



## Seconded European Standardization Expert in China

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### **Measures for the Administration of Local Standards Decree No. 26 of the State Administration for Market Regulation**

*Measures for the Administration of Local Standards*, adopted at the 18<sup>th</sup> executive meeting of the State Administration for Market Regulation on December 23<sup>rd</sup>, 2019, are hereby issued and shall come into force on March 1<sup>st</sup>, 2020.

Xiao Yaqing  
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January 16<sup>th</sup>, 2020



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### **Measures for the Administration of Local Standards**

(Released in Decree No. 26 of the State Administration for Market Regulation on January 16<sup>th</sup>, 2020)

Article 1 For the purpose of strengthening the administration of local standards, these Measures are formulated in accordance with the Standardization Law of the People's Republic of China.

Article 2 These Measures shall be applicable to the formulation, implementation, supervision and administration of all local standards.

Where laws and regulations specify other provisions, such provisions shall prevail.

Article 3 Local standards may be developed for special technical requirements that meet local natural conditions and customs. Administrative departments of standardization at the provincial or the districted city level may develop local standards in agriculture, industry, service sectors, social undertakings and other fields.

Local standards are voluntary standards.

Article 4 The development of local standards should be open, transparent and fair, which is conducive to the scientific and rational utilization of resources and the promotion of scientific and technological results, being advanced in technology and rational in economy.

Article 5 The technical requirements for local standards shall not be lower than those of compulsory national standards and shall coordinate with relevant standards.

Actions that are banned include preventing or restricting market competition by developing local standards for product quality and examination methods to impede free circulation of products and services.

Article 6 The administrative department of standardization of the State Council shall guide, coordinate and supervise the development of local standards as well as other administrative work.

The administrative departments of standardization at and above the county level shall, according to their statutory functions, undertake local standardization work.

Article 7 The administrative departments of standardization at the provincial level shall establish standardization technical committees to undertake the drafting and technical review of standards. The administrative departments of standardization of districted cities shall undertake the responsibilities as standardization technical committees.

Where no standardization technical committee is formed, an expert group shall be formed to undertake the drafting and technical review of relevant standards. The composition of a



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standardization technical committee or an expert group shall be broadly based. Those who participate in the drafting work shall not undertake technical review.

Article 8 Social groups, enterprises, public institutions and citizens may submit recommendations on project initiation of local standards to the administrative departments of standardization above the districted city level or relevant administrative departments.

The administrative departments of standardization above the districted city level shall notify the relevant administrative departments of the same level.

Article 9 The administrative departments of standardization above the districted city level may submit the application for establishing projects of local standards to administrative departments of standardization at the same level, according to the comments received and special requirements of the administrative region.

Article 10 The administrative departments of standardization above the districted city level shall investigate the actual needs of the relevant administrative departments, enterprises, social groups, consumers, and educational and scientific research institutions, among others; discuss and assess the necessity and feasibility of standard development, and review whether the application for project establishment is applicable within the scope of the development of local standards.

Article 11 The administrative departments of standardization above the districted city level shall make plans for project initiation of local standards in accordance with the results of discussion, assessment, investigation and comments after review.

The name of the project, the administrative department in charge of the application, the organization in charge of drafting, and the time limit for completion shall be specified in the project initiation plan of local standards.

Article 12 The organization in charge of drafting shall organize investigation, analysis, experimentation, and discussion on matters relating to local standards. Capable technical entities may be authorized to experiment if any technical requirements are necessary.

Article 13 The organization in charge of drafting shall solicit comments from the relevant administrative departments, enterprises, social groups, consumers, and educational and scientific research institutions. Opinions shall be widely collected on the web portal of the administrative departments of standardization above the districted city level, for a period of no less than 30 days.

Article 14 The organization in charge of drafting the standards shall revise and improve local standards according to the comments collected and submit them to the administrative



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department of standardization at the same level for technical review together with explanations, comments of relevant administrative departments and the instances where the comments have been taken into account.

Article 15 The administrative departments of standardization above the districted city level shall organize a technical review on the following matters concerning local standards:

- (1) Whether the local standards are entailed within the scope of subjects when developing local standards;
- (2) Whether the technical requirements are lower than those of compulsory national standards and in coordination with relevant standards;
- (3) Whether disagreements are properly handled;
- (4) Other matters requiring technical review.

Article 16 The drafting organization shall revise and improve local standards according to technical review opinions, and submit them for review to administrative departments of standardization in charge of project initiation, along with the report on the situation of how the technical review opinions were handled, and other materials as required in Article 14 of these Measures.

Article 17 The administrative departments of standardization above the districted city level shall organize reviews on drafts for approval of local standards and other relevant materials. Those local standards submitted with complete materials and following the appropriate development process should be approved and numbered.

Article 18 The numbering of local standards consists of three parts: local standard code, serial number and year number.

The code for standards of provinces, autonomous regions and municipalities is composed of the letters “DB” and the first two digits of the administrative code of provinces, autonomous regions and municipalities. The code for standards of a districted city is composed of the letters “DB” and the first four digits of the administrative code of the city.

Article 19 Before local standards are published, the administrative departments responsible for project initiation may propose to administrative departments of standardization the changing or cancelling of the standards, due to serious problems or major policy changes existing in relevant technical requirements.

The administrative department of standardization may change or terminate the project based on comments from relevant administrative departments.

Article 20 Local standards shall be published by administrative departments of standardization above the districted city level.



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Article 21 The administrative departments of standardization above the districted city level shall publish local standard catalogues and texts on their web portals and public standard service platforms within 20 days after local standards are published.

Article 22 Local standards shall be filed by administrative departments of standardization at the provincial level to the administrative department of standardization of the State Council within 60 days after release. The archival materials shall include the publishing announcement and the local standard in text.

The administrative department of standardization of the State Council shall notify the relevant administrative departments of the State Council.

Article 23 The administrative departments of standardization at or above the county level shall supervise and examine the implementation of local standards in accordance with their statutory functions.

Article 24 The administrative departments of standardization above the districted city level shall establish feedback and assessment mechanisms for implementation of standards, and review local standards developed by them based on the feedback and assessment.

The review interval for local standards shall be generally not more than five years. It shall be revised in a timely manner under any of the following circumstances.

- (1) Major changes in the laws, regulations, rules or provisions of the State;
- (2) Major changes concerning national, industrial or local standards;
- (3) Major changes in key technologies and applicable conditions;
- (4) Other circumstances requiring timely revision.

Article 25 If local standards are revised, administrative departments of standardization above the districted city level shall solicit comments from the relevant administrative departments, enterprises, social groups, consumers, and educational and scientific research institutions, and make decisions whether local standards should be valid, revised or repealed based on comments. If it is considered that a local standard needs to be revised, the revision shall follow the development process of local standards stated in these Measures. If it is considered that a local standard needs to be repealed, it shall be publicly announced.

Article 26 Where any technical requirements of local standards are lower than relevant technical requirements of compulsory national standards, relevant departments shall take corrective actions in a timely manner. If they refuse to do so, the administrative department of standardization of the State Council shall announce the repeal of the relevant standards; and disciplinary action shall be taken against the liable leaders and directly liable persons according to the law.



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If a standard developing department fails to number or file as required by this Law, the administrative department of standardization of the State Council shall order for the provision of an explanation and to take corrective actions within a time limit; if corrective actions are not taken, disciplinary action shall be taken against the liable leaders and directly liable persons according to the law.

Where local standards fail to be revised as required by these Measures, the administrative department of standardization of the State Council shall order for the provision of an explanation and to take corrective actions within a specified period. If corrective actions are not taken, disciplinary action shall be taken against the liable leaders and directly liable persons according to the law. Acts of preventing or restricting market competition by taking advantage of local standards shall be disposed of in accordance with the Anti-Monopoly Law of the People's Republic of China and other laws and administrative regulations.

Where the developing scope and agencies of local standards fail to comply with this Law, administrative departments of standardization at the next higher level shall order them to take corrective actions. If they refuse to do so, an announcement shall be made to repeal relevant standards.

Article 27 If local standards become a great impetus to economic and social development, scientific and technological awards can be applied for in accordance with local regulations.

Article 28 For the purposes of these Measures, “day” means a calendar day.

Article 29 These Measures shall come into force on March 1<sup>st</sup>, 2020. *The Measures for the Administration of Local Standards* issued in the Decree No. 15 of the former State Bureau of Technology Supervision on September 6<sup>th</sup>, 1990, shall expire concurrently.