Standardization Law Implementing Regulations of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the provisions of the Standardization Law of the People's Republic of China.

Article 2 — The following technical requirements that require uniformity shall be formulated as standards: (1) the varieties, specifications, quality, grades of industrial products, or the requirements relating to safety and health; (2) the methods of design, production, inspection, packaging, storage, transportation, and use of industrial products, or the requirements relating to safety and health in the course of production, storage, and transportation; (3) technical requirements relating to environmental protection; (4) technical requirements and methods of survey, design, construction, inspection, and acceptance of construction projects; and (5) technical terms, symbols, codes, drafting methods, and other technical requirements relating to information, energy, resources, and transportation.

Article 3 — The State shall encourage the adoption of international standards and advanced foreign standards, and shall actively participate in the formulation of international standards.

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Article 4 — The State shall encourage scientific and technological research achievements to be transformed into standards. Where standards are formulated based on scientific and technological research achievements, such achievements shall have undergone appraisal and shall be at an advanced technical level and mature. Standards formulated based on scientific and technological research achievements shall be conducive to promoting scientific and technological progress.

Chapter II — Administration of Standardization Work

Article 5 — The standardization work shall be subject to the principle of unified administration combined with administration at different levels. The standardization administrative department of the State Council shall uniformly administer the standardization work of the entire country and shall perform the following duties: (1) organizing the implementation of the State's laws, regulations, principles, and policies relating to standardization; (2) organizing the formulation of the national standardization work plan and program; (3) organizing the formulation of national standards; (4) guiding the standardization work of the relevant administrative departments of the State Council and the standardization administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and coordinating and handling relevant standardization work issues; and (5) organizing the implementation of standards and supervising and inspecting the implementation of standards.

Article 6 — The standardization administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall uniformly administer the standardization work within their respective administrative regions and shall perform the following duties: (1) implementing the State's laws, regulations, principles, and policies relating to standardization, and formulating specific implementation measures; (2) formulating local standardization work plans and programs; (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 relevant standardization work issues; and (5) organizing the implementation of standards and supervising and inspecting the implementation of standards within their respective administrative regions.

Article 7 — The relevant administrative departments of the State Council shall be responsible for the standardization work within their respective departments and industries and shall perform the following duties: (1) implementing the State's laws, regulations, principles, and policies relating to standardization, and formulating specific implementation measures for their respective departments and industries; (2) formulating standardization work plans and programs for their respective departments and industries; (3) undertaking the tasks of drafting national standards assigned by the State, and organizing the formulation of sectoral standards; (4) guiding the standardization work of the relevant administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government within their respective industries; and (5) organizing the implementation of standards and supervising and inspecting the implementation of standards within their respective departments and industries.

Article 8 — The municipal and county standardization administrative departments shall, in accordance with the unified arrangements of the standardization administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, be responsible for the implementation of standards and the supervision and inspection of the implementation of standards within their respective administrative regions.

Chapter III — Formulation of Standards

Article 9 — National standards shall be formulated by the standardization administrative department of the State Council. Where national standards are to be formulated for technical requirements for industrial products that fall within the scope of functions of the relevant administrative departments of the State

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Council, the standardization administrative department of the State Council shall entrust the relevant administrative departments to formulate such standards. National standards shall be examined and approved by the standardization administrative department of the State Council and issued under a unified serial number. National standards for pharmaceuticals, food hygiene, veterinary drugs, and environmental protection shall be examined and approved and issued by the relevant competent departments of the State Council. National standards for the inspection and quarantine of import and export commodities and for the safety and health inspection and quarantine of imported and exported food shall be examined and approved and issued by the relevant competent departments of the State Council.

Article 10 — When drafting national standards, the relevant administrative departments of the State Council shall be responsible for organizing the drafting teams. The drafting teams shall be composed of experts from scientific research, teaching, design, production, inspection, and application entities.

Article 11 — When drafting national standards, full investigation and study shall be conducted, the practical experience of scientific research and production shall be summarized, the opinions of the relevant parties shall be widely solicited, and the technical content shall be scientifically verified through necessary tests. National standards shall be coordinated with and complement the relevant standards.

Article 12 — The review of draft national standards shall be conducted by the technical committees for standardization. Where no technical committee for standardization has been established, the relevant administrative departments of the State Council or the relevant industry associations shall organize the review. The review of draft national standards shall be attended by representatives of the producers, users, consumers, scientific research institutions, academic groups, and other relevant entities.

Article 13 — The standards that fall within the scope of mandatory standards as prescribed in the Standardization Law shall be formulated as mandatory standards. Other standards shall be recommendatory standards. Local standards formulated by the standardization administrative departments 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 shall be mandatory standards within their respective administrative regions.

Article 14 — Sectoral standards shall be formulated by the relevant administrative departments of the State Council and submitted to the standardization administrative department of the State Council for filing. Sectoral standards shall not contravene national standards. Where national standards are published after the publication of sectoral standards in the same technical field, the sectoral standards shall cease to be effective.

Article 15 — Local standards shall be formulated by the standardization administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government and submitted to the standardization administrative department of the State Council and the relevant administrative departments of the State Council for filing. Where national standards or sectoral standards are published after the publication of local standards in the same technical field, the local standards shall cease to be effective.

Article 16 — Enterprise standards shall be formulated by enterprises themselves and shall be submitted to the standardization administrative department of the local people's government and the relevant administrative department for filing. Where an enterprise formulates enterprise standards, it shall organize the formulation with the participation of the administrative person in charge of the enterprise, professional and technical personnel, and production operation personnel. The enterprise standards shall not contravene the relevant mandatory national standards, sectoral standards, or local standards.

Article 17 — The procedures for the formulation, review, and approval of sectoral standards, local standards, and enterprise standards shall be implemented by reference to the relevant provisions of these Regulations.

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Article 18 — The standardization administrative department of the State Council and the relevant administrative departments of the State Council shall, in accordance with the needs of scientific and technological progress and economic development, organize the re-evaluation of standards. The period for the re-evaluation of standards shall generally not exceed five years. The results of re-evaluation shall be classified into confirmation, revision, and abolition. Standards that have been confirmed as effective shall not be altered. Standards to be revised shall be included in the revision plan. Standards that no longer meet the requirements shall be abolished. All re-evaluated standards shall be announced to the public.

Chapter IV — Implementation and Supervision of Standards

Article 19 — Mandatory standards must be implemented. Products that do not comply with mandatory standards shall be prohibited from production, sale, and import. Recommendatory standards shall be voluntarily adopted by the parties. Where recommendatory standards are adopted, they shall be implemented strictly.

Article 20 — Enterprises that produce products subject to national standards, sectoral standards, local standards, or enterprise standards shall display the standard number on the product or on the packaging and instructions of the product.

Article 21 — Enterprises shall, in accordance with the standardization laws and administrative regulations, strictly implement standards and be responsible for the quality of their products. The inspection of export products shall be carried out in accordance with the provisions of the contract, and the standards agreed upon in the contract may be the national standards or sectoral standards of China, or international standards, or the standards of the importing country or region.

Article 22 — Enterprises that develop new products, improve products, or carry out technical transformation shall comply with the requirements of standardization. Where new products are to be appraised or finalized, the standardization administrative department shall be notified to participate. If the products do not comply with the requirements of standardization, they may not be appraised or finalized. The products that are put into batch production shall have corresponding product quality standards.

Article 23 — The standardization administrative departments of the State Council and the relevant administrative departments of the State Council shall be responsible for supervising and inspecting the implementation of mandatory standards nationwide. The standardization administrative departments of the local people's governments at or above the county level and the relevant administrative departments shall be responsible for supervising and inspecting the implementation of mandatory standards within their respective administrative regions.

Article 24 — Enterprises shall conduct self-inspection of the implementation of standards and shall accept the supervision and inspection conducted by the standardization administrative departments and the relevant administrative departments. Enterprises shall provide inspection data, technical documents, and the necessary working conditions for the supervision and inspection conducted by the standardization administrative departments and the relevant administrative departments in accordance with law.

Article 25 — When conducting random supervision and inspection of product quality and inspecting products in accordance with standards, the standardization administrative departments and the relevant administrative departments may inspect products at the premises of production enterprises or may inspect products at the premises of trading entities or users. Entities and individuals under inspection shall provide convenience and shall not obstruct or refuse the inspection. The inspection results shall be notified to the inspected entities and shall be published to the public in accordance with the provisions.

Article 26 — Where enterprises disagree with the inspection results, they may, within 15 days from the date of receipt of the notice of inspection results, apply to the standardization administrative department at the same level or at the next higher level for re-inspection. The standardization administrative department

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accepting the re-inspection application shall make a re-inspection conclusion within 30 days.

Chapter V — Legal Liability

Article 27 — Whoever produces, sells, or imports products that do not comply with mandatory standards shall be ordered by the standardization administrative department or the relevant administrative department to cease production or sale, and the products, illegal proceeds, and tools and equipment used for the illegal act shall be confiscated. A fine of not less than three times but not more than five times the illegal proceeds may be imposed. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

Article 28 — Where the product quality of an enterprise does not comply with the requirements of the standards it has adopted, the standardization administrative department shall order the enterprise to make corrections within a prescribed time limit. If the enterprise fails to make corrections within the prescribed time limit, the standardization administrative department may, depending on the seriousness of the circumstances, circulate a notice of criticism or impose a fine.

Article 29 — Whoever uses a counterfeit certification mark or a counterfeit standard number shall be ordered by the standardization administrative department to make corrections, and the illegal proceeds shall be confiscated. A fine of not more than three times the illegal proceeds may be imposed. If there are no illegal proceeds, a fine of not more than 5,000 yuan may be imposed. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

Article 30 — Where a party concerned disagrees with an administrative penalty decision such as confiscation of products, confiscation of illegal proceeds, or a fine, it may, within 15 days from the date of receipt of the penalty notice, apply to the authority at the next higher level of the authority that made the penalty decision for administrative reconsideration. The party concerned may also bring a lawsuit directly with the people's court within 15 days from the date of receipt of the penalty notice. If the party concerned neither applies for reconsideration nor brings a lawsuit with the people's court within the prescribed time limit, nor complies with the penalty decision, the authority that made the penalty decision shall apply to the people's court for compulsory enforcement.

Article 31 — Where staff members of standardization administrative departments and relevant administrative departments abuse their power, neglect their duties, or engage in malpractices for personal gain, they shall be given administrative sanctions in accordance with law. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

Chapter VI — Supplementary Provisions

Article 32 — For the purposes of these Regulations, the meanings of the following terms are: (1) "mandatory standards" refers to standards for safeguarding human health and personal and property safety, and compulsory standards enforced by laws and administrative regulations; (2) "recommendatory standards" refers to standards voluntarily adopted by the parties other than mandatory standards; and (3) "sectoral standards" refers to standards formulated for technical requirements for which no national standards exist but which need to be unified within a certain industry sector throughout the country.

Article 33 — The provisions of these Regulations shall apply to the standardization of military equipment. The specific measures shall be separately formulated by the State Council and the Central Military Commission.

Article 34 — The right to interpret these Regulations shall be vested in the standardization administrative department of the State Council.

Article 35 — These Regulations shall be effective as of the date of promulgation (April 6, 1990).

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