



**PROVISIONS FOR CERTIFICATION ADMINISTRATION OF COMPULSORY  
PRODUCTS  
(Draft revision)**

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# **PROVISIONS FOR CERTIFICATION ADMINISTRATION OF COMPULSORY PRODUCTS**

## **(Draft revision)**

### **Chapter I – General**

#### Article 1: Legislative aim

This provision was stipulated based on “Certification and accreditation regulations of the People’s Republic of China” (Certification and accreditation regulations as the short form hereinafter) and the related stipulations of the State as to normalize the certification of the compulsory products, raise the effectiveness of certification and safeguard the nation’s, society’s and public interests.

#### Article 2: Application scope of certification

The State has made stipulations that the related products can not leave the factory, be sold, imported or used in other business unless they have passed the certification (compulsory product certification as the general designation hereinafter) and marked with the certification labels in order to protect the State’s safety, prevent fraudulent conduct, protect the human health or safety, lives and health of the animals and the plants and protect the environment as well.

#### Article 3: Administration system

The General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China (GAQSIQ as the short form hereinafter) shall be responsible for the certification of the compulsory products in the nation wide.

The State Supervision and Administration Committee of Certification and Accreditation (SSACCA as the short form hereinafter) shall be in charge of the organization, implementation, supervision, management and comprehensive coordination of the certification of the compulsory products in the whole country.

The local departments of quality technical supervision at all levels and all the local entry-exit inspection and quarantine organs (the local certification supervision and management department as the general designation hereinafter) shall be in charge of the supervision and inspection of the certification of the compulsory products in the regions they are responsible for based on the laws and regulations according to their own duties.

#### Article 4: Four unifications

The State shall unify the product catalogues (catalogue as the short form hereinafter), the compulsory requirements for technical codes, the standards and the qualification evaluation procedures, the certification labels and the fee standard for the products subjecting to compulsory certification.

GAQSIQ and SSACCA, together with the related departments of the State Council, shall stipulate and adjust the categories, which shall be then issued by the GAQSIQ and SSACCA and implemented by them together with the related departments.

#### Article 5: Mutual stipulation

The State encourages expanding the mutual confirmation activity of the compulsory product certification, equality and mutual benefit internationally, which shall be carried out in the frame of the internationally confirmed agreement signed by SSACCA or the related department authorized by SSACCA.

## Article 6: Security regulations

Organs and the personnel engaging in the certification of compulsory products shall have the duties of security for the commercial security and technical securities, such as, production technique, technologies and information that they have learnt in the business.

## **Chapter II – Implementation of certification**

### Article 7: Basic code of certification, stipulation and issue of certification rules

The basic code for compulsory product certification shall be stipulated and issued by GAQSIQ and SSACCA, the certification rules for compulsory product (certification rules as the short form hereinafter) shall be stipulated and issued by SSACCA.

### Article 8: Certification mode

The compulsory product certification shall apply to the following single certification mode or the combination of multiple certification modes, the specific modes include:

1. Design verification;
2. Pattern test;
3. Test or examination of the samples taken from the production site;
4. Test or examination of the samples taken from the market;
5. The consistency examination of the quality guarantee system and the products of the enterprise;
6. The following examination after obtaining the certificate.

The product certification mode shall be determined according to the principles, such as, the science and convenience, based on the product performances, the possible extent of injury of the product to the public safety, human health and environment, the life cycle of the product, and the risks for produced and imported products.

### Article 9: Certification rules

The certification rules shall include the following contents:

1. Scope for the products;
2. The corresponding compulsory requirements laid down in the national standards, professional standards and national technical codes for the applicable products;
3. Certification mode;
4. Principles or provisions for applying for unit division;
5. Requirements for sampling and submitting;
6. Requirements for confirming the key components or the raw materials (if necessary);
7. Requirements for testing the standard (if necessary);
8. Requirements for factory examination;
9. Requirements for following examination after obtaining the certificate;
10. Requirements for the term of validity of the certificate;
11. Requirements for marking the certification label of the product possessing the certificate;
12. Other stipulations.

### Article 10: Certification commission

The producers, sellers or importers of the products listed in categories (certification consignor for the general designation hereinafter) shall entrust the certification organ appointed by SSACCA (certification organ as the short form hereinafter) to implement certification for the products they produce, sell or import.

Those enterprises entrusting other enterprise to produce the products listed in the catalogues, either the entrusting enterprise or the entrusted enterprise, may apply for entrusting the certification organ for certification.

#### Article 11: Offering the technical materials related to certification

The consignor shall provide the certification organ with the related technical materials according to the stipulations for specific product certification.

The sellers, importers shall also provide the certification organs with the contract copies signed by the seller and the producer or by the importer and the producer when they are the consignors.

The consignor shall provide the certification organ with the contract copy signed by the entrusting enterprise and the entrusted enterprise when the enterprise entrusting other enterprise to produce the products listed in the catalogues.

#### Article 12: Certification acceptance

The certification organ shall arrange the pattern test of product and the factory examination according to the certification rules of specific product after accepting the entrust.

#### Article 13: Requirements for the sample in pattern test

The consignor shall ensure that the sample he provides is the same as the one actually produced, the certification organ shall carry out examination for the plausibility of the sample provided by the consignor.

The certification organ shall, considering the product characteristics and the actual situations, adopt the methods, such as, submitting the sample by the consignor, taking sample at the site or submitting the sample by the consignor after sealing the sample at the site, according to the requirements in the certification rules and entrust the lab appointed by SSACCA (lab as the short form hereinafter) to carry out pattern test for the sample.

#### Article 14: Pattern test of product

The lab shall ensure the truth, accuracy of the test conclusion, keep the complete record of the whole test, place it on file for preservation when performing pattern test for the samples, and ensure the test procedure and the results are both retrospective, carry out effect trace examination for the products possessing the certificates coordinating with the certification organ.

The lab and the related personnel shall be responsible for the content of the test report and the test conclusion they have made, and inform the certification organ if they have doubt about the sample truth and make corresponding treatment.

#### Article 15: Factory examination

The certification organ shall appoint the inspector with the national registration qualification for compulsory product certification to inspect the quality guarantee capability of the product manufacturer and the coincidence between the ready products and the samples for pattern test according to the certification rules of specific products if the factory examination is necessary.

The certification organ and the inspector for compulsory product certification shall be responsible for the inspection conclusion.

#### Article 16: Issue of certificate

The certification organ shall generally issue the certificate to the consignor having met the certification requirement within 90 days since accepting the commission after finishing the pattern test of the product and the factory examination.

The certification organ shall inform the consignor having not met the certification requirement in written form and give the reasons.

The certification organ and the related personnel shall be responsible for the certification conclusion they made.

#### Article 17: Following inspection after obtaining the certificate

The certification organ shall perform classification management and effect following inspection for the products possessing the certificates and the manufacture, control and verify the coincidence between the products possessing the certificates and the samples for pattern test and whether the quality guarantee capability of the enterprise continuously meets the certification requirements through testing or inspecting the products in site, testing or inspecting the products at the market by taking samples randomly, and inspecting the quality guarantee capability.

#### Article 18: Treatment measures after following inspection

The certification organ shall record the whole process of the following inspection, place it on a file for preservation, ensuring the certification process and the results are traceable.

For those enterprises that can not meet the certification requirements any longer, the certification organ shall suspend or withdraw the certificates based on the situations, and promulgate it.

#### Article 19: Frequency of following inspection

The certification organ shall carry out classification management for the following inspection of the products possessing the certificates and the enterprises, define the frequency of the reasonable following inspection based on the stipulations in the certification regulations, the safety grade, production technology, production batch, category of types, the degree of replacing the old products by the new ones and the quality stability of the product.

### **Chapter III – Certificate and label of certification**

#### Article 20: Principle stipulations

SSACCA shall stipulate the uniform format and content for certificates (certificate as the short form hereinafter) of the compulsory product certification and the type and category of the certification label (certification label as the short form hereinafter) of the compulsory product.

#### Article 21: Contents of certificate

It shall include the following contents:

1. Name and address of the certification consignor;
2. Name and address of the product producer (manufacturer);
3. Name and address of the entrusted enterprise (if necessary);
4. Name, series, size and model of product;
5. Basis for certification;
6. Certification mode (if necessary);
7. Date of issue and term of validity of the certificate;
8. Organ for issuing certificates;
9. Number of certificate;
10. Other contents necessary for noting.

#### Article 22: Annual inspection of certificate

The term of validity of the certificate shall be 5 years.

The certification organ shall write down the net address and the telephone for inquiring the effective status of annual inspection based on the following inspection of the product possessing certificate and the enterprise.

If the certificate needs to be used continuously as the term of validity has expired, the consignor shall apply for conducting it within 90 days before the allotted time.

#### Article 23: Coincidence between the identification of the product and the content of the certificate

The contents given in the certificate marked on the product possessing the certificate and the package for sale shall be in accord with the contents in the certificate and conform to the stipulations for product identification management of the State.

#### Article 24: Modification of certificate

The consignor shall apply for modifying the certificate to the certification organ under one of the following conditions and the certification organ shall settle it according to different situations:

1. When the name and the model of the product change owing to the change of the nominating mode of the product possessing the certificate or when the name and address of the producer or the manufacturer of the product possessing the certificate change, it is necessary to modify the certificate after verified by the certification organ;
2. When the model of the product possessing the certificate changes, but it does not relate to the safety performance and the inside structure of electromagnetic compatibility or when the models of the same product possessing the certificate have been reduced, it is necessary to modify the certificate after confirmed by the certification organ;
3. When there are the changes in the key components, sizes and models of the products possessing the certificates and those relating to the safety performance of the whole machine or the design of the electromagnetic compatibility, structure, technology and material or the enterprise producing the raw materials, it is necessary to modify the certificate after re-tested by the certification organ and proved to be qualified;
4. When the address or the quality control system or the production condition of the enterprise producing the products possessing the certificates changes, it is necessary to modify the certificate after the certification organ carries out the factory examination again and proves it is qualified;
5. Other situation that needs to be modified.

#### Article 25: Expansion of certificate

The consignor shall apply for expanding the scope of the product possessing the certificate to the certification organ when he thinks it is necessary, the certificate organ shall issue the certificate separately or the new certificate based on the demand of the consignor after checking the coincidence between the product to be expanded and the original product with the certificate and confirming the effectiveness of the original certificate on the expanded product.

The certification organ shall carry out pattern test or factory inspection of the product on the differences complementarily according to the requirements in the certification rules.

#### Article 26: Cancellation of certificate

The certification organ shall cancel the certificate and announce it under one of the following conditions:

1. The term of validity of the certificate has expired, but the consignor has not applied for continuously using;
2. The product possessing the certificate will not be produced any longer;
3. The model of the product with certificate has been listed in the product catalogue either for eliminating or prohibiting to be produced by the official order of the State;

4. The certification consignor has already applied for cancel;
5. Other situation under which the certificate shall be cancelled according to the law.

#### Article 27: Suspending certificate

The certification organ shall suspend the certificate according to the allotted time given by the certification rules under one of the following conditions and announce:

1. There are the changes in the certification basis applicable for the product or in the certification rules, the product does not meet the requirements for modification in the allotted time;
2. It has been found that the consignor has violated the certification rules in the following inspection;
3. Reject the following inspection without any sound reason or it has been found that the product can not meet the certification requirement any longer in the following inspection;
4. The certification consignor applies for suspension;
5. Other conditions under which the suspension shall be done according to the law.

#### Article 28: Withdraw certificate

The certification organ shall withdraw the certificate under one of the following conditions and announce:

1. There are the defects in the product with certificate, which shall cause the quality safety accident;
2. The product with the certificate has been found not to be in accord with the sample offered by the consignor in the following inspection;
3. The certification consignor has not adopted any measures for rectifying or reforming or the product is still unqualified after rectifying and reforming during the suspend;
4. The certification consignor got the certificate with dishonest methods, such as, fraud or bribery;
5. Other situations under which the certificate shall be cancelled according to the law.

#### Article 29: Provisions for canceling, suspending or withdrawing the certificate

As for those products with the certificates being cancelled, suspended or withdrawn, the certification organ shall determine the categories and scopes of the products not meeting the certification requirements.

The products not meeting the certification requirements shall not be allowed to leave the factory, sold, imported or used in other business any longer since the date of canceling, withdrawing the certificate or during the suspend.

#### Article 30: Label pattern

The certification label pattern shall consist of the basic design and the certification category mark, the basic design is shown below:



Where “CCC” represents the English abbreviation of “China Compulsory Certification”, i.e. “中国强制性认证”.

#### Article 31: Provisions for marking the label category

The certification category shall be marked on the right side of the basic design, consisting of the abbreviated letters of the English words representing the certification category of this product.

SSACCA shall stipulate the specific requirements for marking the related categories of certification based on the demand of the compulsory product certification.

#### Article 32: Provisions for using certification label

The certification consignor shall build up the system for using and managing the certification label, record the application and place it on a file, use and mark the label correctly on the product, the package, in the ad and the product introduction according to the stipulations given in the certification rules.

#### Article 33: Prohibitive provision

Neither unit nor single person shall be allowed to forge, alter, infringe, buy and sell, or transfer the certificate and the label.

### **Chapter IV – Supervision and Management**

#### Article 34: Supervision and inspection for the appointed organ

SSACCA shall perform the annual supervision, inspection and irregular supervision and inspection for the special items of the certification, inspection and test activities of the certification organs, inspection organs and the labs.

#### Article 35: Information notification

The certification organs shall inform SSACCA and the local certification supervision and management departments at the provincial level about the consignor of the product with the certificate, the product possessing the certificate and the enterprise, and the cancel, suspend or withdraw of the certificate.

#### Article 36: Supervision and inspection for the product with the certificate

SSACCA or the local certification supervision and management department shall supervise and inspect the products possessing the certificates periodically and irregularly.

The producers, the sellers, the importers and the users in the business of the products possessing the certificates shall not refuse to be supervised and inspected.

SSACCA shall set up the system for publishing the products possessing the certificates and the producers, and announce the supervision and inspection results to the public.

#### Article 37: Duties for supervision and management of the local certification supervision and management departments

The local certification supervision and management departments shall, based on the law, supervise and inspect the certification work of the compulsory products in the places under their jurisdiction according to their duties and investigate and treat the illegal activities.

The local certification supervision and management departments shall warn the producers whose products have not yet left the factory and not listed in the catalogue for sale to make the certification in time.

#### Article 38: Administrative compulsory measures

The local certification supervision and management departments may, based on the law, enter



the manufacture and business places to inspect, look up, copy, seal up, withhold the related contracts, bills, accounts and other data, seal up and withhold the products not subjected to certification or those not meet the requirements for certification when they carry out the supervision and inspection for the compulsory product certification.

#### Article 39: Recall provision

Producers and sellers whose products have been listed in the catalogues shall announce the related information to the public, recall the products and report to the related quality inspection department if they find that the hidden trouble of safety exists in the products produced and sold by themselves which may injure the human health and life.

GAQSIQ shall start the product recall program, order the producers to recall the products, and the sellers to stop selling the products if the producer and the seller with their products listed in the catalogue do not fulfill the obligations given in the above article.

#### Article 40: Entry verification of certificate

The Entry-Exit Inspection and Quarantine Organ shall perform entry verification of the imported products listed in the catalogues, check the certificate and the certification label, and check whether the goods are in accord with the certificates. Those products not passing the inspection shall be treated according to related laws and regulations.

It is not necessary to conduct the compulsory product certification when entering our country under one of the following conditions:

1. The personal effects of the foreign embassies, consulates, the international organizations in China and the diplomacies;
2. The personal effects of the official organs of Hong Kong and Macao special administrative area governments in the mainland and the working personnel;
3. The personal effects of the person entering from abroad;
4. Articles supported and presented by inter-governments;
5. Other situations when it is not necessary to conduct the compulsory product certification based on the law.

#### Article 41: Provisions for exemption from conducting compulsory product certification

Producers, importers, sellers or the agents of the products listed in the catalogues may apply for exemption from conducting compulsory product certification to the local entry-exit inspection and quarantine organ under one of the following conditions, and submit the related supporting documents, liability insurance, statement of product coincidence (including the report of pattern test), they can not import the products unless they obtain the "Certification for exemption from conducting compulsory product certification", and use them according to the applications declared:

1. products necessary for scientific research and test;
2. components necessary for the production line imported for checking the techniques;
3. products necessary for the final consumer maintenance directly;
4. equipment / parts (excluding appliance) necessary for the factory production line / the complete set of production line;
5. products only for commercial exhibition not for sale;
6. products (including the exhibits) necessary to be shut out after being imported temporarily;
7. components imported in general trade mode at the aim of exporting as the whole set and total number;
8. components imported in the mode of importing materials or accepting customer's materials for processing at the aim of exporting as the whole set and total number;
9. Other situations under which the compulsory product certification is exempted from conducting based on the laws.

#### Article 42: Provisions for handling the appointed organ

SSACCA shall order the certification organ, inspection organ or the lab to rectify and reform in the deadline under one of the following conditions, during which they shall not engage in the activities, such as, compulsory product certification, inspection or test in the appointed ranges.

1. Those who have already added, reduced, missed or changed the basic cedes of certification and the procedure given in the certification rules;
2. Those who has not implemented the following investigation for the certified products effectively, or does not suspend or withdraw the certificate and announce in time when he finds that the products he has certified can not meet the certification requirements any longer;
3. Those who have not made complete records of the certification, inspection and the test procedure and place them on a file, with a serious nature;
4. Those who use the personnel without corresponding qualification to engage certification, inspection and test activities, with a serious nature;
5. Those who have not carried out effect examination for the truth of the samples provided by the consignor;
6. Those who obstruct and interrupt the local certification supervision and management department to enforce the laws;
7. Those who have made compulsory certification for the products beyond the catalogue;
8. Those who infringe the laws and regulations.

#### Article 43: Withdraw of organ appointment

SSACCA may withdraw the appointment for the certification organ, the inspection organ and the lab based on the application of the interested person or on the functions and powers under one of the following conditions:

1. The appointment decision has been made because of the working personnel abusing his power and position and ignoring his duty;
2. The appointment decision has been made beyond the legal functions and powers;
3. The appointment decision has been made contrary to the legal procedure;
4. The appointment decision has been made by those certification organs, inspection organs and labs that are not provided with the qualification;
5. Other situation under which the appointed decision may be withdrawn based on the law.

#### Article 44: Punishment for an organ obtaining the appointment through dishonest methods

SSACCA shall withdraw the appointment for the certification organ, inspection organ or lab that obtained it through dishonest methods, such as, fraud or bribery and announce it.

The certification organ, inspection organ or lab shall not apply for appointment within 3 years since the date of withdrawal.

#### Article 45: Punishment for breaking the law of the personnel of compulsory product certification

The professional qualification shall be withdrawn for the personnel engaging in compulsory product certification if they issue the false or untruthful inclusion or compile the false or untruthful documents or records, the registration organ of the certification personnel of China Association of Certification and Accreditation shall not conduct their applications within 5 years since the date of withdraw.

#### Article 46: Appeal

The consignor will make an appeal to the certification organ if he has objection to the certification decision made by the certification organ, he will make an appeal to SSACCA if he still has objection to the treatment result of the certification organ.

#### Article 47: Offense reporting

Any unit or anyone shall has the right to report to SAACCA or the local certification supervision and management department for the illegal activities in the compulsory product certification, SAACCA or the local certification supervision and management department shall investigate and handle them in time and keep secret for the informer.

### **Chapter V – Rules for punishment**

#### Article 48: Punishment for the products in the catalogue without certification

The local certification supervision and management department shall punish the persons according to Article 67 in “Rules for certification and accreditation” as they deliver, sell, import or use the products in other business, which are listed in the catalogues but without subjecting to certification and authorization.

#### Article 49: Punishment for obtaining the certificate not in accord with the legal requirement

The local certification supervision and management department shall punish the persons according to Section 2 in Article 3 of “Special provisions of the State Council for strengthening supervision and management of the safety of foods and other products” as they engage in the production and business not according to the legal conditions and requirements or produce and sell the products not in accord with the legal requirements even though the products listed in the catalogues have already subjected to certification.

#### Article 50: Provisions for punishing the illegal behavior during canceling, withdrawing or the suspending the certificate

Those who violating Section 2 in Article 29 of this Provision continue to deliver, sell, import the products not in accord with the certification requirements or use them in other business shall be punished according to Article 67 of “Rules for certification and accreditation” by the local certification supervision and management department during the period of canceling, withdrawing or suspending the certificate.

#### Article 51: Provisions for punishment for violating exemption from compulsory certification

As for those who gain the “Certificate for exempting from conducting compulsory product certification” by making up the false materials or do not use the products according the declared application after obtaining “Certificate for exempting from conducting compulsory product certification”, the Entry-Exit Inspection and Quarantine Organ shall withdraw “Certificate for exempting from conducting compulsory product certification”, the local certification supervision and management department shall impose him a fine of more than 50000 yuan and less than 100000 yuan if the products are sold or used in other business, the illegal income, if there is, shall be confiscated.

#### Article 52: Punishment for illegal certificate and for transferring the certificate label

Those who forge, alter, infringe, buy or sell or transfer the certificates shall be ordered by the local certification supervision and management department to correct the mistakes, and imposed a fine of 30,000 Yuan (RMB).

Those who transfer the certification labels shall be ordered by the local certification supervision and management department to make corrections, and imposed a fine of less than 30,000 Yuan (RMB).

#### Article 53: Other illegal behavior

Those who violate the laws shall be ordered to make corrections by the local certification supervision and management department and imposed a fine of less than 30000 yuan under one of the following conditions:

1. The certification consignor offers the sample not in accord with the actually produced one – violating the stipulations in Section 1 of Article 13 of this Provision;
2. Those who do not apply for alerting the certificate to the certification organ according to the provisions and deliver, sell, import the products listed in the catalogues or use them in other business without authorization – violating the stipulations in Article 24 of this Provision;
3. Those who do not apply for expanding the certificate to the certification organ according to the provisions and deliver, sell, import the products listed in the catalogues or use them in other business without authorization – violating the stipulations in Article 25 of this Provision.

#### Article 54: Punishment for illegal certification label

Those who violate the laws shall be ordered to make corrections in the deadline by the local certification supervision and management department, otherwise, they shall be imposed a fine of less than 20,000 Yuan (RMB) under one of the following conditions:

1. Those who violate the stipulation in Article 23 of this Provision – the contents of the certificate marked on the product possessing the certificate and on the sell package do not conform to those in the certificate;
2. Those who violate the stipulation in Article 32 of this Provision – do not apply the certification label according to the stipulation.

#### Article 55: Punishment for the working staff

SSACCA, the local certification supervision and management department and their working staff shall be given administrative sanction based on the law if they abuse their power and position, play favoritism and commit irregularities, ignore their duties; those shall be affixed to the responsibility for a crime if it commits an offense.

#### Article 56: Other provisions

Those who violate the laws in the compulsory product certification activity shall be punished according to the stipulations in the related laws and administrative regulations.

### **Chapter VI – Supplementary provisions**

#### Article 57: Provisions for charge

Charge shall be collected for the compulsory product certification according to the related stipulations of China.

#### Article 58: Right to explain

This provision shall be explained by GAQSIQ.

#### Article 59: Time for implementation

This provision shall be implemented since July 1st. 2008. "Provisions for certification administration of compulsory products" issued by GAQSIQ on Dec. 3<sup>rd</sup>. 2001 will be abolished at the same time.

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