



SESEC V Translation

Translation of Administrative Measures for the Adoption of International Standards (draft for comments) + Revision Notes

May | 2024



Seconded European Standardization Expert in China
(SESEC)

Introduction

On May 9, 2024, China's State Administration for Market Regulation (SAMR) opened a public consultation on the revised *Administrative Measures for the Adoption of International Standards*. The deadline for submitting feedback is June 8, 2024. The draft reflects China's efforts to revise and refine the mechanisms and management models for adopting international standards to adapt to the current state of affairs and future goals of the standardization management system. It shows the ambition to further expand and accelerate the adoption of international standards.

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. 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 the Adoption of International Standards (draft for comments)

Article 1 [Purpose of Legislation] These Measures have been formulated in accordance with the Standardization Law of the People's Republic of China, with reference to the relevant provisions of the World Trade organization and the international standards organizations and in light of the actual situation of China. The purpose is to strengthen the management of the adoption of international standards, improve the consistency of China's standards with international standards, steadily expand the opening up based on the standards system, improve the quality of China's products and services, and develop the domestic and foreign trade as a unity.

Article 2 [Connotation and Definition] The “adoption of international standards” mentioned in these Measures refers to the formulation of national standards based on the standards drafted and published by the International organization for Standardization (ISO), the International Electrotechnical Commission (IEC), and the International Telecommunication Union (ITU) (hereinafter referred to as the “ international standard organizations”), after analytical research and the necessary experimental verification.

Article 3 [Division of Responsibilities] The administrative department in charge of standardization under the State Council shall manage the adoption of international standards. In their own departments and sectors, the relevant administrative department of the State Council and sector associations shall guide the adoption of international standards within their scope of responsibilities.

Article 4 [Principles of Adoption of International Standards] The adoption of international standards shall comply with the laws and regulations of China, abide by the intellectual property right policies of the international standards organizations. The adoptions should be technologically advanced, economical and rational, safe and reliable.

The formulation of national standards should prioritize the adoption of international standards after a full consideration of China's actual conditions. When international standards are adopted, it is encouraged that they be drafted correspondingly as one-to-one national standards. If one-to-one correspondence is not possible due to practical needs, the national standard system should be harmonized with the international standard system as far as possible.

Priority shall be given to the basic international standards, including those on topics such as terminology, symbol, classification and testing etc.

Article 5 [Extent of the Adoption of International Standards] The extent of adoption of international standards in China falls into two categories: identical adoption and modified adoption.

Identical adoption, designated as IDT, refers to being the same as the international standards in technical contents and text structure, while a few editing modifications are allowed.

Modified adoption, designated as MOD, refers to: there are differences in technical content or text structure comparing with the international standards, and those differences and the reasons thereof are clearly indicated, while most of the content and important clauses retained.

Article 6 [Reducing Differences] Identical adoption is encouraged in terms of adoption of international standards. Reasonable and necessary modifications shall be made in the formulation of the Chinese standards in the purpose of protecting human health and the safety of people and property, safeguarding national security, ensuring ecological security, or in the circumstances of existing differences on basic climate, geographic factors or technological problems, etc.

Article 7 [Tracking International Progress] China’s mirror groups of international standard organizations should

track and study the latest progress of international standards and development trends. In the developing stage of international standards, feedback on the formulating progress and other information should be provided within 30 days to the corresponding parties such as national standardization technical committees.

Article 8 [Applicability Analysis] The administrative department in charge of standardization under the State Council shall organize technical committees or experts to study and analyze the applicability of relevant international standards in this field to the reality of China. The applicability analysis generally includes the following contents:

(a) Whether the international standards are in line with the laws, administrative regulations and mandatory standards of China, whether they are in line with the plans or policies of relevant sectors, and whether the intellectual property rights concerning international standards are feasible in China.

(ii) Whether the international standards conform with natural conditions such as the basic climate and geography of China, and the extent of friendliness with cultural factors such as religion and customs.

(c) The advanced level of technology, the conformity of the technical contents with the direction of technological development in China, the operability of its application in China, and whether the relevant technical requirements are coordinated with China's standards;

(iv) The expected economic, social and ecological benefits that the adoption of international standards shall deliver, including the role in promoting industrial development, regulating social governance and facilitating the domestic and international trade.

Article 9 [Verification] The administrative department in charge of standardization under the State Council shall organize technical committees or experts to carry out verification on the technical requirements of the existing international standards, testing and inspection methods, etc. It shall verify whether the requirements and methods are adaptable to the application environment, production processes, and equipment, etc., together with whether the test and inspection conditions can be met, whether the method can be operated, and whether the results are easy to be reproduced.

Article 10 [Project Application] For those adoptable international standards, the relevant administrative departments and technical committees under the State Council shall, in accordance with their responsibilities, submit the application of adopting international standards into standard of China to the State Council administrative department in charge of standardization. The project application shall include declarations on developing stages, the applicability, and the extent of adoption of the corresponding international standard.

For the modified adoption of international standards, the standard draft should specify the main technical differences with the adopted international standard.

Article 11 [Project Assessment] The administrative department in charge of standardization under the State Council shall organize professional evaluation agencies for national standards to assess the applied projects where international standards will be adopted into standards of China. The assessment shall include the following contents:

(i) Whether the project complies with the intellectual property right policies of international standard organizations.

(ii) Whether the extent of adoption is reasonable.

(iii) Whether it is feasible to adopt the under-formulating international standards into national standards.

Article 12 [Adopting International Standards as Much Possible] Once the standard adopting project passed the assessment, in principle, it should be prioritized for next steps.

Article 13 [Developing Period] It is recommended that the adoption of international standards into the standards of China shall be developed in parallel with the corresponding international standards. When the existing international standards are adopted, the period, from the planning to submitting draft for approval, shall not exceed 12 months.

Article 14 [Drafting Requirements] The drafting of the adoption of the international standards by the standards of China shall comply with the requirement of which national standards shall follow in the scenario. The sentence structure and rhetorical methods of articles shall be in line with Chinese expression.

Article 15 [Project Approval] The application materials for the adoption of international standards by the standards of China shall include the translation of the adopted international standards, and the justification on the modifications of the corresponding international standards. If necessary, testing and verification materials shall also be provided.

Article 16 [Approval Review] The administrative department in charge of standardization under the State Council shall entrust professional evaluation agencies of national standards to review the approval materials. The review shall include the following contents:

- (i) Whether the materials clarify the applicability of international standards to the reality of China, and whether the applicability is verified by necessary tests.
- (ii) Whether the writing quality of standards meets the requirement for the drafting of a national standard when it is adopted from an international standard.
- (iii) Whether the adoption of international standards by the standards of China complies with the intellectual property right policies of international standard organizations.
- (iv) Other elements necessary for the review.

Article 17 [Coding Rules] When international standards are adopted identically, the number of the adopted international standard shall be stated after with the number of the corresponding national standard. When it is a modified adoption, the number of the adopted international standard shall not be indicated after the number of the adopted national standard.

Article 18 [Standard Publication] After a national standard has adopted from an international standard, if it is necessary to make the text public, then the publication should comply with the intellectual property rights policy of the international standards organization, and should choose the appropriate scope and form of publicity.

Article 19 [Encouragement for Participating in the Development and Implementation] In light of the actual situation, the administrative departments for standardization of the people's government at or above the county level, together with the relevant administrative departments, shall create favorable conditions for relevant parties, including the manufacturers, operators, users, consumers and interested parties of the region and the sector, to participate in the development and implementation of the national standards for adoption.

Article 20 [Statistical Analysis] The administrative department in charge of standardization and the relevant administrative departments under the State Council, in accordance with their responsibilities, shall compare the domestic standards and the international standards in key fields, count the adoption of international standards, and also collect and analyze information on the implementation of national standards adopted from the international standards.

Article 21 [Assessment and Feedback] The administrative department for standardization under the State Council shall assess the effect and role of national standards for improving the quality of China's products, processes and services, and improving trade facilitation. It shall provide feedback to the international standard organizations on the issues and suggestions for modification.

Article 22 [Maintenance of Standards] After the publication of the national standards adopted from the international standards, the relevant administrative department of the State Council, the relevant sector associations or technical committees shall continue to carry out research on the applicability of the amendments, revisions and other updates to the international standards adopted. When a small number of technical requirements of the adopted international standards are adjusted, supplemented or deleted and such changes are applicable in China, the national standards adopted from the international standards should be revised timely via a amendment to the national standard. When the content of the adopted international standards went through a big change, the corresponding national standard should be reviewed timely based on the implementation effect and the assessment, and be revised or abolished as soon as possible.

Article 23 [Benchmarking] Enterprises shall be encouraged to aim at international and foreign advanced standards to compare and analyze domestic and foreign standards, and to develop and implement scientific and advanced enterprise standards in order to drive upgrade of enterprise products and services.

Article 24 [Other Adoption] When there is a need and the international standards organizations have not formulated relevant standards or the corresponding ones are not applicable, then national standards can be formulated on the basis of the standards issued by these organizations under the premise of complying with the intellectual property rights policies of other international and foreign organizations.

Article 25 [Convergence Methods] For matters that are not covered within these Measures for the developing, organizing, implementing, and supervising process of the national standards adopted from the international standards, the Measures for the Administration of National Standards and the Measures for the Administration of Mandatory National Standards shall be implemented.

If it is necessary to adopt international standards into sector standards, the provisions stipulated in the Measures for the Administration of Sector Standards shall apply.

Article 26 [Implementation Date] These Measures shall come into force on the date of publication. The former Administrative Measures for the Adoption of International Standards, issued by the former State General Administration of the People's Republic of China for Quality Supervision and Inspection and Quarantine on 21 November 2001 shall be repealed.

Revision Notes on the Administrative Measures for the Adoption of International Standards (Draft for comment)

In order to implement the requirements of the CPC Central Committee and the State Council on the adoption of international standards, to strengthen the management of the adoption of international standards, with reference to the relevant rules of the World Trade Organization (WTO) and the international standard organizations (ISO, IEC and ITU) and other organizations, and in light of the actual situation of China, the State Administration for Regulation has revised the *Administrative Measures for the Adoption of International Standards* (issued in the No. 10 Decree of the former State General Administration of the People's Republic of China for Quality Supervision and Inspection and Quarantine, and hereinafter referred to as "the Measures") and finalize the *Administrative Measures for the Adoption of International Standards (Draft for comment)* (hereinafter referred to as "the Draft for Comment").

I. The necessity to revise the Measures

(i) Meeting the new requirements of the Party and the State for the adoption of international standards

Since the 18th National Congress of the CPC, the Party and the State have issued a series of important policies and documents, putting forward higher requirements for standardization. The 20th National Congress of the CPC proposed "steadily expanding the institutional opening up based on the rules, regulations, management, standards and other systems", putting forward new requirements for promoting a high-level opening up of systems and upgrading the opening up of standards. The revised *Standardization Law of the People's Republic of China* requires to "adopt international standards in the light of the reality of China, and promoting the transformation and application between Chinese standards and foreign standards", specifying new requirements on the applicability and effectiveness of adopting international standards. The *Outline for National Standardization Development* proposes that "the adoption rate of international standards shall reach more than 85% by 2025", raising a quantitative target for the adoption of international standards. In order to achieve the higher goal to improve the quality and quantity of international standard adoption, it is necessary to revise the Measures, so as to improve the consistency between China's domestic standards and international standards, support China's economic and social development, and enhance international competitiveness.

(ii) Meeting the requirements of international intellectual property policies

In the *World Trade Organization Agreement on Technical Barriers to Trade (WTO/TBT)*, WTO requires member states to formulate technical regulations or standards on the basis of the corresponding international standards as much as possible. As a member of the WTO, ISO, IEC and ITU, China needs to strengthen the docking of international trade and economic rules. In recent years, ISO, IEC and other international standard organizations have changed their requirements for member states to adopt international standards. In order to comply with international rules and fulfil international obligations, the Measures must be revised to adapt to the new requirements for intellectual property protection while demonstrating China's responsibility.

(iii) Meeting the requirements of socioeconomic development, reform and innovation

Since its promulgation in 2001, the Measures have played an important role in popularizing the adoption and implementing of international standards. As China's economic development enters a new stage of high-level opening up, the development of foreign trade and domestic has been integrated, and the reform of standardization is advanced. The past mechanism and management models of adopting international standards are no longer adapted to the new objectives and requirements of the current standardization work. Therefore, the Measures must be revised to promote the innovation and development in the adoption of international standards.

II. General idea and revision process

(i) General ideas

The foundation of the revision is the key spirits proposed in the 20th CPC National Congress and the new requirements of the *Outline for National Standardization Development* and the *Standardization Law of the People's Republic of China*. The principle is to strengthen the full process management of the international standard adoption. The objectives are to improve the consistency between standard system of China and that in the international community, to upgrade the quality of China's products, processes and services, and to further promote the systematic opening up. The revision abides by the intellectual property rights policy of the international standard organization and is based on China's national conditions, while effectively integrate with relevant document such as the *Measures for the Administration of National Standards* and the *Measures for the Administration of Mandatory National Standards*, and the *Measures for the Administration of Sector Standards*, and has focused on clarifying and standardizing the specific requirements for the work of adopting international standards.

(ii) Revision process

The research of revising needs for the Measures has taken place in the period of 2019-2020. Firstly, the actual status research on the international standard adoption has been carried out in a total of 51 relevant administrative departments of the State Council and sector associations, 558 national standardization technical committees (hereinafter referred to as "TCs"), 328 domestic mirror groups of ISO and IEC, and 15 provinces and municipalities. Suggestions and feedback were widely collected from relevant parties on the revision of the Measures. Secondly, the analysis has been conducted on the applicability of the *Administrative Measures for the Adoption of International Standards* and the *Administrative Measures for the Adoption of Product Mark of International Standards* to research on the management system and working mechanism of China's standard adoption work, so as to prepare for the revision of the Measures.

In 2021-2023, the revision of the Measures was formally launched. A revision group of the Measures was set up. The revision group held multiple symposiums to listen to the opinions of the relevant administrative departments of the State Council, local administrative departments for standardization, sector associations, domestic technical mirror groups, relevant personnel from professional TCs, as well as experts and scholars in the standardization field on the revision of the Measures. The revision group also organized experts to study and revise drafts repeatedly and finally formed the Draft for Comment.

III. Main Revisions

The Draft for Comment consists of twenty-six articles and the main revisions include:

(i) Redefine of the scope of international standards adoption and the scope of the subject for standard adoption

In order to comply with the intellectual property policies, the Draft for Comment clearly stipulates that the scope of international standards adoption is the standards formulated and published by ISO, IEC and ITU. According to the *Standardization Law*, China's standards include national standards, sector standards, local standards, association standards and enterprise standards. The positioning of sector standards is the ones that unify the technical requirements within a certain sector nationwide. Local standards, association standards and enterprise standards are not nationwide standards. From the perspective of standard positioning, local standards, association standards and enterprise standards are not suitable for the adoption of international standards; for sector standards that are in need of international standard adoption, it should be done in accordance with the relevant provisions of *Measures for the Administration of Sector Standards*.

(ii) Clarify the full process management of adopting international standards

The formulation of national standards should give priority to the adoption of international standards in the light of national conditions. The formulation of national standards should firstly meet the requirements of national standard developing procedures, as well as the specific requirements of international standard adoption in the country: the Draft for Comment firstly adds the requirements of dynamic tracking of international standards, applicability analysis, validation and other pre-research work; secondly it enhances the working requirements of assessment, drafting, review and other aspects; thirdly it adds requirements on the implementation statistical analysis for national standards that are adopted from international one; fourthly, it shortens the working time period for the adoption of international standards by national standards.

(iii) Intensify compliance requirements with intellectual property policies

In recent years, the international environment has become increasingly complex, the situation on international intellectual property protection has been intensified, while international standard organizations have continuously strengthened the requirements for its member countries to comply with the adoption of international standards. In order to comply with international rules and avoid copyright disputes, the Articles 4, 11, 16 and 18 of the Draft for Comment specify the requirements for compliance with the intellectual property policy of international standard organizations in terms of adopting working principles, project application and approval, and disclosure of standards.

IV. Statement of Relevant Points

(i) Regarding the scope of international standards that can be adopted and the scope of the main subjects of China's adoption of standards

In recent years, ISO has ceased to recognize and publish other international organizations, while ISO and IEC copyright policies explicitly require member countries to adopt standards published by ISO and IEC for their standards development at the national level. Other international and foreign standard organizations have also developed provisions and policies on standard copyright. Therefore, in order to better comply with intellectual property policies and avoid copyright risks, the Draft for Comment clearly stipulates that the scope of international standards that can be adopted is the standards formulated and published by ISO, IEC and ITU.

According to the *Standardization Law*, China's standards include national standards, sector standards, local standards, association standards and enterprise standards. The positioning of sector standards is the ones that unify the technical requirements within a certain sector nationwide. Local standards, association standards and enterprise standards are not nationwide standards. From the perspective of standard positioning, local standards, association standards and enterprise standards are not suitable for the adoption of international standards; for sector standards that are in need of international standard adoption, it should be done in accordance with the relevant provisions of *Measures for the Administration of Sector Standards* (Article 16: Sector standards that do need to adopt international standards should be in line with the copyright policies of the relevant international organizations, and obtain the consent of the Chinese members of the international standard organization.).

(ii) Regarding the standard adoption of other international and foreign organizations

According to China's systematic open policy, China's rule and regulations system should be effectively compatible with international and foreign ones. In order to enhance the technical level of China's standards, and promote the integration of sector development and international standards, it is necessary to adopt standards from other international and foreign organizations besides those by the three major international standard organizations. It would ensure that the national standards system stays in an advanced level. Therefore, the provisions in the Draft for Comment allow to adopt standards from other international and foreign organizations besides regular international standardization organizations.

(iii) Regarding the docking with other documents

In order to ensure coordination with other documents and safeguard the long-term effectiveness of the Measures as departmental regulations, the Draft for Comment, firstly, no longer repeats the general requirements on national standards stipulating in the *Measures for the Administration of National Standards* and the *Measures for the Administration of Mandatory National Standards*, but only stipulates the working requirements related to adoption of international standards; secondly, it is only specify that the international standard adoption should be in line with the requirements on drafting national standards based on international standards, while name and number of relevant national standards to be implemented are not listed (*GB/T 1.2 Directives for standardization—Part 2: Drafting rules of standardizing documents based on ISO/IEC standardizing documents*). Thirdly, it specifies that, when it is necessary to adopt international standards for sector standards, the relevant provisions of the *Measures for the Administration of Sector Standards* should apply.

(iv) Regarding the scope of "standards"

In addition to national standards (GB, GB/T), China's standardization documents also include national standardization technical guidance (GB/Z). At the international level, ISO/IEC standardization documents include standards (IS) and other types of standardization documents, mainly are: technical specifications (TS), technical reports (TR), guidelines (Guide) and international workshop agreements (IWA). According to ISO and IEC's intellectual property policy and adoption rules (ISO/IEC Guide 21), as an ISO/IEC member state, ISO/IEC standardization documents can also be adopted into standardization documents at the national level. Therefore, the term "standards" in the Draft for Comment refers to standards and other types of standardization documents.

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 sectoral 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).