

Provisions on the Administration of Compulsory Product Certification (2008)

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The Provisions on the Administration of Compulsory Product Certification, which were deliberated and adopted at the executive meeting of the General Administration of Quality Supervision, Inspection and Quarantine on May 26, 2009, are hereby promulgated and shall come into force as of September 1, 2009.

Director-General Wang Yong

July 3, 2009

Provisions on the Administration of Compulsory Product Certification

Chapter I General Provisions

Article 1 For the purpose of regulating compulsory product certification, enhancing the validity of certifications and protecting the interests of the state, the society and the general public, these Provisions are formulated in accordance with the Regulation of the People's Republic of China on Certification and Accreditation (hereinafter referred to as the Regulation on Certification and Accreditation) and other laws, administrative regulations, as well as relevant provisions of the state.

Article 2 For the purpose of safeguarding national security, preventing fraudulent conducts, protecting human health or safety, the life or health of animals and plants, and the environment, the relevant products as prescribed by the state shall be subject to certification (hereinafter referred to as compulsory product certification) and be given an indication of the certification sign before they leave the factory, are sold, are imported or are used in other business activities.

Article 3 The General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as GAQSIQ) shall administer the compulsory product certification throughout the country.

The Certification and Accreditation Administration (hereinafter referred to as CAA) shall be responsible for organizing the implementation, supervision and administration as well as comprehensive coordination of compulsory product certification throughout the country.

The local quality and technology supervision departments at all levels and the entry & exit inspection and quarantine institutions at all places (hereinafter referred to as local quality and inspection bureaus) shall, within their respective functions, be responsible for the supervision, administration and investigation of the compulsory product certification activities within their jurisdiction.

Article 4 With respect to the products subject to compulsory product certification, the state shall have a uniform catalog of products, uniform compulsory technical requirements, standards and compliance review procedures, uniform certification signs and uniform fee-charging standards.

GAQSIQ and CAA shall, jointly with the relevant departments of the State Council, formulate and

amend the catalog. The catalog shall be jointly announced by GAQSIQ and CAA, and be implemented by GAQSIQ together with the relevant departments.

Article 5 The state encourages mutual recognition of the compulsory certification with other countries on the basis of equality and reciprocity. Mutual recognition shall be within the frame of the international mutual recognition agreements signed by GAQSIQ, CAA or its authorized departments with foreign parties.

Article 6 An institution engaged in compulsory product certification and its employees shall be obliged to keep to themselves the business secrets and the production technologies, techniques and other technical secrets and information.

Chapter II Implementation of Certification

Article 7 The basic requirements for compulsory product certification shall be formulated and announced by GAQSIQ and CAA. The compulsory product certification rules (hereinafter referred to as the certification rules) shall be formulated and announced by CAA.

Article 8 One of the following certification modes or a combination of multi-certification modes shall apply to compulsory product certification, including

1. the design appraisal;
2. the model test;
3. the sample test or inspection at the production places;
4. the sample test or inspection in the market;
5. the inspection of the quality guarantee capacity and product conformity of enterprises; and
6. the follow-up inspection of certified products.

Product certification models shall, under the principles of being scientific and convenient, be determined on the basis of such comprehensive factors as the performances of products, the extent of possible harm to public safety, human health, the environment and public safety, the life cycle of products, the production cycle, and the risks of imported products.

Article 9 The certification rules shall contain

1. the scope of applicable products;
2. the compulsory requirements as specified in the national standards, industrial standards and national technical requirements with respect to the applicable products;
3. the certification modes;
4. the principles or provisions concerning the division of application units;
5. the sampling and sample-delivery requirements;
6. the requirements for confirming key components and parts or raw materials (if necessary);
7. the relevant requirements for the inspection standards (if necessary);
8. the requirements for factory inspection;
9. the requirements for the follow-up inspection of certified products;
10. the requirements for the valid period of the certification certificate;
11. the requirements for applying the certification signs to certified products;
12. other provisions.

Article 10 The producers, distributors and importers (hereinafter generally referred to as certification clients) of products listed in the catalog shall authorize the certification institutions designated by CAA (hereinafter referred to as the certification institutions) to certify the products produced, sold or imported by them.

Where an enterprise authorizes any other enterprise to produce a product listed in the catalog, it or the authorized enterprise may give a certification authorization to a certification institution.

Article 11 A certification client shall, under the provisions in the specific product certification rules,

furnish relevant technical materials to the certification institution.

A distributor or importer shall, as a certification client, furnish to the certification institution photocopies of the relevant contracts concluded between the distributor and the producer or between the importer and the producer.

In the case of authorizing any other enterprise to produce its products listed in the catalog, the certification client shall furnish to the certification institution a photocopy of the relevant contract it has concluded with the authorized enterprise.

Article 12 After accepting a certification authorization, a certification institution shall, under the provisions in the specific product certification rules, arrange a product type test and a factory inspection.

Article 13 A certification client shall ensure that the samples it provides are identical with the products it actually produces. The certification institution shall examine the genuineness of the samples provided by the certification client.

A certification institution shall, under the requirements in the certification rules and on the basis of the features and actual situation of the products, take samples by means of delivery by the certification client, on-the-spot sampling or sealing up samples on the spot and then have them delivered by the certification client, and authorize a lab designated by CAA (hereinafter referred to as the lab) to conduct a product type test of the samples.

Article 14 To conduct a product type test of the samples, the lab shall ensure the genuineness and accuracy of the test results, make complete records of the whole process of the test, put them to the archives for preservation, ensure the retroactivity of the records of the test process and results and assist the certification institution to conduct effective follow-up inspection of the certified product.

The lab and its relevant employees shall be responsible for the test report it makes as well as the test results. If it has any doubts about the genuineness of the samples, it shall make an explanation to the certification institution, and make corresponding treatments.

Article 15 If it is necessary to conduct a factory inspection, the certification institution shall assign compulsory product certification inspectors with national certified qualifications to inspect the production enterprise's quality guarantee capacity, conformity between the products it produces and the samples sent for the type test, etc. and shall carry out the inspection under the specific product certification rules.

A certification institution and its compulsory product certification inspectors shall be responsible for the inspection results.

Article 16 After the certification institution has finished the product type test and factory inspection, usually it shall issue a certification certificate within 90 days as of the date of acceptance of the certification authorization if the certification requirements are satisfied.

If the certification requirements are not satisfied, the certification institution shall give a written notice to the certification client and make an explanation.

The certification institution and its relevant employees shall be responsible for their certification results.

Article 17 A certification institution shall, by taking on-the-spot product tests or inspections, product sample tests or inspections in the market, quality guarantee capacity inspections and other means,

conduct classified management and effective follow-up inspections of the certified products and the production enterprise thereof, control and verify the conformity between the certified products and the samples for the type tests, and ensure that the quality guarantee capacity of the production enterprises continuously meet the certification requirements.

Article 18 A certification institution shall make complete records of the whole process of the follow-up inspection, put them into the archives for preservation and ensure the retroactivity of the certification process and results.

If the certification requirements are not met continuously, the certification institution shall, in light of the corresponding circumstance, suspend or revoke the certification certificate and make an announcement.

Article 19 A certification institution shall, under the certification rules and by taking into consideration such factors as the safety grade of the certified products, the stability of the product quality and the good records and bad records of the production enterprises, conduct classified management of the follow-up inspections of certified products and the production enterprises thereof, and decide the reasonable follow-up inspection frequency.

Chapter III Certification Certificates and Signs

Article 20 CAA shall provide a uniform format and contents for the compulsory product certification certificates as well as the formats and types of the compulsory product certification signs.

Article 21 A certification certificate shall include the following basic content:

1. the name and address of the certification client;
2. the name and address of the producer (manufacturer);
3. the name and address of the authorized production enterprise (if necessary);
4. the name, series, specifications and type number of the product;
5. the certification basis;
6. the certification mode (if necessary);
7. the date of issuance of the certificate, and the valid period of the certificate;
8. the issuing institution;
9. the numbering of the certificate; and
10. other contents necessary to be stated.

Article 22 A certification certificate shall be valid for five years.

A certification institution shall, according to the follow-up inspection of the certified products and the production enterprises thereof, specify in the certification certificate the website and the telephone number for people's inquiries about the active status of the annual inspections.

Where it is necessary to continue using a certification certificate after the expiration of its valid period, the certification client shall file an application 90 days prior to the expiration of its valid period.

Article 23 If the contents of a certification certificate are specified on the certified product and the sale packages, they shall be identical with the contents of the certification certificate and conform to the administrative provisions of the state on relevant product signs and indications.

Article 24 A certification client shall apply to the certification institution for modifying its certification certificate under any of the following circumstances and the certification institution shall make corresponding treatments:

1. If the change of the product name or type or modification of the name or address of the producer

- or production enterprise is caused by change of the way for naming the certified product, the certification institution shall modify the certification certificate after verification;
2. If the type of the certified product is changed, but the change does not affect the safety performances and the internal structure of electromagnetic compatibility; or if the product types under the same certified product are reduced, the certification institution shall modify the certification certificate after confirmation;
 3. If the key components and parts, specifications and types of the certified product, or the design, structure, techniques and materials or raw materials relating to the safety of the whole units or the electromagnetic compatibility, etc. changes, the certification institution shall modify the certification certificate after the certified product passes its new test;
 4. In the case of change of the location or quality guarantee system or work conditions of the production enterprise of the certified product, the certification institution shall modify the certification certificate after the production enterprise passes its new factory inspection; or
 5. Any other circumstance under which a modification shall be made.

Article 25 Where a certification client needs to expand the coverage of the certified product, it shall apply to the certification institution for expanding the coverage of the certification certificate. The certification institution shall verify the conformity between the products to be covered and the originally certified product, and shall make sure if the original certification result could validly apply to the new products. After confirming that the new products are qualified, it may, at the request of the certification client, separately issue a certification certificate or issue a new certification certificate.

The certification institution may, under the certification rules, conduct additional product type tests or factory inspections with respect to the differences.

Article 26 A certification institution shall cancel the certification certificate and make an announcement to the general public under any of the following circumstances:

1. The certification client fails to apply for using the certification certificate at its expiration;
2. The certified product is not produced any more;
3. The type of the certified product has already been listed in the catalog of products which are to be washed out or the production of which is banned by the state;
4. The certification client applies for cancellation of the certificate; or
5. Any other circumstance under which the certification certificate shall be cancelled.

Article 27 A certification institution shall, under any of the following circumstances, suspend the certification certificate and make an announcement to the general public according to the time period as specified by the certification rules:

1. The certification basis or certification rules applicable to the product have changed and the product does not conform to the modification requirements within the prescribed time period;
2. During the follow-up inspection, the certification client is found to have violated the certification rules or other provisions;
3. The certification client refuses to accept follow-up inspection without justifiable reasons or it is found during the follow-up inspection that the product fails to continuously satisfy the certification requirements;
4. The certification client applies for the suspension of the certification certificate; or
5. Any other circumstance under which the certification certificate shall be suspended according to law.

Article 28 The certification institution shall revoke the certification certificate and make an announcement to the general public under any of the following circumstances:

1. The certified product has defects and has resulted in any quality safety accident;
2. During the follow-up inspection, it is found that the certified product is not identical with the samples provided by the certification client;

3. During the period of suspension of the certification certificate, the certification client fails to take rectification measures or remains unqualified after rectification;
4. The certification client obtains the certification certificate by fraud, bribery and other improper means;
5. Any other circumstance under which the certification certificate shall be revoked.

Article 29 Where a certified product for which the certification certificate is cancelled, suspended or revoked, the certification institution shall decide the category and scope of the products which do not meet the certification requirements.

No product that does not meet the certification requirements shall leave the factory, be sold, be imported or be used in other business activities as of the date of cancellation or revocation of the certification certificate or within the time period of suspension of the certification certificate.

Article 30 The format of a certification sign shall consist of a basic pattern and an indication of the certification category. See the following illustration for the basic pattern (omitted).

The letters “CCC” in the basic pattern are the English abbreviation of “China Compulsory Certification”.

Article 31 The certification category is indicated on the right side of the basic pattern of the certification sign, which shall be the abbreviation of the English words representing the product certification category.

CAA shall formulate concrete requirements for the relevant certification category indications in light of the needs in the compulsory product certification work.

Article 32 A certification client shall establish a system for managing the use of certification signs, faithfully make records and keep files of the use of the certification signs, and correctly use and label the certification sign.

Article 33 No entity or individual shall forge, alter, unlawfully use, buy, sell or transfer any certification certificate or certification sign.

Chapter IV. Supervision and Administration

Article 34 CAA shall perform an annual supervision and inspection and irregular supervisions and inspections to the certification, inspection and test activities conducted by certification institutions, inspection institutions and labs.

Article 35 A certification institution shall notify CAA and the local quality as well as inspection bureaus at the province level of the information about the certification clients of the certified products, the certified products and the production enterprises thereof, and the cancellation, suspension or revocation of certification certificates.

Article 36 CAA shall, under the uniform plan of GAQSIQ, supervise and inspect the certified products by regular and irregular ways.

None of the producers, distributors, importers and commercial users of certified products shall refuse supervision and inspection.

CAA shall establish a system for releasing the certified products and producers thereof and announce the supervision and inspection results to the general public.

Article 37 Both the local quality and inspection bureaus shall, within their respective functions, supervise and inspect the compulsory product certification activities within their respective jurisdiction and investigate and deal with the violations of law.

For an uncertified product included in the catalog, if it has not left the factory or has not been sold, both the local quality and inspection bureaus shall exhort the production enterprise to timely undergo compulsory production certification.

Article 38 At the time of supervising and inspecting the compulsory product certification, both the local quality and inspection bureaus may enter into the production and business operation premises to conduct an on-the-spot inspection, consult and copy the relevant contracts, instruments, account books and other materials, and seal up or detain the uncertified products or products which do not meet the certification requirements.

Article 39 If the producer or distributor of a product in the catalog finds that the product which it produces or sells has a potential safety risk of harm to the human health and life safety, it shall disclose the relevant information to the general public, take such relief measures as recalling the product on its own initiative, and report to the relevant supervision and administration departments under relevant provisions.

Where the producer or distributor of a product in the catalog fails to perform the obligation as prescribed in the preceding paragraph, GAQSIQ shall initiate the product recall procedures, order the producer to recall the product, and order the distributors to stop selling the product.

Article 40 An entry & exit inspection and quarantine institution shall administer the imported products in the catalog by inspecting and verifying the entry certificates. It shall inspect and verify the certification certificate, certification sign and other certification documents, and verify whether the goods conform to the certificate. If the goods fail to pass the inspection, it shall deal with them under relevant laws and regulations and perform a follow-up supervision over the imported products in the catalog.

Article 41 The following articles as listed in the catalog are not required to undergo the compulsory product certification:

1. the self-use articles of foreign embassies and consulates or China representative offices of international organizations and the diplomatic staff thereof;
2. the self-use articles of the official representative offices of Hong Kong and Macao Special Administrative Regions in China and the staff thereof;
3. the self-use articles carried by persons entering China;
4. the articles donated or given as gifts by foreign governments; or
5. any other circumstance under which the articles are not required to undergo the compulsory product certification.

Article 42 Under any of the following circumstances, the producer, importer or distributor of a product in the catalog may apply with the local entry & exit inspection and quarantine institution for exemption from compulsory product certification, submit relevant certification materials, a liability guarantee letter, a product conformity statement (including the type test report) and other materials, and perform a product test if necessary. It shall not import the product until it has obtained the Certificate on Exemption from Compulsory Product Certification upon approval, and shall use the product for the claimed purposes:

1. the products required for scientific research or test;
2. the spare parts required for the evaluation of the production line technologies to be introduced;
3. the products required for final user maintenance;
4. the necessary accessory equipment/spare parts for the factory production line/complete set of production line (excluding office stationary);

5. the products to be merely used for commercial exhibition and not to be sold;
6. the products required to be transported back from the customs after temporary stay in China;
7. the spare parts imported through the general trade for the export of all the complete units;
8. the spare parts imported under the processing trade with imported materials or supplied materials for the export of all the complete units; or
9. any other special purpose for which the compulsory product certification is exempt.

Article 43 Where a certification institution, inspection institution or lab is under any of the following circumstances, it shall be ordered by CAA to stop business for rectification, and shall not be engaged in the activities in the designated scope in respect of compulsory product certification, inspection and test within the period of suspension of business for rectification:

1. increasing, reducing, omitting or modifying the procedures as described in the basic requirements for certification or in the certification rules;
2. failing to perform effective follow-up investigation of its certified products, or failing to timely suspend or revoke the certification certificate and make an announcement after it finds that its certified product does not continuously meet the certification requirements;
3. failing to make complete records of the process of certification, inspection and test and put them into archives for preservation, and a serious consequences have resulted;
4. employing unqualified personnel to conduct the certification, inspection or test, and serious consequences have resulted;
5. failing to effectively examine the genuineness of the samples furnished by the certification client;
6. hindering or interfering with the supervisory department' law enforcement inspections in respect of certification;
7. performing compulsory product certification for products which are not in the catalog; or
8. any other violation of law or regulation.

Article 44 Under any of the following circumstances, CAA may, at the request of the interested party or according to its functions, revoke the designation of a certification institution, inspection institution or lab:

1. The designation decision is made by the functionaries by abusing their power or neglecting their duties;
 2. The designation decision is made by superseding the statutory functions;
 3. The designation decision is made by violating the statutory procedures;
 4. An unqualified certification institution, inspection institution or lab is approved to be designated;
- or
5. Any other circumstance under which the designation decision may be revoked.

Article 45 Where a certification institution, inspection institution or lab obtains designation by fraud, bribery or other improper means, CAA shall revoke the designation and make an announcement.

The certification institution, inspection institution or lab shall not reapply for designation within 3 years as of the date of revocation of designation.

Article 46 Where a person engaged in compulsory product certification issues a false or unfaithful conclusion, fabricates false or unfaithful documents or records, his practicing qualifications shall be revoked. The certifier registration institution of China Certification and Accreditation Association shall not accept his registration application within 5 years as of the date of revocation.

Article 47 Where a certification client defies the certification decision made by the certification institution, it may appeal to the certification institution; if it still challenges the handling result of the certification institution, it may appeal to CAA.

Article 48 Any entity or individual has the right to expose to GAQSIQ, CAA or the local quality and inspection bureaus violations of law and regulations in the compulsory product certification.

GAQSIQ, CAA or the local quality and inspection bureaus shall timely investigate and deal with them and keep the informant confidential.

Chapter V Punishment Provisions

Article 49 Where a product as listed in the catalog leaves the factory without certification, or is sold, is imported or is used in other business activities, the local quality and inspection bureaus shall punish the violator in accordance with Article 67 of the Regulation on Certification and Accreditation.

Article 50 After a product listed in the catalog is certified, if the certification client fails to engage in the production and business activities under the statutory conditions or requirements or if it produces or sells products which does not meet the statutory requirements, the local quality and inspection bureaus shall deal with it under the provisions of Article 2 and paragraph 2 of Article 3 of the Special Provisions of the State Council on Strengthening the Safety Supervision and Management of Food and Other Products.

Article 51 Where, as in violation of the provisions of paragraph 2, Article 2 of these Provisions continues, a product which does not meet the certification requirements continues to leave the factory, be sold, be imported or be used in other business activities during the period of cancellation, revocation or suspension of the certification certificate, the local quality and inspection bureaus shall punish it pursuant to Article 67 of the Regulation on Certification and Accreditation.

Article 52 Where, as in violation of Article 42 of these Provisions, an enterprise obtains a Certificate on Exemption from Compulsory Product Certification by fabricating materials or if it fails to use the product under the originally declared purpose after obtaining a Certificate on Exemption from Compulsory Product Certification, the entry-exit inspection and quarantine institution shall order it to make a correction, revoke its Certificate on Exemption from Compulsory Product Certification and punish it in pursuance of Article 67 of the Regulation on Certification and Accreditation.

Article 53 Where a violator forges, alters, unlawfully uses, buys, sells or transfers any certification certificate, the local quality and inspection bureaus shall order it or him to make a correction, and fine it or him 30, 000 yuan.

Where a violator transfers or sells certification signs, the local quality and inspection bureaus shall order it or him to make a correction, and fine it or him 30, 000 yuan.

Article 54 The local quality and inspection bureaus shall order a violator who is under any of the following circumstances to make a correction, and fine it or him 30, 000 yuan:

1. As in violation of paragraph 1 of Article 13 of these Provisions, the samples furnished by the certification client are not identical with the products it actually produces;
2. As in violation of Article 24 of these Provisions, the certification client fails to apply with the certification institution for modifying the certification certificate, and allows the product listed in the catalog to leave the factory, or sells, imports or uses the said product in other business activities ; or
3. As in violation of Article 25 of these Provisions, the certification client fails to apply with the certification institution for expanding the coverage of the certification certificate and allows the product listed in the catalog to leave the factory, or sells, imports or uses the said product in other business activities.

Article 55 The local quality and inspection bureaus shall order a violator who is under any of the following circumstances to make a correction within a time limit, and fine it not more than 20, 000 yuan if it fails to make a correction within the time limit:

1. As in violation of Article 23 of these Provisions, the contents of the certification certificate as specified on the certified product and its sale packages are different from the contents of the

certification certificate; or

2. As in violation of Article 32 of these Measures, the certification client fails to use the certification signs correctly.

Article 56 If a certification institution, inspection institution or lab issues a false conclusion or if the conclusion it issues is seriously inconsistent with the facts, CAA shall revoke its designation and revoke the practicing qualifications of the directly liable person-in-charge and the directly liable persons. If any crime is constituted, they shall be subject to the criminal liabilities. If any losses are caused, they shall be liable for the corresponding compensations.

Article 57 If a certification institution, inspection institution or lab is under any of the following circumstances, CAA shall order it to make a correction. If the circumstance is serious, it shall revoke its designation or even revoke the approval document of the certification institution:

1. conducting certification of products listed in the catalog and tests and inspections relating to certification beyond its business scope;
2. transferring the designated certification business;
3. conducting compulsory product certification, inspections and tests within the designated scope during the period of suspension of business for rectification; or
4. failing to meet the rectification requirements upon inspection after the expiry of the period of suspension of business for rectification.

Article 58 If CAA or the local quality and inspection bureaus and the functionaries thereof abuse their power, practice favoritism or neglect their duties, they shall be given an administrative sanction according to law. If any crime is constituted, they shall be subject to criminal liabilities.

Article 59 Any entity or individual who commits any other conduct in violation of law in the compulsory product certification activities shall be punished in accordance with relevant laws and administrative regulations.

Chapter VI Supplementary Provisions

Article 60 Fees for compulsory product certification shall be charged in accordance with relevant provisions of the state.

Article 61 The power to interpret these Provisions shall remain with GAQSIQ.

Article 62 These Provisions shall be implemented as of September 1, 2009. The Provisions on the Administration of Compulsory Product Certification promulgated by GAQSIQ on December 3, 2001 shall be abolished simultaneously.