

## Translation



The following regulation governs the establishment, operation, and evaluation of PRC state key laboratories that are housed at corporations. These corporate labs are intended to facilitate the adoption of scientific breakthroughs into commercially viable technologies, although the companies that host them are prohibited from using the lab facilities to produce products for sale. State key labs are typically based at universities or at or state-run research institutes.

### Title

Provisional Administrative Methods for Entrusting Enterprises with Building State Key Laboratories  
依托企业建设国家重点实验室管理暂行办法

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[http://www.gdas.gd.cn/kxyj/cxpt\\_50708/202005/P020200522574325813181.pdf](http://www.gdas.gd.cn/kxyj/cxpt_50708/202005/P020200522574325813181.pdf)

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## Section I General Provisions

Article 1. These Measures were formulated to implement the *Outline of the National Medium- and Long-Term Science and Technology Development Plan (2006-2020)*,<sup>1</sup> promote the construction of the national technological innovation system, and strengthen the management of the state key laboratories whose construction is entrusted to enterprises (hereinafter referred to as state key laboratories of enterprises).

<sup>1</sup> Translator's note: An English translation of the *Outline of the National Medium- and Long-Term Science and Technology Development Plan* is available online at:

[https://www.itu.int/en/ITU-D/Cybersecurity/Documents/National\\_Strategies\\_Repository/China\\_2006.pdf](https://www.itu.int/en/ITU-D/Cybersecurity/Documents/National_Strategies_Repository/China_2006.pdf)

Article 2. State key laboratories of enterprises are an important part of the national technological innovation system. They mutually complement state key laboratories whose construction is entrusted to institutions of higher learning or to scientific research institutes, as each laboratory has its own focus. The main tasks of state key laboratories of enterprises are to carry out applied basic research and pre-competitive general purpose technology research, research and formulate international standards, national standards, and industry standards, gather and train outstanding talents, and lead and drive technological progress in industry in a manner oriented to the needs of the future development of society and industry.

Article 3. Relying on construction by enterprises with strong research and development capabilities and technological radiation capabilities (技术辐射能力), state key laboratories of enterprises implement relatively independent management mechanisms for human, financial, and material assets and operating mechanisms that feature "openness, mobility, jointness, and competition."

Article 4. According to the principle of consolidating projects, bases, and talents, the assignment of relevant national science and technology (S&T) plans, talent plans, and other plans should give priority to qualified state key laboratories of enterprises.

Article 5. The innovative R&D activities undertaken by state key laboratories of enterprises enjoy relevant national preferential policies.

## **Section II Responsibilities**

Article 6. The Ministry of Science and Technology (hereinafter referred to as MOST) is the macro-management department of state key laboratories of enterprises. Its main responsibilities are:

1. Formulate the management methods and rules and regulations for state key laboratories of enterprises.
2. Formulate the development guidelines and policies of state key laboratories of enterprises and guide the construction and operation of state key laboratories of enterprises.
3. Formulate and organize the implementation of the overall development plan for state key laboratories of enterprises.
4. Approve the establishment, construction, reorganization, and closure of state key laboratories of enterprises and organize the evaluation and inspection of state key laboratories of enterprises.
5. Cooperate with relevant departments to study and formulate supporting policies and measures for state key laboratories of enterprises.

Article 7. In accordance with the principle of consistency between organizational recommendations and operational administration (组织推荐与业务主管相一致的原则), the local science and technology management department or the relevant [government] department in charge (主管部门) of the enterprise is the department in charge of a state key laboratory of an enterprise, and its main responsibilities are:

1. Implement the guidelines and policies related to the construction and operational management of state key laboratories of enterprises and support the construction and development of state key laboratories of enterprises.
2. Guide the operation and management of state key laboratories of enterprises, and organize and supervise the construction of state key laboratories of enterprises.
3. Support the implementation of the funding, policies, and other relevant conditions required for the construction and operation of state key laboratories of enterprises.
4. Coordinate the solution of major problems existing in the construction and operation of state key laboratories of enterprises.

Article 8. Entrusted units (依托单位) are the specific units responsible for the construction and operational management of state key laboratories of enterprises. Their main responsibilities are:

1. Formulate construction plans for state key laboratories of enterprises and provide corresponding personnel, funds, facilities, policies, and other guarantees to solve relevant problems in the construction and operation of state key laboratories of enterprises.
2. Organize the recruitment and appointment of the directors of state key laboratories of enterprises, appoint the directors and members of academic committees of state key laboratories of enterprises, and report out to the department in charge and to MOST.
3. Carry out annual assessments of state key laboratories of enterprises, and cooperate with MOST and the department in charge to conduct evaluations and inspections.
4. According to the recommendations of the academic committee, put forward opinions on adjustments to the names, research directions, development goals, and organizational structures of state key laboratories of enterprises.

### **Section III Construction**

Article 9. According to national needs and the construction plans of state key laboratories of enterprises, MOST selects and constructs state key laboratories of enterprises based on merit in a planned and focused manner from ministerial and

local key laboratories. MOST will give priority to supporting the construction of state key laboratories of enterprises by innovative enterprises (创新型企业) and by strategic alliances for industrial technology innovation (产业技术创新战略联盟), maintain an appropriate construction scale, and give play to the leading, demonstrative, and radiating role of laboratories.

Article 10. To apply to be a new state key laboratory of an enterprise, the following conditions must be met:

1. The laboratory must align with national industrial development policies and trends and conduct applied basic research and pre-competitive general purpose technology research.
2. The laboratory must have strong research capabilities, be a representative (有代表性) in the industry, and possess the capabilities to undertake major national scientific research tasks.
3. The laboratory must have high-level scientific research teams with logical structures.
4. The laboratory must possess good scientific research experimental conditions and concentrated scientific research laboratory spaces.
5. The supporting unit must be an enterprise with legal person status registered in China (excluding Hong Kong, Macau, and Taiwan).
6. The laboratory must have been a ministerial or a local provincial or departmental key laboratory for more than two years and possess standardized and effective management and operation systems.
7. The department in charge and the entrusted unit must be able to ensure the provision of the construction and operation funding for the state key laboratory of the enterprise.

Article 11. The application for the new construction of a state key laboratory of an enterprise shall be submitted by the entrusted unit. The department in charge shall review and recommend the application and submit the *Application Report for State Key Laboratory of Enterprise Construction*. MOST organizes expert reviews and selects the best applications for approval of construction.

Article 12. After the establishment of the state key laboratory of the enterprise is approved, the entrusted unit will openly, both within and outside China, advertise the vacancy for the director of the state key laboratory of the enterprise, formulate a construction plan for the state key laboratory of the enterprise, and submit it to MOST after review by the department in charge. MOST organizes a feasibility trial of the construction plan and approves construction after the plan passes the trial.

Article 13. The construction period of state key laboratories of enterprises is generally 2 years. After the construction plan of the state key laboratory of the

enterprise is completed, the entrusted unit shall submit an acceptance application within one month after the completion of the construction task. This application is submitted to MOST after review by the department in charge. MOST organizes certification by experts.

Article 14. If the state key laboratory of the enterprise cannot complete the construction task on time due to extenuating circumstances, it shall submit an extension application within 3 months after the specified construction period ends. After review by the department in charge and approval by MOST, the construction period may be extended appropriately, but the maximum extension shall not exceed 1 year. The laboratories whose construction periods exceed 3 years or that fail to pass certification will be shut down.

## **Section IV Operation**

Article 15. State key laboratories of enterprises shall focus on and strengthen operational management and establish and improve internal rules and regulations.

Article 16. State key laboratories of enterprises shall implement a responsibility system with a laboratory director under the leadership of the entrusted unit.

Article 17. The directors of state key laboratories of enterprises should be high-level academic leaders in their fields with strong organizational and management skills. Generally, they should not be more than 60 years old.

Article 18. The term of office of the directors of state key laboratories of enterprises shall be 5 years, their on-duty working time shall not be less than 8 months per year, and they shall not be reappointed for more than 2 consecutive terms. Special circumstances shall be reported to the department in charge for approval. If the laboratory director is changed, the open recruitment and appointment procedure is still required.

Article 19. State key laboratories of enterprises will establish academic committees. As the academic guidance organization of the state key laboratory of an enterprise, this committee is responsible for reviewing the goals, research directions, major academic activities, annual work plans, and summaries of the state key laboratory of the enterprise. The academic committee will meet at least once a year, and the actual number of participants at each meeting must be at least two-thirds of the total.

Article 20. The chairman and members of the academic committee shall be appointed by the entrusted unit, and the chairmanship shall generally be assumed by someone not from the entrusted unit.

Article 21. The academic committee shall be composed of outstanding domestic and foreign experts from universities, scientific research institutes, industry associations, and enterprises. It shall have no more than 15 members, with no more

than one-third of members being employees of the entrusted unit. The same expert shall not be a member of the academic committees of more than three state key laboratories simultaneously.

The term of office of committee members is 5 years, with at least one-third of members replaced at the end of each term. Members who fail to attend academic committee meetings twice shall be replaced.

Article 22. The staff of state key laboratories of enterprises is composed of fixed personnel and mobile personnel. Fixed personnel are researchers, technicians, and a small number of management personnel who have signed labor contracts. The quantity of fixed personnel should be between 50 and 150. Mobile personnel include guest researchers, visiting scholars, postdoctoral researchers, graduate students, and temporary hires.

Article 23. State key laboratories of enterprises must strengthen the construction of scientific research talent teams, implement national measures for incentivizing innovative talents, establish scientific and reasonable employment and staffing systems, increase efforts to recruit domestic and foreign outstanding scientific research talents, focus on the training of young and middle-aged scientific research backbone personnel and graduate students, and build research teams with strong innovation capabilities and reasonable structures.

Article 24. State key laboratories of enterprises shall establish a full-time laboratory management position to assist the director of the laboratory in dealing with the routine operation and management of the state key laboratory of the enterprise and other related matters.

Article 25. State key laboratories of enterprises will set up research units according to their research directions and content and maintain a reasonable structure and scale.

Article 26. State key laboratories of enterprises should set up independent research topics focusing on their main tasks and research directions and organize teams to carry out continuous and in-depth systematic research.

Article 27. State key laboratories of enterprises shall formulate development and management plans for scientific research instruments and equipment and implement the renovation and independent research and development of scientific research instruments and equipment based on such plans. The laboratory's instruments, equipment, and experimental materials shall not be used in production and business activities.

Article 28. State key laboratories of enterprises shall establish open mechanisms, set up open topics, provide instrument and equipment sharing services for society, and actively carry out cooperation and exchanges in China and abroad.

Article 29. State key laboratories of enterprises shall strengthen cooperation between industry, academia, and research institutes (产学研合作), encourage scientific researchers to actively serve industry, promote the conversion of advanced and suitable technologies into practical applications, and play a backbone and leading role in the technological progress of industry.

Article 30. State key laboratories of enterprises shall focus on the popularization of science and be open to the public, especially scientific research and education units.

Article 31. State key laboratories of enterprises shall strengthen the creation, protection, and use of intellectual property rights. Research results, such as monographs and papers completed by laboratory personnel in state key laboratories of enterprises, shall be marked with the name of the state key laboratory of the enterprise. Software, databases, patent applications, technological achievement transfers, and declarations of awards shall be handled in accordance with relevant national regulations. The results obtained by other units or individuals using the platforms of state key laboratories of enterprises shall be handled in accordance with relevant national regulations and mutual agreements.

Article 32. State key laboratories of enterprises shall focus on the construction of scientific ethics and academic style and strengthen the scientific and authenticity review and archival of experimental records, data, materials, and results.

Article 33. State key laboratories of enterprises shall create a relaxed, democratic, and meticulous scientific research environment and carry out various forms of academic exchange activities. State key laboratories of enterprises are encouraged to communicate with scientific researchers in higher education and in research institutes.

Article 34. State key laboratories of enterprises shall strictly abide by relevant national secrecy protection regulations when carrying out academic exchanges, project cooperation, paper publications, and propaganda on their achievements.

## **Section V Assessment and Evaluation**

Article 35. State key laboratories of enterprises shall implement an annual report system, and the work plan of the current year and the annual work report of the previous year shall be submitted to MOST within the specified time after review by the entrusted unit and the department in charge.

Article 36. The entrusted unit shall conduct annual assessments of the state key laboratory of the enterprise, and the assessment results shall be reported to the department in charge and to MOST for record keeping. The main purpose of the annual assessment is to understand the development status, achievements, and existing problems of the state key laboratory of the enterprise.

Article 37. Based on the annual assessment, MOST, in conjunction with the departments in charge and entrusted units, will regularly conduct on-site inspections of the state key laboratories of some enterprises to discover, study, and solve existing problems in state key laboratories of enterprises.

Article 38. MOST organizes regular evaluations of state key laboratories of enterprises. An evaluation period is 5 years, but the state key laboratories of enterprises in several fields are evaluated every year.

Article 39. The evaluation mainly performs a comprehensive evaluation of the independent innovation (自主创新) capabilities and the overall operational status during the five-year evaluation period of state key laboratories of enterprises, including: research level, leading and driving role for industry, talent team building, open communication, and operational management. The evaluation rules shall be formulated separately.

Article 40. In accordance with the principle of survival of the fittest (优胜劣汰), MOST determines the evaluation results of state key laboratories of enterprises based on the regular evaluation results of laboratories in conjunction with annual assessments. State key laboratories of enterprises that receive poor evaluation scores and fail to meet requirements will receive a warning or will no longer be included in the series of state key laboratories of enterprises.

## **Section VI Changes and Adjustments**

Article 41. According to the needs of national economic and social development and industry development as well as the actual operating conditions of state key laboratories of enterprises, MOST may adjust the layout and structure of state key laboratories of enterprises and reorganize, consolidate, and shut down state key laboratories of enterprises.

Article 42. In the event of major changes to the legal person entity or ownership structure of the entrusted unit of a state key laboratory of an enterprise, such as shareholding reforms or corporate mergers, a new determination is required.

Article 43. If the state key laboratory of an enterprise truly needs to change its name, change its research direction, or implement adjustments or restructuring, such change must be discussed and approved by the academic committee, proposed by the entrusted unit, reviewed by the department in charge, and then submitted to MOST for approval.

Article 44. If the director of a state key laboratory of an enterprise or the director of the academic committee is no longer suitable for the corresponding position, the entrusted unit shall make a new appointment according to procedure and report the situation to the department in charge and to MOST.



Article 45. The state key laboratory of the enterprise shall be constructed and operated at the site identified in the construction plan. If there is any change, the entrusted unit should be approved by MOST after review by the department in charge.

## **Section VII Supplementary Provisions**

Article 46. The department in charge may formulate corresponding key laboratory management rules of its own ministry or locality in accordance with these Measures.

Article 47. State key laboratories of enterprises are uniformly named "××国家重点实验室" [in Chinese], and "State Key Laboratory of ××" in English.

Article 48. It is strictly forbidden to use the words "State Key Laboratory" in commercial activities, such as advertisements and product trademarks, or in places other than those identified in the state key laboratory of enterprise construction plan. Violators will receive a warning, and serious violators will lose their state key laboratory qualifications.

Article 49. MOST shall be responsible for interpreting these Measures.

Article 50. These Measures shall be implemented from the date of their issuance. In the case of any inconsistency between these Measures and the *Guiding Opinions on Entrusting the Construction of State Key Laboratories to Academies, Institutes, and Enterprises* (no. 599 [2006]), these Measures shall prevail.