

Measures for the Administration of Mandatory National Standards

Order of the State Administration for Market Regulation

(No. 25)

The Measures for the Administration of Mandatory National Standards, as deliberated and adopted at the 16th executive meeting in 2019 of the State Administration for Market Regulation on December 13, 2019, are hereby issued and shall come into force on June 1, 2020.

Director: Xiao Yaqing

January 6, 2020

Measures for the Administration of Mandatory National Standards

(Issued by Order No. 25 of the State Administration for Market Regulation on January 6, 2020)

Article 1 These Measures are developed in accordance with the Standardization Law of the People's Republic of China for the purposes of strengthening the administration of mandatory national standards and regulating the development, implementation, and supervision of mandatory national standards.

Article 2 These Measures shall apply to the development (including project proposing, project initiation, drafting, request for comments, technical review, public notification, numbering, and issuance approval), organization and implementation, and supervision of mandatory national standards.

Article 3 Mandatory national standards shall be developed for technical requirements that protect human health and life and property safety, safeguard national security and environmental safety, and that meet the basic needs of economic and social administration.

Article 4 In the development of mandatory national standards, the principle of universality shall be adhered to, with priority given to the development of standards applicable to the products, processes or services across different fields and disciplines.

Article 5 The development of mandatory national standards shall entail an in-depth investigation and demonstration on the basis of scientific and technological research achievements and experience from social practices to ensure that the standards are developed in a scientific, normative and timely manner.

Article 6 In the development of mandatory national standards, international standards shall be adopted in light of national conditions.

Article 7 The development of mandatory national standards shall be open and transparent, and various methods shall be adopted under the principle of convenience and effectiveness to ask all parties for their opinions.

Article 8 There shall be a specific department responsible for supervising and administering the implementation of mandatory national standards, which may deal with any violation of mandatory national standards in accordance with the provisions of laws, administrative regulations or departmental rules.

Article 9 The administrative department for standardization under the State Council shall administer standardization across the country in a centralized way. It shall be responsible for the project initiation, numbering, and public notification of mandatory national standards. The relevant administrative departments under the State Council shall, according to their respective functions, be responsible for project proposing, project initiation, drafting, request for comments, and technical review. The issuance of mandatory national standards shall be approved by the State Council or the approval thereof shall be authorized by the State Council.

The administrative departments for standardization and the relevant administrative departments under the people's governments at or above the county level shall, according to their statutory functions, supervise and inspect the implementation of mandatory national standards.

Article 10 The administrative department for standardization of a province, autonomous region or municipality directly under the Central Government may propose the initiation of a mandatory national standard project to the administrative department for standardization under the State Council, which shall, along with the relevant administrative departments under the State Council, study and decide on such proposal. If the development of mandatory national standards is indeed required, the administrative department for standardization under the State Council shall give explicit instructions to the project proposing department; if no project initiation is required, reasons shall be explained. A social group, enterprise, public institution, or citizen may propose the initiation of a mandatory national standard project to the administrative department for standardization under the State Council, which shall, along with the relevant administrative departments under the State Council, study and decide on such proposal if it deems that project initiation is needed. If the development of mandatory national standards is indeed required, the administrative department for standardization under the State Council shall give explicit instructions to the project proposing department; if no project initiation is required, reasons shall be explained.

Article 11 The relevant administrative departments under the State Council shall, in accordance with their functions and duties, propose a mandatory national standard project to the administrative department for standardization under the State Council.

A mandatory national standard project involving two or more relevant administrative departments under the State Council may be jointly proposed by the lead department together with relevant departments.

Article 12 Before proposing a mandatory national standard project, the relevant administrative departments under the State Council shall fully solicit comments from other relevant administrative departments under the State Council and investigate the actual needs of enterprises, institutions, social groups, consumers and educational and scientific research institutions in a bid to evaluate and demonstrate the necessity and feasibility of the project.

Article 13 When proposing a mandatory national standard project, the relevant administrative departments under the State Council shall submit a project application and a draft for standard initiation. The project application shall include the following:

- (1) The necessity and feasibility of developing mandatory national standards;
- (2) Main technical requirements;
- (3) The development of relevant domestic mandatory standards and supporting recommended standards;
- (4) The development of relevant laws, regulations and standards of the International Organization for Standardization and other countries or regions;
- (5) The implementation, supervision and administration departments of mandatory national standards and the basis of relevant laws, administrative regulations and departmental rules for dealing with violations of mandatory national standards;
- (6) The catalogue of products, processes or services involved in mandatory national standards;
- (7) Soliciting opinions from relevant departments under the State Council;
- (8) The budget and schedule; and
- (9) Other matters to be submitted.

Article 14 The administrative department for standardization under the State Council shall examine mandatory national standard projects according to the following requirements:

- (1) Whether it complies with the provisions of Articles 3 and 4 of these Measures;

- (2) Whether it complies with the provisions of relevant laws and administrative regulations and whether it coordinates with the technical requirements for relevant mandatory standards;
- (3) Whether it complies with the requirements of Articles 12 and 13 of these Measures; and
- (4) Other contents to be examined.

Article 15 The administrative department for standardization under the State Council shall solicit public comments on mandatory national standard projects that conform to the provisions of Article 14 of these Measures through the National Public Service Platform for Standards Information. The period for solicitation of public comments shall be no less than 30 days. In case of emergency, the period for solicitation of public comments may be shortened, but generally it shall be no less than seven days.

Article 16 For the comments posted by the public, the administrative department for standardization under the State Council may, as required, employ experts to demonstrate and hold meetings for coordination or for providing feedback to the project proposing department, which shall study and deal with them.

Article 17 The administrative department for standardization under the State Council may, according to examination comments and coordination, decide whether to conduct project initiation.

If a decision is made to initiate a project, the administrative department for standardization under the State Council shall assign a project plan and specify the organizing and drafting department and the time limit for submission, approval and issuance. If two or more relevant administrative departments under the State Council are involved, the lead organizing and drafting department shall be specified. If a decision is made not to initiate a project, the administrative department for standardization under the State Council shall, in written form, inform the project proposing department of the reasons for not initiating the project.

Article 18 The organizing and drafting department may entrust the relevant technical committee for standardization with the drafting work.

If a technical committee for standardization is not formed, the organizing and drafting department shall establish a drafting panel of experts that undertakes the drafting of mandatory national standards. For mandatory national standard projects involving two or more relevant administrative departments under the State Council, the lead organizing and drafting department shall, together with other organizing and drafting departments, form a drafting panel of experts. The drafting panel of experts shall be authoritative and representative.

Article 19 The technical requirements for mandatory national standards shall be fully mandatory, and shall be verifiable and operable.

The preparation of mandatory national standards shall comply with the relevant provisions of the state and specify the information on the organizing and drafting department in the preface, but shall not involve the specific drafting entity or drafter.

Article 20 Mandatory national standards shall investigate, analyze, experiment and demonstrate relevant matters.

If the relevant technical requirements need to be tested and verified, the technical entities with corresponding capabilities shall be authorized to conduct such tests.

Article 21 Compilation instructions shall be prepared simultaneously for the drafting of mandatory national standards. The compilation instructions shall include the following:

- (1) A brief description of the work, including the source of the task, the drafters and their employers, and the drafting process;
- (2) The principles of compilation, the basis for the main technical requirements for mandatory national standards (including verification reports, statistical data) and the reasons;
- (3) The relationship with relevant laws, administrative regulations and other mandatory standards, and the development of supporting recommended standards;
- (4) A comparative analysis of the laws, regulations and standards relating to the International Organization for Standardization or other countries or regions;
- (5) The handling process and opinions of major differences and the basis thereof;
- (6) Proposals and reasons for the transitional period between the date of issuance and the date of implementation of mandatory national standards (hereinafter referred to as the “transitional period”), including the technical transformation and cost input required for the implementation of mandatory national standards and the time for withdrawal of old products from the market.
- (7) Policies and measures related to the implementation of mandatory national standards, including the implementation, supervision and administration departments and the basis of relevant laws, administrative regulations and departmental rules for dealing with violations of mandatory national standards;
- (8) Proposals and reasons for the need for public notification;
- (9) Proposals for abolishing the existing relevant standards;
- (10) Relevant explanations relating to patents;

- (11) The catalogue of products, processes or services involved in mandatory national standards; and
- (12) Other issues that shall be explained.

Article 22 The organizing and drafting department shall solicit comments in writing from the relevant administrative departments, enterprises, public institutions, social groups, consumer organizations, educational and scientific research institutions, among others.

The relevant administrative departments for soliciting comments in writing shall include the departments for implementation, supervision and administration of mandatory national standards.

Article 23 The organizing and drafting department shall solicit public comments through the portal website of the department and the National Public Service Platform for Standards Information as to the consultation paper and compilation instructions of mandatory national standards and the proposed transitional period thereof.

The period for solicitation of public comments shall be no less than 60 days. In case of emergency, the time limit for public comments solicitation may be shortened, but generally not less than 30 days.

Article 24 For mandatory national standards that involve a wide range of areas and capture high attention, the organizing and drafting department may listen to the opinions by holding panel discussions, demonstration meetings, and hearings or through many other forms.

Article 25 For mandatory national standards that do not adopt international standards or are inconsistent with the technical requirements for relevant international standards, and that have a major impact on the trade of any other member of the World Trade Organization (WTO), the organizing and drafting department shall, as required, submit the consultation paper of mandatory national standards and the notification form both in Chinese and English to the administrative department for standardization under the State Council.

The administrative department for standardization under the State Council shall, as required by the WTO, make notification and give feedback on the comments received to the organizing and drafting department.

Article 26 In the event of major changes in the relevant technical requirements for mandatory national standards under development, public comments shall be solicited again. If a public notification is required, a notification shall be made again.

Article 27 The organizing and drafting department shall make amendments based on comments from all parties, and form the draft of mandatory national standards for review.

Article 28 The organizing and drafting department may authorize the relevant technical committee for standardization to conduct technical review of the draft mandatory national standards for review. If a technical committee for standardization is not formed, the organizing and drafting department shall establish a review panel of experts that undertakes technical review of the draft mandatory national standards for review. For mandatory national standard projects involving two or more competent administrative departments under the State Council, the lead organizing and drafting department shall, together with other organizing and drafting departments, establish a review panel of experts. The review panel of experts shall be authoritative and representative, and the number of the panel shall not be less than 15 members.

Drafters shall not undertake technical review.

Article 29 The technical review shall be conducted in the form of meeting, with the focus on the review of the scientificity, rationality, applicability and standardization of technical requirements, compliance with relevant policy requirements and the coordination with other mandatory standards. The minutes of the review meeting shall be formed and signed by all the experts present. The minutes shall truly reflect the review, including the time, place and agenda of the meeting, list of experts, specific review opinions and review conclusions.

Article 30 If the organizing and drafting department decides to conduct submission, approval, and issuance according to the opinions on technical review, a draft for approval shall be formed and submitted to the administrative department for standardization under the State Council for unified numbering.

If two or more relevant administrative departments under the State Council conduct joint drafting, the lead organizing and drafting department shall, upon the approval of other organizing and drafting departments, submit the draft to the administrative department for standardization under the State Council for unified numbering.

Article 31 The organizing and drafting department shall provide the following materials, and be responsible for the contents of the draft mandatory national standards for approval:

- (1) The official documents submitted;
- (2) The draft mandatory national standards for approval;
- (3) The compilation explanations;
- (4) A summary table for soliciting comments;
- (5) The minutes of the review meeting; and

(6) Other materials that need to be submitted.

The official documents submitted shall include the proposals for the transitional period.

Article 32 If a mandatory national standard fails to be submitted according to the time limit prescribed in the project plan, the organizing and drafting department shall give an explanation 30 days in advance to the administrative department for standardization under the State Council, and apply for an extension of the time limit.

The extended period shall be no more than one year.

Article 33 If, before submitting the numbering of mandatory national standards, the organizing and drafting department considers that there are major problems with, or policy changes in, relevant technical requirements, drafting may be reorganized or project termination shall be proposed to the administrative department for standardization under the State Council.

Article 34 The administrative department for standardization under the State Council shall number mandatory national standards that meet the following requirements:

- (1) It develops standardized procedures and submits complete materials;
- (2) It complies with the principles prescribed in Articles 3 and 4 of these Measures;
- (3) It complies with the provisions of relevant laws and administrative regulations and coordinates with the technical requirements for relevant mandatory standards; and
- (4) It properly handles major differences in opinion.

Article 35 The serial number of a mandatory national standard shall consist of the GB code, sequence number, and year number.

Article 36 The administrative department for standardization under the State Council shall, upon authorization and approval by the State Council, issue mandatory national standards. Mandatory national standards shall be issued in the form of announcement by the administrative department for standardization under the State Council.

Article 37 The administrative department for standardization under the State Council shall, within 20 days from the date of issuance, publish free of charge the text of a mandatory national standard on the National Public Service Platform for Standards Information.

Article 38 The time limit from assigning the project plan to submitting the draft mandatory national standard for approval shall typically not exceed two years, while the time limit from receiving the draft mandatory national standard for approval to authorizing or approving the issuance thereof by

the administrative department for standardization under the State Council shall typically not exceed two months.

Article 39 During the period from the issuance of mandatory national standards to the implementation thereof, an enterprise may choose to implement either the original mandatory national standards or the new mandatory national standards.

After the implementation of the new mandatory national standards, the original ones shall be repealed concurrently.

Article 40 After the issuance of mandatory national standards, information on drafting entities and drafters may be inquired through the National Public Service Platform for Standards Information.

Article 41 After the issuance of mandatory national standards, the administrative department for standardization under the State Council shall, upon the authorization of the State Council, make an interpretation under any of the following circumstances:

- (1) The definition of mandatory national standards needs to be further clarified;
- (2) Under new circumstances, the application of the basis of mandatory national standards needs to be specified; or
- (3) Any other matter needs to be explained.

The draft interpretation of mandatory national standards shall be studied and proposed by the organizing and drafting department, and submitted to the administrative department for standardization under the State Council.

The interpretation of a mandatory national standard shall have the same effect as the standard. After the interpretation is issued, the administrative department for standardization under the State Council shall, within 20 days from the date of issuance, disclose free of charge the text of the interpretation on the National Public Service Platform for Standards Information.

The consultation on relevant specific issues during the implementation of mandatory national standards shall be studied and answered by the organizing and drafting department.

Article 42 The administrative department for standardization under the State Council shall, through the National Public Service Platform for Standards Information, receive from all quarters of the society suggestions and opinions on the implementation of mandatory national standards, and feed them back to the organizing and drafting department in a timely manner.

Article 43 The organizing and drafting department shall collect the implementation effect of mandatory national standards and existing problems, study and deal with them in a timely manner, and track and evaluate the implementation thereof.

If the departments for implementation, supervision and administration of mandatory national standards are not the same as the organizing and drafting department, the supervision and administration department shall provide the drafting department with the timely feedback on administrative inspections, administrative penalties, and other relevant information.

Article 44 After the implementation of mandatory national standards, the organizing and drafting department shall, on a regular basis, organize the statistical analysis of the implementation of mandatory national standards, form a statistical analysis report on the implementation and submit it to the administrative department for standardization under the State Council.

The statistical analysis report on the implementation of mandatory national standards shall include an overall assessment of the implementation of mandatory national standards as well as specific implementation effects, existing problems and suggestions for improvement.

Article 45 The organizing and drafting department shall, according to feedback and evaluation, re-review mandatory national standards before presenting the conclusions for continued validity, revision or repeal and submitting them to the administrative department for standardization under the State Council.

The re-review period shall generally not exceed five years.

Article 46 If the conclusion of the re-review is to revise mandatory national standards, the organizing and drafting department shall propose the revision items when submitting the conclusion of the re-review.

The revision of mandatory national standards shall be conducted in accordance with the procedures for the development of mandatory national standards as prescribed in these Measures. If individual technical requirements that need to be adjusted, supplemented or deleted are revised in the form of modification list, project initiation may be performed without the approval by the administrative department for standardization under the State Council.

Article 47 If the conclusion of the re-review is to abolish mandatory national standards, the administrative department for standardization under the State Council shall, through the National Public Service Platform for Standards Information, solicit public comments, and solicit comments in writing from the departments for implementation, supervision and administration of mandatory

national standards. The period for solicitation of public comments shall typically not be less than 30 days.

If there are no major differences in opinion or there is a consensus, the administrative department for standardization under the State Council shall, upon the authorization of the State Council, abolish mandatory national standards in the form of public announcement.

Article 48 If there is a dispute over the development and implementation of mandatory national standards, the administrative department for standardization under the State Council shall organize consultations. If no consensus is reached through consultation, such dispute shall be submitted to the Inter-ministerial Joint Meeting for the Standardization Coordination and Promotion under the State Council, where it will be studied and handled.

Article 49 Any entity or individual shall have the power to report or file a complaint about any violation of these Measures to the administrative department for standardization and other relevant administrative departments.

The administrative department for standardization and other relevant administrative departments shall, according to their functions and duties, handle them. For informants or complainants that choose not to withhold their identities, they shall inform them of the disposition results, keep informants confidential, and reward informants according to the relevant provisions issued by the state.

Article 50 If state secrets are involved during the development of mandatory national standards, the relevant confidentiality provisions shall be observed.

Article 51 If a mandatory national standard involves a patent, the relevant administrative provisions of state standards involving patents shall apply.

If relevant international standards apply, *mutatis mutandis*, the development of a mandatory national standard, the copyright policies of the relevant international standardization organizations shall be observed.

Article 52 For the purposes of these Measures, "enterprise" includes both domestic and foreign-funded enterprises. Mandatory national standards shall apply equally to domestic and foreign-funded enterprises. Foreign-funded enterprises and domestic enterprises shall equally participate in the development and revision of mandatory national standards in accordance with law.

Article 53 For the purposes of these Measures, "day" means a calendar day.

Article 54 If any law, administrative regulation or decision of the State Council provides otherwise for the development of mandatory standards, such provisions shall prevail.

Article 55 These Measures shall come into force on June 1, 2020. In case of any discrepancy between the contents of mandatory national standard management involved in relevant departmental rules and the provisions of these Measures, these Measures shall prevail.