

EE-2017001 – EuropElectro Position Paper on China Standards Law (NPC Revised Draft) – Attachment of Comments From

No.	Article	"P.R.China Standardization Law (revised draft)"	Comments
1	Article 2	<p>Standards (including standard samples) mentioned in this Law refer to technical requirements that shall be unified in fields such as agriculture, industrial trade, service trade and social undertaking.</p> <p>The standards include compulsory standards, voluntary standards, group standards and enterprise standards.</p>	<p>Comment 1: Suggestion is to clarify the scope of the law in the following description document, as according to the State Council No. 13 of 2015 announcement dated 26 March 2015, the "Reform Scheme for Deepening the Standardization Work", the standards in some areas are subject to the current existing management method, such as the areas of environmental protection, engineering construction, medicine and health, safety production, public security and taxation, and the industrial standards in the military industry.</p> <p>Does this mean the listed fields are exempted from the new Standardization Law?</p>
2	Article 13	<p>Legally established social groups may formulate group standards.</p> <p>The formulation of group standards shall be standardized, guided and supervised by the department of standardization administration under the State Council together with competent administrative authorities under the State Council.</p>	<p>Comment 2: Suggest to give more specific description on social group. We'd like recommend that the social group should be legally approved by the Ministry of Civil Affairs of the P.R.China and meet the corresponding conditions, such as: have a high level of technology, with extensive and far-reaching industry influence, high credit rating, and good in the international reputation and influence.</p>
3	Article 14	<p>Enterprises may formulate their respective enterprise standards as demanded.</p> <p>The state shall encourage the enterprises to formulate their enterprise standards, which are more stringent than relevant requirements of voluntary standards.</p>	<p>Comment 3: We'd like suggest to delete item 2 of this article.</p> <p>Who will judge 'higher' of the standards? If the authority need to encourage 'higher' standards, many other policies tools such as incentive policy are more suitable to adopt. Therefore this article is suggested to delete.</p>

4	Article 16	The formulations of standards shall conform to the following requirements: ...	Comment 4: As the requirements may be different regarding various types of standards, we suggestion to change 'shall' into 'may' of the sentence of 'The formulations of standards may conform to the following requirements: ...' or delete item 3 to item10.
5	Article 21	... It shall be prohibited to produce, sell, import or provide products that are not up to the mandatory standards.	Comment 5: Suggestion is to delete 'provide' as there is no specific meaning for this word here.
6	Article 22	<p>The state shall implement enterprise product or service standard self-statement and disclosure system. Product standards executed by enterprises shall be publicized to society through enterprise standard information public service platform; enterprises shall be encouraged to publicize the service standards they execute to society.</p> <p>When executing compulsory standards, voluntary standards, group standards or enterprise standards formulated by other enterprises, enterprises shall publicize number and names of standards; in case that an enterprise executes enterprise standards independently formulated, this enterprise shall also publicize functional indexes of products and services, performance indexes of products and relevant inspection methods.</p> <p>...</p>	<p>Comment 6: We pay high attention to whether 'products Standards executed by enterprises' here are including importing products used standards.</p> <p><u>We'd like to suggest to give more specific description on 'products standards executed by enterprises'</u></p> <p>Comment 7: The first item of this article requires enterprises products standards to be opened to public. We suggest to revise 'Product standards executed by enterprises shall be publicized to society through enterprise standard information public service platform' into 'Product standards executed by enterprises shall be publicized to society through enterprise standard information public service platform or standards information platform setup by the enterprises'</p> <p>Comment 8: please clarify that if the enterprises should open to public with the number and content of standards when the standards are based on IEC and other international standards or equivalent to the use of international standards with copyright protection.</p> <p>Comment 9: we'd like suggest to delete "... or service standard self-statement and disclosure system" of item2 of this article. The reasons are: 1. The term „enterprise standards“ is not precisely defined anywhere. It seems very unclear what in detail an enterprise standard would be in the sense of the law. Enterprises work may be based on many rules such as management manual,</p>

			<p>quality manual (e. g. acc. to ISO 9001), code of practice, and more or less unwritten cultural habits. Sometimes the rules may also be product design rules, specific testing programs and so on.</p> <ol style="list-style-type: none"> 2. According to the Article 2 of this law, "Standards (including standard samples) mentioned in this Law refer to technical requirements that shall be unified in fields such as agriculture, industrial trade, service trade and social undertaking." The enterprises standards, however, don't have the character of 'unified technical requirements', and thus enterprises standards are not suitable to be administrated by this law. 3. In order to balance the society cost and risk of customers, current related laws and mandatory standards are designed and good enough to provide necessary and reasonable system arrangement. Extra administrative requirements will increase the burden of enterprises while provide little benefit to customers, as most of them don't have capability to understand and distinguish technical details described in standards. 4. Enterprises standards sometimes are just product specifications for innovated products. Disclose such kind of documents will hurt intellectual property and innovation activity of enterprises. <p>Comment 10: we'd like suggest <u>delete</u> "...relevant inspection methods." It is not reasonable to ask enterprise to disclose those inspection methods which they have their own intellectual property or are business secretes of the enterprise.</p>
7	Article 24	The development of new products, improvement of products or technical renovation by an enterprise shall conform to standardization requirements stipulated in this Law.	Comment 11: <u>Suggestion is to delete this article or to be consistent with the Article 16 (with comments) of this law</u> , as it is hard to distinguish whether enterprises fulfill this law or not and it will seriously block the progress of innovation and marketing and consequently block the economic growth in China.
8	Article 30	Departments of standardization administration and competent administrative authorities may entrust inspection and detection agencies to conduct inspection and detection	Comment 12: In order to create a favorable market environment, <u>please clarify</u> the relationship between inspection organizations and market supervision organizations.

		of compliance of products with standards in accordance with work demands.	
9	Article 34	In case that an enterprise fails to publicize its executed product standards through enterprise standard information public service platform or the publicized standards are falsified, the departments of standardization administration shall order this enterprise to correct and publicize it to the enterprise standard information public service platform.	Comment 13: same as Comment 6.
10	Article 38 Article 39	In case that personnel responsible for the supervision, inspection and detection and management of standardization work are engaged in misfeasance, misconduct in office and malpractice, the appointing or dismissing authority and supervisory organ shall punish responsible leading personnel and direct responsible personnel in accordance with law. In case that stipulations set out in this Law are violated and a crime is committed, criminal responsibility shall be investigated in accordance with law.	Comment 14: <u>Suggestion is to combine these two article</u> , as "Personnel who supervise, inspection and manage related work for standardization, shall be punished by supervise organ according to law, in case they abuse of power, neglect of duty and take malpractice. For those constitute a crime, they should be held criminally responsible."

ORGALIME -Speaking for European engineering, Orgalime, represents 3 industrial branches (electrical & electronic, mechanical engineering and metal articles & metalworking) that manufacture over 28% of the total EU manufacturing output and has 37 member trade federations in 22 European countries. The industry accounted for some €1,666 billion in 2011. The industry not only represents more than one quarter of the output but also a third of the EU's manufacturing industries exports.

ZVEI –the German Electrical and Electronics Industry Association is one of the world's largest electrical and electronics industry associations. ZVEI represents, with 26 product divisions and 1600 member companies, the German electricaland electronics industry with €178 billion turnover in 2011 and accounts for more than 840,000 employees.