



Standardization Law of the People's Republic of China (Draft for Second Reading)

Call for public comments
by the National People's Congress

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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 personal and property safety, safeguarding national security and eco-environment 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.

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 and above the county level shall include the standardization work in its local plans for national economic and social development, and put the funds used for the standardization work under its budget.

Article 4 The standardization administrative department under the State Council shall be in charge of the unified administration of standardization throughout the country. Competent administrative authorities under the State Council shall, in line with their respective functions, be in charge of standardization in their respective departments and trades.

The departments of standardization administration of the people's government at and above the county level shall be in charge of the unified administration of standardization within their respective administrative areas. Competent administrative authorities of the people's governments at the county level shall, in line with their respective functions, be in charge of standardization in their respective departments and trades within their respective administrative areas.

Article 5 The State Council shall establish coordination mechanisms for standardization, coordinate the development of major reforms on standardization, study major policies thereon, and coordinate the formulation and implementation of standards across departments and fields and involving in major disputes.

The local people's governments at or above the cities divided into districts may set up coordination mechanisms for standardization according to their work needs, to coordinate the important tasks of standardization in their administrative regions.



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Article 6 The State encourages enterprises, social organizations/associations/federations, education and scientific and research institutions and others to carry out or participate in standardization efforts.

Article 7 The State encourages enterprises, social organizations, education institutions and research institutes to participate in international standardization activities, enter into cooperation and exchanges with foreign countries with regard to standardization, participate in the development of international standards, adopt international standards based on China's actual conditions, and advances the two-way translation between Chinese standards and foreign standards for application in respective countries.

Article 8 The organizations and individuals having made outstanding contributions in the standardization drive shall be commended and rewarded per the State's relevant regulations.

Chapter II Formulation of Standards

Article 9 Technical requirements for safeguarding human health and the safety of the person, state security, ecological environment security, and meeting fundamental needs of social and economic administration shall be subject to compulsory standards.

Standardization administrative department under the State Council shall be in charge of the initiation, numbering and disclosure of compulsory national standards. The standardization administrative department under the State Council shall examine whether the compulsory national standards to be formulated is in accordance with the preceding paragraph.

Competent administrative authorities 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. The standardization administrative departments of the people's government in all provinces, autonomous regions and municipalities directly under the Central Government may propose to initiate compulsory national standards to standardization administrative department under the State Council, which will make decisions in concert with the competent administrative authorities under the State Council.

Compulsory national standards will be approved or authorized by the State Council for release.

Where any laws, administrative regulations and the State Council's decisions otherwise provide for compulsory standards, such provisions shall control.

Article 10 For technical requirements necessary to meet the basic requirements, for supporting compulsory national standards, and leading the relevant industries, recommended national standards can be formulated.

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

Article 11 For the technical requirements that have are subject to no recommended national standards and need to be unified in a certain industry all over the country, industry standards (sectorial standards or ministry level standards) can be formulated. Industry standards will be formulated by the competent administrative authorities under the State Council and be



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submitted to the standardization administrative department under the State Council for filing. Industry standards fall under the scope of recommended standards.

Article 12 Local standards can be formulated to meet local natural conditions, customs and others. Local standards are recommended standards.

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

Article 13 Priority shall be given by the administrative departments responsible for setting of standards to approval of the standards projects required badly for the people's health and their personal and property safety, national security and eco-environment safety and in the national economic and social development, ensuring the projects are completed as scheduled.

Article 14 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; and comments shall be solicited in many ways that ensure easy solicitation and effective comments, while performing investigations and analysis, tests and assessments on standard related matters to ensure the standards are scientific and standardized.

Article 15 In developing the mandatory and recommended 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 wide-ranging and representative.

Article 16 Texts of mandatory standards shall be disclosed on a free basis. The State works to ensure text of recommended standards are open.

Article 17 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 social organization standards meeting the needs of market and innovation, which may be implemented by members of these organizations by agreement or voluntarily adopted by other organizations pursuant to such social organizations' rules.

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



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The standardization administration department 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 18 An enterprise may, if needs arise, develop an enterprise standard on its own, or work with other enterprises to collaboratively develop enterprise standards. The State encourages enterprises to develop enterprise standards higher than relevant technical requirements of recommended standards.

Article 19 The State supports the use of indigenous innovative technology to develop social organization standards and enterprise standards in the fields such as key sectors, strategic emerging industries and critical & generic technology.

Article 20 Technical requirements of recommended national standards, industry standards, local standards, social organization standards and enterprise standards shall not be lower than those of mandatory national standards.

Article 21 The standards developed shall be able to facilitate reasonable utilization of resources, promotion of scientific & technological achievements, enhancement of product security, universality and interoperability, and improve economic benefits, social benefits and eco benefits, and be technically advanced and reasonable economically.

It is prohibited to use standards to implement market barrier, regional blockade or other behavior that excludes or limits market competition.

Article 22 The standards shall be developed to ensure the standards are harmonized and support each other.

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

Article 24 Standards shall be numbered. The numbering scheme for standards shall be developed and announced by the standardization administration department under the State Council.

Chapter III Standards Implementation

Article 25 Mandatory standards shall be followed. The products or services failing to comply with mandatory standards shall not be manufactured, sold, imported or supplied. The State encourages voluntary adoption of recommended standards.

Article 26 The technical requirements for exported products and services shall follow the agreed terms of the 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, voluntary, social organization or enterprise standards they follow; when following the enterprise standards developed on its own, the enterprise shall also announce the



functional indicators of products and services, performance indicators of products. The State encourages the disclosure of social organization standards and enterprise standards via a standards information public service platform.

The enterprise shall organize manufacturing and business activities in line with standards, and the 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 standardization administration department under the State Council and relevant administrative departments under the State Council, and the standardization administration department under the People's Governments at and above the level of city 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 results shall serve as the basis for revising and abolishing relevant standards.

The State establishes a system of statistics, analysis and reporting regarding the implementation of mandatory standards.

Article 30 The People's Governments at and above the county level shall support the launch of standardization trials and publicity work, spread standardization concepts and better 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 31 The standardization administration departments and relevant administrative departments under the People's Governments at and above the county level shall, in line with their statutory duties, provide guidance over and supervise the development of standards, and supervise and inspect the implementation of standards.

Article 32 In the case where disputes occur in the development or implementation of standards by a relevant administrative department under the State Council, the standardization administration department 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 33 In the case where any standardization administration department or relevant administrative department fails to, in line with the provisions of this Law, number or reexamine mandatory and recommended standards, or get recommended standards registered, the standardization administration under the State Council shall require it to give explanations, and rectify such violation within specified period.

In the case where any social organization or enterprise fails to, in accordance with the provisions of this Law, number the social organization standards or enterprise standards, the



standardization administration department under the State Council shall require it to give explanations and rectify the violation within specified period.

Article 34 Any organization or individual has the right to tip off the standardization administration department or relevant administrative department or complain to the them 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 tip---offs and complaints, and arrange service persons to accept tip---offs and complaints. For those using their real name to report or complain, the departments receiving tip-offs and complaints shall notify them of the results, keep confidential their information, and reward those per the State's relevant provisions.

Chapter V Legal Liabilities

Article 35 Where the products manufactured, sold or imported or services offered 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 it discloses, the violator shall be subject to civil liability according to law.

Article 36 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 and the Law of the People' s Republic of China on Protection of Consumer Interests and other administrative regulations, entered into the credit record, and announced pursuant to the provisions of relevant law and administrative regulations. In case of constituting a crime, the violator shall be subject to criminal liability.

Article 37 In the case where an enterprise fails to disclose the product standard it follows as required in this Law or practices fraud in disclosure of standards, the standardization administration department shall order a rectification of the violation and announce the violation via the standards information public service platform.

Article 38 In the case where any standardization administration department or relevant administrative department under the local People' s Governments at and above the level of city with districts fails to develop standards complying with the first paragraph of Article 20, 21 first paragraph and 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 the department appointing the leader or competent supervision department shall impose administrative measures 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 Articles 20, 21 first paragraph and 22 of this Law, the competent standardization administration department shall order a rectification; in case of refusal to rectify, the standardization administration department under the State Council shall abolish relevant standards, and declare the abolition via the standards information public service platform.



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In the case where a standardization administration department or relevant administrative department violates the second paragraph of Article 21 in this Law, such violation shall be dealt with according to the Anti-Monopoly Law of the People's Republic of China and administrative regulations.

Article 39 Where the standardization administration department or relevant administrative department under the People's Governments at and above the level of city with districts fails to, in accordance with the provisions of this Law, number the mandatory and recommended standards or register the recommended standards, and refuses to rectify within specified period, the standardization administration department under the State Council shall withdraw relevant standard No. or declare the abolition of the standards unregistered, and the department appointing the leader or the competent supervision department shall impose administrative measures on the leader in charge or the persons directly responsible for such violation.

In the case where the standardization administration department or relevant administrative department fails to, in accordance with the provisions of this Law, reexamine the standards it develops, and refuses to rectify within specified period, the department appointing the leader or the competent supervision department shall impose administrative measures on the leader in charge and the persons directly responsible for such violation.

Article 40 In the case where a social organization or enterprise fails to, in accordance with the provisions of this Law, number the social organization standards or enterprise standards, and 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 41 In the case where any of the supervision and management staff engaging in standardization work, when performing their duties, abuses their power, neglects their duties, 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 42 The measures for the formulation, implementation and supervision of the military standards will be formulated separately by the State Council and the Central Military Commission.

Article 43 The Law will come into force as of XXX.



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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SESEC III Translation

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