Standardization Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted to strengthen standardization work, improve product and service quality, promote scientific and technological progress, safeguard personal health and the safety of life and property, safeguard national security and ecological and environmental safety, and enhance the level of economic and social development.

Article 2 — Standards (including standard samples) as used in this Law mean the technical requirements that need to be unified in the fields of agriculture, industry, services, social undertakings, and other fields. Standards shall include national standards, industrial standards, local standards, group standards, and

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enterprise standards. National standards shall be divided into mandatory standards and recommended standards; industrial standards and local standards shall be recommended standards. Mandatory standards must be implemented. The State encourages the adoption of recommended standards.

Article 3 — The tasks of standardization are to formulate standards, organize the implementation of standards, and supervise the formulation and implementation of standards. The people's governments at or above the county level shall incorporate standardization work into their national economic and social development plans and include the funds for standardization work in their budgets at the corresponding level.

Article 4 — The State encourages enterprises, social organizations, educational and scientific research institutions, and other entities to carry out or participate in standardization work. The State shall actively promote participation in international standardization activities and carry out international cooperation and exchanges in standardization.

Article 5 — The standardization administration department of the State Council shall uniformly administer the standardization work nationwide. The relevant administrative departments of the State Council shall be responsible for the standardization work in their respective departments and industries. The standardization administration departments of the local people's governments at or above the county level shall uniformly administer the standardization work within their respective administrative areas. The relevant administrative departments of the local people's governments at or above the county level shall be responsible for the standardization work in their respective departments and industries within their respective administrative areas.

Chapter II — Formulation of Standards

Article 6 — Mandatory national standards shall be formulated for technical requirements that safeguard personal health and the safety of life and property, national security, and ecological and environmental safety, and that meet the basic needs of economic and social management. The State Council shall be responsible for approving and issuing mandatory national standards. Where laws, administrative regulations, and decisions of the State Council provide otherwise with respect to the administration of the formulation of mandatory standards, such provisions shall prevail.

Article 7 — Recommended national standards may be formulated for technical requirements that meet basic and general requirements and are compatible with mandatory national standards and play a leading role in the relevant industries. Recommended national standards shall be formulated by the standardization administration department of the State Council.

Article 8 — Industrial standards may be formulated for technical requirements for which national standards are not available and that need to be unified within a certain industry nationwide. Industrial standards shall not conflict with the relevant national standards. Local standards may be formulated for technical requirements that meet local natural conditions, customs, and habits, and other special technical requirements, where national standards or industrial standards are not available.

Article 9 — Enterprises may, based on their own needs, formulate enterprise standards, or jointly formulate enterprise standards with other enterprises. The State supports the formulation of group standards by learned societies, associations, chambers of commerce, federations, industrial technology alliances, and other social organizations in the absence of national standards, industrial standards, or local standards, to meet market and innovation needs and coordinate relevant market participants in jointly formulating group standards. The State encourages the formulation of enterprise standards that are stricter than the relevant recommended national standards, industrial standards, local standards, or group standards.

Article 10 — The formulation of standards shall be conducive to the scientific and rational use of resources, the promotion of the application and dissemination of scientific and technological achievements, the

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improvement of economic returns, social benefits, and ecological benefits, the technical connection and coordination among products, and the enhancement of product versatility.

Article 11 — The formulation of standards shall give full play to the role of experts, with the standardization technical committees established in accordance with law undertaking the technical review of draft standards. The composition of standardization technical committees shall be broad and representative.

Chapter III — Implementation of Standards

Article 12 — Mandatory standards must be implemented. It is prohibited to produce, sell, or import products or provide services that do not conform to mandatory standards. Recommended national standards, industrial standards, local standards, group standards, and enterprise standards may be adopted voluntarily by enterprises and social organizations.

Article 13 — Enterprises producing products that do not have national standards or industrial standards shall formulate enterprise standards as the basis for organizing production. Where an enterprise's products have national standards or industrial standards, the State encourages the enterprise to formulate enterprise standards that are stricter than the national standards or industrial standards and use them within the enterprise.

Article 14 — The State shall implement a self-declaration, disclosure, and supervision system for enterprise standards and group standards. Enterprises shall disclose the numbering and names of the mandatory national standards, recommended national standards, industrial standards, local standards, group standards, or enterprise standards they implement. Where an enterprise implements a self-formulated enterprise standard, it shall also disclose the main technical indicators such as the functions and performance of the product or service.

Article 15 — The State encourages the adoption of international standards in the formulation of national standards, industrial standards, and local standards. Enterprises are encouraged to adopt international standards, foreign advanced standards, or recommended standards in their production and business activities.

Chapter IV — Supervision and Administration

Article 16 — The standardization administration departments and the relevant administrative departments of the people's governments at or above the county level shall, in accordance with their statutory duties, supervise and inspect the implementation of standards. Where violations of the provisions of this Law are found in the supervision and inspection, the matter shall be handled in accordance with law.

Article 17 — The standardization administration department of the State Council shall coordinate and guide the work of certification and accreditation in accordance with law and supervise the certification activities carried out in accordance with standards. Certification bodies shall carry out certification activities in accordance with statutory requirements and technical specifications and shall be responsible for the certification results.

Article 18 — Any entity or individual shall have the right to report or complain to the standardization administration department or the relevant department about any act in violation of the provisions of this Law. The department receiving the report or complaint shall handle it in a timely manner and keep the whistleblower or complainant confidential.

Chapter V — Legal Liability

Article 19 — Where a product that does not conform to mandatory standards is produced, sold, or imported, or a service that does not conform to mandatory standards is provided, the matter shall be handled in accordance with the provisions of the Product Quality Law of the PRC, the Law on the Protection of

Consumer Rights and Interests, and other laws and administrative regulations, and the illegal gains, tools, equipment, raw materials, auxiliary materials, and other articles used for the illegal production and business operation shall be confiscated; where the circumstances are serious, the business license shall be revoked.

Article 20 — Where an enterprise fails to disclose the standards it implements in accordance with the provisions of this Law, the standardization administration department shall order it to make corrections within a specified time limit; if it fails to make corrections within the time limit, it shall be publicized on the enterprise standard information public service platform.

Article 21 — Where an enterprise's products and services do not conform to the enterprise standards disclosed by itself, it shall bear civil liability in accordance with law. Where serious consequences are caused, the enterprise and the directly responsible person in charge and other directly responsible persons shall be subject to administrative penalties in accordance with law; where a crime is constituted, criminal liability shall be investigated in accordance with law.

Article 22 — Where a functionary of a standardization administration department or the relevant administrative department abuses his or her power, neglects his or her duties, or engages in malpractices for personal gain in the work of standardization supervision and administration, he or she shall be subject to disciplinary action in accordance with law; where a crime is constituted, criminal liability shall be investigated in accordance with law.

Chapter VI — Supplementary Provisions

Article 23 — The standardization of military supplies shall be prescribed separately by the State Council and the Central Military Commission in accordance with the principles of this Law. Standardization work in the field of military supplies shall be administered in accordance with the relevant provisions of the State.

Article 24 — This Law shall come into force on April 1, 1989.

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