Law on Protection of Consumer Rights and Interests of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1. This Law is enacted to protect the legitimate rights and interests of consumers, maintain social and economic order, and promote the healthy development of the socialist market economy.

Article 2. Where a consumer purchases or uses commodities or receives services for daily consumption needs, the consumer's rights and interests shall be protected by this Law; where this Law does not provide, protection shall be afforded by other relevant laws and regulations.

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Article 3. Business operators providing commodities produced or sold by them, or providing services to consumers, shall abide by this Law; where this Law does not provide, they shall abide by other relevant laws and regulations.

Article 4. In transactions between business operators and consumers, the principles of voluntariness, equality, fairness, and good faith shall be followed.

Article 5. The State shall protect the legitimate rights and interests of consumers from infringement. The State shall adopt measures to safeguard consumers' lawful exercise of their rights and safeguard consumers' legitimate rights and interests.

Article 6. The protection of consumers' legitimate rights and interests is the common responsibility of the entire society. The State shall encourage and support all organizations and individuals to exercise social supervision over conduct that harms consumers' legitimate rights and interests. Mass media shall conduct publicity on the protection of consumers' legitimate rights and interests and exercise public opinion supervision over conduct that harms consumers' legitimate rights and interests.

Chapter II — Consumers' Rights

Article 7. In purchasing and using commodities and receiving services, consumers shall enjoy the right to the inviolability of their personal and property safety. Consumers shall have the right to require business operators to provide commodities and services that meet the requirements for the protection of personal and property safety.

Article 8. Consumers shall enjoy the right to know the true facts concerning commodities purchased or used or services received. Consumers shall have the right, in accordance with the different characteristics of commodities or services, to require business operators to provide information on price, place of origin, manufacturer, usage, specifications, grade, main ingredients, date of production, expiration date, certificate of inspection, operation manual, after-sales service, or the content, specifications, and charges relating to services.

Article 9. Consumers shall enjoy the right to freely choose commodities or services. Consumers shall have the right to freely choose business operators providing commodities or services, to freely choose types of commodities or modes of services, and to decide whether to purchase any commodity or receive any service. In freely choosing commodities or services, consumers shall have the right to compare, appraise, and select.

Article 10. Consumers shall enjoy the right to fair dealing. In purchasing commodities or receiving services, consumers shall have the right to fair trading conditions such as quality assurance, reasonable prices, and accurate measurement, and shall have the right to refuse any compulsory transaction by business operators.

Article 11. Consumers who suffer personal injury or property damage as a result of purchasing or using commodities or receiving services shall enjoy the right to obtain compensation in accordance with the law.

Article 12. Consumers shall enjoy the right to establish organizations for the protection of their own legitimate rights and interests in accordance with the law.

Article 13. Consumers shall enjoy the right to acquire knowledge relating to consumption and the protection of consumer rights and interests. Consumers shall endeavor to acquire knowledge and skills necessary for the use of commodities or the receipt of services, correctly use commodities, and raise their awareness of self-protection.

Article 14. In purchasing and using commodities and receiving services, consumers shall enjoy the right to have their human dignity, ethnic customs and traditions respected, and shall enjoy the right to the protection of their personal information in accordance with the law.

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Article 15. Consumers shall enjoy the right to supervise commodities, services, and the work of protecting consumer rights and interests. Consumers shall have the right to report or complain about conduct that infringes upon consumer rights and interests or about any illegal or derelict act of State organs and their functionaries in the work of protecting consumer rights and interests, and shall have the right to submit criticisms or suggestions regarding the work of protecting consumer rights and interests.

Chapter III — Obligations of Business Operators

Article 16. Business operators providing commodities or services to consumers shall perform their obligations in accordance with this Law and other relevant laws and regulations. Where an agreement is reached between a business operator and a consumer, both parties shall perform their obligations in accordance with the agreement; however, the agreement between the parties shall not violate any laws or regulations. Business operators shall, in providing commodities or services to consumers, abide by social ethics, operate in good faith, protect consumers' legitimate rights and interests; they shall not set unfair or unreasonable terms for transactions, nor shall they force consumers into transactions.

Article 17. Business operators shall listen to consumers' opinions regarding the commodities or services they provide, and shall accept consumers' supervision.

Article 18. Business operators shall ensure that the commodities or services they provide meet the requirements for the protection of personal and property safety. Where commodities or services may pose a threat to personal or property safety, they shall provide truthful explanations and clear warnings, and shall indicate or describe the correct ways of using the commodities or receiving the services, as well as the methods of preventing such dangers. Business operators such as hotels, shopping malls, restaurants, banks, airports, stations, ports, cinemas and theaters, and other public venues shall fulfill their obligations to consumers with respect to safety and security; business operators providing services at high-risk locations such as amusement parks and other public venues shall also fulfill their warning obligations.

Article 19. Business operators discovering that the commodities or services they provide pose a defect that may endanger personal or property safety shall immediately report to the relevant administrative authorities and notify consumers, and shall adopt measures such as stopping sales, recall, harmless treatment, destruction, and cessation of production or provision of services. Where recall measures are adopted, the business operator shall bear the necessary expenses incurred by consumers as a result of the recall.

Article 20. Business operators shall provide consumers with truthful information regarding the quality, performance, usage, and term of validity of commodities or services; they shall not conduct false or misleading publicity or representations. Business operators shall provide truthful and clear responses to inquiries from consumers regarding the quality and usage of the commodities or services they provide, or the prices thereof. Commodities displayed by business operators shall be clearly marked with their prices.

Article 21. Business operators shall indicate their true names and marks. Business operators leasing counters or venues from others shall indicate their true names and marks.

Article 22. Business operators providing commodities or services shall, in accordance with relevant State regulations or commercial practices, issue invoices and other purchase vouchers or service documentation to consumers; business operators must issue such invoices and other purchase vouchers or service documentation where consumers so request.

Article 23. Business operators shall guarantee that the quality, performance, usage, and term of validity of the commodities or services they provide under normal use or receipt of such commodities or services correspond to the information set forth in their advertisements, product descriptions, physical samples, or other means, except where consumers already knew of the existence of defects before purchasing the commodities or receiving the services and such defects do not violate any mandatory provisions of law. Where business operators' advertisements, product descriptions, physical samples, or other means indicate

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the quality status of commodities or services, they shall guarantee that the actual quality of the commodities or services they provide corresponds to the indicated quality status. Where business operators provide commodities such as durable consumer goods including motor vehicles, computers, household appliances, or provide services such as decoration and renovation, and consumers discover defects within six months from the date of receiving such commodities or services and raise a dispute, the business operator shall bear the burden of proof with respect to such defects.

Article 24. Where commodities or services provided by business operators fail to meet quality requirements, consumers may return the commodities or request the business operator to replace, repair, or otherwise fulfill obligations in accordance with State regulations or agreements between the parties; where there is no State regulation or agreement between the parties, consumers may return the commodities within seven days from the date of receipt; where seven days have elapsed and the conditions for contract rescission are met, consumers may return the commodities in a timely manner; where the conditions for contract rescission are not met, consumers may require the business operator to perform obligations such as replacement or repair. Where business operators provide services that fail to meet quality requirements, consumers may require the business operator to perform obligations such as a redo or a refund in accordance with State regulations or agreements between the parties. For commodities returned, repaired, or replaced in accordance with the preceding provisions, the business operator shall bear necessary expenses such as transportation costs.

Article 25. For commodities purchased by consumers through the internet, television, telephone, mail order, or other non-face-to-face means, consumers shall have the right to return the commodities within seven days from the date of receipt without stating a reason, except for the following commodities: (1) commodities customized by the consumer; (2) fresh and perishable commodities; (3) audio-visual recordings, software, and other digital commodities downloaded online or unpackaged by the consumer; (4) newspapers and periodicals delivered; and (5) other commodities which, by their nature, are not suitable for return as confirmed by the consumer at the time of purchase. Returned commodities shall be intact. The business operator shall refund the price paid by the consumer for the commodities within seven days from the date of receipt of the returned commodities. The consumer shall bear the cost of returning commodities. Where the business operator and the consumer agree otherwise, such agreement shall prevail.

Article 26. Where business operators use standard terms in business activities, they shall draw consumers' attention to the content of such standard terms in a conspicuous manner, and shall provide explanations upon consumers' request; business operators shall not set terms that are unfair or unreasonable to consumers through standard terms, notices, statements, shop announcements, or other means, nor shall they use such means to relieve or mitigate themselves of civil liability or to increase the consumers' liability, or otherwise impose material interests of consumers. Standard terms, notices, statements, shop announcements, or other means that contain the content set forth in the preceding paragraph shall be void.

Article 27. Business operators shall not insult or slander consumers, shall not search consumers' bodies or the articles they carry, and shall not infringe upon consumers' personal freedom.

Article 28. Business operators providing services such as securities, insurance, and banking, as well as business operators providing telecommunications services, internet services, or services involving the provision of commodities or services to consumers through the internet, television, telephone, mail order, or other means, and business operators providing services at high-risk locations such as amusement parks shall provide consumers with information regarding the quantity, quality, price or fees, duration and manner of performance, safety precautions and risk warnings, after-sales services, civil liability, and other such information.

Article 29. When collecting and using consumers' personal information, business operators shall follow the principles of legality, propriety, and necessity, expressly state the purpose, manner, and scope of collection and use of information, and obtain the consent of consumers. When collecting and using consumers'

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personal information, business operators shall make their rules for the collection and use of information public, and shall not collect or use information in violation of laws or regulations or any agreement between the parties. Business operators and their functionaries shall keep consumers' personal information strictly confidential in accordance with the law; they shall not disclose, sell, or illegally provide such information to others. Business operators shall adopt technical and other measures to ensure information security and prevent consumers' personal information from being leaked or lost. Where the leak or loss of consumers' personal information occurs or may occur, business operators shall immediately adopt remedial measures. Business operators shall not send commercial information to consumers without the consumers' consent or request, or where the consumers have explicitly refused to receive such information.

Chapter IV — State Protection of Consumers' Legitimate Rights and Interests

Article 30. In formulating laws, regulations, rules, and mandatory standards relating to consumers' rights and interests, the State shall hear the opinions of consumers and consumer organizations and other such organizations.

Article 31. People's governments at all levels shall strengthen leadership, organize, coordinate, and urge relevant administrative authorities to do a good job of protecting consumers' legitimate rights and interests, and shall implement the responsibilities for protecting consumers' legitimate rights and interests. People's governments at all levels shall strengthen supervision, promptly prevent and stop conduct that harms consumers' personal or property safety, and stop conduct that infringes upon consumers' legitimate rights and interests.

Article 32. The administrative authorities for industry and commerce of the people's governments at all levels and other relevant administrative authorities shall, in accordance with laws and regulations, adopt measures within their respective functions and powers to protect consumers' legitimate rights and interests. Relevant administrative authorities shall hear the opinions of consumers and consumer organizations and other such organizations with respect to issues relating to consumers' legitimate rights and interests in the course of transactions between business operators and consumers, and shall promptly investigate and handle such issues.

Article 33. Relevant administrative authorities shall, within their respective functions and powers, conduct spot checks and inspections of the commodities and services provided by business operators from time to time, and shall promptly order business operators to cease conduct that harms consumers' legitimate rights and interests found through such spot checks and inspections.

Article 34. Relevant State organs shall, in accordance with laws and regulations, punish business operators' illegal or criminal conduct that infringes upon consumers' legitimate rights and interests in the course of providing commodities and services.

Article 35. People's courts shall adopt measures to facilitate consumers in filing lawsuits. People's courts must accept and promptly try consumer rights and interests disputes that meet the conditions for filing a lawsuit as provided in the Civil Procedure Law of the People's Republic of China.

Chapter V — Consumer Organizations

Article 36. Consumer associations and other consumer organizations are social organizations formed in accordance with the law to exercise social supervision over commodities and services and to protect consumers' legitimate rights and interests.

Article 37. Consumer associations shall perform the following public service functions: (1) providing consumer information and consulting services to consumers, raising consumers' awareness and ability to protect their own legitimate rights and interests, and guiding civilized, healthy, resource-conserving, and environment-friendly modes of consumption; (2) participating in the formulation of laws, regulations, rules,

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and mandatory standards relating to consumer rights and interests; (3) participating in the supervision and inspection of commodities and services by relevant administrative authorities; (4) reporting, inquiring about, and making suggestions to relevant authorities regarding issues relating to consumer legitimate rights and interests; (5) accepting consumer complaints and conducting investigations and mediations with respect to such complaints; (6) where complaints involve issues of commodity or service quality, may commission qualified appraisers to conduct appraisal, and the appraiser shall inform of the appraisal opinion; (7) supporting injured consumers in filing lawsuits against, or in filing lawsuits in accordance with this Law on behalf of, consumers whose legitimate rights and interests have been harmed; (8) exposing and criticizing conduct that harms consumers' legitimate rights and interests through mass media. People's governments at all levels shall provide necessary funding and other support for consumer associations in the performance of their functions. Consumer associations shall conscientiously perform their functions to protect consumers' legitimate rights and interests, hear consumers' opinions and suggestions, and accept social supervision. Consumer organizations established in accordance with the law that are dedicated to the protection of consumer rights and interests shall operate in accordance with laws, regulations, and their articles of association and shall not engage in the business of commodities or profit-making services; they shall not recommend commodities or services for the purpose of collecting fees or for the purpose of seeking personal gain.

Article 38. Consumer organizations shall not engage in the business of commodities or profit-making services, and shall not recommend commodities or services to the public for the purpose of collecting fees or for the purpose of seeking personal gain.

Chapter VI — Resolution of Disputes

Article 39. Consumer disputes with business operators over their rights and interests may be resolved through the following means: (1) consultation and settlement with the business operator; (2) requesting mediation by a consumer association or a mediation organization established in accordance with the law; (3) filing a complaint with the relevant administrative authority; (4) submitting the dispute to an arbitral institution for arbitration in accordance with an arbitration agreement reached with the business operator; or (5) instituting legal proceedings in a people's court.

Article 40. Where consumers' legitimate rights and interests are harmed as a result of purchasing or using commodities, they may claim compensation from the seller. Where the seller has paid compensation and it is the responsibility of the producer or another seller that supplied the commodities to the seller, the seller shall have the right to seek recovery from the producer or such other seller. Where consumers or other victims suffer personal injury or property damage as a result of defects in commodities, they may claim compensation from either the seller or the producer. Where it is the responsibility of the producer and the seller has paid compensation, the seller shall have the right to seek recovery from the producer. Where it is the responsibility of the seller and the producer has paid compensation, the producer shall have the right to seek recovery from the seller. Where consumers' legitimate rights and interests are harmed as a result of receiving services, they may claim compensation from the service provider.

Article 41. Where consumers' legitimate rights and interests are harmed as a result of purchasing or using commodities or receiving services where the original business operator has undergone a change such as a split or merger after a change of enterprise, consumers may claim compensation from the enterprise that succeeds to the rights and obligations after the change.

Article 42. Where a business operator illegally uses another's business license or name to provide commodities or services and thereby harms consumers' legitimate rights and interests, consumers may claim compensation from such business operator or from the holder of the business license or name.

Article 43. Where consumers purchase commodities or receive services at trade fairs or from counter lessees and their legitimate rights and interests are harmed, they may claim compensation from the seller or

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service provider. Where the trade fair has ended or the counter lease has expired, they may also claim compensation from the organizer of the trade fair or the lessor of the counter. The organizer of the trade fair or the lessor of the counter shall, after paying compensation, have the right to seek recovery from the seller or service provider.

Article 44. Where consumers purchase commodities or receive services through online trading platforms and their legitimate rights and interests are harmed, they may claim compensation from the seller or service provider. Where the online trading platform provider is unable to provide the true name, address, and valid contact information of the seller or service provider, consumers may also claim compensation from the online trading platform provider; where the online trading platform provider makes a commitment that is more favorable to consumers, it shall perform such commitment. After paying compensation, the online trading platform provider shall have the right to seek recovery from the seller or service provider. Where the online trading platform provider knows or should know that the seller or service provider is using its platform to infringe upon consumers' legitimate rights and interests and fails to adopt necessary measures, it shall bear joint and several liability with the seller or service provider in accordance with the law.

Article 45. Where consumers' legitimate rights and interests are harmed as a result of false advertising or other means of false publicity by a business operator providing commodities or services, consumers may claim compensation from the business operator. Where an advertising agent or publisher designs, produces, or publishes advertisements relating to consumers' daily consumption goods or services but is unable to provide the true name, address, and valid contact information of the business operator, it shall bear liability for compensation. Where an advertising agent or publisher or a social organization or other organization or individual recommends commodities or services to consumers in false advertising or other false publicity, causing harm to consumers' legitimate rights and interests, it shall bear joint and several liability with the business operator providing such commodities or services.

Article 46. Where consumers file complaints with relevant administrative authorities regarding disputes over their rights and interests, such authorities shall, within seven working days from the date of receipt of the complaint, process the complaint and inform the consumer thereof.

Article 47. With respect to conduct that infringes upon the legitimate rights and interests of a large number of consumers, the China Consumers' Association and consumer associations of provinces, autonomous regions, and municipalities directly under the Central Government may institute public interest litigation in the people's courts.

Chapter VII — Legal Liability

Article 48. Where a business operator falls under any of the following circumstances in providing commodities or services, it shall bear civil liability in accordance with the provisions of this Law, the Product Quality Law, and other relevant laws and regulations, unless otherwise provided by this Law: (1) the commodity or service has a defect; (2) the commodity does not have the properties for use that it should have, and no explanation is given at the time of sale; (3) the commodity does not conform to the standard stated on the commodity or its packaging; (4) the commodity does not conform to the quality condition indicated by such means as product descriptions or physical samples; (5) the commodity that has been produced is declared by the State to be obsolete, or the commodity that has been sold is expired or deteriorated; (6) the quantity of the commodity sold is insufficient; (7) the content or cost of the service violates the agreement; (8) the business operator intentionally delays or unreasonably refuses a consumer's request for repair, redo, replacement, return, supplementation of the commodity quantity, refund of the purchase price or service fee, or compensation for losses; or (9) other circumstances under laws and regulations where the business operator harms consumers' rights and interests. Where a business operator fails to fulfill its safety and security obligations to consumers, causing harm to consumers, it shall bear tort liability.

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Article 49. Where a business operator causes personal injury to a consumer or other victim through the commodities or services it provides, it shall compensate for medical expenses, nursing expenses, transportation expenses, and other reasonable expenses for treatment and rehabilitation, as well as the reduction in income due to lost work time. Where a disability is caused, it shall also compensate for disability living aids expenses and disability compensation. Where death is caused, it shall also compensate for funeral expenses and death compensation.

Article 50. Where a business operator infringes upon the human dignity, personal freedom, or the right to protection of personal information lawfully enjoyed by consumers, it shall cease the infringement, restore the consumer's reputation, eliminate the adverse effects, apologize, and compensate for losses.

Article 51. Where a business operator commits an act that insults or slanders a consumer, searches a consumer's body or the articles a consumer carries, or infringes upon a consumer's personal freedom, causing serious mental distress to the consumer, the consumer may claim compensation for mental distress.

Article 52. Where a business operator causes property damage to consumers through the commodities or services it provides, it shall bear civil liability such as repair, redo, replacement, return of goods, supplementation of the commodity quantity, refund of the purchase price or service fee, or compensation for losses in accordance with the provisions of law or the agreement between the parties.

Article 53. Where a business operator provides commodities or services by means of prepayment and fails to provide them in accordance with the agreement, it shall perform the agreement or refund the prepaid amount upon the consumer's request, and shall also bear the interest on the prepaid amount and any reasonable expenses that the consumer is required to pay.

Article 54. Where, after a business operator has been lawfully ordered by the relevant administrative authority to recall a commodity, stop selling, stop producing, or stop providing a service, the business operator refuses to do so, thereby causing or aggravating consumers' harm, the business operator shall bear corresponding civil liability in accordance with the law.

Article 55. Where a business operator engages in fraudulent conduct in providing commodities or services, it shall, upon the consumer's request, increase the compensation for the consumer's losses; the amount of the increased compensation shall be three times the price the consumer paid for the commodities or the service fee the consumer paid for the services; where the amount of such increased compensation is less than RMB 500, it shall be RMB 500. Where otherwise provided by law, such provisions shall prevail. Where a business operator knowingly provides commodities or services to a consumer that result in the death of or serious damage to the health of the consumer or other victims, the victim shall have the right to require the business operator to pay punitive compensation in the amount of not more than two times the losses suffered in addition to the compensation for losses provided for in Articles 49 and 51 of this Law and other laws.

Article 56. Where a business operator falls under any of the following circumstances, the administrative authority for industry and commerce or other relevant administrative authority shall, unless it is otherwise provided by other laws or regulations that the operator shall bear civil liability, order the business operator to make corrections, and may, depending on the circumstances, issue a warning, confiscate illegal gains, impose a fine of not less than one time but not more than ten times the illegal gains, or, if there are no illegal gains, a fine of not more than RMB 500,000; where the circumstances are serious, order the business operator to suspend business for rectification or revoke its business license: (1) commodities or services provided do not meet the requirements for protecting personal or property safety; (2) adulterated or adulterating commodities are sold, counterfeit commodities are passed off as genuine, defective commodities are passed off as good quality, substandard commodities are passed off as standard commodities, or the quantity of commodities sold is insufficient; (3) commodities produced or sold are declared by the State to be obsolete; (4) the price of commodities sold is fraudulently raised or the price marked on the commodities is inconsistent with the price charged; (5) the business operator's name is

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falsified, or another person's business name or mark is used without authorization; (6) commodities or services are falsely advertised or represented; (7) the business operator refuses or delays relevant administrative authorities' orders to stop selling, recall, harmless treatment, or destruction of defective commodities or services, or to stop providing services; (8) the business operator makes unreasonable or unfair requirements of consumers, or requires consumers to engage in unfair transactions; (9) insults or slanders consumers, infringes upon consumers' personal freedom, and other conduct that infringes upon consumers' personal rights and interests; or (10) any other circumstances under laws and regulations that harm consumers' rights and interests and should be punished. Where the business operator has been subject to administrative penalties for an act listed above, the punishment shall be recorded in its credit file and made known to the public.

Article 57. Where a business operator violates the provisions of this Law by providing commodities or services and thereby infringes upon consumers' legitimate rights and interests, constituting a crime, it shall be investigated for criminal liability in accordance with the law.

Article 58. Where a business operator violates the provisions of this Law and should bear civil liability for compensation and pay a fine, and its property is insufficient to pay both the compensation and the fine, it shall first bear civil liability for compensation.

Article 59. Where a business operator is dissatisfied with an administrative penalty decision, it may apply for administrative reconsideration or file an administrative lawsuit in accordance with the law.

Article 60. Where a functionary of a State organ, by reason of dereliction of duty or malfeasance, fails to prevent or stop conduct that harms consumers' legitimate rights and interests, the functionary shall be subject to administrative sanctions by the functionary's unit or by a higher-level organ; where the circumstances are serious and constitute a crime, criminal liability shall be investigated in accordance with the law.

Article 61. Where a functionary of a State organ, in handling a complaint of a consumer over a dispute of rights and interests, engages in graft or malpractice for personal gain, covers up or shields a business operator that infringes upon consumers' legitimate rights and interests, the functionary shall be subject to administrative sanctions by the functionary's unit or by a higher-level organ; where the circumstances are serious and constitute a crime, criminal liability shall be investigated in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 62. Where a farmer purchases production materials such as seeds, chemical fertilizers, pesticides, or agricultural film directly used in agricultural production, and the farmer's rights and interests are harmed, this Law shall apply by reference.

Article 63. This Law shall come into force on March 15, 2014.

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