

SAMR's Letter on Soliciting Comments to Administration Measures for National Standards (Draft for Comments)

To: SAMR branches on all the provinces, autonomous regions, municipalities and Xinjiang Production and Construction Corps, all the departments under the State Council, all the national standardization technical committees

To carry out newly revised China Standardization Law, optimize national standard administration system, SAMR drafted Administration Measures for National Standards (Draft for Comments). We hereby solicit comments from all the departments. Please send your comments to Department of Standardization Technology in electronic format by January 5th, 2021.

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Administration Measures for National Standards (Draft for Comments)

Chapter 1 General

Article 1 **【 Purpose of the Measure 】** In order to strengthen the administration of national standards, these Measures are formulated in accordance with the Standardization Law of the People's Republic of China.

Article 2 **【 Scope and classifications of national standards 】** National standards (including standard samples) shall be formulated for the technical requirements that need to be unified nationwide in the fields of agriculture, industry, service industry and social undertakings, including the following contents:

1. General technical terms, symbols, classifications, codes (including codes), file formats, drawing methods and other general technical language requirements and interchange requirements;
2. The general technical requirements of energy, resources and environment;
3. Technical requirements for generic basic parts, basic raw materials and materials;
4. Generic testing and inspection methods;
5. Generic technical requirements for social governance, services, and management of production and circulation;
6. General technical requirements for survey, planning, design, construction and acceptance of engineering construction;
7. Technical requirements for leading the relevant industries;
8. Other technical requirements that the state needs to standardize.

For technical requirements relating with safeguarding personal health, life and property safety, national security and ecological environment and basic needs of economic and social management, mandatory national standards shall be formulated. Others shall be formulated as recommended national standards.

Article 3 **【 Standard samples 】** For technical requirements requiring physical comparison, standard samples shall be prepared. Standard samples are used together with relevant standards for testing, comparison and other activities.

Article 4 **【 Guiding Technical Documents 】** For projects whose technology is still under developing, which need to guide its development or have standardization value

and cannot be formulated as national standards for the time being, they can be formulated as national standardization guiding technical documents.

Article 5 **【 Purpose of Standard Development 】** When formulating national standards, we should implement the relevant national policies, laws and regulations, facilitate economic and trade exchanges, support industrial development, promote scientific and technological progress, standardize social governance and serve the national strategy.

Article 6 **【 Adoption of International Standards and Conversion 】** When formulating national standards, international standards shall be adopted in combination with national conditions. The adoption of international standards should comply with the copyright policies of relevant international organizations.

Encourage the adoption of international standards and development of international standards to be conducted simultaneously. Accelerate the transformation and application of applicable international standards.

Article 7 **【 National standards in foreign language 】** When formulating national standards related to international trade, production capacity and equipment cooperation and not adopting international standards, the establishment, compilation and publication of foreign language versions of national standards shall be carried out simultaneously.

Article 8 **【 Allocation of Responsibilities 】** The standardization administrative department under the State Council shall uniformly manage the formulation of national standards, and be responsible for the establishment, numbering, external notification and authorization of national standards for approval and release; be responsible for the establishment, drafting and examination of recommended national standards and check, approve, number and issue the standards.

The relevant administrative departments under the State Council shall be responsible for proposing, organizing drafting, soliciting opinions, conducting technical review and organizing implementation of mandatory national standards according to their duties.

The relevant administrative departments under the State Council and relevant trade associations are entrusted by the standardization administration department under the State Council to provide professional guidance to the National Professional Standardization Technical Committee (hereinafter referred to as the Technical Committee) in the formulation of recommended national standards.

Article 9 **【 Coordination Mechanism 】** The formulation and implementation of national standards with major disputes across departments and fields shall be organized and coordinated by the standardization administration department under the State

Council or submitted to the standardization coordination mechanism under the State Council for resolution.

Article 10 **【 Rewarding mechanism 】** National standards belong to scientific and technological achievements, and should be included in the scope of national, departmental and local scientific and technological progress awards.

Chapter 2 Development of National Standards

Section 1 General Requirements for Development of National Standards

Article 11 **【 Principles for standard development 】** The formulation of national standards shall be based on scientific and technological research and social practice experience, and through investigation, demonstration and verification, ensure the scientificity, standardization and timeliness of national standards, and improve the quality of national standards.

Article 12 **【 Verification of Standard 】** A national standard verification system shall be established. When formulating national standards, experimental verification and evaluation verification shall be carried out on technical requirements, key indicators, patents involved, and adoption of international standards, so as to ensure that the technical content of standards is advanced, applicable, scientific and reasonable.

Article 13 **【 Requirement on transparency and openness 】** The formulation of national standards shall be open and transparent and solicit opinions from all parties.

Article 14 **【 National standards relating with patent 】** When formulating national standards, coordination and matching of relevant standards should be achieved.

Article 15 **【 National standards associated with patent 】** Patents involved in national standards shall be essential patents, and their administration shall be carried out in accordance with the relevant administrative provisions on patents involved in national standards.

Section 2 Project Establishment

Article 16 **【 Proposal on project establishment 】** Government departments, social organizations, enterprises, institutions and citizens may, in accordance with the relevant national development plans and the needs of economic and social development, put forward proposals for establishing national standards to the standardization administration department or technical committee under the State Council, or directly put forward proposals for establishing national standards to the relevant administrative departments under the State Council.

Encourage the proposal of national standard project and application for proposal of international standards to be conducted simultaneously.

Article 17 **【 Application for Project Establishment 】** The Technical Committee shall evaluate the necessity and feasibility of the proposal for project establishment, and if the proposal for project establishment meets the requirements or is jointly proposed by more than five members, it shall be submitted to all members for voting and approval, which will form a national standard project approval. The project should be approved by relevant departments and trade associations, and then submitted to the standardization administration department of the State Council.

Without the establishment of a technical Committee, the relevant administrative department under the State Council may directly put forward an application for establishing a national standard project according to its duties and responsibilities.

The project application materials shall include the project declaration and draft standards, explaining the necessity and feasibility of formulating national standards, the domestic and international standards, the adoption of international standards, the main technical requirements, schedule arrangements, etc.

Article 18 **【 Project evaluation 】** the competent department of standards administration under the State Council entrusts the national standard professional evaluation institution to evaluate the national standard project, and puts forward suggestions on whether to establish the project or not.

The evaluation includes the following contents:

1. The standard system in this field;
2. The standard technical level, industrialization and expected benefits;
3. Coordination with laws, regulations and relevant standards;
4. Comparative analysis of relevant international and foreign standards;
5. Whether it complies with the provisions of Article 2 and Article 4 of these Measures;

Article 19 **【 Solicit public comments to project establishment 】** For the proposed national standard project, the standardization administration department under the State Council shall solicit opinions from the public through the national standard information public service platform, and the period for soliciting opinions is generally 30 days.

Article 20 **【 Coordination on project establishment 】** For major opinions, the standardization administration department under the State Council, together with the relevant administrative departments under the State Council and relevant trade associations, shall organize a technical and technical committee to coordinate the contents of disputes and form handling opinions.

Article 21 **【 Planning and Feedback 】** If the standardization administration department of the State Council decides to establish a project, it shall issue a national

standard plan.

If it is decided not to establish the project, the standardization administration department under the State Council shall give feedback to the relevant administrative department under the State Council or the technical committee on the reasons for establishing the project.

Article 22 **【Time limitation】** The time limit for mandatory national standards to be submitted for approval under the plan shall generally not exceed 24 months, and the time limit for recommended national standards to be submitted for approval under the plan shall generally not exceed 12 months.

Article 23 **【Adjustment on plan】** In the process of implementing the national standard plan, the standardization administration department under the State Council may adjust the contents of the national standard plan.

The national standard plan that cannot be submitted for approval within the prescribed time limit shall apply for extension, and the extension time limit shall not exceed six months.

If it is not completed within the time limit or cannot continue to be implemented, the standardization administration department under the State Council may terminate the national standard plan.

Section 3 Drafting

Article 24 **【Drafting Organization】** The relevant administrative department under the State Council or the Technical and Technical Committee shall, in accordance with the issued national standard plan, set up a drafting group to undertake the drafting of specific national standards. The drafting group should be professional and widely representative.

Article 25 **【Drafting Requirements】** The drafting group shall draft the draft for comments on national standards in accordance with the requirements of Guidelines for Standardization (GB/T 1), Rules for Standard Compilation (GB/T 20001) and Draft for Specific Contents in Standards (GB/T 2002). The compilation instructions generally include the following contents:

1. Job description, including task source, formulation background, working process, etc.;
2. The principles, main contents and determination basis of the national standard, and the comparison of the technical contents before and after the revision;
3. The analysis and summary report of the test verification, the technical and economic demonstration, and the expected economic effect;
4. Comparison with the technical contents of similar international and foreign standards,

- or comparison with the relevant data of foreign samples and prototypes tested;
5. The adoption of standards, and whether the international and foreign standards are quoted or adopted in compliance;
 6. The relationship with relevant laws and regulations;
 7. The handling process and basis of major differences;
 8. The relevant description of the patent;
 9. To implement the requirements of national standards, as well as suggestions on organizational measures, technical measures, transition period and implementation date;
 10. Other Explanation

Section 4 Soliciting Opinions

Article 26 **【Requirements for Soliciting Opinions】** The relevant administrative department under the State Council or its technical committee shall solicit opinions from other relevant administrative departments under the State Council, enterprises, institutions, social organizations, consumer organizations, scientific research institutions and other relevant parties, and at the same time solicit opinions from the public through the national standard information public service platform. The period for soliciting opinions is generally not less than sixty days. Mandatory national standards shall be notified to the outside world according to the requirements of WTO/TBT agreement when soliciting opinions.

The relevant administrative department under the State Council or the technical committee shall deal with the opinions collected, and form a national standard draft for review.

Section 5 Technical Review

Article 27 **【Technical Review】** The Technical Committee shall conduct technical review on the draft of national standards by means of on-site meetings, video conferences and other meetings, focusing on the scientific, rational, applicable and normative technical requirements. The organization and voting of the review meeting shall be carried out in accordance with the relevant provisions of the Administrative Measures of the National Professional Standardization Technical Committee.

If a technical committee is not established, the relevant administrative department under the State Council shall set up an examination expert group to conduct technical examination in the form of a meeting. The review expert group shall be composed of producers, operators, users, consumers, public interests and other relevant parties, and the number shall not be less than fifteen. Examination experts should be familiar with the technology and standards in this field, and have senior professional and technical titles. In principle, the technical review shall be conducted by consensus. If a vote is required, more than 3/4 of the votes shall be passed. The drafters shall not undertake

the technical review.

Article 28 **【 Submission for approval 】** Technical Committee shall, according to the examination opinions, form the national standard approval draft, which shall be submitted to the standardization administration department of the State Council for examination and approval after being examined by relevant departments and trade associations.

Without the establishment of a technical Committee, the relevant administrative department under the State Council shall form a draft of national standards for approval according to the examination opinions and report it to the standardization administrative department under the State Council for examination and approval.

Section 6 Approval and Release

Article 29 **【 Review of Draft for Approval 】** The competent standardization administration department under the State Council entrusts the national standards professional review institution to review the national standards for approval and the materials submitted for approval. The national standard professional review institution shall review the following contents:

1. Whether the quality of the preparation of standards for the preparation of standards for the approval of standards is consistent with the relevant requirements;
2. The scientific and reasonable technical content of the standard, the coordination between the standards, and the handling of major differences;
3. Whether it complies with the provisions of relevant laws, regulations and industrial policies.

Article 30 **【 Approval, code number and numbering principle 】** Mandatory national standards shall be issued with the approval or authorization of the State Council, while recommended national standards shall be uniformly approved and numbered by the standardization administration department under the State Council and issued in the form of announcement.

Code names of national standards are composed of uppercase Chinese Pinyin letters, mandatory national standards are "GB", recommended national standards are "GB/T", and national standard samples are "GSB".

The number of national standards consists of the code of national standards, the serial number of national standards and the year number of national standards. The number of national standard samples consists of national standard sample code, classification catalogue number, release sequence number, copy batch number and release year

number. Examples:

GB X X X X X — X X X X

GB/T X X X X X — X X X X

GSB X X — X X X X — F X X — X X X X

Article 31 **【 Transformation of Group Standards into National Standards 】** A mechanism for converting association standards into national standards should be established. Association standards that are advanced, in leading position with good implementation effects and need to be promoted and applied nationwide can be converted into national standards according to procedures.

Article 32 **【 Emergency Procedures 】** The time limit requirements can be shortened in the process of formulating national standards urgently needed for dealing with sudden emergencies.

Article 33 **【 Publication and Publicity 】** National standards shall be published by publishing institutions entrusted by the standardization administration department under the State Council.

The standardization administration department of the State Council shall publish the national standard texts free of charge for public inspection and download.

Chapter 3 Implementation and Maintenance of the National Standards

Article 34 **【 Effectiveness of new and old standards during transition stage 】** Before the promulgation and implementation of national standards, enterprises may choose to implement the existing national standards or the new national standards. After the implementation of the newly revised national standard, the replaced national standard shall be abolished at the same time.

Article 35 **【 Effectiveness of Implementation 】** Mandatory national standards must be implemented. Product and services that do not meet mandatory national standard shall not be produced, sold, imported or provided. Recommended national standards are encouraged to be used. In infrastructure construction, basic public services and government procurement activities, priority should be given to the application of recommended national standards.

Article 36 **【 Promotion of national standards 】** After the release of national standards, standardization administrative departments at all levels, relevant administrative departments and technical committees of trade associations shall organize the publicity and promotion of national standards, and do a good job in interpreting the national standards during their implementation.

Article 37 **【 Interpretation of National Standards 】** National Standards shall be interpreted by the administrative department of standardization under the State Council.

The administrative department of standardization under the State Council may entrust relevant departments or technical committees to reply to the consultation on specific technical issues during the application of national standards.

Article 38 **【 Implementation of National Standards 】** Enterprises and related social organizations are the main bodies in the implementation of national standards, and should strictly implement mandatory national standards and actively adopt recommended national standards in production and sales. Encourage standardization administrative departments at all levels and relevant administrative departments to refer to national standards when formulating relevant policies in light of the actual situation.

Article 39 **【 Feedback from implementation 】** The competent department of standardization administration under the State Council shall establish an information feedback mechanism for the implementation of national standards and smooth the information feedback channels.

Encourage individuals and units to feedback the problems arising from the implementation of national standards and suggestions for revision through the national standard information public service platform.

Standardization administrative departments at all levels, relevant administrative departments, industry associations and technical committees shall take the initiative to collect information on the implementation of national standards in their daily work.

Article 40 **【 Handling of feedbacks 】** The standardization administrative department under the State Council, the relevant administrative departments under the State Council and the technical committee shall timely analyze and process the feedback information on the implementation of national standards, and put forward suggestions on the revision and abolition of national standards according to the analysis and processing results.

Article 41 **【 Evaluation of Implementation Results 】** The competent department of standardization administration under the State Council shall establish an evaluation mechanism for the implementation effect of national standards. The evaluation of the implementation effect of national standards should include the following contents:

1. The implementation and application scope of the standard;
2. The economic and social benefits of the implementation of the standard;
3. Problems existing in the implementation of the standards and suggestions for revision.

The administrative department of standardization under the State Council shall regularly

evaluate the implementation effect of national standards in key areas according to the implementation of national standards such as information feedback and experimental verification.

Encourage third-party institutions to carry out the evaluation of the implementation effect of national standards.

Article 42 **【 Re-examination 】** The relevant administrative department under the State Council or the technical committee shall, according to the feedback of implementation information, the evaluation of implementation effect and the needs of economic, social and scientific and technological development, carry out a re-examination of national standards, put forward the re-examination conclusion of continuing validity, revision and repeal, and report it to the standardization administrative department under the State Council. The cycle for re-examination shall not exceed five years. .

If it is concluded that the standard need to be revised, the relevant administrative department under the State Council or the technical committee shall propose revised items when submitting the review conclusion.

If it is concluded that standards shall be abolished, the standardization administration department under the State Council shall publicly solicit opinions from the public through the national standard information public service platform. Soliciting opinions is generally not less than sixty days. If there are no major differences of opinion or if they are coordinated, they shall be abolished by the administrative department of standardization under the State Council in the form of announcement.

Article 43 **【 Amendment Sheet 】** After the release of the national standard, individual technical requirements need to be adjusted, supplemented or deleted, and can be modified through the amendment sheet. The amendment list shall be proposed by the relevant administrative department or technical committee of the State Council, and the standardization administrative department of the State Council shall issue it in the form of announcement after approval according to procedures.

Chapter 4 Supplementary Provisions

Article 44 **【 Interpretation 】** The State Administration of Market Supervision (National Standardization Administration Committee) shall be responsible for the interpretation of these Measures.

Article 45 **【 Effective date 】** This Regulation shall be implemented from X (date) X(month) 2020. The Measures for the Administration of National Standards promulgated by the former State Bureau of Technical Supervision on August 24, 1990 shall be immediately abolished.