Regulations on the Implementation of the Consumer Rights Protection Law 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 — These Regulations are formulated in accordance with the Law of the People's Republic of China on the Protection of Consumer Rights and Interests (hereinafter referred to as the Consumer Rights Protection Law) and other laws.

Article 2 — Consumer rights and interests protection work shall adhere to the leadership of the Communist Party of China, remain people-centered, and follow the principles of lawfulness, fairness, and efficiency.

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Article 3 — The state shall strengthen the protection of consumers' legitimate rights and interests, and establish and improve a co-governance system for consumer rights and interests protection that combines law-abiding business operators, industry self-discipline, consumer participation, government supervision, and social oversight.

Article 4 — The state shall promote the development of the consumption environment in a coordinated manner, foster a safe and reassuring consumption environment, and strengthen the foundational role of consumption in economic development.

Article 5 — The state shall strengthen the standards system for consumer goods and services, encourage business operators to formulate and implement enterprise standards that are stricter than national standards or industry standards, and continuously improve the quality of goods and services.

Article 6 — The state shall advocate civilized, healthy, and green consumption concepts and consumption patterns, and oppose extravagance and waste.

Chapter II — Rights of Consumers and Obligations of Business Operators

Article 7 — Consumers shall, in accordance with the law, enjoy the right to freedom from harm to their personal and property safety when purchasing goods, using goods, or receiving services.

When providing goods or services to consumers (including providing goods or services free of charge in forms such as rewards, gifts, or trials), business operators shall ensure that the goods or services meet the requirements for safeguarding personal and property safety. Where free goods or services contain defects that do not violate mandatory provisions of law and do not affect their normal use and performance, the business operator shall truthfully inform the consumer before providing the goods or services.

Business operators shall ensure that their business premises and facilities meet the requirements for safeguarding personal and property safety, adopt necessary safety protection measures, and set up corresponding warning signs. Where a consumer encounters danger or is harmed at the business premises, the business operator shall provide timely and necessary assistance.

Article 8 — Where a consumer believes that the goods or services provided by a business operator may have defects that endanger personal or property safety, the consumer may report the matter or make suggestions to the business operator or the relevant administrative departments.

Where a business operator discovers that the goods or services it provides may have defects that endanger personal or property safety, it shall promptly adopt relevant measures in accordance with Article 19 of the Consumer Rights Protection Law. Where recall measures are adopted, the business operator that produces or imports the goods shall formulate a recall plan, publish recall information, clearly inform consumers of their relevant rights, preserve complete recall records, and bear the necessary expenses incurred by consumers as a result of the recall of the goods. Relevant business operators engaged in the sale, leasing, or repair of goods, the production and supply of spare parts, or commissioned production shall perform their assistance and cooperation obligations related to recall in accordance with the law.

Article 9 — Business operators shall provide consumers with truthful and comprehensive information concerning goods or services in a plain and easy-to-understand manner, and shall not engage in false or misleading publicity to deceive or mislead consumers by fabricating the qualifications, credentials, or honors obtained by the business operator, fabricating transaction information or business data concerning goods or services, or tampering with, fabricating, or concealing user reviews.

Business operators shall not, without the knowledge of consumers, set different prices or charging standards for the same goods or services under equivalent transaction conditions.

Article 10 — Business operators shall, in accordance with the relevant state provisions, clearly indicate the name, price, and unit of pricing of goods, or the items, content, price, and method of pricing of services, and

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shall ensure that price tags and price lists are complete, that the content is truthful and accurate, and that the labels are clear and conspicuous.

Where a business operator provides services by means of automatic renewal, automatic fee continuation, or the like, it shall draw the consumer's attention conspicuously before the consumer accepts the services and before the date of automatic renewal, automatic fee continuation, or the like.

Article 11 — Consumers shall enjoy the right to choose goods or services independently. Business operators shall not compel or covertly compel consumers to purchase goods or accept services, or exclude or restrict consumers from choosing goods or services provided by other business operators, through violence, coercion, restriction of personal freedom, or by using technical means. Where a business operator provides goods or services by means of bundling, combination, or the like, it shall draw the consumer's attention conspicuously.

Article 12 — Where a business operator provides goods or services by means of commercial publicity, product recommendations, physical displays, or notices, statements, or in-store announcements, and makes commitments regarding the quantity, quality, price, after-sales service, or assumption of liability for the goods or services, it shall perform the committed content in favor of consumers who purchase the goods or accept the services.

Article 13 — Business operators shall clearly indicate their true name and marks at a conspicuous place in their business premises.

Where a business operator provides goods or services through the internet, television, telephone, mail order, or the like, it shall clearly indicate or state its true name and marks at a conspicuous place such as its homepage, video screen, voice broadcast, or product catalogue. Where the goods or services are actually provided by another business operator, the business operator shall also provide the consumer with information such as the name, business address, and contact details of that business operator.

Where a business operator provides goods or services by leasing counters or premises from others, or by means of presentations, prize draws, or centralized experience activities, it shall clearly indicate its true name and marks. Lessors of counters or premises shall establish an on-site business management system and verify, update, and publicly disclose relevant information of business operators for consumers to consult.

Article 14 — Where a business operator provides goods or services by means of livestreaming or the like, it shall perform its obligations related to consumer rights and interests protection in accordance with the law.

Business operators of livestream marketing platforms shall establish and improve consumer rights and interests protection systems and specify mechanisms for resolving consumer disputes. Where a consumer dispute arises, the livestream marketing platform operator shall, at the consumer's request, provide necessary information such as information on the livestream room operator and livestream marketing personnel and relevant records of business activities.

Where livestream content published by a livestream room operator or livestream marketing personnel constitutes commercial advertising, they shall perform the obligations of an advertising publisher, advertising operator, or advertising spokesperson in accordance with the relevant provisions of the Advertising Law of the People's Republic of China.

Article 15 — Business operators shall not, through false or misleading publicity, fabricate or exaggerate the therapeutic, health-care, wellness, or other effects of goods or services so as to induce elderly consumers and other consumers to purchase goods or services that clearly do not meet their actual needs.

Article 16 — Where a business operator provides online game services, it shall comply with state provisions and standards concerning the time periods, duration, functions, and content of online game services, set up functions such as time management, permission management, and consumption management for minors, strictly verify users during registration, login, and other steps, and protect the physical and mental health of

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minors in accordance with the law.

Article 17 — Where a business operator uses standard clauses, it shall comply with Article 26 of the Consumer Rights Protection Law. A business operator shall not use standard clauses to unreasonably exempt or reduce its own liability, increase the liability of consumers, or restrict consumers' rights to modify or rescind contracts in accordance with the law, to choose litigation or arbitration to resolve consumer disputes, or to choose goods or services provided by other business operators.

Article 18 — The validity period for the obligations of return, replacement, repair, or the like that a business operator agrees with a consumer to undertake shall not be shorter than the requirements of the relevant state provisions. The validity period shall be calculated from the date on which the business operator delivers the goods to the consumer or completes the provision of services; for goods that require separate installation by the business operator, the validity period shall be calculated from the date on which the installation of the goods is completed. After the business operator performs its replacement obligation in favor of the consumer, the validity period for the obligations of replacement, repair, or the like shall be recalculated from the date on which the replacement is completed. The time taken for repair by the business operator shall not be included in the aforesaid validity period.

Where a business operator performs its return obligation in accordance with the relevant state provisions or its agreement with the consumer, it shall refund the relevant amount in a single payment based on the price shown on purchase vouchers such as invoices or service receipts. Where the business operator can prove that the price actually paid by the consumer differs from the price shown on purchase vouchers such as invoices or service receipts, it shall refund the amount based on the price actually paid by the consumer.

Article 19 — Where a business operator sells goods through the internet, television, telephone, mail order, or the like, it shall comply with Article 25 of the Consumer Rights Protection Law and shall not arbitrarily expand the scope of goods to which unconditional return does not apply.

Business operators shall conspicuously label goods to which unconditional return does not apply, remind consumers to confirm at the time of purchase, and shall not make the non-application of unconditional return a default option to which consumers are deemed to have agreed. Without the consumer's confirmation, the business operator shall not refuse unconditional return.

Goods returned by consumers shall be intact. Where a consumer opens the packaging of goods for the purpose of inspection, or performs reasonable testing to confirm the quality and functions of the goods without affecting the original quality, functions, and appearance of the goods, the business operator shall accept the return.

Consumers shall follow the principle of good faith when making unconditional returns and shall not use the unconditional return rules to harm the legitimate rights and interests of business operators and other consumers.

Article 20 — Where a business operator collects a deposit when providing goods or services, it shall agree in advance with the consumer on the method, procedure, and time limit for refunding the deposit, and shall not set unreasonable conditions for the refund of the deposit.

Where a consumer requests a refund of the deposit and the conditions for refunding the deposit are met, the business operator shall refund it in a timely manner.

Article 21 — Where a business operator decides to cease business or relocate its service premises, it shall, 30 days in advance, publicly announce information such as its valid contact details at a conspicuous place in its business premises, website, homepage of its online store, or the like.

Article 22 — Where a business operator provides goods or services by collecting advance payments, it shall conclude a written contract with the consumer, agreeing on matters such as the specific content of the goods or services, the price or fees, the method of refunding advance payments, and liability for breach of contract.

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After collecting an advance payment, a business operator shall provide goods or services in accordance with its agreement with the consumer, and shall not reduce the quality of the goods or services or arbitrarily increase prices. Where a business operator fails to provide goods or services as agreed, it shall, at the consumer's request, perform the agreement or refund the advance payment.

Where a business operator encounters a major business risk that may affect its ability to provide goods or services normally in accordance with the contract or trade practices, it shall cease collecting advance payments. Where a business operator decides to cease business or relocate its service premises, it shall inform consumers in advance and perform the obligations prescribed in Article 21 of these Regulations. Consumers shall, in accordance with the relevant state provisions or the contract, have the right to require the business operator to continue to perform its obligation to provide goods or services, or to require the refund of the unconsumed balance of advance payments.

Article 23 — Business operators shall protect consumers' personal information in accordance with the law. When providing goods or services, business operators shall not excessively collect consumers' personal information, and shall not, by means such as one-time blanket authorization or default authorization, compel or covertly compel consumers to agree to the collection and use of personal information that has no direct relation to the business activities.

Where a business operator processes sensitive personal information, including consumers' biometric information, religious beliefs, specific identities, medical and health information, financial accounts, and whereabouts, as well as personal information of minors under the age of 14, it shall comply with the provisions of relevant laws and administrative regulations.

Article 24 — Without the consumer's consent, a business operator shall not send commercial messages or make commercial telephone calls to consumers. Where a consumer agrees to receive commercial messages or commercial telephone calls, the business operator shall provide a clear and convenient method of cancellation. Where the consumer chooses to cancel, the business operator shall immediately cease sending commercial messages or making commercial telephone calls.

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

Article 25 — People's governments at all levels shall strengthen guidance for consumer rights and interests protection work, organize, coordinate, and urge the relevant administrative departments to implement their duties in consumer rights and interests protection work, and raise the level of rule-of-law governance of consumer rights and interests protection work.

Article 26 — Where a consumer has a dispute over consumer rights and interests with a business operator, the consumer may file a complaint with the market supervision and administration department or other relevant administrative departments.

Natural persons, legal persons, or other organizations may report to the market supervision and administration department or other relevant administrative departments, providing leads on suspected violations of law by business operators.

Article 27 — The market supervision and administration department or other relevant administrative departments shall keep consumer complaint and reporting channels open and well-regulated, improve the procedures for handling complaints and reports, accept and handle complaints and reports in a timely manner in accordance with the law, strengthen the analysis and use of complaint and reporting information, and carry out consumption warnings and risk alerts.

Complaints and reports shall comply with laws, regulations, and relevant provisions, and shall not be used to seek improper benefits, infringe upon the legitimate rights and interests of business operators, or disrupt the order of the market economy.

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Article 28 — The market supervision and administration department and other relevant administrative departments shall strengthen coordination, cooperation, and information sharing in consumer rights and interests protection work, and, in accordance with laws and regulations and within their respective functions and duties, implement supervisory measures such as random inspection and testing of goods and services provided by business operators, and promptly investigate and handle acts that infringe upon consumers' legitimate rights and interests.

Article 29 — The market supervision and administration department and other relevant administrative departments shall strengthen the construction of the credit system in the field of consumption, publicly disclose information concerning administrative licenses, administrative penalties, results of random inspections and tests, and consumer complaints in accordance with the law, and impose disciplinary measures on business operators that violate the law and lose trust in accordance with the law.

Article 30 — The relevant administrative departments shall strengthen the publicity and popularization of consumption knowledge, advocate civilized, healthy, and green consumption, enhance consumers' awareness and ability to safeguard their rights in a lawful and rational manner, strengthen legal publicity, administrative guidance, and compliance guidance for business operators, and enhance business operators' awareness of lawful operation.

Article 31 — The state shall improve the standards, certification, and information disclosure system for green consumption, encourage business operators to make information disclosures or commitments regarding green consumption in respect of goods and services, and investigate and handle false information disclosure and commitments in accordance with the law.

Article 32 — Organizations such as industry associations and chambers of commerce shall strengthen industry self-discipline, guide and urge business operators to operate lawfully and in good faith, and the industry rules, self-discipline rules, model contracts, and relevant standards formulated by them shall be conducive to protecting consumers' legitimate rights and interests.

Article 33 — The state shall encourage and support all organizations and individuals in exercising social oversight over acts that harm consumers' legitimate rights and interests.

Mass media shall truthfully, objectively, and impartially report on matters concerning consumer rights and interests, strengthen the publicity and popularization of knowledge related to consumer rights protection, and exercise oversight through public opinion over acts that harm consumers' legitimate rights and interests.

Chapter IV — Consumer Organizations

Article 34 — Consumer associations and other consumer organizations established in accordance with the law shall perform their duties in accordance with the provisions of the Consumer Rights Protection Law.

Article 35 — People's governments at all levels shall strengthen the organizational development of consumer associations and provide necessary funding and other support for consumer associations to perform their duties.

Article 36 — The relevant administrative departments shall seriously heed the opinions and suggestions of consumer associations. With respect to problems that harm consumers' legitimate rights and interests reported by consumer associations to the relevant administrative departments, the relevant administrative departments shall promptly investigate, handle, and reply; with respect to cases filed for investigation and handling, the relevant administrative departments shall inform the consumer associations of the handling results.

Article 37 — Consumer associations shall strengthen consumer legal publicity and consumer guidance, provide consumer rights protection services and support to consumers, and enhance consumers' ability to safeguard their own legitimate rights and interests.

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Consumer associations shall promptly summarize and promote typical cases and experience in protecting consumers' legitimate rights and interests, and guide and support business operators in carrying out business activities lawfully and in compliance.

Article 38 — Consumer associations may organize and carry out comparative tests, consumer surveys, consumer evaluations, public disclosure of complaint information, requests for appraisal of goods subject to complaints, and publication of consumption tips and warnings, so as to reflect the condition of goods and services, consumer opinions, and the state of consumer rights protection.

Article 39 — Consumer associations may put forward suggestions for improvement to, or conduct guidance talks with, relevant business operators and industry organizations on matters concerning consumer rights and interests protection, strengthen organizational coordination among consumers, business operators, industry organizations, professional institutions, relevant administrative departments, and other relevant parties, and promote the resolution of important issues concerning the protection of consumers' legitimate rights and interests.

Article 40 — Consumer associations may carry out investigations into acts reported by consumers that harm consumers' legitimate rights and interests, verify the facts with relevant business operators, and invite relevant business operators to appear to state facts and opinions and provide evidentiary materials.

Article 41 — With respect to acts that harm the legitimate rights and interests of numerous consumers, the China Consumers Association and consumer associations established in provinces, autonomous regions, and municipalities directly under the Central Government may file lawsuits with the people's courts.

Chapter V — Resolution of Disputes

Article 42 — Consumers shall consume in a civilized and rational manner, enhance their awareness of self-protection, safeguard their own legitimate rights and interests in accordance with the law, and protect their rights in accordance with the law when consumer disputes arise.

Article 43 — The market supervision and administration departments of people's governments at all levels and other relevant administrative departments shall promote and improve diversified mechanisms for resolving consumer disputes, and guide consumers to safeguard their own legitimate rights and interests in accordance with the law through negotiation, mediation, complaints, arbitration, litigation, and other means.

Article 44 — Business operators shall establish convenient and efficient complaint-handling mechanisms and promptly resolve consumer disputes.

Business operators shall be encouraged and guided to establish and improve systems such as first-inquiry responsibility, advance compensation, and online dispute resolution, so as to promptly prevent and resolve consumer disputes.

Article 45 — Where a consumer and a business operator have a consumer dispute and request mediation by a consumer association or another mediation organization established in accordance with the law, the relevant organization shall handle the matter in a timely manner.

Article 46 — Where a consumer has a consumer dispute with a business operator and files a complaint with the market supervision and administration department or other relevant administrative departments, the consumer shall provide true identity information, a clearly identified respondent, a specific complaint request, and a factual basis.

The relevant administrative departments shall handle the complaint and inform the consumer within 7 working days from the date of receipt of the complaint. Where a complaint that does not comply with the provisions is decided not to be accepted, the consumer shall be informed of the reasons for non-acceptance and other channels for resolving the dispute.

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After a relevant administrative department accepts a complaint, where the consumer and the business operator agree to mediation, the relevant administrative department shall promptly mediate in accordance with its duties and complete the mediation within 60 days from the date of acceptance; where mediation fails, the mediation shall be terminated. Where appraisal or testing is required during the mediation process, the time for appraisal or testing shall not be included in the 60-day period.

With the consent of the consumer and the business operator, the relevant administrative departments may, in accordance with the law, entrust the complaint to a consumer association or another mediation organization established in accordance with the law for mediation.

Article 47 — Where appraisal or testing of the quality of goods or services is required due to a consumer dispute, the consumer and the business operator may determine the appraisal or testing institution through negotiation. Where they cannot reach agreement through negotiation, the market supervision and administration department or other relevant administrative departments accepting the consumer complaint may designate the appraisal or testing institution.

For consumer disputes that are major or complex or involve the legitimate rights and interests of numerous consumers, the market supervision and administration department or other relevant administrative departments may incorporate them into the random inspection and testing procedures and entrust institutions with corresponding qualifications to carry out appraisal or testing.

Chapter VI — Legal Liability

Article 48 — Where a business operator provides goods or services in violation of the Consumer Rights Protection Law and the relevant provisions of these Regulations, thereby infringing upon consumers' legitimate rights and interests, it shall bear civil liability in accordance with the law.

Article 49 — Where a business operator commits fraud in providing goods or services, consumers shall have the right to require the business operator to pay compensation in accordance with the first paragraph of Article 55 of the Consumer Rights Protection Law. However, this shall not apply where the labels, markings, instructions, publicity materials, or the like of the goods or services contain defects that do not affect the quality of the goods or services and will not mislead consumers.

Where a person obtains compensation from a business operator or engages in extortion against a business operator by such means as concealing items, switching goods, counterfeiting, tampering with the production date of goods, or fabricating facts, the first paragraph of Article 55 of the Consumer Rights Protection Law shall not apply, and the matter shall be handled in accordance with the Public Security Administration Punishments Law of the People's Republic of China and other relevant laws and regulations; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 50 — Where a business operator violates Articles 10 through 14, 16, 17, and 19 through 21 of these Regulations, and other relevant laws and regulations provide for the authority to impose penalties and the manner of penalties, such provisions shall apply; where no provision is made in laws and regulations, the market supervision and administration department or other relevant administrative departments shall order correction and may, based on the circumstances, impose, singly or concurrently, a warning, confiscation of illegal gains, and a fine of not less than one time and not more than five times the illegal gains, or, where there are no illegal gains, a fine of not more than 300,000 yuan; where the circumstances are serious, the business operator shall be ordered to suspend business for rectification or its business license shall be revoked.

Where a business operator violates Article 22 of these Regulations, the relevant administrative departments shall order correction and may, based on the circumstances, impose, singly or concurrently, a warning, confiscation of illegal gains, and a fine of not less than one time and not more than ten times the illegal gains, or, where there are no illegal gains, a fine of not more than 500,000 yuan; where the circumstances are

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serious, the business operator shall be ordered to suspend business for rectification or its business license shall be revoked.

Where a business operator violates other provisions of these Regulations, penalties shall be imposed in accordance with Article 56 of the Consumer Rights Protection Law.

Article 51 — Where a business operator voluntarily eliminates or mitigates the harmful consequences of its unlawful act, where the unlawful act is minor and is promptly corrected without causing harmful consequences, or where the violation is a first-time violation with minor harmful consequences and is promptly corrected, a lighter or mitigated penalty shall be imposed, or no penalty shall be imposed, in accordance with the Administrative Penalty Law of the People's Republic of China.

Article 52 — Where staff members of the relevant administrative departments fail to perform their consumer rights and interests protection duties in accordance with these Regulations, neglect their duties, or shield business operators' acts that infringe upon consumers' legitimate rights and interests, they shall be subject to sanctions in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 53 — These Regulations shall come into force on July 1, 2024.

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