

Regulations for Compulsory Product Certification

Chapter I General Provisions

Article 1

Based on relevant laws and regulations covering product safety licensing and product quality certification so as to improve and enhance regulatory functions in the field of compulsory product certification as well as to effectively safeguard national and public interests in a feasible manner, the following regulations are announced for statutory implementation in accordance with the functions of the State General Administration for Quality Supervision and Inspection and Quarantine of the People's Republic of China (AQSIQ) and the Certification and Accreditation Administration of the People's Republic of China (CNCA) authorized by the State Council.

Article 2

The Compulsory Product Certification System (hereinafter referred to as CPCS) is applied to products related to human life and health, animals, plants, environmental protection and national security.

Article 3

Authorized by the State Council, CNCA is in charge of nation-wide certification and accreditation activities.

Article 4

With regard to CPCS, one Catalogue of Products Subject to Compulsory Product Certification (hereinafter referred to as the Catalogue), one set of applicable technical regulations, national standards and conformity assessment procedures, one obligatory mark and one structural fee chart will be announced for statutory implementation.

Article 5

Any product covered by the Catalogue must first be certified by a certification body designated by relevant competent authorities (hereinafter referred to as DCB). The subject product must obtain the certificate and be applied the certification mark before it can be marketed, imported or used for any commercial purposes.

Chapter II Administration and Implementation Organizations of CPCS

Article 6

Based on relevant national laws and regulations, AQSIQ formulates the CPCS regulations, approves and declares for implementation the Catalogue.

Article 7

CNCA is specifically responsible for the administration and organizing the implementation of CPCS. CNCA fulfills the following responsibilities :

- 1) To supervise and regulate the certification and accreditation activities, and to coordinate related major events.
- 2) To develop, adjust and to join AQSIQ in declaring for implementation the Catalogue.
- 3) To develop and declare the Implementation Rules of product certification relevant to the Catalogue.
- 4) To specify the applicable certification model for any product covered by the Catalogue.
- 5) To develop and declare for implementation the certification mark.
- 6) To specify the form and format of the certificate.
- 7) To designate competent certification bodies to undertake product certification, also designation of competent testing and inspection bodies to undertake CPCS-related requirements.
- 8) To publish the official list of DCBs and list of designated testing and inspection bodies, together with their specified business scopes.
- 9) To publish the official list of certified products and manufacturers.
- 10) To approve the exemption of products for special use from compulsory certification.
- 11) To guide AQSIQ local branches in their efforts to eliminate related illegal practices.
- 12) To accept CPCS-related appeals and complaints. To also organize the elimination of related serious illegal practices.

13) To guide CPCS-related important events.

Article 8

AQSIQ local branches should fulfill the following responsibilities:

- 1) To supervise the products covered by the Catalogue in their respective administrative jurisdiction in accordance with relevant laws and regulations.
- 2) To eliminate related illegal practices.

Article 9

The DCBs should fulfill the following responsibilities:

- 1) To perform certification according to their designated business scope following CPCS Implementation Rules.
- 2) To grant certificates to certified products.
- 3) To undertake follow-up inspection on certified products.
- 4) To accept CPCS-related appeals and complaints.
- 5) To suspend, cancel or withdraw certificates as and when deemed necessary.

Chapter III The Implementation of CPCS

Article 10

Catalogue-covered products are applicable to one or more of the following certification models.

- 1) design appraisal.

- 2) type testing.
- 3) testing or inspection of samples taken from the factories.
- 4) testing or inspection of samples taken from the market.
- 5) assessment of the manufacturers' quality assurance system.
- 6) follow-up inspection on certified products.

Based on the principle of reasonable convenience, the choice in the certification model should be made in an objective and constructive manner by taking into consideration the comprehensive factors such as the product performance, the degree of possible detriment to human health, the environment, national security and the product life cycle.

The specific product certification model is specified in the Implementation Rules.

Article 11

The Implementation Rules cover the following guidelines:

- 1) Scope of applicable products.
- 2) Technical regulations and national standards corresponding to the applicable products.
- 3) Specific certification model for different products.
- 4) Requirements for the division of the product application unit.
- 5) Requirements for sampling and sample delivery.
- 6) Requirements for the confirmation of key parts and components (when necessary).

- 7) Requirements for testing standards and rules.
- 8) Special requirements for factory inspection (when necessary).
- 9) Special requirements for follow-up inspection.
- 10) Specific requirements to apply certification marks to applicable products.
- 11) Other requirements.

Article 12

Catalogue-covered product certification requires all or part of the following steps to be taken:

- 1) Acceptance of the application.
- 2) Type testing.
- 3) Factory inspection.
- 4) Sampling and testing.
- 5) Evaluation of the certification results and approval of certification.
- 6) Follow-up inspection.

Article 13

The manufacturer, wholesaler or retailer, as well as the importer can act as an applicant to apply to a DCB concerning the Catalogue-covered products.

Article 14

The applicant should comply with the following requirements when filing an application.

- 1) To submit the application, required technical documents and samples to the DCB by following the Implementation Rules.
- 2) When the wholesaler, retailer, or importer acts as an applicant, they should provide, together with the information specified in 14.1, copy of the contract signed between the wholesaler or retailer and manufacturer, or signed between the importer and manufacturer.
- 3) Should an applicant authorize another party to apply on their behalf, they should complete an agreement with the trustee concerning certification, testing, initial factory inspection and follow-up inspection, etc.. The trustee should provide, together with the information specified in 14.1, the trust deed, copy of the entrustment agreement and other relevant contracts.
- 4) To pay the certification fee according to the structural fee chart.

Article 15

The DCBs will accept and review the application, arrange type testing, factory inspection, sample testing etc. based on the Implementation Rules, and decide on whether or not to grant the certificate for the subject product.

Except in unusual circumstances, DCBs should make the decision and notify the applicant within 90 days upon the receipt of the completed application.

Article 16

The certificate serves as valid documentation to indicate that the Catalogue-covered product meets requirements and that the certification mark can be applied.

The certificate should include the following information:

- 1) Applicant.
- 2) Product name, type and series.
- 3) Manufacturer and its factory (factories).
- 4) Model of certification.
- 5) Referred technical regulations and standards.
- 6) Date of certificate being granted and validity period.
- 7) Certificate granting DCB.

Article 17

The certification mark is referred to as “China Compulsory Certification (CCC)”. The certification mark serves as evidence that the Catalogue-covered product can be marketed, imported or used.

The certificate holder should abide by the Regulations for Compulsory Product Certification Mark when using the mark.

Article 18

The DCBs should undertake follow-up inspection on those certified products and manufacturers based on the specific requirements of the Implementation Rules.

Article 19

The DCBs should revoke the certificate in the event any of the following situations arise:

- 1) There are some changes or modifications in the technical regulations, national standards or the Implementation Rules applicable to the Catalogue, whereby the product can not qualify for the changes or modifications.
- 2) The certificate holder failed to prolong the certificate.
- 3) The production of the certified product has terminated.
- 4) The certificate holder applies to cancel the certificate.

Article 20

The DCBs should suspend the use of the certificate in the event any of the following situations arise:

- 1) The certificate holder uses the certificate or the certification mark in violation of relevant requirements.
- 2) The certificate holder violates the Implementation Rules or the requirements of the DCBs.
- 3) The follow-up surveillance indicates that the certified product failed to meet the Implementation Rules, but not serious to the extent as to lead to the immediate withdrawal of the certificate.

Article 21

The DCBs should withdraw the certificate in case any of the following situations arise:

- 1) During the period when the certificate is suspended, the certificate holder failed to take adequate corrective action.
- 2) The follow-up inspection shows that the product bears major defects.
- 3) The certified product caused a serious quality accident because of major defects.

Article 22

Should the applicant or the certificate holder have any objections concerning the decision of the DCB, the applicant may file an appeal or an complaint with that DCB. If the applicant has further objections towards the resolution of the DCB, the applicant may continue to appeal to CNCA.

Chapter IV Supervision and Administration of CPCS

Article 23

The DCBs and the designated testing and inspection bodies should abide by the following rules:

- 1) To accept the supervision and administration of CNCA.
- 2) To undertake Catalogue-related certification, testing and inspection within their designated scope based on the relevant laws and regulations relative to product quality certification.
- 3) To ensure the accuracy of the certification results and to undertake the

corresponding legal obligations.

- 4) To report to CNCA on a regular basis Catalogue product certification updates.
- 5) To keep the certified products commercially and technically confidential. Illegal use of the scientific and technical achievements is prohibited.
- 6) Transfer the right for application review, certification grant decision, testing and inspection is not permitted unless approved.
- 7) Consultancy or product development within their respective designated business scope of certification is prohibited.
- 8) Bilateral or multilateral mutual recognition agreements with other agencies are not permitted unless approved when certification, testing or inspection of Catalogue products are involved.
- 9) No catalogue-related certificate is allowed to be granted based on the bilateral or multilateral agreements referred to in Article 23.8.
- 10) To join AQSIIQ local branches in their efforts to eliminate illegal practices contrary to the laws, regulations and rules relevant to quality certification.
- 11) To implement an appeal and complaint response system so that disputes concerning Catalogue product certification within their designated scope can be handled impartially.

Article 24

Manufacturers, importers, and sale outlets that have obtained the Catalogue product certification should abide by the following requirements:

- 1) To guarantee working environment necessary for certification.
- 2) To ensure the certified products meet relevant national standards and technical regulations are on a continuous basis.
- 3) To ensure all the marketed or imported Catalogue products are certified products.
- 4) To apply certification mark to the certified products according to relevant requirements.
- 5) Misguiding consumers with the certificate or certification mark is prohibited.
- 6) Transfer or trading of certificate or certification mark is prohibited. Partially presenting or copying the certificate is also prohibited.
- 7) To accept the surveillance by AQSIQ local branches and follow-up inspection by the DCBs.

Chapter V Penalties

Article 25

A fine of RMB 30,000 is imposed if the Catalogue products failed to be certified, and certification must be completed within the specified period.

Article 26

Certification marks must be applied if the Catalogue products are certified. Otherwise, corrective measures must be completed within the specified period. A fine of RMB 10,000 is imposed in failing to do so.

Article 27

Punishments will be enacted according to relevant laws and regulations for the falsification and piracy of certificate or certification mark. Also for other practices that violate relevant national laws and regulations on product safety quality licensing and product quality certification.

Article 28

The DCBs and designated testing and inspection bodies that present falsified testimonial or papers shall bear corresponding legal liabilities.

Article 29

The administrative penalties mentioned in this Chapter will be exercised by AQSIQ local branches following AQSIQ's procedures for handling administrative cases.

Chapter VI Supplement

Article 30

Specific administrative rules including the Implementation Rules and Regulations for Compulsory Product Certification Mark referred to in these Regulations will be announced separately.

Article 31

With the authorization of AQSIQ, CNCA will be responsible for the interpretation of these Regulations.

Article 32

These Regulations will be implemented on May 1, 2002.