



中华人民共和国 认证认可条例

Regulations of the People's Republic of China
on Certification and Accreditation



中国标准出版社
Standards Press of China

1953.8 / 5287

图书在版编目(CIP)数据

中华人民共和国认证认可条例:中英文对照. —北京:中国标准出版社,2004

ISBN 7-5066-3426-0

I. 中… II. 国… III. 产品质量-质量管理-条例-中国-汉、英 IV. D923.8

中国版本图书馆 CIP 数据核字(2004)第 014762 号

中国标准出版社出版发行

北京复兴门外三里河北街 16 号

邮政编码:100045

网址 www.bzcs.com

电话:68523946 68517548

中国标准出版社秦皇岛印刷厂印刷

各地新华书店经销

*

开本 880×1230 1/32 印张 1.625 字数 35 千字

2004 年 3 月第一版 2004 年 3 月第一次印刷

*

定价 8.00 元

如有印装差错 由本社发行中心调换

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举报电话:(010)68533533

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(2003 年 8 月 20 日国务院第 18 次常务会议通过
2003 年 9 月 3 日中华人民共和国国务院令 第 390 号公布
自 2003 年 11 月 1 日起施行)

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Regulations of the People's Republic of China on Certification and Accreditation

(Adopted at the 18th Executive Meeting of the State Council on August 20, 2003,
promulgated by Decree No. 390 of the State Council of the People's Republic of
China on September 3, 2003, and effective as of November 1, 2003)

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第一章 总 则

第一条 为了规范认证认可活动,提高产品、服务的质量和管理水平,促进经济和社会的发展,制定本条例。

第二条 本条例所称认证,是指由认证机构证明产品、服务、管理体系符合相关技术规范、相关技术规范的强制性要求或者标准的合格评定活动。

本条例所称认可,是指由认可机构对认证机构、检查机构、实验室以及从事评审、审核等认证活动人员的能力和执业资格,予以承认的合格评定活动。

第三条 在中华人民共和国境内从事认证认可活动,应当遵守本条例。

第四条 国家实行统一的认证认可监督管理制度。

Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of regulating certification and accreditation activities, improving quality of products, services and level of management, and promoting economic and social development.

Article 2 The term "certification" in these Regulations means conformity assessment activities by a certification body to verify that a product, service or management system conforms to technical regulations or standards.

The term "accreditation" in these Regulations means conformity assessment activities by an accreditation body to recognize the competence and qualifications to practice of a certification body, inspection body, laboratory or an individual who engages in certification activities such as audit or assessment.

Article 3 Any person who engages in certification and accreditation activities within the territory of the People's Republic of China shall comply with these Regulations.

Article 4 The State practices a unitary regulatory system for certification and accreditation activities.

国家对认证认可工作实行在国务院认证认可监督管理部门统一管理、监督和综合协调下,各有关方面共同实施的工作机制。

第五条 国务院认证认可监督管理部门应当依法对认证培训机构、认证咨询机构的活动加强监督管理。

第六条 认证认可活动应当遵循客观独立、公开公正、诚实信用的原则。

第七条 国家鼓励平等互利地开展认证认可国际互认活动。认证认可国际互认活动不得损害国家安全和公共利益。

第八条 从事认证认可活动的机构及其人员,对其所知悉的国家秘密和商业秘密负有保密义务。

第二章 认证机构

第九条 设立认证机构,应当经国务院认证认可监督管理部门批准,并依法取得法人资格后,方可从事批准范围内的认证活动。

未经批准,任何单位和个人不得从事认证活动。

The State practices to certification and accreditation a work mechanism in which joint implementation is conducted by relevant sides under unitary supervision, administration and overall coordination of the certification and accreditation regulatory department of the State Council.

Article 5 The certification and accreditation regulatory department of the State Council shall, according to law, strengthen supervision over and administration of activities of certification training bodies and certification consultancy bodies.

Article 6 The principles of objectiveness, independency, openness, impartiality and good faith shall be abided by in certification and accreditation activities.

Article 7 The State encourages international mutual recognition in the field of certification and accreditation on the basis of equality and mutual benefit. However, international mutual recognition in the field of certification and accreditation shall not jeopardize the State security or social and public interests.

Article 8 Any body engaged in certification and accreditation activities and its staff members have the obligation to safeguard confidentiality of State secrets and commercial secrets obtained in certification and accreditation activities.

Chapter II Certification Bodies

Article 9 A certification body to be established may engage in certification activities within the approved scope only after it is approved by the certification and accreditation regulatory department of the State Council and acquires the legal person's status according to law.

Any unit or individual shall not engage in certification activities without approval.

第十条 设立认证机构,应当符合下列条件:

- (一) 有固定的场所和必要的设施;
- (二) 有符合认证认可要求的管理制度;
- (三) 注册资本不得少于人民币 300 万元;
- (四) 有 10 名以上相应领域的专职认证人员。

从事产品认证活动的认证机构,还应当具备与从事相关产品认证活动相适应的检测、检查等技术能力。

第十一条 设立外商投资的认证机构除应当符合本条例第十条规定的条件外,还应当符合下列条件:

(一) 外方投资者取得其所在国家或者地区认可机构的认可;

(二) 外方投资者具有 3 年以上从事认证活动的业务经历。

设立外商投资认证机构的申请、批准和登记,按照有关外商投资法律、行政法规和国家有关规定办理。

第十二条 设立认证机构的申请和批准程序:

(一) 设立认证机构的申请人,应当向国务院认证认可监督管理部门提出书面申请,并提交符合本条例第十条规定条件的证明文件;

Article 10 A certification body to be established shall meet the following requirements:

- (1) having fixed premises and necessary facilities;
- (2) having management system that meets the requirements for certification and accreditation;
- (3) having a registered capital of not less than 3,000,000 yuan;
- (4) having not less than ten full-time certification personnel in relevant fields.

A certification body to engage in product certification activities is additionally required to have technical competence in testing or inspection commensurate with relevant product certification activities.

Article 11 A foreign-funded certification body to be established shall meet the following requirements, in addition to the requirements prescribed in Article 10 of these Regulations:

- (1) the foreign investor is accredited by an accreditation body in his home country or region;
- (2) the foreign investor has engaged in certification activities for not less than three years.

The application for, approval and registration of the establishment of a foreign-funded certification body shall be subject to laws, administrative regulations and other relevant provisions of the State on foreign investment.

Article 12 The application and approval procedures for the establishment of a certification body are as follows:

- (1) the applicant that is to establish a certification body shall make a written application to the certification and accreditation regulatory department of the State Council and submit proof documents that meet the requirements prescribed in Article 10 of these Regulations;

(二) 国务院认证认可监督管理部门自受理认证机构设立申请之日起 90 日内,应当作出是否批准的决定。涉及国务院有关部门职责的,应当征求国务院有关部门的意见。决定批准的,向申请人出具批准文件,决定不予批准的,应当书面通知申请人,并说明理由;

(三) 申请人凭国务院认证认可监督管理部门出具的批准文件,依法办理登记手续。

国务院认证认可监督管理部门应当公布依法设立的认证机构名录。

第十三条 境外认证机构在中华人民共和国境内设立代表机构,须经批准,并向工商行政管理部门依法办理登记手续后,方可从事与所从属机构的业务范围相关的推广活动,但不得从事认证活动。

境外认证机构在中华人民共和国境内设立代表机构的申请、批准和登记,按照有关外商投资法律、行政法规和国家有关规定办理。

(2) the certification and accreditation regulatory department of the State Council shall, within 90 days from the date of acceptance of the application for establishing a certification body, decide to approve or disapprove the application; if the application is related to functions and duties of other departments of the State Council, comments shall be solicited from these departments; if the certification and accreditation regulatory department of the State Council decides to approve the application, it shall issue the approval document to the applicant; if the certification and accreditation regulatory department of the State Council decides to disapprove the application, it shall notify the applicant in writing and give the reasons for the disapproval;

(3) the applicant shall then go through the registration formalities according to law by presenting the approval document issued by the certification and accreditation regulatory department of the State Council.

The certification and accreditation regulatory department of the State Council shall publish the directory of certification bodies that are established according to law.

Article 13 A foreign certification body's representative office to be established within the territory of the People's Republic of China may engage in promoting activities within the business scope of the foreign certification body that it is affiliated to only after it is approved, registers with the administrative department for industry and commerce according to law, but shall not engage in certification activities.

The application for, approval and registration of the establishment of a foreign certification body's representative office within the territory of the People's Republic of China shall be subject to laws, administrative regulations and other relevant provisions of the State on foreign investment.

第十四条 认证机构不得与行政机关存在利益关系。

认证机构不得接受任何可能对认证活动的客观公正产生影响的资助；不得从事任何可能对认证活动的客观公正产生影响的产品开发、营销等活动。

认证机构不得与认证委托人存在资产、管理方面的利益关系。

第十五条 认证人员从事认证活动，应当在一个认证机构执业，不得同时在两个以上认证机构执业。

第十六条 向社会出具具有证明作用的数据和结果的检查机构、实验室，应当具备有关法律、行政法规规定的基本条件和能力，并依法经认定后，方可从事相应活动，认定结果由国务院认证认可监督管理部门公布。

第三章 认 证

第十七条 国家根据经济和社会发展的需要，推行产品、服务、管理体系认证。

第十八条 认证机构应当按照认证基本规范、认证规则从事认证活动。认证基本规范、认证规则由国务院认证认可监督管理部门制定；涉及国务院

Article 14 A certification body shall not have any interests relationship with administrative departments.

A certification body shall neither accept any financial support that might affect the objectiveness and impartiality of its certification activities, nor engage in any activity such as product development or marketing that might affect the objectiveness and impartiality of its certification activities.

The certification body shall not have any interests relationship with its applicants in assets or management.

Article 15 Any certification personnel, when practicing certification activities, shall practice in one certification body only and shall not practice in two or more certification bodies simultaneously.

Article 16 Any inspection body or laboratory that provides probative data or results to the public shall have the essential facilities and competence required by relevant laws and administrative regulations and it may engage in relevant activities only after such facilities and competence are verified and approved according to law, and the results of the verification and approval shall be published by the certification and accreditation regulatory department of the State Council.

Chapter III Certification

Article 17 The State practices and promotes certification of products, services and management systems in light of the need of economic and social development.

Article 18 A certification body shall abide by principled certification rules and specific certification rules and procedures when engaging in certification activities. The principled certification rules and specific certification rules and procedures shall be formulated by the certification and accreditation regulatory department of the State Council; if such principled certification rules and specific certification

有关部门职责的,国务院认证认可监督管理部门应当会同国务院有关部门制定。

属于认证新领域,前款规定的部门尚未制定认证规则的,认证机构可以自行制定认证规则,并报国务院认证认可监督管理部门备案。

第十九条 任何法人、组织和个人可以自愿委托依法设立的认证机构进行产品、服务、管理体系认证。

第二十条 认证机构不得以委托人未参加认证咨询或者认证培训等为理由,拒绝提供本认证机构业务范围内的认证服务,也不得向委托人提出与认证活动无关的要求或者限制条件。

第二十一条 认证机构应当公开认证基本规范、认证规则、收费标准等信息。

第二十二条 认证机构以及与认证有关的检查机构、实验室从事认证以及与认证有关的检查、检测活动,应当完成认证基本规范、认证规则规定的程序,确保认证、检查、检测的完整、客观、真实,不得增加、减少、遗漏程序。

认证机构以及与认证有关的检查机构、实验室应当对认证、检查、检测过程作出完整记录,归档留存。

rules and procedures are related to functions and duties of other departments of the State Council, they shall be formulated by the certification and accreditation regulatory department of the State Council jointly with relevant departments of the State Council.

In case of a new certification area in which there are no specific certification rules and procedures formulated by the department referred to in the preceding paragraph, a ~~certification~~ body may develop its own specific certification rules ~~and procedures~~ and shall submit them for the record to the certification and accreditation regulatory department of the State Council.

Article 19 Any legal person, organization or individual may voluntarily apply to a certification body established according to law for certification of products, services and management systems.

Article 20 A certification body shall neither refuse to provide certification services within its business scope on the excuse that the applicant has not sought certification consultancy or attended certification training, nor set any conditions or restrictions irrelevant to the certification activities on the applicant.

Article 21 A certification body shall make publicly available the information such as principled certification rules and specific certification rules and procedures, and structural fee chart.

Article 22 A certification body or a certification-related inspection body or laboratory, when undertaking certification or certification-related inspection or testing, shall complete the procedures required by the principled certification rules and specific certification rules and procedures in order to ensure that the certification, inspection or testing is integrated, objective and authentic, and shall not add, reduce or omit any required procedures.

A certification body, or a certification-related inspection body or laboratory shall make a complete record of the process of certification, inspection or testing, and keep such record on file.