
Standardization Law of the People's Republic of China

**adoption date: [1988-12-29]
amendment date: [1989-04-01]**



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CHAPTER I GENERAL PROVISIONS

Article 1. This Law is formulated with a view to developing the socialist commodity economy, promoting technical progress, improving product quality, increasing social and economic benefits, safeguarding the interests of the state and the people and suiting standardization to the needs in socialist modernization and in the development of economic relations with foreign countries.

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

- (1) the varieties, specifications, quality and grades of industrial products as well as the safety and sanitary requirements for them;
- (2) the design, production, inspection, packing, storage, transportation and methods of operation of industrial products as well as the safety and sanitary requirements for them in the process of production, storage and transportation.
- (3) technical requirements and testing methods related to environmental protection;
- (4) the designs, construction procedure and safety requirements for construction projects; and
- (5) technical terms, symbols, code names and drawing methods related to industrial production, project construction and environmental protection.

Major agricultural products and other items that need to be standardized shall be designated by the State Council.

Article 3. The tasks of standardization shall include the formulation of standards and organization of and supervision over the implementation of the standards.

Standardization shall be incorporated in the plan for national economic and social development.

Article 4. The state shall encourage the active adoption of international standards.

Article 5. The department of standardization administration under the State Council shall be in charge of the unified administration of standardization throughout the country. Competent administrative authorities under the State Council shall, in line with their respective functions, be in charge of standardization in their respective departments and trades.

The departments of standardization administration of provinces, autonomous regions and municipalities directly under the Central Government shall be in charge of the unified administration of standardization within their respective administrative areas. Competent administrative authorities under the governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in line with their respective functions, be in charge of standardization in their respective departments and trades within their respective administrative areas.

The standardization administration departments and the competent administrative authorities of cities and counties shall, in line with their respective functions as assigned by the governments of provinces, autonomous regions and municipalities directly under the Central Government, be in charge of standardization within their respective administrative areas.

CHAPTER II FORMULATION OF STANDARDS

Article 6. National standards shall be formulated for the technical requirements that need to be unified nationwide. National standards shall be formulated by the department of standardization administration under the State Council. Where, in the absence of national standards, technical requirements for a certain trade need to be unified, trade standards may be formulated. Trade standards shall be formulated by competent administrative authorities under the State Council and reported to the department of standardization administration under the State Council for the record, and shall be annulled on publication of the national standards. Where, in the absence of both national and trade standards, safety and sanitary requirements for industrial products need to be unified within a province, an autonomous region or a municipality directly under the Central Government, local standards may be formulated. Local standards shall be formulated by departments of standardization administration of provinces, autonomous regions and municipalities directly under the Central Government and reported to the department of standardization administration and the competent administrative authorities under the State Council for the record, and shall be annulled on publication of the national or trade standards.

Where, in the absence of both national and trade standards for products manufactured by an

enterprise, standards for the enterprise shall be formulated to serve as the criteria for the organization of production. An enterprise's standards for its products shall be reported to the standardization administration department and the competent administrative authorities under the local government for the record. Where national or trade standards have been formulated, the state shall encourage enterprises to formulate their enterprise standards, which are more stringent than the national or trade standards, to be used in these enterprises.

Where the formulation of standards is otherwise provided for by law, such legal provisions shall be complied with.

Article 7. National standards and trade standards shall be classified into compulsory standards and voluntary standards. Those for safeguarding human health and ensuring the safety of the person and of property and those for compulsory execution as prescribed by the laws and administrative rules and regulations shall be compulsory standards, the others shall be voluntary standards.

The local standards formulated by standardization administration departments of provinces, autonomous regions and municipalities directly under the Central Government for the safety and sanitary requirements of industrial products shall be compulsory standards within their respective administrative areas.

Article 8. The formulation of standards shall be conducive to ensuring safety and the people's health, safeguarding consumer interests and protecting the environment.

Article 9. The standards to be formulated shall be conducive to a rational use of the country's resources, a wider utilization of scientific and technological gains and the enhancement of economic returns, conform to operation instructions, increase the universality and interchangeability of products, and be technologically advanced and economically rational.

Article 10. The standards to be formulated shall be coordinated with and supported by related standards.

Article 11. The standards to be formulated shall help promote economic and technological cooperation with foreign countries and foreign trade.

Article 12. The roles of trade associations, scientific research institutions and academic organizations shall be brought into play in the formulation of standards.

A department engaged in the formulation of standards shall organize a committee on standardization technology composed of specialists, which shall be responsible for the drafting of the standards and shall participate in the examination of the draft standards.

Article 13. After the standards come into force, the department that formulated them shall, in the light of scientific and technological developments and the needs in economic construction, make timely reviews of the current standards to determine if they are to remain effective or are to be revised or annulled.

CHAPTER III IMPLEMENTATION OF STANDARDS

Article 14. Compulsory standards must be complied with. It shall be prohibited to produce, sell or import products that are not up to the compulsory standards. With regard to voluntary standards, the state shall encourage their adoption by enterprises on an optional basis.

Article 15. With respect to products for which national or trade standards have been formulated, enterprises may apply to the standardization administration department under the State Council or agencies authorized by the same department for product quality authentication. For products which are authenticated to conform to the standards, certificates shall be issued by the department that made the authentication and the use of the prescribed authentication marks shall be permitted on such products and the packing thereof.

If products for which authentication certificates have been granted do not conform to national or trade standards, or if products have not undergone authentication or found not up to the standards after the authentication proceedings, no authentication marks shall be permitted for use on such products leaving factories for sale.

Article 16. Technical requirements for export products shall comply with contractual provisions.

Article 17. The development of new products, improvement of products or technical renovation by an enterprise shall conform to standardization requirements.

Article 18. Departments of standardization administration under governments at or above the county level shall be responsible for supervision over and inspection of the implementation of the standards.

Article 19. Departments of standardization administration under governments at or above the county level may, in accordance with needs, establish inspection organizations or authorize inspection organizations of other units to examine whether products conform to the standards. Where the laws and administrative rules and regulations provide otherwise on inspection organizations, such provisions shall apply.

Disputes over whether a product conforms to the standards shall be handled in accordance with the inspection data provided by the inspection organizations as specified in the preceding paragraph.

CHAPTER IV LEGAL RESPONSIBILITY

Article 20. Whoever produces, sells or imports products that do not conform to the compulsory standards shall be dealt with according to law by the competent administrative authorities as prescribed by the laws and administrative rules and regulations. In the absence of such prescriptions, his products and unlawful proceeds shall be confiscated and he shall be concurrently fined by the administrative authorities for industry and commerce; where serious consequences are caused and crimes are constituted, the person directly responsible shall be investigated for criminal responsibility in accordance with the law.

Article 21. Where authentication marks are used on products leaving a factory for sale, for which authentication certificates have been issued but which do not conform to national or trade standards, the enterprise concerned shall be ordered by the department of standardization administration to stop the sale and shall be fined concurrently; where the circumstances are serious, the authentication certificates shall be revoked by the department that made the authentication.

Article 22. Whoever uses authentication marks, without authorization, on products leaving a factory for sale, which have not undergone authentication or have been found not up to the standards after the authentication proceedings, shall be ordered by the department of standardization administration to stop the sale and shall concurrently be fined.

Article 23. A party which refuses to accept the punishment of confiscation of its products and of its unlawful proceeds and a fine may, within 15 days of receiving the penalty notice, apply for reconsideration to the office immediately above the one that made the punishment decision; a party which refuses to obey the reconsideration decision may, within 15 days of receiving the reconsideration decision, bring a suit before a people's court. The party also may, within 15 days of receiving the penalty notice, directly bring a suit before a people's court. If a party neither applies for reconsideration nor brings a suit before a people's court within the prescribed time nor complies with the punishment decision, the office that made the punishment decision shall apply to a people's court for compulsory execution.

Article 24. Personnel responsible for the supervision, inspection and administration of standardization who violate the law or neglect their duties, or are engaged in malpractices for personal gains, shall be given disciplinary sanctions; where crimes are constituted, their criminal responsibility shall be investigated in accordance with the law.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 25. Rules for the implementation of this Law shall be formulated by the State Council.

Article 26. This Law shall go into effect as of April 1, 1989.