



SESEC V Translation

Administrative Measures for National Standards (2022)

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Introduction

On 9 September 2022, the State Administration for Market Regulation published *Administrative Measures for National Standards (2022)*. The measure is developed in accordance with the *Standardization Law of PRC* and consist of 4 chapters and 46 articles, and the full text is about 6,000 Chinese characters. The purposes of the measures are to strengthen the administration of national standards and regulating their development, implementation, and supervision. The Measures is expected to come in to force on 1 March 2023.

The translation offered by SESEC is as follows.

DISCLAIMER: This translation is produced by SESEC and may be used only for reference purposes. This English version is not an official translation of the original Chinese document by the State Council. In cases where any differences occur between the English version and the original Chinese version, the Chinese version shall prevail which can be found here. SESEC shall accept no responsibility or liability for damage or loss caused by any error, inaccuracy, or misunderstanding with regard to this translation.

Administrative Measures for National Standards

(Announced by Order No. 59 of the State Administration for Market Regulation on 9 September 2022 and will come into force on 1 March 2023)

Chapter I General Provisions

Article 1 These Measures are developed in accordance with the Standardization Law of the People's Republic of China for the purposes of strengthening the administration of national standards and regulating the development, implementation, and supervision of national standards.

Article 2 These Measures shall apply to the development (including proposing the initiation of projects, project initiation, organization of drafting, request for comments, technical review, public notification, numbering, and approval and issuance), organization of implementation, and supervision of national standards.

Article 3 National standards (including reference materials) may be developed for technical requirements needed to be unified nationwide in agricultural, industrial, and service sectors, social undertakings, and other fields, including:

- (1) general technical language requirements and interchangeability and compatibility requirements such as general technical terminology, symbols, categories, code names (including codes), file formats, and drawing methods;
- (2) general technical requirements relating to resources, energy, or the environment;
- (3) general technical requirements for basic components, basic raw materials, and important products and systems;
- (4) general test and inspection methods;
- (5) general technical requirements for social management and services, and production and distribution management, among others;
- (6) general technical requirements for survey, planning, design, construction, and acceptance check in engineering construction;
- (7) technical requirements that play a leading role in all relevant industries; and
- (8) other technical requirements that shall be regulated by the state.

Compulsory national standards shall be developed for technical requirements that protect human health and life and property safety, maintain national security and ecological and environmental safety, and meet the basic needs of economic and social administration.

Article 4 For the technical indicators and the related analysis and test methods set forth in national standards, if the supporting reference materials need to be provided to ensure their effective implementation, the corresponding reference materials of the national standards shall be developed. The administration of reference materials shall be governed by the relevant provisions of the standardization administration of the State Council.

Article 5 The development of national standards shall be conducive to facilitating economic and trade exchanges, supporting the development of industries, promoting scientific and technological progress, regulating social governance, and implementing national strategies.

Article 6 The adoption of international standards shall be actively promoted in light of national conditions. The drafting of national standards based on international standards shall comply with the copyright policies of the relevant international organization.

The development or revision of national standards in synchronization with that of the corresponding international standards is encouraged to accelerate the conversion and application of applicable international standards.

Article 7 The simultaneous development of foreign language versions of national standards in the fields of international trade and international cooperation in production capacity and equipment, as well as emerging fields related to global economic governance and sustainable development, is encouraged.

The simultaneous development of Chinese and foreign language versions of national standards is encouraged.

Article 8 The standardization administration of the State Council shall conduct the unified management of the development of national standards, and be responsible for initiating the development of compulsory national standards, numbering, public notification, and approval and issuance as authorized; and be responsible for initiating the development of voluntary national standards, organizing the drafting thereof, requesting comments, conducting technical review, numbering, and approval and issuance.

The relevant administrative department of the State Council shall be responsible for initiating the development of compulsory national standards, organizing the drafting thereof, requesting comments, conducting technical review, and organizing the implementation of such standards according to its duties.

A national specialized standardization technical committee established by the standardization administration of the State Council and composed of the relevant parties (hereinafter referred to as the “technical committee”) shall be responsible for drafting voluntary national standards, requesting comments, and conducting technical review and second review as authorized by the standardization administration of the State Council, and specifically undertake the interpretation of voluntary national standards; and undertake the drafting and technical review of compulsory national standards as authorized by the relevant administrative department of the State Council; and be responsible for organizing the translation and review, assessing the implementation, and conducting the research and analysis of foreign language versions of national standards.

The standardization administration of the State Council may, as needed, authorize the relevant administrative department of the State Council or the relevant industry association to guide the technical committee to apply for initiating the development of voluntary national standards, reporting national standards for approval, and conducting other work.

The standardization administration and the relevant administrative department of a people's government at or above the county level shall supervise and inspect the implementation of national standards according to their respective statutory duties.

Article 9 For the development and implementation of inter-departmental or cross-disciplinary standards and standards in significant dispute, the standardization administration of the State Council shall organize consultation, and if such consultation fails, it shall be resolved through the standardization coordination mechanism of the State Council.

Article 10 National standards and foreign language versions shall be protected by copyright in accordance with the law, and the parties that approve and publish the standards shall enjoy the copyright of the standards.

Article 11 National standards shall generally not involve patents. Any patent involved in national standards shall be a patent essential to the implementation of the standards, and it shall be managed in accordance with the administrative provisions relating to patents involved in national standards.

Article 12 National standards shall be developed on the basis of results of scientific and technological research and experience learned from social practice by such methods as conducting the investigation, demonstration, and validation, so as to ensure that standards are scientific, standardized, applicable, and developed in a timely manner and improve the quality of national standards.

The development of national standards shall be open and transparent, and the comments from various parties shall be extensively requested.

Article 13 The standardization administration of the State Council shall establish work rules for the validation of national standards. The technical requirements and test and inspection methods, among others, for national standards shall be validated as needed.

Article 14 The development of national standards shall be coordinated with and supported by the relevant standards.

Article 15 The transformation of scientific and technological achievements into national standards and the synchronized advancement of scientific and technological research and development and the research and development of standards centering on the scientific research projects of the state and fields with active market innovation is encouraged to improve the timeliness of the transformation of scientific and technological achievements into national standards.

Article 16 Advanced and guiding group standards that have good implementation effects and need to be popularized and implemented nationwide may be developed as national standards according to the relevant procedures.

Article 17 Guidance technical documents for national standardization may be developed for a project that involves any technology still under development and needs to be guided for its development or has the value for standardization.

Chapter II Development of National Standards

Article 18 Government departments, social organizations, enterprises, public institutions, and citizens may, based on the relevant development plans of the state as well as economic and social development needs, propose the initiation of development of national standards to the relevant administrative department of the State Council, or directly to the standardization administration of the State Council.

They may propose the initiation of development of voluntary national standards to the technical committee.

They are encouraged to file an application for initiating the development of international standards at the same time when proposing the initiation of development of national standards.

Article 19 The standardization administration of the State Council or the relevant administrative department of the State Council shall, after receiving the proposal for initiating the development of national standards, assess and demonstrate the necessity and feasibility of such proposal. The technical committee may be authorized to assess the proposal for initiating the development of national standards.

Article 20 Where a proposal for initiating the development of compulsory national standards is approved upon assessment, the relevant administrative department of the State Council shall file an application for project initiation according to its duties.

Where a proposal for initiating the development of voluntary national standards is approved upon assessment, the technical committee shall submit it to the relevant administrative department of the State Council or industry association for review, and then file an application for project initiation with the standardization administration of the State Council. If no technical committee has been established, the relevant administrative department of the State Council may directly file an application for initiating the development of voluntary national standards according to its duties.

The project initiation application materials shall include the project application form and the draft standards. The project application form shall state the necessity and feasibility of developing the national standards, the information on domestic and foreign standards, the degree of consistency with international standards, major technical requirements, and schedule, among others.

Article 21 The standardization administration of the State Council shall organize a professional national standard review institution to assess the development of national standards for which an application for initiation has been filed and offer assessment recommendations.

The assessment shall generally cover:

- (1) the information on the system of standards in this field;
- (2) technical level of the standards, development of the industry, and expected effects and benefits;
- (3) whether it complies with the provisions of applicable laws and administrative regulations, and whether it is coordinated with the technical requirements of the relevant standards;
- (4) comparative analysis with the relevant international or foreign standards;
- (5) whether it complies with the provisions of Articles 3, 4, and 5 of these Measures.

Article 22 For the development of national standards to be initiated, the standardization administration of the State Council shall request public comments through the National Public Service Platform for Standards Information for not less than 30 days in general. When necessary, it may request in writing comments from the relevant administrative department of the State Council.

Article 23 In the case of any substantially dissenting opinions over the initiation of a project, the standardization administration of the State Council may, in conjunction with the relevant administrative department of the State Council or the relevant industry association, organize the technical committee to coordinate the disputes and prepare a handling opinion.

Article 24 Where the standardization administration of the State Council decides to approve the initiation of a project, it shall issue a project plan.

If the standardization administration of the State Council decides to disapprove the initiation of a project, it shall give a feedback in a timely manner and state the reasons for disapproving the initiation of a project.

Article 25 The period from the issuance of the plan on compulsory national standards to the submission of materials for approval shall generally not exceed 24 months. The period from the issuance of the plan on voluntary national standards to the submission of materials for approval shall generally not exceed 18 months.

If national standards fail to be submitted within the time period specified in the project plan, an application for extension shall be filed 30 days in advance. The extension of the period for implementing compulsory national standards shall not exceed 12 months, and the extension of the period for implementing voluntary national standards shall not exceed six months.

If the plan cannot proceed, the standardization administration of the State Council shall terminate the national standard plan

In the process of implementing a national standard plan, the standardization administration of the State Council may adjust the content of the plan.

Article 26 The relevant administrative department of the State Council or technical committee shall organize the implementation according to the project plan and draft national standards in a timely manner.

For the drafting of national standards, a drafting working group that is professional and broadly representative shall be established to conduct the investigation and research, demonstration (verification), preparation, request for comments, and other specific work for the drafting of national standards.

Article 27 The drafting working group shall, according to the relevant requirements for preparing the standards, draw up the exposure draft of national standards, preparation explanations, and the relevant materials. The preparation explanations shall generally include:

- (1) a brief introduction to the work, including the origin of the task, and the drafting background and drafting process, among others;
- (2) the principles for drafting national standards, the major contents thereof and the basis for determination, and the comparison of the technical contents before and after the revision if national standards are revised;
- (3) test and validation analysis or summary report, technical and economic demonstration, and expected economic, social, and ecological benefits;
- (4) comparison with the technical contents of similar international or foreign standards, or comparison with the relevant data of foreign reference materials tested;
- (5) whether the drafting is based on international standards, whether international or foreign standards are quoted or adopted in compliance with the applicable provisions, and the reasons for not adopting international standards;
- (6) relationship with the relevant laws or administrative regulations and relevant standards;
- (7) the process of and basis for the handling of substantially dissenting opinions;
- (8) requirements for implementing national standards, and such measures and recommendations on organizational measures, technical measures, the transition period, and the date of implementation; and
- (9) other matters that shall be stated

Article 28 The exposure drafts of national standards and the preparation explanations thereof shall be open to the public for comments through such channels as the relevant portal websites and the National Public Service Platform for Standards Information, and comments shall be requested from other relevant administrative departments of the State Council, enterprises and public institutions, social organizations, consumer organizations, scientific research institutions, and other relevant parties.

The period for requesting public comments on national standards shall generally not be less than 60 days. When comments are requested, compulsory national standards shall be notified to the public according to the requirements of the World Trade Organization.

The relevant administrative department of the State Council or technical committee shall process the comments collected and prepare draft national standards for review.

Article 29 The technical committee shall conduct the technical review of the draft national standards for review in the form of a meeting, which shall focus on reviewing the scientificity, rationality, applicability, and standardization of the technical requirements. The organization of the review meeting and voting at the meeting shall be governed by the relevant provisions of the Measures for the Administration of the China National Standardization Technical Committee.

If no technical committee has been formed, an expert group for review shall be established to conduct technical review in the form of a meeting. Members of the expert group for review shall be representative and composed of manufacturers, businesses, users, consumers, public interest parties, and other relevant parties, and the number of members shall not be less than 15. Review experts shall be familiar with the information on technologies and standards in this field. With respect to

technical review, a consensus shall be reached through consultation, and if voting is required, passing the review requires three fourth or more of the votes. Drafters shall not undertake technical review.

The minutes of the review meeting shall be prepared and signed by all the experts present at the meeting. The meeting minutes shall truly reflect the review information, including the time, place, and agenda of the meeting, the list of experts, specific review opinions, and review conclusions, among others.

If the draft fails to pass the technical review, it shall be amended based on the review opinions and resubmitted for technical review. If a consensus cannot be reached, an application for the termination of the planned project may be submitted.

Article 30 The technical committee shall, based on the review opinions, prepare the draft national standards for approval, the preparation explanations, and a statement of response to opinions, which shall, after being reviewed by the relevant administrative department of the State Council or industry association, be submitted to the standardization administration of the State Council for approval and issuance, or may be approved or issued as authorized by the State Council.

If no technical committee has been formed, the relevant administrative department of the State Council shall, based on the review opinion, prepare the draft national standards for approval, the preparation explanations, and a statement of response to opinions, and submit them to the standardization administration of the State Council for approval and issuance or may approve and issue the standards as authorized by the State Council.

The documents to be submitted for approval include:

- (1) the official documents submitted;
- (2) the draft national standards for approval
- (3) the preparation explanations;
- (4) the summary statement on requesting comments;
- (5) the minutes of the review meeting; and
- (6) other materials that need to be submitted.

Article 31 The standardization administration of the State Council shall authorize a professional national standard review institution to examine the documents submitted for the approval of national standards. The professional national standard review institution shall examine:

- (1) whether the standard development procedures, the documents submitted for approval, and the drafting quality of the standards satisfy the relevant requirements;
- (2) the scientificity and rationality of the technical content of the standards, coordination among standards, and the handling of substantially dissenting opinions; and
- (3) whether the documents comply with the provisions of relevant laws, administrative regulations, industrial policies, or provisions on fair competition.

Article 32 Compulsory national standards shall be approved and issued by the State Council or as authorized by the State Council. Voluntary national standards shall be approved and numbered in a unified manner, and issued in the form of an announcement by the standardization administration of the State Council.

The codes of national standards shall consist of capitalized Chinese phonetic alphabet. The code name for compulsory national standards is “GB”, the code name for voluntary national standards is “GB/T”, and the code name for the reference materials of national standards is “GSB”. The code name for guidance technical documents is “GB/Z”.

The numbering of national standards shall consist of the code name, the serial issuance number, and the year of issuance of the national standards. The numbering of reference materials of national standards shall consist of the code name, the classified catalog number, the serial issuance number, the reproduction batch number, and the year of issuance of reference materials of national standards.

Article 33 The time period for developing national standards urgently needed for responding to emergencies may be shortened in the development process.

Article 34 National standards shall be published by publishing institutions as authorized by the standardization administration of the State Council.

The standardization administration of the State Council shall, according to the relevant provisions, disclose to the public the texts of national standards on the National Public Service Platform for Standards Information for access by the public.

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Chapter III Implementation and Supervision of National Standards

Article 35 A reasonable transition period between the issuance and the implementation of national standards shall be set aside.

Enterprises may choose to implement the original national standards or the new national standards after the issuance of national standards but before the implementation thereof.

When new national standards come into force, the original national standards shall be repealed concurrently.

Article 36 Compulsory national standards must be implemented. Products and services in noncompliance with compulsory national standards shall not be manufactured, sold, imported, or provided.

The adoption of voluntary national standards is encouraged. The implementation of voluntary national standards in such activities as infrastructure construction, basic public services, social governance, and government procurement is encouraged.

Article 37 After the issuance of national standards, the standardization administrations at all levels, the relevant administrative departments, industry associations, and technical committees shall organize the publicity, implementation, and promotion of national standards.

Article 38 National standards shall be subject to interpretation by the standardization administration of the State Council, and the interpretation of national standards shall have the same force as standard texts. After an interpretation is issued, the standardization administration of the State Council shall, within 20 days from the date of issuance, disclose the text of the interpretation on the National Public Service Platform for Standards Information.

For inquiries about specific technical issues during the implementation of national standards, the standardization administration of the State Council may authorize the relevant administrative department of the State Council, industry association, or technical committee to give a reply. The relevant reply shall be disclosed in accordance with the relevant provisions of the state on information disclosure.

Article 39 Enterprises and relevant social organizations shall conform to the standardization requirements set out in these Measures in the research and development of new products, improvement of products or services, and technical transformation, among others.

Article 40 The standardization administration of the State Council shall establish an information feedback mechanism for the implementation of national standards and smooth information feedback channels.

Individuals and entities are encouraged to provide feedbacks on the problems arising from the implementation of national standards as well as amendment recommendations through the National Public Service Platform for Standards Information.

The standardization administrations at all levels, the relevant administrative departments, industry associations, and technical committees shall collect information on the implementation of relevant national standards in their routine work.

Article 41 The standardization administration of the State Council, the relevant administrative departments of the State Council, industry associations, and technical committees shall analyze and process the feedback on the implementation of national standards in a timely manner.

Article 42 The standardization administration of the State Council shall establish a mechanism for assessing the implementation effects of national standards. The standardization administration of the State Council shall, on a periodical basis, organize the assessment of implementation effects of national standards in key fields based on the implementation of national standards. The evaluation of implementation effects of national standards shall cover:

- (1) the scope of implementation of the standards;
- (2) the economic, social, and ecological benefits brought by the implementation of the standards; and
- (3) any problems discovered during the implementation of the standards and amendment recommendations.

Article 43 The relevant administrative department of the State Council, the relevant industry association, or the technical committee shall, based on the feedback of implementation information, the assessment of implementation effects, and economic, social, and scientific and technological development needs, conduct the second review of national standards, and offer second review conclusions that the standards shall remain valid, revised, or repealed, and submit them to the standardization administration of the State Council. The period for second review shall generally not exceed five years.

If the second review conclusion is revising the standards, the standardization administration of the State Council, the relevant industry association, or the technical committee shall propose a revision project when submitting the second review conclusion.

If the second review conclusion is repealing the standards, the standardization administration of the State Council shall request public comments through the National Public Service Platform for Standards Information for a period of generally not less than 60 days. If there are no substantially dissenting opinions or a consensus is reached upon negotiation, the standardization administration of the State Council shall repeal the standards in the form of an announcement.

Article 44 After the issuance of national standards, if certain technical requirements need to be adjusted, supplemented, or deleted, they may be amended by an amendment sheet. An amendment sheet shall be proposed by the relevant standardization administration of the State Council, the relevant industry association, or the technical committee, and approved according to the applicable procedures and issued in the form of an announcement by the standardization administration of the State Council. The sheet of amendments to national standards shall have the same force as the standard texts.

Chapter IV Supplemental Provisions

Article 45 Where the Measures for the Administration of Compulsory National Standards otherwise provide for the development, organization of implementation, or supervision of compulsory national standards, such provisions shall prevail.

Article 46 These Measures shall come into force on March 1, 2023, upon which the Measures for the Administration of National Standards issued by Order No. 10 of the former State Bureau of Technical Supervision on August 24, 1990 shall be repealed.