts fails to, in line with the provisions of this Law, number, reexamine or register standards, the standardization administration under the State Council shall require it to give explanations, and rectify such violation within specified period.



**Article 35** All units and individuals are entitled to report or complain to the administrative department for standardization or relevant administrative department about any violation of this Law.

The standardization administration departments or relevant administrative departments shall announce their telephone number, PO box and email for receiving reports and complaints, and arrange civil servants for accepting reports and complaints. For those using their real name to report or complain, the departments receiving reports and complaints shall notify them of the results, keep confidential their information, and reward those as per the State's relevant provisions.

## Chapter V Legal Liabilities

**Article 36** Where the products manufactured, sold or imported or services offered by an enterprise fail to comply with mandatory standards, or the products supplied by or the services provided by an enterprise fail to comply with technical requirements of the standard disclosed by itself, such enterprise shall be subject to civil liability according to law.

**Article 37** In the case where the products manufactured, sold or imported or services offered fail to comply with mandatory standards, such failure shall be investigated and penalized according to the Quality Law of the People's Republic of China, the Law of the People's Republic of China on Import and Export Commodity Inspection and the Law of the People's Republic of China on Protection of Consumer Interests and other administrative regulations, be recorded in credit history, and be announced pursuant to the provisions of relevant laws and administrative regulations. In case of constituting a crime, the violator shall be subject to criminal liability.

**Article 38** In the case where an enterprise fails to disclose the standard it follows as required in this Law, the standardization administration department shall order a rectification of the violation with deadline. In the case of failing to rectify within the specified period, the violation shall be announced via the standards information public service platform.

**Article 39** In the case where any administration department under the State Council and the administrative department for standardization under People's Governments at and above city level with districts fails to develop standards complying with the first paragraph of Article 21, the first paragraph of Article 22 in this Law, it shall rectify its violation without delay. In case of refusal to rectify, the standardization administration department under the State Council shall declare the abolition of such standards, and administrative measures shall be imposed on the leader in charge and persons directly responsible for such violation.

In the case where a social organization or enterprise fails to develop standards in accordance with the first paragraph of Article 21 and Article 22 in this Law, the competent standardization administration department shall order a rectification with deadline; In the case of failing to rectify within the specified period, the standardization administration department under People's Governments at and above province level shall abolish relevant standards, and declare the abolition via the standards information public service platform.



In the case of violation of the second paragraph of Article 22 in this Law, which is using standards for behaviors excluding or limiting market competition, such violation shall be dealt with according to the Anti-Monopoly Law of the People's Republic of China and administrative regulations.

**Article 40** Where the administration department under the State Council and relevant standardization department under People's Governments at and above city level with districts fails to, in accordance with the provisions of this Law, number or register the standards, and fails to correct in accordance with the Article 34 of this Law, the standardization administration department under the State Council shall withdraw relevant standard No. or declare the abolition of the standards without filing notification, and administrative measures shall be imposed on the leader in charge or the persons directly responsible for such violation.

In the case where administration department under the State Council and relevant standardization department under People's Governments at and above city level with districts fails to, in accordance with the provisions of this Law, reexamine the standards it develops, and fails to correct in accordance with the Article 34 of this Law, administrative measures shall be imposed on the leader in charge and the persons directly responsible for such violation.

**Article 41** If standardization competent authorities of the State Council fails to approve new mandatory national standard projects in compliance with the second paragraph of Article 10, fails to number, review, or filing notification for standards in accordance with the Law, or the developed standards fail to meet the requirements of the first paragraph of Article 21 and the first paragraph of Article 22, the correction shall be made in time; the persons in charge and persons directly responsible for can be punished in accordance with law.

**Article 42** In the case where a social organization or enterprise fails to, in accordance with the provisions of this Law, number the association standards or enterprise standards, the competent standardization administration department shall order a rectification with deadline, and if fails to rectify within specified period, the standardization administration department under the State Council shall withdraw relevant standard No., and announce the withdrawal via the standards information public service platform.

**Article 43** In the case where any supervision and management staff engaging in standardization work abuses power, neglects duty, or commits malpractices for personal gains, administrative measures shall be imposed according to law. In the case where crime is constituted, the violator is subject to criminal liability according to law.

## Chapter VI Supplementary Provisions

**Article 44** The measures on formulation, implementation and supervision of the military standards will be formulated separately by the State Council and the Central Military Commission.

**Article 45** The Law will come into force as of January 1st, 2018.



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## Introduction of SESEC Project



The Seconded European Standardization Expert in China (SESEC) is a visibility project co-financed by the European Commission (EC), the European Free Trade Association (EFTA) secretariat and the three European Standardization Organizations (CEN, CENELEC and ETSI).

Since 2006, there has been two SESEC projects in China, SESEC I (2006-2009) and SESEC II (2009-2012). In Dec 2014, SESEC III was officially launched in Beijing, China. Dr. Betty XU was nominated as the SESEC expert and will spend the next 36 months on promoting EU-China standardization information exchange and EU-China standardization cooperation.

The SESEC project supports the strategic objectives of the European Union, EFTA and the European Standardization Organizations (ESOs). The purpose of SESEC project is to

- Promote European and international standards in China;
- Improve contacts with different levels of the Chinese administration, industry and standardization bodies;
- Improve the visibility and understanding of the European Standardization System (ESS) in China;
- Gather regulatory and standardization intelligence.

The following areas have been identified as sectoral project priorities by the SESEC project partners: Internet of Things (IoT) & Machine-to-Machine (M2M) communication, communication networks & services, cybersecurity & digital identity, Smart Cities (including transport, power grids & metering), electrical & electronic products, general product safety, medical devices, cosmetics, energy management & environmental protection (including eco-design & labelling, as well as environmental performance of buildings).

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