

外商投资企业参与我国标准化 工作的指导意见

Guiding Opinions for Foreign-Invested
Enterprises' Participation in Standardization
Work of China



中国国家标准化管理委员会
Standardization Administration of the P.R.C.

外商投资企业参与我国标准化工作的指导意见

为贯彻落实国务院《关于扩大对外开放积极利用外资若干措施的通知》（国发〔2017〕5号）有关要求，促进外商投资企业参与我国标准化工作，进一步提高我国标准化工作的公开性和透明度，提升我国标准国际化水平，现提出如下意见。

一、外商投资企业参与我国标准化工作，与内资企业享有同等待遇。本意见中的外商投资企业是指中外合资经营企业、中外合作经营企业和外资企业，不包括境外企业或其他境外经济组织在中国境内的分支机构。

二、外商投资企业参与我国标准化工作，应当遵守《中华人民共和国标准化法》《国家标准管理办法》等法律法规规章及有关规定。

三、参与我国标准化工作的外商投资企业代表应当具备一定的标准化工作基础和经验，具备相应的专业能力，有较好的中文表达能力和文字水平。

四、外商投资企业可以参与国家标准起草工作和国家标准外文版翻译工作，也可以在标准立项、征求意见、标准实施等过程中提出意见和建议。

五、标准制定应当依法依规保护外商投资企业知识产权。涉及外商投资企业专利的，应当按照国家标准涉及专利的有关管理规定办理。

六、外商投资企业代表可以作为委员或观察员参加全国专业标准化技术委员会（包括分技术委员会、工作组等），按照《全国专业标准化技术委员会管理办法》等要求享有相应权利，履行相应义务。

七、鼓励外商投资企业开展标准化服务，提供标准咨询、标准信息交流、标准比对分析、标准跟踪研究等方面服务。

八、外商投资企业可以按照《参加国际标准化组织（ISO）和国际电工委员会（IEC）国际标准化活动管理办法》的规定，参与国际标准化组织的相关活动。鼓励外商投资企业在国际标准化双（多）边活动中发挥桥梁作用，开展标准化合作交流，提高中国标准国际化水平。

九、外商投资企业参与标准化工作，应当切实履行相关义务，遵守相关工作要求和保密规定，不得借助参与标准化活动从事不正当市场竞争行为、谋取不正当利益。

十、国务院各有关行政主管部门、行业协会和地方标准化行政主管部门，以及各全国专业标准化技术委员会应当充分认识外商投资企业参与我国标准化工作的意义，吸收外商投资企业参与我国标准化工作，努力为内外资企业创造公开、公平、公正的标准化环境，促进标准化工作健康发展。

本意见自发布之日起实施。香港特别行政区、澳门特别行政区、台湾地区投资者投资设立的企业参照适用本意见。行业标准、地方标准以及团体标准化工作，涉及外商投资企业参与的，可以参照适用本意见。

中国国家标准化管理委员会
中华人民共和国国家发展和改革委员会
中华人民共和国商务部
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(without prejudice, courtesy translation)

Guiding Opinions for Foreign-Invested Enterprises' Participation in Standardization Work of China

The following opinions are proposed in a bid to implement the principles in *Notice on Measures for Further Opening-up and Active Use of Foreign Investment* (Guo Fa [2017] No. 5) issued by the State Council, promote the participation of foreign-invested enterprises in standardization work of China, further improve the openness and transparency of standardization work of China, and enhance the level of the internationalization of Chinese standards.

I. Foreign-invested enterprises participating in standardization work of China enjoy the same treatment with the domestic enterprises in China. Foreign-invested enterprises referred to in the Opinions mean Sino-foreign joint ventures, Sino-foreign contractual enterprises, and foreign-funded enterprises, excluding the branches of any overseas enterprises or other overseas economic organizations in China.

II. Foreign-invested enterprises participating in standardization work of China shall follow the *Standardization Law of the People's Republic of China*, *Regulatory Measures on National Standards*, and any other relevant laws, regulations and rules.

III. Representatives of foreign-invested enterprises participating in standardization work of China shall have certain basis and experience in standardization work, and corresponding professional competence, and shall be good at Chinese in speaking and writing.

IV. Foreign-invested enterprises may participate in the drafting and translation of Chinese national standards, and raise suggestions in the process of initiation, opinion seeking and implementation of standards.

V. In development of standards, the intellectual property rights of foreign-invested enterprises shall be protected in accordance with laws and regulations. Where the patents of foreign-invested enterprises are involved, relevant administrative provisions for national standards involving patents shall apply.

VI. Representatives of foreign-invested enterprises may join the national standardization technical committees (including technical sub-committees and working groups) as committee members or observers, and fulfill corresponding rights and duties in accordance with the *Administrative Measures for National Standardization Technical Committees*.

VII. Foreign-invested enterprises are encouraged to offer standardization-related services, and provide any other services regarding standard consulting, standard information communication, standard comparison and analysis, standard tracking and research, etc.

VIII. Foreign-invested enterprises may participate in relevant activities of ISO in accordance with the *Management Measures for Participation in International Standardization Activities of International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC)*. Foreign-invested enterprises are encouraged to serve as tie in bilateral (multilateral) international standardization activities, engage in cooperation and communication in standardization, and improve the level of internationalization of Chinese standards.

IX. Foreign-invested enterprises participating in standardization work of China shall practically fulfill corresponding obligations, follow relevant work requirements and confidentiality rules, and shall not be engaged in unfair market competitions or seek unjust benefits while participating in standardization activities.

X. All the relevant administrative departments of the State Council, industry associations, local competent standardization administration authorities, and all the national standardization technical committees shall fully recognize the implication of foreign-invested enterprises' participation in standardization work of China, attract foreign-invested enterprises to participate in standardization work of China, strive to create the open, fair and just standardization environment for domestic and foreign-invested enterprises, so as to promote the healthy development of standardization work of China.

The Opinions shall be implemented upon issuance. The Opinions also applies to enterprises funded by investors from Hong Kong SAR, Macao SAR and Taiwan. The Opinions may also apply to the work related to sector standards, local standards and association standardization involving the participation of foreign-invested enterprises.

Standardization Administration of the People's Republic of China
National Development and Reform Commission, People's Republic of China
Ministry of Commerce of the People's Republic of China

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