



SESEC V Translation

Regulations on Certification and Accreditation (Call for Comments 2023)

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Introduction

On 13 July 2023, the State Administration for Market Regulation issued the draft of *Regulations of the People's Republic of China on Certification and Accreditation* (hereinafter referred to as “the Regulations”) to call for public comments. The call-for-comment period will end on 29 July 2023. The translation offered by SESEC is as follows.

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Translation of Regulations on Certification and Accreditation (Call for Comments 2023)

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Regulations of the People's Republic of China on Certification and Accreditation (Call for Comments)

Chapter I General Provisions

Article 1 [Legislative Purpose] These Regulations are formulated for the purpose of standardizing certification, accreditation, inspection and testing activities, improving the quality and management level of products and services, and serving the high-quality development of the economy and society.

Article 2 [Definition] The term "certification" as mentioned in these Regulations refers to the conformity assessment activities during which products, processes, services, management systems, personnel, etc. are certified by certification bodies to meet relevant standards or technical specifications.

The term "inspection and testing" as mentioned in these Regulations refers to the conformity assessment activities during which products or specific objects specified by laws and regulations are tested and evaluated by inspection and testing institutions.

The term "accreditation" as mentioned in these Regulations refers to the conformity assessment activities during which the accredited institutions prove the proficiency of certification bodies, inspection and testing institutions, validation/verification bodies.

The term "conformity assessment" as mentioned in these Regulations refers to the assessment activities during which the products, processes, services, systems, personnel or institutions are proven to comply with the requirements defined.

Article 3 [Scope of Application] Those who engage in certification, accreditation, inspection and related activities within the territory of the People's Republic of China shall abide by these Regulations.

Article 4 [Basic Principle] Those who engage in certification, accreditation, inspection and related activities within the territory of the People's Republic of China shall adhere to the leadership of the Communist Party of China (CPC), and follow the principles of marketization, rule of law and internationalization, as well as the principles of objectivity, independence, openness, impartiality, integrity and credibility.

Article 5 [Classified Supervision] Any citizen, legal person or other organization who engages in certification and accreditation activities shall abide by laws, regulations and internationally accepted norms, and shall not harm national security and social public interests, or violate social public order and good customs. Those who engage in certification and accreditation activities involving health, safety and other special requirements shall also meet the qualifications and mandatory requirements stipulated by the State.

Article 6 [Management System] The State implements a unified system for the management and supervision of certification, accreditation, inspection and testing.

The State implements a joint working mechanism for certification, accreditation, inspection and testing that involves all the relevant parties concerned and is under the unified management, supervision and comprehensive coordination of the market supervision and administration department under the State Council, with a joint working mechanism .

The State shall establish an inter-ministerial joint meeting for certification and accreditation as a deliberative and coordinating body.

Article 7 [International Cooperation] The State encourages international cooperation in certification and accreditation, inspection and testing of various fields, promotes international cooperation and exchange of policies, regulations, technical requirements, rules and procedures, so as to enhance the level of internationalization and facilitates trade.

The State encourages international mutual recognition activities of certification, accreditation, inspection and testing, based on equality and mutual benefit. International mutual recognition activities in certification, accreditation, inspection and testing shall not harm national security, as well as social and public interests.

Article 8 [Information Disclosure and Confidentiality Obligations] Certification, accreditation, inspection and testing institutions shall publicly disclose the information of technical requirements, rules and procedures, charging standards, etc. of certification, accreditation, inspection and testing activities, and be responsible for the authenticity of the disclosed information.

Institutions and their personnel that engage in certification, accreditation, inspection and testing activities are obliged to ensure the confidentiality of state secrets, business secrets and technology secrets they know.

Article 9 [Encouragement of Adoption] The State shall promote the high-quality development of certification, accreditation, inspection and testing industry, and encourage all parties in society to adopt certification, accreditation, inspection and testing results so as to improve market operation efficiency and facilitate economic and trade activities.

Article 10 [Statistics-based, Information-based and Digitalization Construction] The market supervision and administration department under the State Council shall establish a statistical investigation system for certification, accreditation, inspection and testing services, and implement statistical investigation according to law.

The market supervision and administration department under the State Council shall strengthen the digitalization and information-based construction of certification and accreditation, inspection and testing information, improve the system of data and information collection, processing and reporting, and whole process traceability mechanism, establish and improve the risk monitoring and early warning system, share the data and information, as well as promote cross-departmental joint supervision.

Article 11 [Resource Integration] The State encourages the establishment of various resources integration and public sharing projects in the field of inspection, testing and certification.

Chapter II Certification

Article 12 [Certification System] According to the needs of socio-economic development, the State shall establish a certification system with unified management and joint implementation, and implement both state-promoted certification schemes and private-owned certification schemes.

The certification scheme includes the requirements of rules, procedures and management which shall be followed during implementation of certification activities.

Where the state-owned certification schemes have been implemented, within the prescribed scope therein, no other similar conformity assessment schemes shall be formulated.

Article 13 [Basic Certification Specification] The market supervision and administration department under the State Council shall formulate the basic certification specification that stipulates the establishment of certification scheme, the basic procedures for certification implementation, the professional requirements for certification bodies and certification staff, and the requirements for supervision and administration. Where the duties of the relevant departments under the State Council are involved, the specification shall be formulated jointly with the relevant departments under the State Council.

Article 14 [Certification Rules] The certification rules shall cover the stipulation of the certification object, certification basis, specific procedures for the implementation of certification, etc. All these items shall meet the requirements of the basic certification specification, and shall not violate the provisions of laws and administrative regulations, hinder social management, or damage social morality.

The state-promoted certification scheme shall be formulated and issued by the market supervision and administration department under the State Council. Where the duties of the relevant departments under the State Council are involved, the opinions of the relevant departments under the State Council shall be sought. During implementation of the state-promoted certification scheme, certification bodies shall strictly follow the certification rules formulated and issued by the market supervision and administration department under the State Council, and shall not exceed, reduce or change the implementation requirements of the provisions. The legality shall be strictly reviewed, and follow-up evaluation shall be conducted.

For the certification schemes independently carried out by the certification body, their certification rules, formulated by the certification body itself or adopted from rules formulated by other certification bodies, shall be submitted to the market supervision and administration department under the State Council for the record before implementation. The market supervision and administration department under the State Council may review those certification rules. If those rules fail to pass the review, filing shall be canceled.

Article 15 [Certification Certificate and Mark Management] Certification certificates or certification marks shall not violate the provisions of laws and administrative regulations, hinder social management, or damage social morality.

For the state-promoted certification schemes, the certification certificate and certification mark shall be formulated by the market supervision and administration department under the State Council.

For the private-owned certification schemes, the certification certificate and certification mark shall be formulated by the certification bodies themselves, and shall not be the same as or similar to the certification certificates or certification marks of the state-promoted certification schemes.

The management requirements for certification certificates and certification marks shall be formulated by the market supervision and administration department under the State Council.

Article 16 [Qualification Review and Approval of Certification Bodies] Certification bodies shall obtain the approval of the market supervision and administration department under the State Council, and their engaged certification activities shall be carried out within the approved scope.

Without approval, no citizen, legal person or other organization is allowed to engage in certification activities.

The market supervision and administration department under the State Council shall implement classified management on the qualification review and approval of certification bodies, in line with the level of risk of the certification activities.

Article 17 [Qualification Conditions of Certification Bodies] To obtain the qualification of certification body, the following conditions shall be met:

- (1) Possession of legal person status;
- (2) Having a fixed office space and the necessary equipment and facilities;

- (3) Having a management system that meets the requirements of certification and accreditation;
- (4) The registered capital shall not be less than 3 million RMB;
- (5) Employing more than ten full-time certification staff in the corresponding field;

Institutions who engage in product certification should also possess the technical proficiency such as inspection and testing capability suitable for relevant product certification activities.

Institutions who engage in certification activities for state-promoted schemes shall also have corresponding working experience, with no adverse records, and have technical and management capabilities suitable for engaging in relevant certification activities.

Article 18 [Qualification Review and Approval Procedures for Certification Bodies] Qualification application and approval procedures for certification bodies:

(1) The applicants for the qualification of certification bodies shall submit written applications to the market supervision and administration department under the State Council, and submit supporting documents to prove that they meet the conditions stipulated in Article 17 of these Regulations;

(2) The market supervision and administration department under the State Council shall make decision for granting approval or not within 45 days from the date of acceptance of the applications. If the duties of relevant departments of the State Council are involved, the opinions of the relevant departments under the State Council shall be sought. If the approval is decided to be granted, the approval documents for the certification bodies shall be issued to the applicants; if the approval is decided not to be granted, the applicants shall be notified in written of reasons.

The market supervision and administration department under the State Council shall disclose the list of the certification bodies that have obtained qualifications in accordance with laws, and their business scope of certification.

Article 19 [No Forgery or Abuse of Approval Documents of Certification Bodies] No citizen, legal person or other organization is allowed to forge, alter, fraudulently use, transfer, lease, buy or sell the approval documents of certification bodies.

If the qualifications of certification bodies are suspended, revoked or canceled, certification bodies shall take the initiative to inform the certified organizations and make announcement to the public. The approval documents of the certification bodies which have been suspended, revoked, canceled or expired shall not be used.

Article 20 [Regulations for Certification Activities of Overseas Certification Bodies in China] Overseas certification bodies that engage in certification activities within the territory of the People's Republic of China or entrust Chinese certification bodies to engage in certification activities shall abide by these Regulations and other relevant laws and regulations.

Overseas certification bodies who engage in certification activities in China shall determine their authorized representatives in China. The authorized representatives shall be qualified as legal persons, with a registered capital of no less than RMB 3 million, and provide proofs that they can bear corresponding legal responsibilities for overseas certification bodies to implement certification activities.

Before the overseas certification bodies engage in certification activities, the authorized representative shall submit the relevant information of the overseas certification bodies, the certification rules and the letter of commitment to assume legal responsibilities on their behalf, etc. to the market supervision and administration department under the State Council for record.

If foreign governments or overseas organizations authorize, or overseas certification bodies entrust Chinese certification bodies to engage in certification activities, the Chinese certification bodies shall evaluate and

demonstrate the conformity of relevant certification rules with the basic certification specification, and report the certification rules, and evaluation and demonstration materials to the market supervision and administration department under the State Council for record before carrying out certification activities.

Article 21 [Requirements on Impartiality of Certification Bodies] Certification bodies shall not accept any financial assistance that may affect the objectivity and impartiality of their certification activities. They shall not engage in any product development, marketing, consultation and other activities that may affect the objectivity and impartiality of their certification activities.

Certification bodies shall not have any interest in assets or management with their certification clients.

Article 22 [Certification Personnel Management System] Personnel who engage in certification activities shall have the corresponding certification proficiency and abide by the Constitution, laws and professional ethics. To standardize the certification activities carried out by certification personnel and enhance the capability of certification personnel, the State shall promote and implement a certification scheme for certification personnel. The market supervision and administration department under the State Council shall formulate and issue certification rules of certification personnel that shall be implemented by bodies operating certification of persons.

Bodies operating certification of persons shall objectively and fairly implement personnel certification schemes. The State encourages and supports the development of certification personnel vocational education and training so as to improve the quality of certification personnel.

Article 23 [Personnel Competence Management Requirements for Certification Bodies] Certification bodies shall establish the certification personnel management system so as to ensure their competence continuously meet the demands of certification schemes.

Article 24 [Application for Certification] Any citizen, legal person and other organizations may voluntarily entrust a legally established and qualified certification body to certify products, processes, services, management systems, personnel, etc.

Article 25 [Requirements for Process Records and Information Submission] When engaging in certification, inspection and testing activities, certification bodies and related inspection and testing institutions shall complete the procedures stipulated in the basic certification specification and certification rules, so as to ensure the completeness, objectivity and authenticity of certification, inspection and testing; they shall not add, reduce or omit procedures.

Certification bodies and related inspection and testing institutions shall make a complete record of their certification, inspection and testing process, and keep it on file.

Certification bodies and related inspection and testing institutions shall timely submit information on their business and corresponding data and information to the market supervision and administration department under the State Council, in accordance with regulations, and be responsible for the authenticity of the information submitted.

Article 26 [Requirements for Conclusion Authenticity] Certification bodies and their personnel shall make certification conclusions in a timely manner, and ensure that the certification conclusions are objective and authentic. The certification personnel shall affix their signatures to the certification results which shall then be officially signed by the person in charge of the certification institution.

The certification body and its certification personnel shall be responsible for the certification results.

Article 27 [Certification Certificate Management] If the certification conclusion is that the product, process, service, management system, personnel, etc. meet the certification requirements, the certification body shall issue certification certificates to their clients in time.

Certification bodies shall suspend, revoke, cancel, resume or change the certification certificates in a timely

manner according to the basic certification specification and certification rules.

Article 28 [Requirements for Fiduciary Duty of Certification Clients] The certification client shall not make false statements or commitment, forge, tamper with, conceal or destroy relevant documents, records or samples during the certification process.

The certification body shall not issue the certification certificate to its clients if it encounters one of the circumstances mentioned in the preceding paragraph; for the issued certification certificates, the certification body shall revoke them.

Article 29 [Requirements for the Use of Certification Certificates and Marks] Certified organizations shall use certification certificates and marks within their validity period and the approved certification scope; they shall not use certification certificates and marks for misleading advertisement. During the time of certificate suspension, if the certification certificates are canceled, revoked or expired, certified organization shall not use the certification certificates and marks.

No citizen, legal person or other organization is allowed to forge, alter, fraudulently use, transfer, lease, buy or sell certification certificates and marks.

Article 30 [Tracking and Supervising Obligations of Certification Bodies] Certification bodies shall monitor and supervise the products, processes, services, management systems, personnel, etc. that they have certified, according to relevant certification rules. If the certified products, processes, services, management systems, personnel, etc. do not maintain conformity with the certification requirements, the certification body shall suspend the use of certificate until the certification certificate is revoked, and then disclose this information publicly.

Article 31 [Information Notification Obligations of the Certified Organizations] Certified organizations shall establish and improve its internal management system to ensure that products, processes, services and management systems maintain the conformity with the certification requirements. In case of the following circumstances, the certified organization shall promptly notify the certification body:

- (1) Being subjected to major complaints, administrative penalties, judicial investigations or major accidents;
- (2) Significant changes taking place compared with the time of being certified;
- (3) Other important situations potentially affecting the certification results.

Article 32 [Establishment of Compulsory Product Certification Scheme] In order to protect national security, prevent fraud, protect human health, life and property, protect animal's and plant's life and health, and protect the environment, the State develops compulsory product certification scheme. For the products fall under scope of the scheme, it must be certified and marked with certification marks before it can leave factory, be sold, imported or used in other business activities.

Article 33 [Principles for Implementation of Compulsory Product Certification Scheme] Compulsory product certification scheme shall have a unified product catalogue, unified technical requirements, unified conformity assessment procedures, unified certificates and marks.

The unified product catalogue shall be formulated and adjusted by the market supervision and administration department under the State Council in conjunction with the relevant departments of the State Council, and be released by the market supervision and administration department under the State Council.

Unified technical requirements, conformity assessment procedures, certification certificates and marks shall be stipulated by the market supervision and administration department under the State Council.

Article 34 [Requirements for Implementation of Compulsory Certification Scheme] The products listed in compulsory product certification catalogue (hereinafter referred to as the Catalogue) shall be certificated by certification bodies designated by the market supervision and administration department under the State

Council.

In accordance with demands, the certification for certain products listed in the Catalogue can be carried out in the form of self-declaration. Producers (manufacturers) shall make self-declaration in accordance with regulations, and shall not provide false information during self-declaration. For the overseas producers (manufacturers), they shall choose their legally registered subsidiaries, importers or sellers as the authorized agents within Chinese territory to bear the corresponding legal responsibilities.

The exceptional requirements that do not require and exempt the compulsory product certification due to special purposes shall be formulated by the market supervision and administration department under the State Council.

Article 35 [Access Review and Approval for Admission of Designated Bodies] Certification bodies and testing bodies who engage in compulsory certification activities and relevant testing activities shall be designated by the market supervision and administration department under the State Council (hereinafter referred to as designated bodies), and at least two bodies shall be designated for each product field.

A designated body shall be an institution that have engaged in relevant business for a long time, have no adverse record and have the capacity to engage in relevant certification activities.

Without designation, no citizen, legal person or other organization is allowed to engage in compulsory certification and related testing activities.

Article 36 [Review and Approval Procedures for Designated Bodies] When the market supervision and administration department under the State Council make designations, it shall announce the designation conditions and relevant information in advance, organize experts in related fields to form an expert review committee to review the application for designation. In accordance with the principles of rational utilization of resources, fair competition, convenience and effectiveness, the decision shall be made within the published time after the audition by the market supervision and administration department under the State Council and the opinions collection from relevant departments of the State Council.

The market supervision and administration department under the State Council publishes the list of the designated bodies and its designated business scope.

Article 37 [Code of Conduct for Designated Bodies of Compulsory Certification] Designated institutions shall maintain the conformity with designated conditions, provide convenient and timely certification, inspection and testing services within their designated business scope to their clients, and shall not delay, discriminate against, create difficulties for clients, or seek improper benefits.

Designated institutions shall not transfer the designated business to other institutions.

Article 38 [Entry Verification of Compulsory Product Certification Scheme] For the imported products listed in the Catalogue, the market supervision and administration department under the State Council and the General Administration of Customs shall establish an online verification mechanism. The customs shall carry out entry verification management verifying the compulsory product certification certificates, marks or other supporting documents, and verifying whether the goods match the certificates.

Article 39 [International Mutual Recognition of State-Promoted Certification Schemes and Compulsory Certification Schemes] International mutual recognition activities involving the state-promoted certification schemes and compulsory certification schemes shall be carried out within the framework of international mutual recognition agreements signed by the market supervision and administration department under the State Council or authorized relevant departments of the State Council.

Chapter III Inspection and Testing

Article 40 [Qualification Accreditation of Inspection and Testing Bodies] Inspection and testing bodies that issue data and results with probative effect to the society shall meet the basic conditions and have technical proficiency stipulated by relevant laws and administrative regulations, and can only engage in corresponding inspection and testing activities after it is lawfully accredited by market supervision and administration departments at the provincial level or above.

Where other provisions of laws and administrative regulations provide otherwise for the qualification management of inspection and testing bodies, these provisions shall prevail.

Article 41 [Conditions and Procedures for Qualification Accreditation of Inspection and Testing Institutions] Inspection and testing institutions that issue data or results with probative effect to the society shall meet the following conditions:

- (1) Possessing a legal person status, or other organization status that is acquired according to law, which allows it to be able to assume corresponding legal responsibilities;
- (2) Having technical and management personnel suitable for conducting inspection and testing activities;
- (3) Possessing a fixed workplace, the environment of which meets the inspection and testing requirements;
- (4) Having the necessary equipment and facilities for inspection and testing;
- (5) Possessing a management system that is established in accordance with national standards, and effectively ensures the independent, impartial, scientific, honest and compliant conduction of inspection and testing activities;
- (6) For special inspection and testing, special requirements stipulated by relevant laws and regulations shall also be met.

The specific procedures for being accredited as an inspection and testing institution shall be formulated separately by the market supervision and administration department under the State Council.

Article 42 [Basic Code of Conduct for Inspection and Testing Institutions] When engaging in inspection and testing activities, inspection and testing institutions as well as their personnel shall abide by the provisions of laws, administrative regulations and departmental rules, and carry out inspection and testing according to the requirements of relevant standards and technical specifications. Meanwhile, they shall respect science and observe professional ethics.

Article 43 [Impartiality and Independence of Inspection and Testing] When conducting inspection and testing activities, inspection and testing institutions as well as their personnel shall be independent from the stakeholders involved in the inspection and testing reports issued by them, and they shall be free from any factors that may interfere with their technical judgment.

Inspection and testing institutions shall also ensure that the inspection and testing reports issued by them to social organizations are authentic, objective, accurate and complete. No false or untrue inspection and testing reports shall be issued.

Article 44 [Inspection and Testing Report] The inspection and testing institutions shall make complete records of the inspection and testing process and keep them on file. Inspection and testing institutions and their personnel shall be responsible for the inspection and testing reports issued by them to the society. The inspection reports shall be stamped with the official seals of the inspection and testing institutions or the special seal for inspection and testing, with the signature or seal of the authorized signatory, and marked with the qualification accreditation marks.

No citizen, legal person or other organization is allowed to forge, alter, fraudulently use, transfer, lease, buy or sell inspection and testing reports.

Article 45 [Requirements of No Forgery for Qualification Accreditation or Mark of Inspection and Testing] No citizen, legal person or other organization is allowed to forge, alter, falsely use, transfer, lease, buy or sell the qualification accreditation certificates of inspection and testing institutions, or use the qualification accreditation certificates of inspection and testing institutions that are expired, revoked, or canceled.

Article 46 [Requirements for Inspection and Testing Institutions to Maintain Conformity with Qualification Accreditation Requirement] Inspection and testing institutions shall regularly review and improve its management system, take internal quality control measures, such as personnel comparison, equipment comparison, sample retention and retest, etc.; or take external quality control measures, such as participating in proficiency testing and inter-laboratory comparison, etc. to ensure that their basic conditions and technical proficiency maintain conformity with the qualification accreditation requirements, ensure the effective implementation of relevant quality management measures, and regularly report and submit relevant information to market supervision and administration department.

If the inspection institution no longer meets the qualification accreditation requirements and conditions, it shall not issue conformity data or results to the public.

Article 47 [Prohibited Activities of Inspection and Testing Institutions] Inspection and testing institutions shall not engage in the production, operation, product supervision and sales, as well as production supervision activities related to their inspection and testing activities; they shall not recommend products inspected and tested by them to the public through advertisements or other forms.

Article 48 [Inspection and Testing Proficiency Testing] The market supervision and administration department under the State Council shall formulate and issue the rules of proficiency testing that it organizes and implements. Based on work needs, the market supervision and administration departments at or above the provincial level may regularly coordinate the implementation and supervise the proficiency testing of inspection and testing institutions to examine if their technical proficiency maintain conformity with qualification accreditation requirement.

Inspection and testing institutions are encouraged to participate in proficiency testing or comparison activities of inspection and testing institutions organized by relevant government departments, international organizations and professional evaluation institutions. Inspection and testing institutions in special fields are encouraged to establish and conform to good laboratory specifications.

Article 49 [Regulations on Emergency Inspection and Testing] In order to cope with emergencies, the market supervision and administration department may publish the list and other relevant information of inspection and testing institutions that meet the requirements to conduct emergency work, and allow relevant institutions to temporarily undertake emergency inspection and testing work.

Chapter IV Accreditation

Article 50 [Accreditation Scheme and Accreditation Body] The market supervision and administration department under the State Council shall, in accordance with the internationally accepted rules, establish and implement a unified national accreditation supervision and administration scheme. The market supervision and administration department under the State Council shall formulate an accreditation list and make it available to the public; Where the duties of the relevant departments under the State Council are involved, the list shall be formulated by market supervision and administration department under the State Council, jointly with the relevant departments under the State Council.

The accreditation scheme formulated by the accreditation institution shall be submitted to the market supervision and administration department under the State Council for approval and then make it available to the public before the implementation. The market supervision and administration department under the State Council shall conduct technical review of the feasibility, legality and effectiveness of the accreditation scheme formulated by the accreditation institution, and evaluate the operation of the accreditation scheme.

The accreditation institutions determined by the market supervision and administration department under the State Council shall independently engage in accreditation activities. Except for the accreditation institutions determined by the market supervision and administration department under the State Council, no other organization is allowed to engage in accreditation activities directly or in disguised form. Where these organizations engage in accreditation activities directly or in disguised form, the accreditation results shall be invalid.

Article 51 [Accreditation Effectiveness] Certification bodies, inspection and testing bodies, validation and verification bodies can be accredited by the accreditation body to ensure that their proficiency maintains conformity with the accreditation requirements.

Article 52 [Proficiency Requirement for Accreditation Bodies] Accreditation bodies shall establish a quality system commensurate with its scope of accreditation, and ensure the effective implementation of the system to guarantee that the operation and proficiency of the accreditation bodies comply with requirements of laws, administrative regulations, departmental rules and relevant standards, and technologies specifications.

Article 53 [Qualifications of Accreditation Assessor] Accreditation institutions may, according to the needs of accreditation, hire personnel to engage in accreditation assessment activities. Personnel who engage in accreditation and evaluation activities shall be familiar with relevant laws, administrative regulations and accreditation rules and procedures, and have good moral character, expertise and capabilities required for assessment.

Article 54 [Accreditation Assessment Business Entrustment] Where an accreditation institution entrusts another party to complete specific accreditation related assessment, the accreditation institution shall be responsible for the assessment conclusions.

Article 55 [Accreditation Application Acceptance] When accepting applications for accreditation, accreditation bodies are not allowed to put forward any requirements or restrictions unrelated to the accreditation activities to the applicant.

Article 56 [Accreditation Conclusion] Accreditation bodies shall, within the published time, complete the assessment of the certification body, inspection and testing body, validation and verification body in accordance with the provisions of the market supervision and administration department under the State Council and relevant standards and technical specifications, make a decision on whether to grant accreditation, make a complete record of the accreditation process, and keep it on file. The accreditation body shall ensure that the accreditation is objective, impartial, complete and effective, and be responsible for the accreditation conclusions.

Accreditation body shall issue accreditation certificates to accredited institutions and publish the list of accredited institutions.

Article 57 [Accreditation Certificate] An accreditation certificate shall include the name of the accredited organization, geographical location, unique identification code, accreditation specifications, accreditation scope, accreditation standards, accreditation areas, accreditation mark and validity period.

Article 58 [Management of Accreditation Certificate and Mark] Accredited institutions shall use accreditation certificates and accreditation marks within the scope of accreditation. If an accredited institution improperly use the accreditation certificate and accreditation mark, the accreditation body shall suspend the use of certificate until the accreditation certificate is revoked, and then disclose this information publicly.

No citizen, legal person or other organization is allowed to forge, alter, fraudulently use, transfer, lease, or buy or sell accreditation certificates and marks.

Article 59 [Accreditation Follow-up Supervision] Accreditation bodies shall implement effective follow-up supervision over the accredited institutions and conduct regular re-assessment of the accredited institutions to verify whether they maintain conformity with the accreditation requirements. Where an accredited institution no longer complies with the accreditation requirements, the accredited institution shall revoke the

accreditation certificate and then disclose this information publicly.

In case of changes that affect the conformity with the accreditation requirements, such as the changes of persons in charge of institution management and technical management department of the accredited institution, facilities, certification rules and others, the accreditation institution shall be informed in a timely manner.

Article 60 [Requirements on Impartiality of Certification Bodies] Accreditation bodies shall not accept any financial assistance which may affect the objectivity and impartiality of accreditation activities.

Article 61 [Overseas Accreditation Record Management] Where domestic certification bodies, inspection and testing bodies, validation and verification bodies obtain accreditation from overseas accreditation bodies, they shall promptly submit to the market supervision and administration department under the State Council for record.

Chapter V Supervisory Management

Article 62 [Supervisory Objective] The market supervision and administration department shall supervise and examine the compliance of relevant parties, including certification, inspection and testing institutions and their personnel, training institutions, consulting institutions and other, with these Regulations. If any violation of these Regulations is found, it shall be investigated and dealt with in a timely manner. If the duties of relevant departments are involved, they shall be informed in a timely manner.

Article 63 [Supervision Measures for Certification Activities] The market supervision and administration department may take the following measures for certification institutions, certification personnel and relevant parties engaging in certification:

- (1) Inquiring certification bodies, their personnel and stakeholders about relevant matters;
- (2) Examining whether the certification bodies maintain conformity with qualification licensing requirements, and whether the certification activities, certification results and certified products maintain conformity with requirements of the basic certification specification and certification rules;
- (3) Organizing peer review;
- (4) Consulting and copying contracts, invoices, profiles and other relevant materials;
- (5) Sealing up or detaining places, facilities and products that are suspected of illegal certification and accreditation;
- (6) Other regulatory measures taken by the market supervision and administration department in accordance with laws.

Article 64 [Supervision Measures for Self-declaration Activities] The market supervision and administration department may take the following measures for self-declaration activities and stakeholders:

- (1) Inquiring the producers (manufacturers) or their authorized representatives or interested parties involved in self-declaration activities about relevant matters;
- (2) Examining whether the self-declaration of the producers or their authorized representative meet the requirements;
- (3) Sealing up or detaining places, facilities and products that are suspected of violation of Paragraph 2 of Article 34 of these Regulations;

(4) Other regulatory measures taken by the market supervision and administration department in accordance with laws.

Article 65 [Supervision Measures for Inspection and Testing Institutions] The market supervision and administration department may take the following measures for inspection and testing institutions and their personnel:

(1) According to the annual supervision and inspection plan for inspection and testing institutions, randomly selecting inspection objects and randomly dispatching law enforcement inspectors to carry out supervision and inspection work;

(2) Entering inspection and testing institutions for on-site inspection;

(3) Inquiring and investigating relevant situation or verifying relevant inspection and testing activities from inspection and testing institutions, clients and other relevant units and personnel;

(4) Consulting and copying the original records, reports, invoices, account books and other relevant materials related to inspection and testing;

(5) Other terms of references stipulated by laws and administrative regulations.

Article 66 [Regulatory Measures for Accreditation Activities] Accreditation bodies shall establish the system for daily information reporting and major issues reporting, regularly submit reports to the market supervision and administration department under the State Council, and be responsible for the authenticity of the reports.

The market supervision and administration department evaluates the implementation of the accreditation scheme, and supervises and manages the accreditation bodies, accreditation activities and accreditation results. According to the needs of supervision and management, the department may take the following measures:

(1) Inquiring the chief person in charge of the accreditation institution, and then in terms of relevant matters, take measures of risk warning, early warning, interviewing, admonishment, etc.;

(2) Implementing on-site supervision and assessment of accreditation bodies;

(3) Supervising the accreditation and assessment activities carried out by accreditation bodies;

(4) Inspecting and spot-checking accreditation results;

(5) Obtaining information on accreditation activities and accreditation management;

(6) Investigating and processing complaints about accreditation bodies and accreditation activities;

(7) Using third-party evaluation mechanisms to evaluate the operation effectiveness of accreditation bodies.

Article 67 [Obligation of Cooperating with Inspection] Certification, accreditation, inspection and testing institutions, their personnel, certified organizations and stakeholders shall actively cooperate, truthfully state the facts, provide relevant documents and materials completely within the prescribed time limit, and shall not refuse, obstruct or evade the inspection, and shall not lie, conceal or destroy relevant evidence materials.

Article 68 [Non-compulsory Administrative Approach] The market supervision and administration department may require certification and accreditation, inspection and testing institutions, personnel and related parties to abide by the provisions of these Regulations by persuasion and education, caution and admonishment, as well as guiding and interviews, etc.

The market supervision and administration department under the State Council may give risk warning and early warning based on the risk information collected or found in the supervision.

Article 69 [Credit Supervision Mechanism] The market supervision and administration department shall

strengthen the credit supervision of the certification, accreditation, inspection and testing institutions, their personnel and relevant parties, promote the open credit commitment and credit information disclosure mechanism, and adopt differentiated supervision measures in line with their credit rating. Relevant institutions, personnel and stakeholders that seriously violate laws and break faith shall be included in the list of dishonesty according to law, and punishments for dishonesty shall be implemented.

Article 70 [Limitation on Accreditation] Accreditation bodies shall, in accordance with the provisions of the market supervision and administration department under the State Council, relevant standards and technical specifications, standardize the behavior of the accredited certification bodies, inspection and testing institutions, as well as validation and verification bodies, so as to ensure that their proficiency maintains conformity with the accreditation requirements.

Article 71 [Industry Self-discipline] Certification, accreditation, inspection and testing institutions shall strengthen the management of compliance and conformity with rules and procedures, and bear the responsibility for certification, accreditation, inspection and testing results.

Industry association of certification, accreditation, inspection and testing may formulate self-discipline conventions, self-discipline norms and professional ethics to promote the self-discipline and integrity construction of practitioners, and standardize the professional behavior of personnel.

Article 72 [Social Supervision] Any citizen, legal person or other organization shall have the right to report illegal acts of certification, accreditation, inspection and testing to the market supervision and administration department. The market supervision and administration department shall promptly investigate and deal with after receiving reports, and keep the informers confidential.

If the illegal acts of the persons are verified and are punished by administrative punishment, such as revocation of license, large amount of fine and confiscation of large amount of illegal income, etc., the informers shall be rewarded in accordance with relevant regulations.

Chapter VI Legal Liability

Article 73 [Punishment for Certification, Inspection and Testing Activities without Permission] Those who engage in certification, inspection and testing activities without approval shall be ordered to stop the related activities, recall the issued certificates or inspection and testing reports, be fined between RMB 100,000 and RMB 500,000, and be included in the list of dishonesty by the market supervision and administration department. Illegal gains, if any, shall be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.

Those who engage in certification or inspection and testing activities by using forged, altered, expired, revoked, canceled; or fraudulently using the transferred, leased, purchased or sold quality approval documents of the certification bodies or qualification accreditation certificate of testing and inspection bodies, shall be punished in accordance with the provisions of the preceding paragraph.

The qualification licenses of certification bodies or qualification accreditation of inspection and testing institutions obtained via false materials or false notification commitment shall be revoked by the market supervision and administration department. Those certification, inspection and testing bodies shall be included in the list of dishonesty, and shall not apply again within three years.

Article 74 [Punishment for Forgery of Approval Documents of Certification Bodies and Qualification Accreditation Certificate] Those who forge, alter, transfer, lease, sell the approval documents of certification bodies and qualification accreditation certificate of inspection and testing bodies shall be ordered to stop related activities, be fined between RMB 100,000 and RMB 300,000, and be included in the list of dishonesty by the market supervision and administration department. Illegal gains, if any, shall be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 75 [Punishment for Violation of Certification Filing Rules] For those certification bodies who independently carry out certification activities, yet fail to submit the self-formulated or adopted certification rules to the market supervision and administration department under the State Council for record, the market supervision and administration department shall order them to make corrections within a time limit, give warnings and disclose the information to the public.

If the certification rules on the record by certification bodies do not meet the filing requirements after being reviewed by the market supervision and administration department under the State Council, the market supervision and administration department shall order the certification bodies to make corrections within a time limit, and if the certification bodies fail to make corrections within the time limit or fail to meet the filing requirements after being ordered to make corrections, the market supervision and administration department under the State Council shall cancel the filing, order the certification bodies to recall the relevant certification certificates that are issued, give warnings and disclose the information to the public. If the duties of relevant departments of the State Council are involved, those departments shall be informed.

If there are risks endangering national security and public interests in the certification rules in record, the market supervision and administration department under the State Council shall handle them in accordance with the preceding paragraph and issue risk warnings.

Article 76 [Legal Liabilities of Overseas Certification Bodies for Carrying Out Certification Activities in China] If an overseas certification body engages in certification and related activities within the territory of the People's Republic of China, and its authorized representative in China is not determined, the market supervision and administration department shall order the certification body to make corrections within a time limit and shall disclose the information to the public.

If an overseas certification body directly conducts certification and related activities in China in violation of the provisions of these Regulations, the market supervision and administration department shall impose corresponding administrative penalties on its authorized representatives according to law. The punishment results and relevant information of the overseas certification body shall be made public. The market supervision and administration department may notify international organizations, embassies and consulates abroad and other stakeholders. If the products or services certified by overseas certification bodies cause damage to consumers, the authorized representatives of overseas certification bodies shall bear corresponding legal responsibilities, and if quality and safety accidents or other serious consequences are caused, the market supervision and administration department shall restrict the overseas certification bodies from carrying out certification and related activities in China and disclose the information to the public.

If domestic certification bodies accept the authorization of foreign governments or overseas organizations, or accept the entrustment of overseas certification institutions, yet fail to submit the relevant certification rules, as well as examination and demonstration materials to the market supervision and administration department under the State Council for record before engaging in certification and related activities in China, the market supervision and administration department shall order them to make corrections within a time limit, give warnings and disclose the information to the public. Those who violate other provisions of these Regulations shall bear corresponding legal responsibilities.

Article 77 [Punishment for Certification Bodies Violating Requirements on Impartiality] For certification bodies who accept financial assistance that may affect the objectivity and impartiality of certification activities, or engage in activities that may affect the objectivity and impartiality of certification activities such as product development, marketing, consultation, etc., or have assets-related or managerial interests at stake with clients, the market supervision and administration department shall order them to make corrections within a time limit and restrict them from engaging in certification activities for one to three months; If the circumstances are serious, the approval documents shall be revoked and the results will be made public; illegal gains, if any, shall be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 78 [Punishment for Relatively Severe Violation by Certification Bodies] In any of the following circumstances, certification bodies shall be ordered by the market supervision and administration department to make corrections within a time limit and be fined between RMB 50,000 and RMB 200,000; illegal gains, if any,

shall be confiscated; if the circumstances are serious, the certification institution shall be ordered to suspend business for rectification, be restricted from business until the approval documents are revoked, and be included in the list of dishonesty:

- (1) Engaging in certification activities beyond the approved scope;
- (2) Adding, reducing or omitting the procedures stipulated in the basic certification specification and certification rules;
- (3) Failing to follow up and supervise the products, processes, services, management systems, personnel, etc. certified by them according to the relevant certification rules; or failing to suspend the use or revoke the certification certificate and disclose the information publicly in a timely manner after finding that the products, processes, services, management systems, personnel, etc. certified by them do not maintain conformity with the certification requirements.

Where inspection and testing institutions related to certification add, reduce or omit the procedures stipulated in the basic certification standards and certification rules, they shall be punished according to the provisions of the preceding paragraph.

Article 79 [Punishment for General Violation of Certification Bodies] In any of the following circumstances, a certification institution shall be ordered by the market supervision and administration department to make corrections within a time limit; and if the certification body fails to make corrections within the time limit, a fine between RMB 50,000 and RMB 100,000 will be imposed:

- (1) Failing to take the initiative to inform the certified organizations and disclose information to the public after it stops the certification activities or its certification qualification is revoked or canceled ;
- (2) Having the self-made certification marks same as or similar to the certification marks promoted by the State;
- (3) Failing to make an authentic and complete record of the certification process, and keep it on file;
- (4) Failing to issue the certification certificate to its clients in time, or failing to suspend, revoke, cancel, resume or change the certificate in time;
- (5) Failing to report the data and information related to business, certification activities and certification results to the market supervision and administration department under the State Council in time, or make untrue report;
- (6) Failing to establish or effectively implement the certification personnel management system;
- (7) Failing to disclose the certification rules or charging standards;

If inspection and testing institutions related to certification fail to make a complete record of the inspection and testing process related to certification and keep it on file, or fails to report information on business or relevant data and information to the market supervision and administration department under the State Council, they shall be punished according to the provisions of the preceding paragraph.

Article 80 [Violation of Basic Code of Conduct by Inspection and Testing Institutions] In any of the following circumstances, inspection and testing institutions shall be ordered by the market supervision and administration department to make corrections within a time limit; and if the inspection and testing institution fails to make corrections within the time limit, a fine between RMB 50,000 and RMB 200,000 will be imposed:

- (1) Failing to make an authentic and complete record of the inspection process, and keep it on file;
- (2) Failing to carry out inspection and testing according to standards and technical specifications;
- (3) Failing to take part in the proficiency testing as required by the market supervision and administration department, providing false proficiency testing results, or failing to pass the proficiency testing;

(4) Misleading the public by issuing inspection and testing results proving that the product passes the certification.

During the rectification, the inspection and testing institutions shall not issue inspection and testing data and results to the public.

Article 81 [Legal Liabilities for Issuing False or Seriously Untrue Conclusions] Where Certification bodies, inspection and testing institutions issue false certification conclusions, false inspection and testing reports and proficiency testing reports, or the certification conclusions, inspection and testing reports and proficiency testing reports issued by them are seriously untrue, the market supervision and administration department shall order the bodies and institutions to revoke the certification conclusions, inspection and testing reports, as well as proficiency testing reports, and then impose a fine of no less than ten times but no more than twenty times of the illegal gains; or impose a fine between RMB 100,000 and RMB 500,000 if the illegal gains are less than RMB 50,000 or there is no illegal gain. Those who are punished for issuing false or seriously untrue conclusions for three times in a year shall have their approval documents revoked and shall have themselves included in the list of dishonesty. In this case, those who are directly responsible shall be banned from the industry for one to three years; illegal gains, if any, shall be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.

If the certified products or services cause damage to consumers, certification, inspection and testing bodies shall bear joint and several liabilities with producers, sellers or service providers. The person with direct liability and the legal representative and actual controller of the body shall be banned by the market supervision and administration department from the industry for three years to life long; If a crime is constituted, criminal responsibility shall be investigated according to law.

If the designated institution commits any illegal act specified in the preceding two paragraphs, the designation shall be revoked at the same time.

Article 82 [Punishment for Violation Behaviors of Certification Clients] Certification clients who make false statements or commitment, falsify, tamper with, conceal or destroy relevant documents, records or samples during the certification process, shall be fined between RMB 50,000 and RMB 100,000, and listed into the list of dishonesty by the market supervision and administration department.

Article 83 [Legal Liabilities of the Certified Organization for Misleading Advertisement] If certified organizations use certification certificates and mark for misleading advertisement causing adverse consequences, the market supervision and administration department shall order them to revoke certification certificate and impose a fine between RMB 10,000 and RMB 50,000; illegal gains, if any, shall be confiscated; if damage is caused to consumers, the corresponding civil liability should be borne for compensation.

Those who constitute false advertisement shall be dealt with according to the *Anti-Unfair Competition Law of the People's Republic of China*, as well as other relevant laws.

Article 84 [Punishment for Illegal Use of Certification Certificates and Certification Marks by Certified Organizations] In any of the following circumstances, the market supervision and administration department shall order the certified organization to make corrections within a time limit; and if the certified organization fails to make corrections within the time limit, a fine between RMB 50,000 and RMB 100,000 will be imposed: illegal gains, if any, shall be confiscated; If the circumstances are serious, the business license shall be revoked and the organization shall be included in the list of dishonesty:

- (1) Using certification certificates and certification marks beyond the scope of certification;
- (2) Using expired, suspended, revoked or canceled certification certificates and certification marks;
- (3) Using forged or altered certification certificates or certification marks, or fraudulently using the transferred, leased or sold certification certificates or certification marks.

Article 85 [Legal Liabilities for Forgery of Certification Certificates or Certification Marks] Those who forge,

alter, fraudulently use, transfer, lease, sell the certification certificates or certification marks shall be imposed a fine of between RMB 50,000 and RMB 100,000 and included in the list of dishonesty by the market supervision and administration department; illegal gains, if any, shall be confiscated; if a crime is constituted, criminal responsibility shall be investigated according to law.

Whoever forges, alters, transfers, leases or sells the inspection and testing report shall be punished in accordance with the provisions of the preceding paragraph.

Whoever forges, fraudulently uses, buys or sells certification marks or certificates prescribed by *Product Quality Law of the People's Republic of China* and other relevant laws shall be investigated and dealt with according to the provisions.

Article 86 [Joint and Several Liability for Violating Following up and Supervision Requirement] If certification bodies fail to follow up and supervise its certified products, processes, services, management systems, personnel, etc. according to the relevant certification rules; or fails to suspend the use, revoke the certification certificate, and request to stop the use of certification mark in a timely manner after finding that the subjects certified by them cannot maintain conformity with certification requirements, thus causing losses to consumers, the certification body shall be jointly and severally liable with the producers, sellers and service providers, etc.

Article 87 [Legal Liabilities of the Certified Organization for Violating the Obligation of Information Notification] If certified organizations fail to notify the certification body of information in accordance with the provisions of these Regulations, thus affecting the certification results, the certified organization shall be ordered by the market supervision and administration department to make corrections within a time limit; If a quality safety accident is caused, a fine between RMB 50,000 and RMB 100,000 shall be imposed.

Article 88 [Punishment for Engaging in Compulsory Certification and Testing Activities without Designation] If a certification body or a testing institution engages in compulsory product certification, and testing activities related to certification without designation, they shall be ordered to make corrections within a time limit, be fined between RMB 100,000 and RMB 500,000, and be included in the list of dishonesty by the market supervision and administration department; if the circumstances are serious or the body does not make corrections within the time limit, the approval documents shall be revoked and the results will be made public.

If any institution submits false materials and makes false promises to obtain the qualification of designation, the market supervision and administration departments shall revoke the qualification, include the institution in the list of dishonesty, and the institution is not allowed to apply for the qualification again within three years; if the circumstances are serious, the approval documents shall be revoked and the results will be made public.

Article 89 [Punishment for Engaging in Compulsory Certification and Testing Activities beyond the Designated Scope] If a designated institution engages in compulsory product certification and testing activities related to certification beyond its designated business scope, it shall be ordered to make corrections within a time limit and be fined between RMB 100,000 and RMB 500,000 by the market supervision and administration department; illegal gains, if any, shall be confiscated; If the circumstances are serious, the designation shall be revoked until the the approval documents are revoked and the institution will be included in the list of dishonesty.

If the designated institution transfers its designated business, it shall be punished according to the provisions of the preceding paragraph.

Article 90 [Punishment for Violating Compulsory Product Certification Provisions] If the products listed in the Catalogue leave the factory, or if they are sold, imported or used in other business activities without compulsory certification, self-declaration documents or other supporting documents, the market supervision and administration department shall order relevant parties to make corrections within a time limit, and impose a fine between RMB 50,000 and RMB 200,000, and include in the list of dishonesty; if the commodity value is less than RMB 10,000, a fine of more than three times and less than five times of the commodity value shall be imposed; illegal gains, if any, shall be confiscated.

If the products listed in the Catalogue leave the factory, or if they are sold, imported or used in other business

activities without indicating the compulsory product certification mark, they shall be ordered to make corrections within a time limit by the market supervision and administration department; and if the relevant parties fail to make corrections within the time limit, a fine of less than RMB 20,000 will be imposed.

Article 91 [Punishment for Violation of Self-declaration Provisions] If a producer (manufacturer) or its authorized representative, during the self-declaration, makes a self-declaration beyond the scope, fails to conduct conformity assessment according to the provisions, or fails to submit conformity information according to the provisions, it shall be ordered to make corrections within a time limit. If false information is provided, or the self-declared products fail to meet the relevant requirements after inspection, the market supervision and administration department under the State Council shall revoke the self-declaration documents. Those who provide false information shall be included into the list of dishonesty by the market supervision and administration department, and shall not make self-declaration again within one year; a fine between RMB 10,000 and RMB 50,000 shall be imposed; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 92 [Punishment for Failure to Maintain Conformity with the Licensing Conditions and Failure to Cooperate with Supervision and Inspection] If certification bodies, inspection and testing institutions fail to maintain conformity with the requirements of administrative license and continue to engage in certification, inspection and testing activities within the scope of license, the market supervision and administration department shall order them to make corrections within a time limit; during the period when they are ordered to make corrections, they are not allowed to engage in certification, inspection and testing activities within the prescribed scope; if no correction is made within the time limit or the circumstances are serious, the business activities shall be restricted until the administrative license is revoked.

If certification bodies or inspection and testing institutions refuse to cooperate with the market supervision and administration department to conduct supervision and inspection according to law, the market supervision and administration department shall order them to make corrections within a time limit and impose a fine of RMB 30,000; if no correction is made within the time limit or the circumstances are serious, the business activities shall be restricted until the approval documents are revoked and the result will be made public.

Article 93 [Obtaining Overseas Recognition without Recordation] For certification bodies, inspection and testing institutions, validation and verification institutions that are accredited by overseas accredited institutions, yet not submit to the market supervision and administration department under the State Council for record, the market supervision and administration department under the State Council shall order them to make corrections within a time limit and give them a warning.

Article 94 [Violation of Accreditation Criteria by the Accredited Institutions] In any of the following circumstances, an accreditation institution shall be ordered to make corrections within a time limit by the market supervision and administration department; if the circumstances are serious, the chief person in charge and the responsible personnel shall be punished according to law:

- (1) Accrediting institutions that do not meet the accreditation requirements;
- (2) Failing to revoke and announce in a timely manner after finding accredited organizations do not maintain conformity with relevant accreditation requirements;
- (3) Accepting financial assistance that may affect the objectivity and impartiality of accreditation activities.

Article 95 [Violation of Accredited Procedures by the Accredited Institutions] In any of the following circumstances, an accreditation institution shall be ordered to make corrections within a time limit by the market supervision and administration department; if no correction is made within the time limit, the person chiefly in charge and the responsible personnel shall be punished according to law:

- (1) Accepting the application for accreditation while putting forward requirements or restrictions unrelated to accreditation activities to the applicants;
- (2) Failing to complete the accreditation activities within the published time, or failing to disclose the

accreditation conditions, procedures, charging standards and other information;

(3) Failing to suspend the use or revoke the accreditation certificate, and disclose publicly in a timely manner after finding out improper use of the accreditation certificate and mark by an accredited organization;

(4) Failing to make a complete and accurate record of the accreditation process and keep it on file.

Article 96 [Legal Liabilities of Regulatory Authorities and Staff Members in Violation of Laws] If the market supervision and administration department and its personnel abuse powers, engage in malpractices for personal gains or neglect their duties, and commit any of the following acts, the person in charge with direct liability and other personnel with direct liability shall be given administrative disciplinary sanctions; if a crime is constituted, criminal responsibility shall be investigated according to law.

(1) Failing to grant approval or designation in accordance with the conditions and procedures stipulated in these Regulations;

(2) Failing to investigate and deal with certification bodies, inspection and testing institutions after finding out that they no longer meet the approval conditions or qualification conditions stipulated in these Regulations;

(3) Failing to investigate and deal with certification bodies, inspection and testing institutions after finding out that they issue false or seriously untrue conclusions, inspection and testing reports;

(4) Failing to investigate and deal with designated institutions after finding out that they no longer meet the designation conditions;

(5) Failing to investigate and deal with after finding out other illegal acts stipulated in these Regulations.

Chapter VII Supplementary Provisions

Article 97 [Exception of Special Field] Where laws and other administrative regulations provide otherwise for certification, accreditation, inspection and testing in special fields, those provisions shall prevail.

Where there are other provisions on conformity assessment-related activities in international treaties and agreements concluded or participated by the People's Republic of China, those provisions shall prevail, except for the provisions on which the People's Republic of China has declared reservations.

Article 98 [Fees Charging for Certification, Accreditation, Inspection and Testing] The fees charging for certification, accreditation, inspection and testing shall comply with the relevant national pricing laws and administrative regulations, and services shall be provided in accordance with the published charging standards.

Article 99 [Effective Date] These Regulations come into effect from MM/DD/20YY.

Introduction of SESEC Project



The Seconded European Standardization Expert in China (SESEC) is a visibility project co-financed by the European Commission (EC), the European Free Trade Association (EFTA) secretariat and the three European Standardization Organizations (CEN, CENELEC and ETSI). Since 2006, there has been four SESEC projects in China, SESEC I (2006-2009), SESEC II (2009- 2012), SESEC III (2014-2017), SESEC IV (2018- 2022) and SESEC V (2022-2025). Dr. Betty XU is nominated as the SESEC expert and will spend the next 36 months on promoting EU-China standardization information exchange and EU-China standardization cooperation.

The SESEC project supports the strategic objectives of the European Union, EFTA and the European Standardization Organizations (ESOs). The purpose of SESEC project is to:

- **Promote European and international standards in China;**

- **Improve contacts with different levels of the Chinese administration, industry and standardization bodies;**
- **Improve the visibility and understanding of the European Standardization System (ESS) in China;**
- **Gather regulatory and standardization intelligence.**

The following areas have been identified as sectorial project priorities by the SESEC project partners: Internet of Things (IoT) & Machine-to-Machine(M2M) communication, communication networks & services, cybersecurity & digital identity, Smart Cities (including transport, power grids & metering), electrical & electronic products, general product safety, medical devices, cosmetics, energy management & environmental protection (including eco-design & labeling, as well as environmental performance of buildings).