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STANDARDIZATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA
(Adopted at the Fifth Meeting of the Standing Committee of the
Seventh National People's Congress on December 29, 1988, promulgated
by Order No.11 of the President of the People's Republic of China
on December 29, 1988, and effective as of April 1, 1989)

中华人民共和国主席令
(第 1 1 号)

(相关资料: [法律 4 篇](#) [行政法规 18 篇](#) [部门规章 332 篇](#) [司法解释 3 篇](#) [其他规范性文件 2 篇](#) [地方法规 418 篇](#) [裁判文书 51 篇](#) [相关论文 29 篇](#) [实务指南](#))

《中华人民共和国标准化法》已由中华人民共和国第七届全国人民代表大会常务委员会第五次会议于 1988 年 12 月 29 日通过, 现予公布, 自 1989 年 4 月 1 日起施行。
中华人民共和国主席 杨尚昆
1988 年 12 月 29 日
中华人民共和国标准化法
(1988 年 12 月 29 日第七届全国人民代表大会常务委员会第五次会议通过)

CHAPTER I GENERAL PROVISIONS

第一章 总则

Article 1. This Law is formulated with a view to developing the socialist commodity economy, promoting technical progress, improving product quality, increasing social and economic benefits, safeguarding the interests of the state and the people and suiting standardization to the needs in socialist modernization and in the development of economic relations with foreign countries.

第一条 为了发展社会主义商品经济, 促进技术进步, 改进产品质量, 提高社会经济效益, 维护国家和人民的利益, 使标准化工作适应社会主义现代化建设和发展对外经济关系的需要, 制定本法。

(相关资料: [相关论文 1 篇](#))

Article 2. Standards shall be formulated for the following technical requirements that need to be unified:
(1) the varieties, specifications, quality and grades of industrial products as well as the safety and sanitary requirements for them;
(2) the design, production, inspection, packing, storage, transportation and methods of operation of industrial products as well as the safety and sanitary requirements for them in the process of production, storage and transportation.
(3) technical requirements and testing methods related to environmental protection;
(4) the designs, construction procedure and safety requirements for construction projects; and
(5) technical terms, symbols, code names and drawing methods related to industrial production, project construction and environmental protection.

第二条 对下列需要统一的技术要求, 应当制定标准:

- (一) 工业产品的品种、规格、质量、等级或者安全、卫生要求。
- (二) 工业产品的设计、生产、检验、包装、储存、运输、使用的方法或者生产、储存、运输过程中的安全、卫生要求。
- (三) 有关环境保护的各项技术要求和检验方法。
- (四) 建设工程的设计、施工方法和安全要求。
- (五) 有关工业生产、工程建设和环境保护的技术术语、符号、代号和制图方法。

重要农产品和其他需要制定标准的项目, 由国务院规定。

(相关资料: [裁判文书 2 篇](#) [相关论文 1 篇](#))

Major agricultural products and other items that need to be standardized shall be designated by the State Council.

Article 3. The tasks of standardization shall include the formulation of standards and organization of and supervision over the implementation of the standards.

Standardization shall be incorporated in the plan for national economic and social development.

Article 4. The state shall encourage the active adoption of international standards.

Article 5. The department of standardization administration under the State Council shall be in charge of the unified administration of standardization throughout the country. Competent administrative authorities under the State Council shall, in line with their respective functions, be in charge of standardization in their respective departments and trades. The departments of standardization administration of provinces, autonomous regions and municipalities directly under the Central Government shall be in charge of the unified administration of standardization within their respective administrative areas. Competent administrative authorities under the governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in line with their respective functions, be in charge of standardization in their respective departments and trades within their respective administrative areas. The standardization administration departments and the competent administrative authorities of cities and counties shall, in line with their respective functions as assigned by the governments of provinces, autonomous regions and municipalities directly under the Central Government, be in charge of standardization within their respective administrative areas.

CHAPTER II FORMULATION OF STANDARDS

Article 6. National standards shall be formulated for the technical requirements that need to be unified nationwide. National standards shall be formulated by the department of standardization administration under the State Council. Where, in the absence of national standards, technical requirements for a certain trade need to be unified, trade standards may be formulated. Trade standards shall be formulated by competent administrative authorities under the State Council and reported to the department of standardization administration under the State Council for the record, and shall be annulled on publication of the national standards. Where, in the absence of both national and trade standards, safety and sanitary requirements for industrial products need to be unified within a province, an autonomous region or a municipality directly under the Central Government, local standards may be formulated. Local standards shall be formulated by departments of standardization administration of provinces, autonomous regions and municipalities directly under the Central Government and reported to the department of standardization administration and the competent administrative authorities under the State Council for the record, and shall be annulled on publication of the national or trade standards. Where, in the absence of both national and trade standards for products manufactured by an enterprise, standards for the enterprise shall be formulated to serve as the criteria for the organization of production. An enterprise's standards for its products shall be reported to the standardization administration department and the competent administrative authorities under the

第三条 标准化工作的任务是制定标准、组织实施标准和对标准的实施进行监督。

标准化工作应当纳入国民经济和社会发展规划。

第四条 国家鼓励积极采用国际标准。

第五条 国务院标准化行政主管部门统一管理全国标准化工作。国务院有关行政主管部门分工管理本部门、本行业的标准化工作。

省、自治区、直辖市标准化行政主管部门统一管理本行政区域的标准化工作。省、自治区、直辖市政府有关行政主管部门分工管理本行政区域内本部门、本行业的标准化工作。

市、县标准化行政主管部门和有关行政主管部门，按照省、自治区、直辖市政府规定的各自的职责，管理本行政区域内的标准化工作。（相关资料：[地方法规 6 篇](#)）

第二章 标准的制定

第六条 对需要在全国范围内统一的技术要求，应当制定国家标准。国家标准由国务院标准化行政主管部门制定。对没有国家标准而又需要在全国某个行业范围内统一的技术要求，可以制定行业标准。行业标准由国务院有关行政主管部门制定，并报国务院标准化行政主管部门备案，在公布国家标准之后，该项行业标准即行废止。对没有国家标准和行业标准而又需要在省、自治区、直辖市范围内统一的工业产品的安全、卫生要求，可以制定地方标准。地方标准由省、自治区、直辖市标准化行政主管部门制定，并报国务院标准化行政主管部门和国务院有关行政主管部门备案，在公布国家标准或者行政标准之后，该项地方标准即行废止。企业生产的产品没有国家标准和行业标准的，应当制定企业标准，作为组织生产的依据。企业的产品标准须报当地政府标准化行政主管部门和有关行政主管部门备案。已有国家标准或者行业标准的，国家鼓励企业制定严于国家标准或者行业标准的企业标准，在企业内部适用。法律对标准的制定另有规定的，依照法律的规定执行。

（相关资料：[部门规章 1 篇](#) [地方法规 11 篇](#) [裁判文书 13 篇](#)）

local government for the record. Where national or trade standards have been formulated, the state shall encourage enterprises to formulate their enterprise standards, which are more stringent than the national or trade standards, to be used in these enterprises. Where the formulation of standards is otherwise provided for by law, such legal provisions shall be complied with.

Article 7. National standards and trade standards shall be classified into compulsory standards and voluntary standards. Those for safeguarding human health and ensuring the safety of the person and of property and those for compulsory execution as prescribed by the laws and administrative rules and regulations shall be compulsory standards, the others shall be voluntary standards. The local standards formulated by standardization administration departments of provinces, autonomous regions and municipalities directly under the Central Government for the safety and sanitary requirements of industrial products shall be compulsory standards within their respective administrative areas.

Article 8. The formulation of standards shall be conducive to ensuring safety and the people's health, safeguarding consumer interests and protecting the environment.

Article 9. The standards to be formulated shall be conducive to a rational use of the country's resources, a wider utilization of scientific and technological gains and the enhancement of economic returns, conform to operation instructions, increase the universality and interchangeability of products, and be technologically advanced and economically rational.

Article 10. The standards to be formulated shall be coordinated with and supported by related standards.

Article 11. The standards to be formulated shall help promote economic and technological cooperation with foreign countries and foreign trade.

Article 12. The roles of trade associations, scientific research institutions and academic organizations shall be brought into play in the formulation of standards.

A department engaged in the formulation of standards shall organize a committee on standardization technology composed of specialists, which shall be responsible for the drafting of the standards and shall participate in the examination of the draft standards.

Article 13. After the standards come into force, the department that formulated them shall, in the light of scientific and technological developments and the needs in economic construction, make timely reviews of the current standards to determine if they are to remain effective or are to be revised or annulled.

CHAPTER III IMPLEMENTATION OF STANDARDS

Article 14. Compulsory standards must be complied with. It shall be prohibited to produce, sell or import products that are not up to the compulsory standards. With regard to voluntary

第七条 国家标准、行业标准分为强制标准和推荐性标准。保障人体健康，人身、财产安全的标准和法律、行政法规规定强制执行的标准是强制标准，其他标准是推荐性标准。

省、自治区、直辖市标准化行政主管部门制定的工业产品的安全、卫生要求的地方标准，在本行政区域内是强制性标准。

（相关资料：[裁判文书6篇](#) [相关论文3篇](#) [实务指南](#)）

第八条 制定标准应当有利于保障安全和人民的身体健康，保护消费者的利益，保护环境。

第九条 制定标准应当有利于合理利用国家资源，推广科学技术成果，提高经济效益，并符合使用要求，有利于产品的通用互换，做到技术上先进，经济上合理。

第十条 制定标准应当做到有关标准的协调配套。

第十一条 制定标准应当有利于促进对外经济技术合作和对外贸易。

第十二条 制定标准应当发挥行业协会、科学研究机构和学术团体的作用。

制定标准的部门应当组织由专家组成的标准化技术委员会，负责标准的草拟，参加标准草案的审查工作。

第十三条 标准实施后，制定标准的部门应当根据科学技术的发展和经济建设的需要适时进行复审，以确认现行标准继续有效或者予以修订、废止。（相关资料：[相关论文1篇](#)）

第三章 标准的实施

第十四条 强制性标准，必须执行。不符合强制性标准的产品，禁止生产、销售和进口。推荐性标准，国家鼓励企业自愿采用。

standards, the state shall encourage their adoption by enterprises on an optional basis.

Article 15. With respect to products for which national or trade standards have been formulated, enterprises may apply to the standardization administration department under the State Council or agencies authorized by the same department for product quality authentication. For products which are authenticated to conform to the standards, certificates shall be issued by the department that made the authentication and the use of the prescribed authentication marks shall be permitted on such products and the packing thereof.

If products for which authentication certificates have been granted do not conform to national or trade standards, or if products have not undergone authentication or found not up to the standards after the authentication proceedings, no authentication marks shall be permitted for use on such products leaving factories for sale.

Article 16. Technical requirements for export products shall comply with contractual provisions.

Article 17. The development of new products, improvement of products or technical renovation by an enterprise shall conform to standardization requirements.

Article 18. Departments of standardization administration under governments at or above the county level shall be responsible for supervision over and inspection of the implementation of the standards.

Article 19. Departments of standardization administration under governments at or above the county level may, in accordance with needs, establish inspection organizations or authorize inspection organizations of other units to examine whether products conform to the standards. Where the laws and administrative rules and regulations provide otherwise on inspection organizations, such provisions shall apply.

Disputes over whether a product conforms to the standards shall be handled in accordance with the inspection data provided by the inspection organizations as specified in the preceding paragraph.

CHAPTER IV LEGAL RESPONSIBILITY

Article 20. Whoever produces, sells or imports products that do not conform to the compulsory standards shall be dealt with according to law by the competent administrative authorities as prescribed by the laws and administrative rules and regulations. In the absence of such prescriptions, his products and unlawful proceeds shall be confiscated and he shall be concurrently fined by the administrative authorities for industry and commerce; where serious consequences are caused and crimes are constituted, the person directly responsible shall be investigated for criminal responsibility in accordance with the law.

Article 21. Where authentication marks are used on products leaving a factory for sale, for which authentication certificates have been issued but which do not conform to national or trade standards, the enterprise concerned shall be ordered by the

(相关资料: [部门规章 3 篇](#) [裁判文书 10 篇](#) [相关论文 2 篇](#))

第十五条 企业对有国家标准或者行业标准的产品,可以向国务院标准化行政主管部门或者国务院标准化行政主管部门授权的部门申请产品质量认证。认证合格的,由认证部门授予认证证书,准许在产品或者其包装上使用规定的认证标志。已经取得认证证书的产品不符合国家标准或者行业标准的,以及产品未经认证或者认证不合格的,不得使用认证标志出厂销售。

(相关资料: [裁判文书 1 篇](#))

第十六条 出口产品的技术要求,依照合同的约定执行。

第十七条 企业研制新产品、改进产品,进行技术改造,应当符合标准化要求。

(相关资料: [裁判文书 1 篇](#))

第十八条 县级以上政府标准化行政主管部门负责对标准的实施进行监督检查。

(相关资料: [裁判文书 2 篇](#))

第十九条 县级以上政府标准化行政主管部门,可以根据需要设置检验机构,或者授权其他单位的检验机构,对产品是否符合标准进行检验。法律、行政法规对检验机构另有规定的,依照法律、行政法规的规定执行。

处理有关产品是否符合标准的争议,以前款规定的检验机构的检验数据为准。(相关资料: [地方法规 7 篇](#) [裁判文书 2 篇](#) [相关论文 1 篇](#))

第四章 法律责任

第二十条 生产、销售、进口不符合强制性标准的产品,由法律、行政法规规定的行政主管部门依法处理,法律、行政法规未作规定的,由工商行政管理部门没收产品和违法所得,并处罚款;造成严重后果构成犯罪的,对直接责任人员依法追究刑事责任。

(相关资料: [地方法规 3 篇](#) [裁判文书 2 篇](#) [相关论文 1 篇](#) [实务指南](#))

第二十一条 已经授予认证证书的产品不符合国家标准或者行业标准而使用认证标志出厂销售的,由标准化行政主管部门责令停止销售,并处罚款;情节严重的,由认证部门撤销其认证证书。

department of standardization administration to stop the sale and shall be fined concurrently; where the circumstances are serious, the authentication certificates shall be revoked by the department that made the authentication.

Article 22. Whoever uses authentication marks, without authorization, on products leaving a factory for sale, which have not undergone authentication or have been found not up to the standards after the authentication proceedings, shall be ordered by the department of standardization administration to stop the sale and shall concurrently be fined.

Article 23. A party which refuses to accept the punishment of confiscation of its products and of its unlawful proceeds and a fine may, within 15 days of receiving the penalty notice, apply for reconsideration to the office immediately above the one that made the punishment decision; a party which refuses to obey the reconsideration decision may, within 15 days of receiving the reconsideration decision, bring a suit before a people's court. The party also may, within 15 days of receiving the penalty notice, directly bring a suit before a people's court. If a party neither applies for reconsideration nor brings a suit before a people's court within the prescribed time nor complies with the punishment decision, the office that made the punishment decision shall apply to a people's court for compulsory execution.

Article 24. Personnel responsible for the supervision, inspection and administration of standardization who violate the law or neglect their duties, or are engaged in malpractices for personal gains, shall be given disciplinary sanctions; where crimes are constituted, their criminal responsibility shall be investigated in accordance with the law.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 25. Rules for the implementation of this Law shall be formulated by the State Council.

Article 26. This Law shall go into effect as of April 1, 1989.

(相关资料: [地方法规 1 篇](#))

第二十二条 产品未经认证或者认证不合格而擅自使用认证标志出厂销售的, 由标准化行政主管部门责令停止销售, 并处罚款。

(相关资料: [地方法规 1 篇](#))

第二十三条 当事人对没收产品、没收违法所得和罚款的处罚不服的, 可以在接到处罚通知之日起十五日内, 向作出处罚决定的机关的上一级机关申请复议; 对复议决定不服的, 可以在接到复议决定之日起十五日内, 向人民法院起诉。当事人也可以在接到处罚通知之日起十五日内, 直接向人民法院起诉。当事人逾期不申请复议或者不向人民法院起诉又不履行处罚决定的, 由作出处罚决定的机关申请人民法院强制执行。

(相关资料: [裁判文书 1 篇](#))

第二十四条 标准化工作的监督、检验、管理人员违法失职、徇私舞弊的, 给予行政处分; 构成犯罪的, 依法追究刑事责任。

第五章 附则

第二十五条 本法实施条例由国务院制定。

第二十六条 本法自 1989 年 4 月 1 日起施行。