

CAC Notice on Soliciting Comments on
the Draft *Security Review Measures for Network products and Services* for Comments

With a view to enhancing the security and controllable levels of network products and services, guarding against supply chain security risks, safeguarding the national security and public interests, the Cyberspace Administration of China (CAC), in accordance with the *Cyber Security Law of the People's Republic of China*, has drafted the *Security Review Measures for Network products and Services* (Draft for comments), which are released now for public comments. The interested organizations and individuals may voice their comments by either of the following ways before March 4, 2017:

1. Direct your comments by mail to: Cybersecurity Coordination Bureau, Cyberspace Administration of China, at No. 225, Chaoyangmennei Street, Dongcheng District, Beijing, 100010, with the envelope carrying the indication "征求意见" (Soliciting Comments); or
2. Email your comments to zhangheng@cac.gov.cn.

Annex: Security Review Measures for Network products and Services (Draft for comments)

Cyberspace Administration of China

February 4, 2017

Annex

Security Review Measures for Network products and Services

(Draft for comments)

Article 1 The security and controllability of network products and services have a direct bearing on the interests of users and national security. The Measures are developed with a view to enhancing the security and controllable levels of network products and services, guarding against supply chain security risks, and safeguarding the national security and public interests, and in accordance with the *State Security Law of the People's Republic of China* and *Cyber Security Law of the People's Republic of China*.

Article 2 The important network products and services used in information systems in connection with national security and public interests are subject to cybersecurity review.

Article 3 The cybersecurity review shall be conducted for network products & services and their suppliers, in a way that combines enterprise commitments with public supervision, combines third party assessment with government regulation, and combines in-laboratory tests with on-site checks, online monitoring and background investigation.

Article 4 The review focus is on the security and controllability of network products and services, including:

(1) Risks that products and services are illegally controlled, interfered with or interrupted;

(2) Risks emerging throughout the R&D, delivery and technical support of products and critical components;

(3) Risks that product or service suppliers illegally collect, store, process or use the user-related information while providing products or services;

(4) Risks that product or service suppliers draw on the dependency on such products or services by users to conduct unfair competition or impair the interests of users;

(5) Other risks that may endanger national security and public interests.

Article 5 The Cyberspace Administration of China shall work with the departments concerned to establish a Cybersecurity Review Committee, which is tasked with deliberating on key cybersecurity review policies, organizing cybersecurity review efforts, and coordinating key matters in regard to cybersecurity review.

The Office of Cybersecurity Review is responsible for conducting cybersecurity review.

Article 6 The Cybersecurity Review Committee shall engage relevant experts to establish a Cybersecurity Review Expert Committee, which shall, on the basis of third party assessment, perform a comprehensive assessment over the security risks of network products and services, and the security & creditability of the suppliers.

Article 7 The third party organizations involved in cybersecurity review shall be accredited by the State according to unified criteria, to perform the third party assessment as part of the cybersecurity review work.

Article 8 The Office of Cybersecurity Review shall, at the request of the State's departments concerned or any national industry association, or based on the voices of market entities or enterprise requests, organize third party organizations and experts to conduct cybersecurity review over network products or services, and then release review results or communicate such results to certain entities.

Article 9 The regulators in such key sectors as finance, telecommunications and energy shall, according to the requirements of the State's cybersecurity review scheme, implement cybersecurity review efforts over network products and services in their respective sectors.

Article 10 The CPC and government departments and key sectors shall give priority to the network products and services having passed the review in the procurement activities, and shall not procure the network products and services failing to pass.

Article 11 The network products and services to be procured by the operators of critical information infrastructure (CII), when having potential impact on national security, shall undergo cybersecurity review.

Whether the network products and services to be procured by CII operators influence national security shall be determined by the departments in charge of CII protection.

Article 12 The third party organizations performing cybersecurity review shall conduct the assessment over network products and services and their suppliers on an objective, just and fair basis, by referring to relevant standards, and with a focus on controllability, transparency and credibility, and assume responsibility for assessment results.

Article 13 The suppliers of network products and services shall cooperate in the cybersecurity review work.

The organizations involved such as third party organizations and their employees shall keep confidential the information they obtain during the review, and shall not use such information for other purposes than cybersecurity review.

Article 14 The Office of Cybersecurity Review can release security assessment reports in regard to cyber product/service suppliers on a non-scheduled basis.

Article 15 The Cyberspace Administration of China is responsible for interpretation of the Measures herein.

Article 16 The Measures shall come into force as of _____, 2017.