



# **A comparison of the Standardization Law of the People's Republic of China with it's Previous Drafts**

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## A comparison of the Standardization Law of the People's Republic of China with it's Previous Drafts

Note:

1. Standardization Law (Draft for Second Reading): **red text** indicates **deletions**.
2. Standardization Law (Released Nov 4, 2017): **green text** indicates **modifications**.

Standardization Law (Draft revision) Released May 16, 2017	Standardization Law (Draft for Second Reading) Released Sept 5, 2017	Standardization Law Released Nov 4, 2017
<b>Chapter I General Provisions</b>	<b>Chapter I General Provisions</b>	<b>Chapter I General Provisions</b>
Article 1 Standardization Law of the People's Republic of China (the "Law") is formulated for the purpose of promoting scientific and technological progress, improving the level of economic and social development, enhancing the quality of products and services, ensuring the safety of people's health and life and property, and strengthening standardization.	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 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 For the purpose of the Law, standards (including standard samples) refer to technical requirements to be unified for the agricultural, industrial, service and social undertakings and other areas. Standards include compulsory standards, recommended standards, association standards and enterprise standards.	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	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



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	standards. Industry standards and local standards are recommended standards.	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. (Please refer to Article 25 of the Draft for Second Reading)
Article 3 The tasks of standardization shall include the formulation of standards and organizations of and supervisions over the implementation of the standards. The people's governments at or above the county level shall incorporate the standardization into their national economic and social development plans and include standardization into their budgets.	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 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 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 or above the county level shall be in charge of the unified administration of	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	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.

<p>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.</p>	<p>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.</p>	
<p>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.</p>	<p>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.</p>	<p>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 in charge of the standardization work of their own departments and sectors within their administrative areas in accordance with division of labor.</p>
<p>Article 6 The State encourages enterprises, social organizations/associations/federations, education and scientific and research institutions and others to carry</p>	<p>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.</p>	<p>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</p>

<p>out or participate in standardization efforts.</p>		<p>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.</p>
<p>Article 7 The State encourages participation in international standardization activities, the formulation of international standards and adoption of international standards in combination of our situation, encourages standardization cooperation and exchanges and promotes the transformation and application of Chinese standards and foreign standards.</p>	<p>Article 7 The State encourages participation in international standardization activities, the formulation of international standards and adoption of international standards in combination of our situation, encourages standardization cooperation and exchanges and promotes the transformation and application of Chinese standards and foreign standards. The State encourages enterprises, social organizations, education institutions and research institutes to participate in international standardization activities.</p>	<p>Article 7 The State encourages enterprises, social organizations, Institutions for education and scientific research and others to carry out or participate in standardization work.</p>
<p>Article 8 The people's governments at all levels and competent administrative authorities will commend and award all units and individuals that have made marked results in standardization according to the related provisions of the State.</p>	<p>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.</p>	<p>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.</p>

		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.
<b>Chapter II Formulation of Standards</b>	<b>Chapter II Formulation of Standards</b>	<b>Chapter II Formulation of Standards</b>
<p>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.</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>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, <b>and give project approval to the ones who do.</b></p> <p>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</p>



<p>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.</p>	<p>standardization administrative department under the State Council, which will make decisions in concert with the competent administrative authorities under the State Council.</p> <p>Compulsory national standards will be approved or authorized by the State Council for release.</p> <p>Where any laws, administrative regulations and the State Council's decisions otherwise provide for compulsory standards, such provisions shall control.</p>	<p>national standards formulation to the administrative department for standardization under the State Council, which will make decisions jointly with administrative departments concerned under the State Council.</p> <p>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.</p> <p>The State Council approves or authorizes the approval of the publication of mandatory national standards.</p> <p>Where otherwise concerning mandatory standards provided by laws, administrative regulations or the State Council's decisions, such provisions shall prevail.</p>
<p>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.</p>	<p>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.</p>	<p>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.</p>
<p>Article 11 For the technical requirements that have are subject to no recommended</p>	<p>Article 11 For the technical requirements that have are subject to no recommended</p>	<p>Article 12 Industry standards shall be formulated for technical requirements without guidance</p>



<p>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 submitted to the standardization administrative department under the State Council for filing. Industry standards fall under the scope of recommended standards.</p>	<p>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 submitted to the standardization administrative department under the State Council for filing. Industry standards fall under the scope of recommended standards.</p>	<p>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.</p>
<p>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</p>	<p>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 <b>the competent</b></p>	<p>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</p>





<p>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.</p>	<p><b>administrative authorities under the State Council</b> for record by standardization administrative departments of the people's governments in all provinces, autonomous regions and municipalities directly under the Central Government.</p>	<p>governments of all provinces, autonomous regions and municipalities directly under the Central Government, <b>and the administrative department for standardization under the State Council</b> will report to the competent administrative authorities under the State Council.</p>
<p>Article 13 Social organizations established according to the law may formulate association standards. Association standards will be formulated under the guidance and supervision of the standardization administrative department under the State Council in concert with the competent administrative authorities under the State Council. Administrative measures for association standards will be formulated and released by the standardization administrative department under the State Council in concert with the competent administrative authorities under the State Council.</p>	<p>(Please refer to Article 17 of the Draft for Second Reading)</p>	
<p>Article 14 Enterprises may, according to their own needs, formulate their own standards. The State encourages enterprises to establish enterprise standards that are stricter than the related technical requirements in recommended standards.</p>	<p>(Please refer to Article 18 of the Draft for Second Reading)</p>	
<p>Article 15 For standards needed for national economy and social development, priority shall be given for their</p>	<p>Article 13 Priority shall be given by the administrative departments responsible for setting of standards to approval</p>	<p>Article 14 Project approval and execution shall be prioritized by administrative departments in charge of standards formulation</p>

<p>initiation so as to determine the completion deadline.</p>	<p>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.</p>	<p>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.</p>
<p>Article 16 The following requirements shall be met for the formulation of standards:</p> <ul style="list-style-type: none"><li>(1) conducive to the protection of personal health and the safety of life and property;</li><li>(2) conducive to safeguarding national security;</li><li>(3) conducive to promoting scientific progress and technological innovation;</li><li>(4) beneficial to the improvement of economic, social and ecological benefits;</li><li>(5) conducive to the coordination of standards;</li><li>(6) beneficial to enhancement of the versatility and interchangeability of the product;</li><li>(7) conducive to improvement of service level and quality;</li><li>(8) conducive to facilitation of the production and life of the people;</li><li>(9) conducive to promoting foreign economic and technological cooperation and foreign trade; and</li><li>(10) support the construction of universalization of military</li></ul>	<p>(Please refer to Article 1, 21, 22 and 23 of the Draft for Second Reading)</p>	

<p>and civilian standards and the sharing of resources.</p> <p>It is not allowed to implement trade barriers, regional blockades and other acts of impeding the order of market competition by using standards.</p>		
<p>Article 17 During the formulation of compulsory standards and recommended standards, investigation should be conducted with respect to the actual needs of the relevant administrative departments, enterprises, social organizations, consumers and education, scientific and research institutions and other aspects upon initiation, and take a variety of ways to solicit opinions on a convenient and effective basis.</p> <p>Compulsory standards shall be made public and accessible to the public free of charge. The State promotes free introduction of standards to the community.</p>	<p>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.</p> <p>(Please refer to Article 14 and 16 of the Draft for Second Reading)</p>	<p>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. (Please refer to Article 22 of the Draft for Second Reading)</p>
<p>Article 18 The competent administrative departments responsible for the formulation of standards shall organize relevant parties to set up standardization technical committees, which will be in charge of the standards drafting and technical review. The composition of the standardization technical committees shall be broadly representative.</p>	<p>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</p>	<p>Article 16 In developing recommended standards, a standardization technical committee formed of relevant stakeholders shall undertake the drafting and technical review of the standards. <b>In developing mandatory standards, a standardization technical committee formed of relevant stakeholders shall undertake the drafting and technical review of the standards.</b> In the case where the technical committee is not</p>

<p>The drafting and technical review of compulsory standards may be undertaken by the standardization technical committees; however, the standardization technical committees shall shoulder the drafting and technical review of the recommended standards. If there is no standardization technical committees, an expert group may be established to undertake the drafting and technical review of relevant standards.</p>	<p>committee and expert group shall be wide-ranging and representative.</p>	<p>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.</p>
<p>(Correspond to Article 17 second paragraph of the Draft Revision)</p>	<p>Article 16 Texts of mandatory standards shall be disclosed on a free basis. The State works to ensure text of recommended standards are open.</p>	<p>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.</p>
<p>(Correspond to Article 13 of the Draft Revision)</p>	<p>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.</p> <p>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</p>	<p>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.</p> <p>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</p>



	<p>analysis, tests and assessments on the standard--related matters, <b>to ensure the standards are scientific and standardized.</b></p> <p>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.</p>	<p>and confirmation on the standard--related matters shall be organized.</p> <p>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.</p>
(Correspond to Article 14 of the Draft Revision)	<p>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.</p> <p><b>The State encourages enterprises to develop enterprise standards higher than relevant technical requirements of recommended standards.</b></p>	<p>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.</p>
	<p>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 &amp; generic technology.</p>	<p>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 &amp; generic technology.</p>
<p>Article 19 The technical requirements in recommended national standards and industry standards may not be less stricter than those in compulsory national standards. The technical requirements of local standards, association standards and enterprise standards shall not be lower than the relevant technical requirements of compulsory standards.</p>	<p>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.</p>	<p>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.</p> <p><b>The State encourages social organizations, enterprises to develop association standards and enterprise standards higher than relevant technical</b></p>

		requirements of recommended standards.
(Correspond to Article 16's first, second, third, fourth and sixth items and last item of the Draft Revision)	<p>Article 21 The standards developed shall be able to facilitate reasonable utilization of resources, promotion of scientific &amp; 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.</p> <p>It is prohibited to use standards to implement market barrier, regional blockade or other behavior that excludes or limits market competition.</p>	<p>Article 22 The standards developed shall be able to facilitate reasonable utilization of resources, promotion of scientific &amp; 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.</p> <p>It is prohibited to use standards for behaviors preventing the free flow of goods and services or excluding/limiting market competition.</p>
(Correspond to Article 16's first paragraph of the Draft Revision)	Article 22 The standards shall be developed to ensure the standards are harmonized and support each other.	(Please refer to the last sentence of Article 15 of the Standardization Law Released Nov 4, 2017)
(Correspond to Article 16's tenth paragraph of the Draft Revision)	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 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 20 Rules governing the numbering of standards will be set up and released by the standardization administrative department under the State Council.	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.	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	Chapter III Standards Implementation	Chapter III Standards Implementation
<p>Article 21 Compulsory standards shall be implemented. Products or services that do not meet the compulsory standards may not be produced, sold, imported or supplied.</p> <p>Persons may adopt recommended standards on a voluntary basis.</p> <p>Members of the social organizations may apply association standards as agreed, and enterprise standards will be adopted by enterprises that draw up standards at their own discretion; other enterprises may voluntarily adopt association standards or enterprise standards.</p>	<p>Article 25 <b>Mandatory standards shall be followed.</b> The products or services failing to comply with mandatory standards shall not be manufactured, sold, imported or supplied.</p> <p><b>The State encourages voluntary adoption of recommended standards.</b></p> <p>(Also correspond to Article 17, 18 of the Draft for Second Reading)</p>	<p>Article 25 Products or services failing to comply with mandatory standards shall not be manufactured, sold, imported or supplied.</p>
<p>(Correspond to Article 23 of the Draft Revision)</p>	<p>Article 26 The technical requirements for exported products and services shall follow the agreed terms of the contracts.</p>	<p>Article 26 The technical requirements for exported products and services shall be implemented according to agreed terms of contracts.</p>
<p>Article 22 In China, persons are required to disclose their own standards for products or services. The product standards implemented by the enterprise shall be made public through the enterprise standard information public service platform; enterprises are encouraged to release their applied services standards to the public.</p> <p>Enterprises adopting compulsory standards, recommended standards, association standards or enterprise standards formulated by other enterprises shall make available to the</p>	<p>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</p>	<p>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</p>

<p>public the numbers and names of the said standards. If an enterprise implements the enterprise standards formulated by itself, it shall also disclose the functional indexes of the products and services, as well as the performance indexes of the products as well as the corresponding inspection methods.</p> <p>An enterprise shall organize production and operation activities in accordance with the standards, and the products produced and services provided shall meet the technical standards required by the standards made available by it.</p>	<p>standards information public service platform.</p> <p>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.</p>	<p>standards information public service platform.</p> <p>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.</p>
<p>Article 23 The technical requirements concerning the products and services export shall be subject to the contract.</p>	<p>(Please refer to Article 26 of the Draft for Second Reading)</p>	
<p>Article 24 Enterprises are required to develop new products, improve products and conduct technological transformation in accordance with the standardization requirements as stipulated herein.</p>	<p>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.</p>	<p>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.</p>
<p>Article 25 The standardization administrative department under the State Council and the competent administrative authorities under the State Council, the standardization administrative departments of local people's governments at or above cities divided into districts shall have in place information feedback mechanism governing the standards implementation, so as to regularly assess and review standards established</p>	<p>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</p>	<p>Article 29 The State establishes a Statistical analysis report system for the implementation of mandatory standards.</p> <p>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</p>



<p>thereby. The review results shall serve as the basis for revising and abolishing relevant standards. The State establishes a system for statistical analysis and reporting in connection with the implementation of compulsory standards.</p>	<p>feedback and assessment results. <b>The reexamination results shall serve as the basis for revising and abolishing relevant standards.</b> The State establishes a system of statistics, analysis and reporting regarding the implementation of mandatory standards.</p>	<p>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.</p>
		<p>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.</p>
<p>Article 26 The people's governments at all levels shall support the development of standardization pilots to spread the concept of standardization, promote standardization experience, and promote the whole society to organize production, operation, management and services under various standards.</p>	<p>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.</p>	<p>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.</p>

Chapter IV Supervision and Administration	Chapter IV Supervision and Administration	Chapter IV Supervision and Administration
Article 27 The standardization administrative departments of the people's governments at or above the county level and the competent administrative authorities shall supervise and check the formulation and implementation of standards in accordance with their statutory duties.	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 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 28 Where the competent administrative authorities under the State Council have significant controversies during the formulation and implementation of standards, the standardization administrative department under the State Council will organize to negotiate, failing which, such controversies shall be solved under the standardization coordination mechanism under the State Council.	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 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 29 Where the standardization administrative departments or the competent administrative authorities fail to number, evaluate or review the compulsory standards or recommended standards or record the recommended standards according hereto, the standardization administrative department under the State Council will require them to explain the situation and make corrections within a time limit. If and in the event that social organizations or enterprises fail to number association standards or enterprise standards in accordance with	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	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.

the Law, the standardization administrative department under the State Council will require them to explain the situation and make corrections within a time limit.	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 30 The standardization administrative departments and the competent administrative authorities may, according to work needs, have inspection and testing institutions to check whether any product conforms to standards.	(Note: deleted in the Draft for Second Reading)	
Article 31 All units or individual have the right to report and complain any acts in violation hereof to the standardization administrative departments and the competent administrative authorities. The standardization administrative departments and the competent administrative authorities shall publicize the telephone, mailbox or e-mail address and arrange personnel for the purpose of accepting and dealing the report and complaint. For the real name informants or complainants, the administrative department accepting their reports and complaints shall inform them of the handling results, keep confidential the informants, and reward the informants in accordance with the relevant provisions of the State.	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.	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.
<b>Chapter V Legal Liabilities</b>	<b>Chapter V Legal Liabilities</b>	<b>Chapter V Legal Liabilities</b>
Article 32 If any person produces, sells or imports products or provides services that do not conform to the compulsory standards, or where the products produced	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	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



<p>or the services provided by enterprise do not conform to the technical requirements of the standards made available, which cause losses to the loss of person or property, the said persons or enterprise shall assume civil liabilities in accordance with the law.</p>	<p>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.</p>	<p>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.</p>
<p>Article 33 The administrative departments under the law or administrative regulations shall investigate and punish according to the law the cases under which any products are produced, sold or imported or any services are provided not in consistency with compulsory standards; where there are no provisions in laws or administrative regulations, the standardization administrative departments will order them to make correction, give warnings, confiscate the products and stop the services, and impose a fine of less than RMB 500,000 according to the circumstances.</p>	<p>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.</p>	<p>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, <b>the Law of the People's Republic of China on Import and Export Commodity Inspection</b> 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.</p>
<p>Article 34 In the case that enterprises did not make available their products standards to the public via the enterprise standard information public service or disclose the said standards affectedly, the standardization administrative departments will order them to make corrections and make the same available to the public through the enterprise standard information public service platform.</p>	<p>Article 37 In the case where an enterprise fails to disclose the product standard it follows as required in this Law <b>or practices fraud in disclosure of standards</b>, the standardization administration department shall order a rectification of the violation and announce the violation via the standards information public service platform.</p>	<p>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. <b>In the case of failing to rectify within the specified period</b>, the violation shall be announced via the standards information public service platform.</p>
<p>Article 35 The standardization administrative departments or the competent administrative</p>	<p>Article 38 In the case where any standardization administration department or relevant</p>	<p>Article 39 In the case where any <b>administration department under the State Council</b> and the</p>



<p>authorities shall timely make corrections if they fail to formulate standards according to Paragraph 1 of Article 16 and Article 19 hereof; if they refuses to do so, the standardization administrative department under the State Council will announce and repeal relevant standards, and the appointing and dismissing authorities and supervisory organs will punish according to the law the heads held liable and persons directly responsible.</p> <p>Where social organizations or enterprises fail to formulate standards according to Paragraph 1 of Article 16 and Article 19 hereof, the standardization administrative departments will order them to make corrections; otherwise, the standardization administrative department under the State Council will annul the related standards and make the same available to the public through the enterprise standard information public service platform.</p> <p>Where any standardization administrative departments or competent administrative authorities violate Paragraph 2 of Article 16 hereof, they will be handled according to anti-unfair competition, anti-monopoly and other related laws and administrative regulations.</p>	<p>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 <b>the department appointing the leader or competent supervision department</b> shall impose administrative measures on the leader in charge and persons directly responsible for such violation.</p> <p>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.</p> <p>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.</p>	<p>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 <b>Article 21</b>, the first paragraph of <b>Article 22</b> 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.</p> <p>In the case where a social organization or enterprise fails to develop standards in accordance with the first paragraph of <b>Article 21 and Article 22</b> in this Law, the competent standardization administration department shall order a rectification with deadline; <b>In the case of failing to rectify within the specified period</b>, 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.</p> <p>In the case of violation of the second paragraph of <b>Article 22</b> in this Law, <b>which is using standards for behaviors excluding or limiting market competition</b>, such violation shall be dealt with according to the Anti-Monopoly Law of the People's Republic of China and administrative regulations.</p>
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<p>Article 36 Where the standardization administrative departments or the competent administrative authorities of the people's government at or above cities divided into districts fail to number the compulsory standards or recommended standards or record the recommended standards according to the Law and fail to make corrections within a definite time, the standardization administrative department under the State Council will revoke the numbers of the related standards or announce and repeal those unregistered standards, and the appointing and dismissing authorities and supervisory organs will punish according to the law the heads held liable and persons directly responsible.</p> <p>In the event that the standardization administrative departments or the competent administrative authorities fail to evaluate or review the standards formulated thereby according hereto and fail to make corrections, the appointing and dismissing authorities and supervisory organs will punish according to the law the heads held liable and persons directly responsible.</p>	<p>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 <b>mandatory and recommended standards or register the recommended standards</b>, 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 <b>the department appointing the leader or the competent supervision department</b> shall impose administrative measures on the leader in charge or the persons directly responsible for such violation.</p> <p>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.</p>	<p>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 <b>fails to correct in accordance with the Article 34 of this Law</b>, 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.</p> <p>In the case where <b>administration department under the State Council and relevant standardization department under People's Governments at and above city level with districts</b> fails to, in accordance with the provisions of this Law, reexamine the standards it develops, and <b>fails to correct in accordance with the Article 34 of this Law</b>, administrative measures shall be imposed on the leader in charge and the persons directly responsible for such violation.</p>
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<p>Article 37 If and in the event that social organizations or enterprises fail to number association standards or enterprise standards in accordance with the Law and fail to make corrections within a definite time, the standardization administrative department under the State Council will revoke the number of related standards and make the same available to the public through the enterprise standard information public service platform.</p>	<p>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.</p>	<p>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.</p>
<p>Article 38 Where persons in charge of the standardization supervision, inspection, testing and management are involved in abuse of power, dereliction of duty, favoritism and malpractice, the appointing and dismissing authorities and supervisory organs will punish according to the law the heads</p>	<p>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,</p>	<p>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.</p>

held liable and persons directly responsible.	the violator is subject to criminal liability according to law. (Correspond to Article 39 of the Draft Revision)	(Correspond to Article 39 of the Draft Revision)
Article 39 Where any violation of the Law constitutes a crime, criminal liabilities will be investigated in accordance with the law.		
<b>Chapter VI Supplementary Provisions</b>	<b>Chapter VI Supplementary Provisions</b>	<b>Chapter VI Supplementary Provisions</b>
Article 40 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 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 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 41 The Law will come into force as of XXX.	Article 43 The Law will come into force as of XXX.	Article 45 The Law will come into force as of January 1st, 2018.

## 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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