

## **Measures for the Administration of the Accreditation of National Independent Innovation Products (for Trial Implementation)**

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Measures for the Administration of the Accreditation of National Independent Innovation Products (for Trial Implementation)

(Promulgated by No. 539 [2006] of the Ministry of Science and Technology, the National Development and Reform Commission and the Ministry of Finance on December 31, 2006)

In order to implement the National Outlines for Medium and Long-term Planning for Scientific and Technological Development (2006-2020) (No. 44 [2005] of the State Council), create an incentive environment for independent innovations, endeavor to construct a innovation-oriented state, establish an accreditation system for national independent innovation products and regulate the accreditation of independent innovation products, these Measures are formulated according to the Notice of the State Council on Some Supporting Policies for Implementing the National Outlines for Medium and Long-term Planning for Scientific and Technological Development (2006-2020) (No. 6 [2006] of the State Council).

Article 1 The Ministry of Science and Technology (hereinafter referred to as the MST), together with the National Development and Reform Commission (hereinafter referred to as the NDRC) and the Ministry of Finance, shall take charge of the accreditation of national independent innovation products, the administration of and supervision over the accreditation of national independent innovation products, the formulation of relevant rules and standards, the formulation of the Application Instructions for National Independent Innovation Products, the organization of the accreditation of products as well as the promulgation of the Catalogue of National Independent Innovation Products (hereinafter referred to as the Product Catalogue).

Article 2 The accreditation of national independent innovation products shall conform to the principles of openness, equity, fairness and scientificness. Those national independent innovation products as accredited will be purchased with priority in the government procurement, the procurement for national important projects or other procurements using treasury funds, and be given the key support in the accreditation of new and high technology enterprises, the promotion of the transformation of scientific and technological achievements and the relevant industrialization policies, so as to guide the whole society to support the development of independent innovation products.

Article 3 The accreditation of independent innovation products shall conform to the application principle of free will. Any enterprise or public institution within the territory of China which has the Chinese legal person qualification may apply for the accreditation.

Article 4 To apply for the accreditation of an independent innovation product, the following requirements shall be met:

- (1) The product complies with the laws and regulations of the state, the industrial technological policies of the state and other relevant industrial policies;
- (2) The product has an independent intellectual property with explicit rights and interests, namely, the application entity holds the ownership of the intellectual property in our country through its leading technical innovations or obtains the ownership or the use right through accepting the intellectual property held by a Chinese enterprise, public institution or citizen in our country;
- (3) The product has an independent brand, namely, the application entity holds the ownership of the registered brand of this product;
- (4) The product has a high innovation level, namely, the application entity has grasped the core technology and key techniques for the production of this product; or has applied theories of new technology or new design; has fundamentally improved the former product in the aspect of structure, material or technique, etc., has obviously improved the performances of the product; or has taken the lead in putting forward technical standards in China;
- (5) The product is technologically advanced, and at the internationally advanced level among the similar products;
- (6) The quality of the product is reliable, and has passed the testing of the Certification and Accreditation Administration of the People's Republic of China or the laboratory or inspection institution as recognized by the quality and technology supervisory department of the province, autonomous region or municipality directly under the Central Government. As for a product for which the state specially puts industrial management requirements (such as the product of medicine, medical equipment, pesticides, measuring equipment, pressure vessels or telecommunications, etc.), a production license as issued by the relevant industry administrative department under the State Council shall be provided; and as for a product for which the state implements the compulsory accreditation, the product shall pass the compulsory accreditation; and
- (7) The product has potential economic proceeds and a large market prospect or can be substitute for the import.

Article 5 An applicant shall, according to the Application Instructions for National Independent Innovation Products, file an application to the department (commission or bureau) of science and technology of the province, autonomous region, municipality directly under the Central Government or city under separate state planning, and submit the following application materials:

- (1) an uniform application form;
- (2) the duplicate or photocopy of the legal person business license, and if the applicant is a Chinese-foreign joint venture, it shall provide the situation of equity structure as registered at the administrative department for industry and commerce;
- (3) the valid certification documents on the intellectual property right situation and the brand situation of the product. Where several entities are involved, the contracts or agreements on technical transfer, licensing, authorization, cooperative production and development relating to the ownership and rights of the product technology shall be submitted;
- (4) the product testing report, or the production license or the compulsory accreditation certificate for the product in a special industry;

- (5) the certificate on the standards as adopted for the product; and
- (6) other materials required to be provided, including the valid certificates on reaching the environmental protection standards, the innovation degree of the product, and the production scale, etc.

Article 6 The department (commission or bureau) of science and technology of each province, autonomous region, municipality directly under the Central Government or city under separate state planning shall, together with the economic (trade) commission and the finance department at the same level and according to the conditions and requirements prescribed in the Application Instructions for National Independent Innovation Products, collect and preliminarily examine the products under application within its own area, and organize the experts for assessment. A product meeting the requirements shall be recommended to the MST with priority, and the recommendation opinions as well as the application materials about the recommended product shall be submitted. The Application Instructions for National Independent Innovation Products and the standards and specific procedures for the accreditation of products shall be separately formulated.

Article 7 The MST shall, together with the NDRC and the Ministry of Finance, entrust relevant institutions to specifically undertake the accreditation and evaluation of independent innovation products according to the uniform conditions for accreditation.

(1) The institutions and persons undertaking the accreditation of independent innovation products (hereinafter referred to as the accreditation institutions) shall comply with the requirements for relevant institutions and persons as set down in the Interim Measures for the Administration of Scientific and Technological Assessment, and have the ability and conditions for undertaking the accreditation of independent innovation products.

(2) The accreditation institution shall organize the professionals of research and development, production, intellectual property, management, accreditation and assessment, etc. in the relevant fields to examine and assess the application materials, and if necessary, may conduct on-site inspections or require the applicants to make statements and defenses.

(3) The accreditation institution shall issue a product accreditation report and be responsible for the report, keep confidential the technological secrets in the accreditation of the product, not illegally occupy the scientific and technological achievements of the applicant, nor may it engage in the product research, development or production within its working scope.

Article 8 The MST shall verify the accreditation and assessment results, form the preliminary opinions about the Product Catalogue, and announce it to the society. In case there is no objection to the said results upon announcement, the MST shall form a formal Product Catalogue, and issue a state accreditation certificate for independent innovation products together with the NDRC and the Ministry of Finance.

Article 9 The MST will announce the Product Catalogue to the society on its official website and the Science and Technology Daily. The Product Catalogue mainly includes the names, specifications, main performances and configurations, validity terms, and producers, etc. of products.

Article 10 The validity term of the accreditation certificate shall be two, three or four years on the basis of the features of different products. Upon expiration of the validity term, the accredited entity may apply for the accreditation again, however, it shall file such an application within three months before expiration of the validity term.

In case the situation of a product changes within the validity term, the accredited entity shall make a report to the MST timely. In case the product does not meet the requirements for accreditation, its qualification of independent innovation products shall be revoked and the accreditation certificate shall be taken back.

Article 11 The product accreditation results as well as the relevant departments and institutions for the accreditation of products shall be subject to supervision of the whole society. With respect to any product in controversy, any entity or individual may make statements to the SMT, and the SMT will carry out the investigations or organize the reconsiderations in light of the situation, and feed back the investigation results.

Article 12 The SMT shall create credit archives, and conduct the supervision over and administration on the application entities and accreditation institutions:

(1) All kinds of materials submitted by an application entity shall be faithful and reliable. As for any entity which cheats an accreditation certificate by frauds or any other unjustifiable means, the qualification of national independent innovation products and the accreditation certificate for it shall be revoked, and its qualification of applying for independent innovation products shall be revoked for a certain time.

(2) In case an accreditation institution divulges technological secrets for the accredited product, illegally occupies the scientific and technological achievements of an application entity, engages in the product research, development or production under its accreditation scope, resorts to frauds in the accreditation, makes any major mistake, and thus causes serious influences, its accreditation qualification shall be revoked; if the losses are caused, it shall be liable for compensations; and if a crime is constituted, it shall be transferred to the judicial organ for legal liabilities.

(3) In case an administrative department divulges the technological secrets about the product accreditation, commits any major mistake in the accreditation or seeks for private interests by making use of its power, the relevant persons shall be punished; and if a crime is constituted, such persons shall be transferred to the judicial organ for legal liabilities.

Article 13 The measures for the accreditation of independent innovation products of military equipment shall be separately formulated by the relevant department.

Article 14 The power to interpret these Measures shall remain with the Ministry of Science and Technology, the National Development and Reform Commission and the Ministry of Finance.

These Measures shall come into force as of the date of promulgation.