Regulations for the Implementation of the Standardization Law of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Standardization Law of the People's Republic of China (hereinafter referred to as the "Standardization Law").

Article 2 — Standards shall be formulated for the following technical requirements that need to be unified:

(1) the variety, specifications, quality, grades, or safety and health requirements of industrial products;

(2) the methods of design, production, testing, inspection, packaging, storage, transportation, and use of industrial products, or the safety and health requirements in the course of production, storage, and transportation;

(3) the various technical requirements and testing methods relating to environmental protection;

(4) the technical requirements and methods for the survey, design, construction, and acceptance of construction projects;

(5) the technical terms, symbols, codes, drafting methods, and interchangeability and compatibility requirements relating to industrial production, project construction, and environmental protection;

(6) the variety, specifications, quality, grades, inspection, packaging, storage, and transportation of agricultural products (including seeds, seedlings, breeding livestock, and breeding poultry, hereinafter the same) and the requirements of production technology and management technology for agriculture (including forestry, animal husbandry, and fishery, hereinafter the same);

(7) the technical requirements for information, energy, resources, and transportation.

Article 3 — The State shall develop the standardization undertaking in a planned manner. Standardization work shall be incorporated into national economic and social development plans at all levels.

Article 4 — The State shall encourage the adoption of international standards and advanced foreign standards and the active participation in the formulation of international standards.

Chapter II — Administration of Standardization Work

Article 5 — The tasks of standardization work are to formulate standards, organize the implementation of standards, and supervise the implementation of standards.

Article 6 — The administrative department of standardization under the State Council shall exercise unified administration over the standardization work of the whole country and perform the following duties:

(1) organizing the implementation of the laws, regulations, guidelines, and policies of the State on standardization work;

(2) organizing the formulation of plans and programs for standardization work nationwide;

(3) organizing the formulation of national standards;

(4) guiding the standardization work of the relevant administrative departments under the State Council and of the administrative departments of standardization of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and coordinating and handling issues relating to standardization work;

(5) organizing the implementation of standards;

(6) supervising and inspecting the implementation of standards;

(7) exercising unified administration over the work of product quality certification nationwide;

(8) undertaking, in a unified manner, the business contacts with the relevant international standardization organizations.

Article 7 — The relevant administrative departments under the State Council shall, in a divided and coordinated manner, administer the standardization work of their respective departments and industries and perform the following duties:

(1) implementing the laws, regulations, guidelines, and policies of the State on standardization work, and formulating specific measures for their implementation in their respective departments and industries;

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(2) formulating plans and programs for standardization work of their respective departments and industries;

(3) undertaking the tasks assigned by the State of drafting national standards and organizing the formulation of industry standards;

(4) guiding the standardization work of the relevant administrative departments of provinces, autonomous regions, and municipalities directly under the Central Government;

(5) organizing the implementation of standards in their respective departments and industries;

(6) supervising and inspecting the implementation of standards;

(7) administering, in a divided and coordinated manner, the work of product quality certification in their respective industries upon authorization by the administrative department of standardization under the State Council.

Article 8 — The administrative departments of standardization of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall exercise unified administration over standardization work within their respective administrative regions and perform the following duties:

(1) implementing the laws, regulations, guidelines, and policies of the State on standardization work, and formulating specific measures for their implementation within their respective administrative regions;

(2) formulating local plans and programs for standardization work;

(3) organizing the formulation of local standards;

(4) guiding the standardization work of the relevant administrative departments within their respective administrative regions, and coordinating and handling issues relating to standardization work;

(5) organizing the implementation of standards within their respective administrative regions;

(6) supervising and inspecting the implementation of standards.

Article 9 — The relevant administrative departments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in a divided and coordinated manner, administer the standardization work of their respective departments and industries within their respective administrative regions and perform the following duties:

(1) implementing the laws, regulations, guidelines, and policies of the State and of their respective departments, industries, and administrative regions on standardization work, and formulating specific measures for their implementation;

(2) formulating plans and programs for standardization work of their respective departments and industries within their respective administrative regions;

(3) undertaking the tasks assigned by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government of drafting local standards;

(4) organizing the implementation of standards of their respective departments and industries within their respective administrative regions;

(5) supervising and inspecting the implementation of standards.

Article 10 — The division of duties between the administrative departments of standardization and the relevant administrative departments of cities and counties shall be prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Chapter III — Formulation of Standards

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Article 11 — National standards (including the preparation of standard samples) shall be formulated for the following technical requirements that need to be unified nationwide:

(1) requirements for interchangeability and compatibility and for common technical language;

(2) technical requirements for safeguarding human health and the safety of persons and property;

(3) technical requirements for basic raw materials, fuels, and materials;

(4) technical requirements for general-purpose basic components;

(5) common testing and inspection methods;

(6) common management technical requirements;

(7) important technical requirements for project construction;

(8) technical requirements for other important products that the State needs to control.

Article 12 — National standards shall be planned, drafted, examined and approved, numbered, and issued in a unified manner by the administrative department of standardization under the State Council.

National standards for project construction, pharmaceuticals, food hygiene, veterinary drugs, and environmental protection shall be drafted, examined, and approved respectively by the competent departments for project construction, health, agriculture, and environmental protection under the State Council; the measures for their numbering and issuance shall be formulated by the administrative department of standardization under the State Council jointly with the relevant administrative departments under the State Council.

Where laws provide otherwise for the formulation of national standards, such provisions shall prevail.

Article 13 — For technical requirements for which no national standard exists but which need to be unified within a certain industry nationwide, industry standards (including the preparation of standard samples) may be formulated. The items for which industry standards are formulated shall be determined by the relevant administrative departments under the State Council.

Article 14 — Industry standards shall be planned, drafted, examined and approved, numbered, and issued in a unified manner by the relevant administrative departments under the State Council, and shall be filed with the administrative department of standardization under the State Council for the record.

Industry standards shall cease to be effective on their own after the corresponding national standards take effect.

Article 15 — For the safety and health requirements of industrial products for which no national standard or industry standard exists but which need to be unified within a province, autonomous region, or municipality directly under the Central Government, local standards may be formulated. The items for which local standards are formulated shall be determined by the administrative departments of standardization of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Article 16 — Local standards shall be planned, drafted, examined and approved, numbered, and issued in a unified manner by the administrative departments of standardization of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and shall be filed with the administrative department of standardization under the State Council and the relevant administrative departments under the State Council for the record.

Where laws provide otherwise for the formulation of local standards, such provisions shall prevail.

Local standards shall cease to be effective on their own after the corresponding national standards or industry standards take effect.

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Article 17 — Where there is no national standard, industry standard, or local standard for products manufactured by an enterprise, the enterprise shall formulate corresponding enterprise standards as the basis for organizing production. Enterprise standards shall be formulated by the enterprises themselves (the measures for formulating standards of agricultural enterprises shall be prescribed separately) and shall be filed for the record in accordance with the provisions of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Where national standards, industry standards, or local standards already exist, enterprises are encouraged to formulate enterprise standards that are more stringent than the requirements of national standards, industry standards, or local standards and to apply them within the enterprises.

Article 18 — National standards and industry standards shall be classified as mandatory standards and voluntary standards.

The following standards are mandatory standards:

(1) standards for pharmaceuticals, food hygiene, and veterinary drugs;

(2) safety and health standards for products and for the production, storage, transportation, and use of products, labor safety and health standards, and transportation safety standards;

(3) quality, safety, and health standards for project construction and other project construction standards that the State needs to control;

(4) pollutant discharge standards and environmental quality standards for environmental protection;

(5) important common technical terms, symbols, codes, and drafting methods;

(6) standards for common testing and inspection methods;

(7) interchangeability and compatibility standards;

(8) quality standards for important products that the State needs to control.

The catalogue of important products that the State needs to control shall be determined by the administrative department of standardization under the State Council jointly with the relevant administrative departments under the State Council.

Standards other than mandatory standards are voluntary standards.

Local standards formulated by the administrative departments of standardization of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for the safety and health requirements of industrial products are mandatory standards within their respective administrative regions.

Article 19 — In formulating standards, the role of industry associations, scientific and technological research institutions, and academic organizations shall be brought into play.

The departments formulating national standards, industry standards, and local standards shall organize standardization technical committees composed of experts from users, manufacturing entities, industry associations, scientific and technological research institutions, academic organizations, and relevant departments to be responsible for drafting standards and participating in the technical examination of draft standards. Where no standardization technical committee is organized, the unit responsible for standardization technical matters may be responsible for drafting standards and participating in the technical examination of draft standards.

In formulating enterprise standards, the opinions of users and scientific and technological research institutions shall be fully solicited.

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Article 20 — After standards take effect, the departments that formulated them shall carry out timely review in light of the development of science and technology and the needs of economic development. The review cycle of standards shall generally not exceed five years.

Article 21 — The measures for the codes and numbering of national standards, industry standards, and local standards shall be prescribed in a unified manner by the administrative department of standardization under the State Council.

The measures for the codes and numbering of enterprise standards shall be prescribed by the administrative department of standardization under the State Council jointly with the relevant administrative departments under the State Council.

Article 22 — The measures for the publication and distribution of standards shall be prescribed by the departments that formulated the standards.

Chapter IV — Implementation of and Supervision over Standards

Article 23 — Entities and individuals engaged in scientific research, production, and business operations must strictly implement mandatory standards. Products that do not conform to mandatory standards are prohibited from being produced, sold, and imported.

Article 24 — Where an enterprise produces under national standards, industry standards, local standards, or enterprise standards, it shall mark the code, number, and name of the standard it implements on the product or on its instructions or packaging.

Article 25 — The technical requirements for export products shall be agreed upon by both parties to the contract.

Where export products are sold domestically, they must conform to the requirements of mandatory standards if they fall within the scope of administration of China's mandatory standards.

Article 26 — The development of new products, the improvement of products, and the technical transformation carried out by enterprises shall conform to the requirements of standardization.

Article 27 — The administrative department of standardization under the State Council shall organize or authorize the relevant administrative departments under the State Council to establish industry certification bodies to carry out product quality certification work.

Article 28 — The administrative department of standardization under the State Council shall be responsible, in a unified manner, for the supervision over the implementation of standards nationwide. The relevant administrative departments under the State Council shall, in a divided and coordinated manner, be responsible for the supervision over the implementation of standards in their respective departments and industries.

The administrative departments of standardization of provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible, in a unified manner, for the supervision over the implementation of standards within their respective administrative regions. The relevant administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in a divided and coordinated manner, be responsible for the supervision over the implementation of standards in their respective departments and industries within their respective administrative regions.

The administrative departments of standardization and the relevant administrative departments of cities and counties shall, in accordance with their respective duties prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, be responsible for the supervision over the implementation of standards within their respective administrative regions.

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Article 29 — National inspection bodies shall be planned and examined by the administrative department of standardization under the State Council jointly with the relevant administrative departments under the State Council. Local inspection bodies shall be planned and examined by the administrative departments of standardization of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government jointly with the relevant administrative departments at the provincial level.

In handling disputes over whether a product conforms to standards, the inspection data of the inspection bodies specified in this Article shall prevail.

Article 30 — The relevant administrative departments under the State Council may, in accordance with their needs and the relevant provisions of the State, establish inspection bodies to be responsible for inspection work in their respective industries and departments.

Article 31 — State organs, social organizations, enterprises, public institutions, and all citizens shall have the right to report and expose acts that violate mandatory standards.

Chapter V — Legal Liability

Article 32 — Whoever violates the Standardization Law and the relevant provisions of these Regulations under any of the following circumstances shall be ordered by the administrative department of standardization or the relevant administrative department, within their respective scope of authority, to make rectification within a prescribed time limit, and may be criticized by circular:

(1) an enterprise fails to formulate standards as the basis for organizing production in accordance with the provisions;

(2) an enterprise fails to report its product standards for filing for the record in accordance with the provisions;

(3) an enterprise's products fail to be marked in accordance with the provisions or are inconsistent with their markings;

(4) the development of new products, the improvement of products, or the technical transformation carried out by an enterprise fails to conform to the requirements of standardization;

(5) relevant mandatory standards are violated in scientific research, design, or production.

Article 33 — Whoever produces products that do not conform to mandatory standards shall be ordered to stop production, and the products shall be confiscated and destroyed under supervision or subjected to necessary technical treatment; a fine of 20 percent to 50 percent of the value of the batch of products shall be imposed; and a fine of not more than 5,000 yuan shall be imposed on the persons responsible.

Whoever sells commodities that do not conform to mandatory standards shall be ordered to stop selling, to recover the commodities already sold within a prescribed time limit, and the commodities shall be destroyed under supervision or subjected to necessary technical treatment; the illegal gains shall be confiscated; a fine of 10 percent to 20 percent of the value of the batch of commodities shall be imposed; and a fine of not more than 5,000 yuan shall be imposed on the persons responsible.

Whoever imports products that do not conform to mandatory standards shall have the products sealed up and confiscated, and the products shall be destroyed under supervision or subjected to necessary technical treatment; a fine of 20 percent to 50 percent of the value of the imported products shall be imposed; and a fine of not more than 5,000 yuan shall be imposed on the persons responsible.

The order to stop production provided for in this Article shall be decided by the relevant administrative department; other administrative penalties shall be decided by the market regulation department.

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Article 34 — Where the production, sale, or importation of products that do not conform to mandatory standards causes serious consequences and constitutes a crime, the criminal liability of the directly responsible persons shall be pursued by the judicial organs in accordance with the law.

Article 35 — Where a party is dissatisfied with an administrative penalty decision, it may apply for administrative reconsideration or bring an administrative lawsuit in accordance with the law. Where a party neither applies for administrative reconsideration within the prescribed time limit nor brings a lawsuit before a people's court, nor performs the administrative penalty decision, the organ that made the administrative penalty decision shall apply to a people's court for compulsory enforcement.

Article 36 — The penalties provided for in Articles 32 through 34 of these Regulations shall not exempt the liability to compensate for damages caused to others. The person who has suffered damage shall have the right to demand compensation from the person responsible. Disputes over the liability for compensation and the amount of compensation may be handled by the relevant administrative department, and the parties may also directly bring a lawsuit before a people's court.

Article 37 — Supervisory, inspection, and administrative personnel engaged in standardization work who commit any of the following acts shall be given sanctions by the competent department in accordance with the law, and where a crime is constituted, their criminal liability shall be pursued by the judicial organs in accordance with the law:

(1) causing losses through negligence at work in violation of the provisions of these Regulations;

(2) forging or tampering with inspection data;

(3) practicing favoritism, abusing authority, or soliciting or accepting bribes.

Article 38 — All proceeds of fines and confiscations shall be turned over to the State treasury. All fines imposed on entities shall be paid out of their own funds and shall not be included in costs. Fines imposed on persons responsible shall not be written off from public funds.

Chapter VI — Supplementary Provisions

Article 39 — The regulations on the administration of military standardization shall be formulated separately by the State Council and the Central Military Commission.

Article 40 — The provisions on the administration of standardization for project construction shall be formulated separately by the competent department for project construction under the State Council in accordance with the Standardization Law and the relevant provisions of these Regulations and shall be implemented after approval by the State Council.

Article 41 — These Regulations shall take effect on the date of promulgation.

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