



The Detailed Function of the State Administration for Market Regulation

Issued by SAMR on 9th August

These Regulations shall come into force on July 30, 2018

Regulations for function allocation, internal bodies and staffing of State Administration for Market Regulation

Article 1 These Regulations are formulated according to the *Decision of the Central Committee of the Communist Party of China on Deepening the Reform of the Party and State Institutions* and the *Plans for Deepening the Reform of the Party and State Institutions* approved by the Third Plenary Session of the 19th CPC Central Committee and the *Plans for the Reform of the State Council* approved at the 1st session of the 13th National People's Congress.

Article 2 The State Administration for Market Regulation is an institution at ministerial level directly under the State Council. Those names of Certification and Accreditation Administration of the People's Republic of China and Standardisation Administration of the People's Republic of China are publicly reserved.

Article 3 The State Administration for Market Regulation shall implement the principles, policies, and decision-making arrangements of the CPC Central Committee on market supervision and management, and adhere to and strengthen the Party's centralised and unified leadership over market supervision and management in the course of performing its duties. The main responsibilities are:

1. Responsible for comprehensive market supervision and management. Draw up draft laws and regulations on market supervision and management, formulate relevant regulations, policies, standards, organise and implement strategies of superpower in quality, food safety strategy and standardisation strategy, formulate and organise relevant plans, standardise and maintain market order, and create honest, trustworthy and fairly competitive market environment.
2. Responsible for the unified registration of market entities. Guide the registration of market entities such as various types of enterprises, farmer specialised cooperatives, units and individuals engaged in business activities, and resident representative offices of foreign (regional) enterprises. Establish an information publicity and sharing mechanism for market entities, publicise and share relevant information in accordance with the law, strengthen credit supervision, and promote the construction of a market entity credit system.
3. Responsible for organising and guiding the comprehensive law enforcement of market supervision. Guide the integration and construction of comprehensive law



- enforcement teams for local market supervision, and promote the implementation of unified market supervision. Organise, investigate and handle major illegal cases. Standardise market supervision and administrative law enforcement.
4. Responsible for unified enforcement of anti-monopoly law. Coordinate and promote the implementation of competition policy and guide the implementation of a fair competition review system. Conduct anti-monopoly review on the concentration of undertakings in accordance with the law, and be responsible for anti-monopoly law enforcement such as monopoly agreements, abuse of market dominance and abuse of administrative power to exclude and restrict competition. Guide the response to anti-monopoly suits of enterprises at abroad. Undertake the daily work of the Anti-monopoly Committee of the State Council.
 5. Responsible for supervising and managing market order. Supervise and manage market transactions, online commodity transactions and related services in accordance with the law. Organise and guide the investigation and punishment of price and charges violations, unfair competition, illegal direct selling, pyramid schemes, infringement of trademark, patent and intellectual property rights and producing and marketing counterfeit and shoddy products. Guide the development of the advertising industry and supervise and manage advertising activities. Guide and investigate unlicensed production and operation and other related behaviours. Instruct the China Consumers' Association to carry out consumers' rights protection work.
 6. Responsible for macro quality management. Formulate and implement institutional measures for quality development. Coordinate the construction and application of national quality infrastructure, organise and implement quality supervision systems for major engineering equipment together with related departments, organise major quality accident investigations, establish and unify the implementation of defective products recall system, and supervise and manage product anti-counterfeiting work.
 7. Responsible for product quality and safety supervision and management. Manage risk monitoring of product quality and safety as well as national supervision and spot checks. Establish, organise and implement quality grading system as well as quality and safety traceability system. Guide the production license management of industrial products. Responsible for fibre quality supervision.
 8. Responsible for the safety supervision and management of special equipment. Comprehensively manage the safety supervision of special equipment, supervise and inspect the implementation of energy-saving standards for high-energy-consuming special equipment and environmental protection standards for boiler.
 9. Responsible for the comprehensive coordination of food safety supervision and management. Organise the development of major food safety policies and facilitate their implementation. Responsible for the construction of food safety emergency system, organise and guide the emergency disposal as well as investigation and handling of major food safety incidents. Establish and improve the direct reporting system for important information on food safety. Undertake the daily work of the Food Safety Committee of the State Council.

10. Responsible for food safety supervision and management. Establish, organise and implement a supervision and inspection system covering the whole process of food production, circulation and consumption, and a hidden danger investigation and management mechanism and prevent regional and systemic food safety risks. Promote the establishment of a mechanism for food producers and operators to carry out their main responsibility, and improve the food safety traceability system. Organise the work such as food safety supervision and sampling inspection, risk monitoring, verification and disposal, risk warning and risk communication. Organise and implement the registration, filing and supervision of foods for special purposes.
11. Responsible for unified management of measuring work. Carry out legal measurement units and national measurement systems, manage measurement instruments as well as dissemination and comparison of the quantity value. Standardise and supervise the volume of goods and market measuring behaviour.
12. Responsible for unified management of standardisation work. Undertake the project approval, numbering, external notification and authorisation approval publication of the mandatory national standards in accordance with the law. Develop recommended national standards. Coordinate, guide and supervise the formulation of sectoral standards, local standards, and association standards. Organise the implementation of international standardisation cooperation and participate in the formulation and adoption of international standards.
13. Responsible for unified management of inspection and testing. Promote the reform of inspection and testing institutions, standardise the inspection and testing market, improve the inspection and testing system, and guide the development of the inspection and testing industry.
14. Responsible for unified management, supervision and comprehensive coordination of national certification and accreditation work. Establish, organise and implement national unified certification and accreditation and conformity assessment supervision and management system.
15. Responsible for the construction of science and technology and information in market supervision and management, news promotion, as well as international exchanges and cooperation. Undertake work related to the technical trade measures in accordance with the provisions.
16. Management of the China Food and Drug Administration and the National Intellectual Property Administration.
17. Other tasks assigned by the CPC Central Committee and the State Council.
18. Function shift.
 - 1) Vigorous promotion of quality improvement. Strengthen overall quality management and construction of national quality infrastructure system, improve quality incentive system, and promote brand building process. Accelerate the

establishment of a compulsory reporting system for enterprise product quality and safety accidents and prior accountability on operator and compensation prepayment system, innovate third-party quality evaluation, strengthen the main responsibility of production operators, and promote advanced quality management methods. Fully implement self-declaration disclosure and supervision system of the enterprise product and service standards, foster the development of technologically advanced association standards and benchmark the international standards to improve the overall level of domestic standards. With standardization work, we can gradually make China a superpower in quality.

- 2) In-depth promotion of streamlining administration and delegating power. Deepen the reform of the commercial system, the system of corporate names check and approval, and market exit, etc. Deepen the reform of “separation of license and certificate”, promote “reduction of certificate after acquiring license”, and reduce the start-up time of enterprises. Accelerate the marketization and socialization reform of inspection and testing institutions. Further reduce activities such as rating compliance, recognition awards and model creation, reduce administrative examination and approval items, substantially reduce production certificates for industrial products, and promote the optimization of the business environment.
- 3) Strictly observing the safety bottom line. Follow the requirements of "the most stringent standards, the strictest regulations, the most severe punishments and the most serious accountability". Strengthen food safety, industrial product quality and safety and safety supervision of special equipment according to the law. Strengthen on-site inspections, severely punish violations of laws and regulations and prevent systemic risks. In this way, the people can be at ease when buying, using and eating products.
- 4) Strengthening intermediate and post-event supervision. Accelerate the cleaning-up and abolishment of various regulations and practices that hinder the national unified market and fair competition, and strengthen anti-monopoly and anti-unfair competition to unify law enforcement. Strengthen the supervision based on standards and risk management, comprehensively implement "double random checks and one disclosure" and "Internet + supervision", accelerate regulatory information sharing, and build a new market supervision system with information disclosure as the means and credit supervision as the core.
- 5) Improving service levels. Accelerate the integration of consumer complaints, quality supervision reports, food and drug complaints, intellectual property complaints and price reporting telephone lines. Promote the facilitation of the whole process from market access to market exit of market entities, take the initiative to serve the development of new technologies, new industries, new business models and new modes, use big data to strengthen service to market entities, actively serve individual businesses, private enterprises and the masses, and promote mass entrepreneurship and innovation.

19. The division of relevant responsibilities.

- 1) Relevant division of responsibilities with the Ministry of Public Security. The State Administration for Market Regulation and the Ministry of Public Security shall establish a mechanism for linking administrative law enforcement and criminal justice work. If the market supervision and management department finds that the illegal act is suspected of being a crime, it shall promptly transfer it to the public security organ in accordance with relevant regulations. The public security organ shall promptly conduct a review and make a decision on placing the case on file or not. Where the public security organ submits the inspection, appraisal, confirmation and other assistance to the market supervision and administration department according to law, the market supervision and administration department shall provide assistance.
- 2) Relevant division of responsibilities with the Ministry of Agriculture and Rural Affairs. (1) The Ministry of Agriculture and Rural Affairs is responsible for the quality and safety supervision and management of edible agricultural products from the cultivation and breeding links to the wholesale, retail market or before entering production and processing enterprises. After the edible agricultural products enter the wholesale, retail market or production and processing enterprises, they are supervised and managed by the State Administration for Market Regulation. (2) The Ministry of Agriculture and Rural Affairs is responsible for the quality and safety supervision and management of animal and plant disease prevention and control, livestock and poultry slaughtering, and raw milk purchase. (3) The two departments shall jointly establish a mechanism of food safety origin exit, market access and traceability, strengthen coordination and cooperation as well as work linkage, and form a joint force of supervision.
- 3) Relevant division of responsibilities with the National Health Commission. The National Health Committee is responsible for food safety risk assessment work, and it develops and implements a food safety risk monitoring plan in conjunction with the State Administration for Market Regulation and other departments. If the National Health Commission finds out that there may be a potential food safety hazard through food safety risks monitoring or reports received, it shall immediately organise an inspection and food safety risk assessment, and promptly notify the State Administration for Market Regulation of the food safety risk assessment results. The State Administration for Market Regulation shall take immediate measures to foods that are assessed as unsafe. If the State Administration for Market Regulation finds that a food safety risk assessment is required in the supervision and management work, it shall promptly make recommendations to the National Health Commission.
- 4) Relevant division of responsibilities with the General Administration of Customs. (1) The two departments shall jointly establish a mechanism to avoid repeated inspections, repeated charges and repeated penalties for all kinds of import and export commodities, foods and cosmetics, so as to reduce the burden on enterprises. (2) The General Administration of Customs is responsible for the supervision and management of imported food safety. Imported food

and food-related products shall comply with China's national food safety standards. Where food safety incidents outside the country may affect food safety within China's territory, or if serious food safety problems are found in imported food, the General Administration of Customs shall promptly adopt risk warning or control measures, and notify them to the State Administration for Market Regulation, which shall take corresponding measures in a timely manner. (3) The two departments shall establish an information disclosure and cooperation mechanism for defects in imported products. The General Administration of Customs shall implement technical treatment, return shipment, and destroy cargo according to law, and notify the State Administration of Market Supervision, if The General Administration of Customs discovers imported products are unqualified or have potential safety hazards in the inspection and supervision of the port. The State Administration for Market Regulation shall uniformly manage the recall of defective products, and shall implement recall measures according to law if the information of defects in imported products is acquired from consumer reports, accident investigations, injury monitoring, etc.; if there is refusal to perform the recall obligation, the State Administration for Market Regulation shall notify the General Administration of Customs, which shall take corresponding measures according to law.

- 5) Relevant division of responsibilities with the China Food and Drug Administration. The China Drug Administration is responsible for formulating regulatory systems for pharmaceuticals, medical devices and cosmetics, and is responsible for the licensing, inspection and punishment of the development link of pharmaceuticals, medical devices and cosmetics. The provincial drug supervision and administration department is responsible for the licensing, inspection and punishment of the production link of pharmaceuticals, medical devices and cosmetics, as well as the wholesale license of drugs, the license of retail chain headquarters, and the filing, inspection and punishment of third-party platform for Internet sales. The municipal and county-level market supervision and administration departments are responsible for the licensing, inspection and punishment of pharmaceutical retail and medical device business operations, as well as the inspection and punishment of the quality link of cosmetics business operations and of the use link of drugs and medical devices.
- 6) Relevant division of responsibilities with the State Intellectual Property Office. The State Intellectual Property Office is responsible for the business guidance of trademark and patent law enforcement, formulates and guides the implementation of trademark rights, patent rights confirmation and infringement judgment standards, formulates inspection, appraisal and other relevant standards for trademark and patent law enforcement, establishes mechanisms, and does works such as connecting policy and standards and information reporting. The State Administration for Market Regulation is responsible for organising and guiding the trademark and patent law enforcement.

Article 4 The State Administration for Market Regulation shall be equipped with the following internal divisions:

1. General Office. Responsible for the daily operation of the State Administration for Market Regulation and undertaking information, security, confidentiality, letters and visits, openness in government affairs, informatization and other work. Organise and coordinate emergency response and investigation and handling of major accidents in market supervision and management.
2. Comprehensive Planning Division. Undertake the coordination and promotion of market supervision and management in the deepening of reform work. Organise and implement relevant policy research and comprehensive analysis. Formulate, organise and implement medium and long-term plans for market supervision and management. Draft important comprehensive documents and manuscripts. Undertake and guide statistical work in market supervision and management.
3. Law and Regulation Division. Undertake the work of drawing up market supervision and management related draft laws, regulations and rules. Undertake the review of the legality of normative documents as well as international cooperation agreement, agreement and protocol drafts. Undertake law-abiding law enforcement procedures design, discretion regulation and administrative law enforcement supervision. Undertake or participate in relevant administrative reconsideration, administrative pleadings submission and administrative compensation work. Organise the work of publicity and education on the rule of law.
4. Law Enforcement Inspection Bureau. Formulate and implement the institutional measures for comprehensive law enforcement and case investigation of market supervision. Guide and investigate the relevant illegal activities and case investigations in the market access, production, operation and transaction of market entities. Undertake the investigation, inspection and supervision of large-scale cases with national influences or inter-provincial (autonomous regions and municipalities directly under the Central Government) cases. Guide the comprehensive law enforcement work of local market supervision.
5. Registration Office (Party Building Office for Small and Micro Enterprise, Individual Business and Specialised Market). Formulate, guide and implement institutional measures for the unified registration of market entities and the approval and issuance of business licenses. Undertake the guiding of the entire process of electronic registration. Undertake the analysis and disclosure of registration information. Guide administrative licensing in market supervision and management. Support the development of individual and private economy, and undertake the work of establishing a complete list of small and micro enterprises. Under the guidance of the Organisation Department of the CPC Central Committee, guide the local market supervision and management departments to cooperate with the organisation departments of party committee to carry out party building work for small and micro enterprises, individual businesses and specialised markets.
6. Credit Supervision and Management Division. Formulate institutional measures for credit supervision and management. Organise and guide the supervision and inspection of the registration of market entities. Organise and guide the credit classification management and information disclosure work, and undertake the construction and

- management of the National Enterprise Credit Information Publicity System. Establish a catalogue of enterprises with irregular operations and a system of blacklisting, and undertake the coordination and communication of market entity supervision and management information as well as public information sharing and joint punishment.
7. Anti-monopoly Bureau. Formulate anti-monopoly institutional measures and guidelines, organise and implement anti-monopoly law enforcement work, and undertake the guiding for enterprises in response to anti-monopoly suits at abroad. Organise and guide the fair competition review work. Undertake international cooperation and exchanges in anti-monopoly law enforcement. Undertake the daily work of the Anti-monopoly Committee of the State Council.
 8. Price Supervision and Inspection and Anti-Unfair Competition Bureau (Office for Regulating Direct Marketing and Combating MLM). Formulate institutional measures, rules and guidelines on supervision and inspection of price charges and anti-unfair competition. Organise and implement supervision and inspection of commodity prices, service prices and administrative and institutional fees. Organise, guide, investigate and deal with price violations and unfair competition. Supervise and manage direct selling companies, direct sellers and their direct sales activities and combat pyramid schemes.
 9. Online Trading Supervision and Management Division. Formulate institutional measures to implement online commodity trading and related service supervision and management. Organise and guide the coordination of administrative law enforcement in the online market. Organise and guide the online trading platform and the network management entity to standardise the management work. Organise and implement online market monitoring. Organise and implement supervision and management of contracts and auction activities in accordance with the law, and manage the registration of chattel mortgage. Guide the construction of the consumer environment.
 10. Advertising Supervision and Management Division. Formulate, organise and implement development plans and policies for the advertising industry. Formulate institutional measures for the implementation of advertising supervision and management, and organise and guide the advertisement review of pharmaceuticals, health foods, medical devices, and formulated food for special medical uses. Organise the monitoring of the release of various media advertisements. Organise and investigate illegal activities such as false advertisements. Guide the work of advertising review agencies and advertising industry organisations.
 11. Quality Development Bureau. Formulate, organise and implement policies and measures to promote the strategy of superpower in quality, undertake the coordination of the collaboration service and application of national quality infrastructure, and propose measures to improve the quality incentive system. Formulate and implement the product and service quality improvement system, mandatory product quality and safety accident reporting system, and defective product recall system, organise and implement major engineering equipment quality supervision and product anti-counterfeiting work, conduct service quality supervision and monitoring, and organise major quality accident investigation.

12. Product Quality and Safety Supervision and Management Division. Develop, organise and implement a catalogue of products under national key supervision. Undertake the national product supervision and spot check, risk monitoring and classification supervision and management of product quality. Guide and coordinate the industrial, local and professional supervision on product quality. Undertake the production license management of industrial products and the quality and safety supervision and management of food-related products. Undertake the quality supervision of cotton and other fibres.
13. Food Safety Coordination Division. Develop, organise and implement major policy measures to promote food safety strategies. Undertake the overall coordination of major issues in the whole process supervision on food, and promote the work of cross-regional and cross-sectoral coordination and linkage mechanism for food safety. Undertake the daily work of the Food Safety Committee of the State Council.
14. Food Production Safety Supervision and Management Division. Analyse and master the food safety situation in the production field, formulate and implement the institutional measures for food production supervision and management as well as food producers' implementing the main responsibility. Organise the supervision and management of salt production quality and safety. Organise the supervision and inspection of food production enterprises, and organise, investigate and handle major illegal activities. Guide enterprises to establish a sound food safety traceability system.
15. Food Marketing Safety Supervision and Management Division. Analyse and control the food safety situation in the circulation and catering services, formulate institutional measures for the supervision and management of food circulation, catering services, and market sales of edible agricultural products, and for food business operators' implementing main responsibilities, and organise, implement and guide the supervision and inspection work. Organise the supervision and management of salt quality and safety. Organise and implement catering quality and safety improvement actions. Guide food safety control work for major events. Organise, investigate and handle major illegal acts.
16. Special Food Safety Supervision and Management Division. Analyse the safety situation of special foods such as health foods, formulated food for special medical uses and formula milk powder for infants and children, and formulate, organise and implement institutional measures for the registration, filing and supervision and management of special foods. Organise, investigate and handle major illegal acts.
17. Food Safety Sampling Inspection and Monitoring Division. Formulate, organise and implement a national food safety supervision sampling inspection plan, and regularly publish relevant information. Supervise and guide the inspection, disposal and recall of unqualified food. Organise food safety evaluative sampling inspection, risk warning and risk communication. Participate in the formulation of food safety standards, food safety risk monitoring plans, undertake risk monitoring work, and organise risk investigations
18. Special Equipment Safety Supervision Bureau. Develop special equipment catalogs and safety technical specifications. Supervise and inspect the production, operation,

use, inspection, testing, import and export of special equipment, as well as the energy-saving standards for high-energy-consuming special equipment and the implementation of environmental protection standards for boiler. Organise the investigation and handling of special equipment accidents according to the prescribed authority and conduct statistical analysis. Investigate and deal with major illegal acts. Supervise and manage special equipment inspection and testing institutions, inspection and testing personnel and operators. Promote the research and application of special equipment safety technology.

19. Metrology Division. Undertake the management of national metrological benchmark, measurement standards, measurement standards substances and measurement instruments, and organise the traceability of source value and measurement comparison work. Undertake the establishment of the national metrological technical norm system and organise and implement its regular work. Undertake the supervision and management on the volume of commodities, market measurement behaviour, measurement and arbitration verification and measurement technical institutions and personnel. Standardise measurement data usage.
20. Standard Technical Management Division. Develop, organise and implement standardisation strategies, plans, policies and management systems. Undertake the work related to mandatory national standards, recommended national standards (including standard samples) and international benchmarking. Assist in organising the investigations and handling of major violations such as violations of mandatory national standards. Undertake the management work of the National Professional Standardisation Technical Committee.
21. Standard Innovation Management Division. Undertake the work related to sectoral standards, local standards, association standards, enterprise standards and organisations involved in the development of international standards. Undertake the work related to the unified social credit code of national legal persons and other organisations. Manage commodity barcode work. Organise the participation in the activities of the International Organisation for Standardisation, the International Electrotechnical Commission and other international or regional standardisation organisations.
22. Certification Supervision and Management Division. Formulate a supervision and management system for the implementation of certification and conformity assessment. Plan and guide the development of the certification industry and assist in the investigation of certification violations. Organise and participate in certification and conformity assessment activities of international or regional organisation.
23. Accreditation, Testing, Inspection and Supervision Management Division. Formulate and implement the management system of accreditation, testing, inspection and supervision. Organise and coordinate the testing and inspection of resource integration and reform work, plan and guide the development of testing and inspection industry and assist in the investigation of violations in accreditation, testing and inspection activities. Organise and participate in the accreditation, testing and inspection activities of international or regional organisation.

24. News and Publicity Division. Formulate a market supervision and management information disclosure system, and undertake the work of news publication and press release management. Organise the market supervision and management on monitoring, analysing, coordinating and handling of public opinion. Coordinate and organise major publicity activities.
25. Technology and Finance Division. Formulate and implement relevant scientific and technological development plans and technical institution construction plans, put forward major scientific and technological needs such as national quality infrastructure, and undertake relevant scientific research, technology introduction, and application of achievements. Undertake the work related to the management of budget and final accounts, financial audits, state-owned assets, capital construction, various types of funds, special funds and uniform manufacturing of organs and direct subordinate units. Guide the equipment assembly for market supervision and management system.
26. Personnel Division. Undertake the cadre personnel, institutional establishment, labor wages and education work of organs and direct subordinate units. Guide the construction of relevant talent teams and the construction of standardisation at basic level.
27. International Cooperation Division (Hong Kong, Macao and Taiwan Office). Undertake international exchanges and cooperation in market supervision and management, and undertake exchanges and cooperation involving Hong Kong, Macao and Taiwan. Undertake the signing and implementation of relevant international cooperation treaties, agreements and protocols. Undertake technical trade measures related work. Undertake foreign affairs work of organs and direct subordinate units.
28. Party Committee Division. Responsible for the party–masses work of organs and direct subordinate units based in Beijing.
29. Retired cadres office. Responsible for the work of retired cadres and direct the work of retired cadres of subordinate units.

Article 5 The State Administration for Market Regulation is equipped with an administrative establishment of 805 (including 2 staff members of two committees, 3 assistant mobile members, and 15 retired cadre members). There are 1 director, 4 deputy directors, and 120 director-level leaders (including 1 food safety division director, 1 chief engineer, 4 market auditors, 1 full-time deputy secretary of the party committee, and 2 retired cadre office leaders).

Article 6 The setting up, responsibilities and establishment of the institutions affiliated to the State Administration for Markets Regulation shall be separately stipulated.

Article 7 These Regulations shall be interpreted by the Office of State Commission for Public Sector Reform, and the adjustment shall be handled by the Office of State Commission for Public Sector Reform in accordance with prescribed procedures.

Article 8 These Regulations shall come into force on July 30, 2018.

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