

**Law of the People's Republic of China on the Protection of Consumer Rights and Interests
(2013 Amendment)[Effective]
中华人民共和国消费者权益保护法(2013 修正) [现行有效]**

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Law of the People's Republic of China on the Protection of Consumer Rights and Interests

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Chapter I General Provisions

Article 1 This Law is developed for the purposes of protecting the lawful rights and interests of consumers, maintaining the order of society and economy, and promoting the sound development of the socialist market economy.

Article 2 The rights and interests of consumers purchasing and using commodities or receiving services for daily consumption shall be protected by this Law; or be protected by other applicable laws and regulations if this Law is silent.

Article 3 In providing commodities produced or sold by them or services to consumers, business operators shall comply with this Law; or comply with other relevant laws and regulations if this law is silent.

Article 4 In transactions, business operators and consumers shall adhere to the principles of free will, equality, fairness, and good faith.

Article 5 The state shall protect the lawful rights and interests of consumers from infringement.

The state shall take measures to ensure the exercise of rights by consumers in accordance with the law and protect the lawful rights and interests of consumers.

The state advocates consumption in a civilized, healthy, resource conservation, and environmental protection manner, and opposes waste.

Article 6 Protecting the lawful rights and interests of consumers is a common responsibility of the whole society.

The state encourages and supports social supervision from all organizations and individuals over infringement upon the lawful rights and interests of consumers.

The mass media shall conduct effective publicity regarding the protection of lawful rights and interests of consumers, and conduct supervision over infringement upon the lawful rights and interests of consumers through public opinions.

Chapter II Rights of Consumers

Article 7 In purchasing and using commodities or receiving services, consumers shall have the right to be free from damage to their personal and property safety.

Consumers shall have the right to require business operators to provide commodities and services meeting the requirements for personal and property safety.

Article 8 Consumers shall have the right to obtain true information on the commodities purchased or used or the services received.

Consumers shall have the right to require business operator to provide the prices, origins, manufacturers, usages, performances, standards, grades, main ingredients, dates of production, useful life, certificates of inspection, use instructions, and after-sales services regarding commodities or provide information on the contents, standards and costs of services, among others, as the case may be.

Article 9 Consumers shall have the right to independently choose commodities or services.

Consumers shall have the right to independently choose business operators for the provision of commodities or services, independently choose the varieties of commodities or forms of services, and independently decide whether to buy any commodities or receive any services.

In independently choosing commodities or services, consumers shall have the rights of comparison, identification and selection.

Article 10 Consumers shall have the right to fair trading.

In purchasing commodities or receiving services, consumers shall be entitled to fair trading conditions such as quality guarantee, reasonable prices and correct measurement, and have the right to refuse transactions forced by business operators.

Article 11 Consumers suffering personal injury or property damage from their purchase or use of commodities or receipt of services shall be entitled to compensation in accordance with the law.

Article 12 Consumers shall have the right to form social organizations in accordance with the law to protect their lawful rights and interests.

Article 13 Consumers shall have the right to gain knowledge regarding consumption and protection of consumer rights and interests.

Consumers shall endeavor to gain knowledge and build skills regarding the commodities or services needed, properly use commodities, and raise their awareness of self-protection.

Article 14 In purchasing and using commodities or receiving services, consumers shall be entitled to human dignity, respect for their ethnic mores and customs, and legal protection of personal information.

Article 15 Consumers shall have the right to conduct supervision over commodities, services, and the work on the protection of consumer rights and interests.

Consumers shall have the right to report and allege infringement upon consumer rights and interests and violations of law or neglect of duty on the part of state organs and their employees in the protection of consumer rights and interests, and have the right to offer criticism or proposals regarding the protection of consumer rights and interests.

Chapter III Obligations of Business Operators

Article 16 In providing commodities or services to consumers, business operators shall fulfill their obligations in accordance with this Law and other applicable laws and regulations.

Business operators shall fulfill their obligations as agreed upon with consumers, provided that the agreements with consumers are not in violation of the provisions of laws and regulations.

In providing commodities or services to consumers, business operators shall adhere to social morality, operate business in good faith, and protect the lawful rights and interests of consumers; and shall neither set unfair or unreasonable trading conditions nor force consumers into any transactions.

Article 17 Business operators shall hear consumers' opinions on their provided commodities or services, and accept consumers' supervision.

Article 18 Business operators shall guarantee that their provided commodities or services meet the requirements on personal and property safety. For commodities and services which may endanger personal or property safety, business operators shall provide consumers with true explanations and clear warnings, explaining and indicating the correct methods of using commodities or receiving services and the methods for preventing damage.

Business operators of hotels, shopping malls, restaurants, banks, airports, stations, ports, theaters, and other business premises shall fulfill their obligations to protect the safety of consumers.

Article 19 After discovering any defects which may endanger personal or property safety in their provided commodities or services, business operators shall immediately report to the relevant administrative departments and inform consumers; and take measures such as cessation of sale, issuance of a warning, recall, harmless treatment, destruction, and cessation of production or service. If the measure of recall is taken, business operators shall reimburse consumers for necessary expenses incurred for the recall of commodities.

Article 20 Business operators shall provide consumers with true and complete information on the quality, performance, use, and useful life, among others, of commodities or services; and shall not conduct any false or misleading promotion. Business operators shall provide true and definite answers to questions from consumers regarding the quality and use instructions of their provided commodities or services.

Business operators shall clearly mark the prices of their provided commodities or services.

Article 21 Business operators shall indicate their true names and signs.

Business operators which lease counters or venues from others shall indicate their true names and signs.

Article 22 Business operators providing commodities or services shall issue invoices and other purchase receipts or service documents to consumers in accordance with the relevant provisions of the state or commercial practices; and must issue the same upon request of consumers.

Article 23 Business operators shall guarantee the quality, performances, use, and useful life of their provided commodities or services in the normal use of the commodities or receipt of services, except that consumers have known the existence of defects before purchasing the commodities or receiving the services and the existence of defects does not violate the mandatory provisions of law.

Business operators which indicate the quality of commodities or service by advertising, product instructions, real samples,

or other means shall guarantee that the actual quality of their provided commodities or services is consistent with the quality indicated.

For durable commodities such as motor vehicles, computers, televisions, refrigerators, air conditioners, and washing machines and services such as decoration and remodeling services provided by business operators, if consumers discover any defects within six months of receiving commodities or services and disputes arise therefrom, business operators shall bear the burden of proof regarding the defects.

Article 24 Where the commodities or services provided by business operators fail to meet the quality requirements, consumers may return them in accordance with the provisions of the state or as agreed upon by the parties, or require business operators to fulfill their obligations of replacement or repair, among others. In the absence of such provisions of the state or agreements between the parties, consumers may, within seven days of receiving the commodities, return them; and consumers may, if the statutory conditions for rescission of a contract are met after the seven-day period, return them in a timely manner, or, if not met, require business operators to fulfill their obligations of replacement or repair, among others.

For the return, replacement, or repair under the preceding paragraph, business operators shall reimburse consumers for freight and other necessary expenses.

Article 25 Where business operators sell commodities on the Internet, on television, over telephone, or by mail order, among others, consumers shall have the right to return the commodities within seven days of receipt of them without cause, except the following commodities:

(1) Custom-made commodities.

(2) Fresh, live, or perishable commodities.

(3) Audio-visual recordings, computer software, and other digital commodities downloaded online or unpacked by consumers.

(4) Newspapers or periodicals delivered.

In addition to the commodities listed in the preceding paragraph, the return without cause shall not apply to commodities unsuitable for return by nature as confirmed by consumers at the time of purchase.

The commodities returned by consumers shall remain intact. Business operators shall, within seven days of receipt of the returned commodities, refund the payments made by consumers for the commodities. The freight for the return of commodities shall be assumed by consumers, except as otherwise agreed upon by business operators and consumers.

Article 26 Business operators which use standard terms and conditions in business activities shall, in a conspicuous manner, remind consumers to pay attention to the quality, quantity, and prices or fees of commodities or services, duration and manner of performance, safety precautions and risk warnings, after-sales service, civil liability, and other terms and conditions vital to the interests of consumers, and provide explanations as required by consumers.

Business operators shall not, by standard terms and conditions, notices, declarations, on-site posters, and other means, impose unfair or unreasonable rules on consumers to exclude or restrict consumer rights, reduce or waive the responsibilities of business operators, or aggravate the responsibilities of consumers, among others, and shall not force consumers into any transactions by standard terms and conditions and technical means.

If the standard terms and conditions, notices, declarations, and on-site posters, among others, contain any rules as mentioned in the preceding paragraph, such rules shall be void.

Article 27 No business operators shall insult or defame consumers, search the persons of consumer as well as their personal effects carried, or violate the personal freedom of consumers.

Article 28 Business operators providing commodities or services on the Internet, on television, over telephone, or by mail

order, among others, and business operators providing securities, insurance, banking, and other financial services shall provide consumers with information on their business addresses and contact methods, the quality, quantity, and prices or fees of commodities or services, the duration and manner of performance, safety precautions and risk warnings, after-sales services, and civil liability.

Article 29 In collecting and using the personal information of consumers, business operators shall adhere to the principles of legality, rationality and necessity, explicitly state the purposes, methods and scope of collection or use of information, and obtain the consent of consumers. Business operators collecting or using the personal information of consumers shall disclose their rules for the collection or use of information, and may not collect or use information in violation of laws and regulations or agreements with consumers.

Business operators and their employees must strictly keep confidential the collected personal information of consumers, and may not divulge, sell, or illegally provide such information to others. Business operators shall take technical measures and other necessary measures to ensure information security, and prevent the personal information of consumers from divulgence or loss. If divulgence or loss of personal information of consumers occurs or may occur, business operators shall immediately take remedial measures.

Business operators shall not send commercial information to consumers without the consent or request of consumers or with a clear refusal from consumers.

Chapter IV Protection of Lawful Rights and Interests of Consumers by the State

Article 30 In developing laws, regulations, rules, and mandatory standards related to consumer rights and interests, the state shall hear the opinions of consumers, consumer associations, and other organizations.

Article 31 The people's governments at all levels shall strengthen their leadership, organize, coordinate and supervise the relevant administrative departments in satisfactorily protecting the lawful rights and interests of consumers, and fulfill their duties in protecting the lawful rights and interests of consumers.

The people's governments at all levels shall strengthen supervision to prevent and eliminate in a timely manner acts causing damage to the personal or property safety of consumers.

Article 32 The administrative departments for industry and commerce of the people's governments at all levels and other relevant administrative departments shall take measures to protect the lawful rights and interests of consumers within their respective functions in accordance with the provisions of laws and regulations.

The relevant administrative departments shall hear the opinions of consumers, consumer associations, and other organizations on issues concerning the transactions of business operators and the quality of commodities and services, and investigate and address such issues in a timely manner.

Article 33 The relevant administrative departments shall, within their respective functions, conduct spot check and inspection of the commodities and services provided by business operators on a regular or unscheduled basis, and publish the results thereof in a timely manner.

Where the relevant administrative departments discover and determine that the commodities or services provided by business operators are defective and may endanger the personal or property safety, they shall immediately order the business operators to take measures such as cessation of sale, issuance of a warning, recall, harmless treatment, destruction, and cessation of production or service.

Article 34 The relevant state organs shall, in accordance with the provisions of laws and regulations, punish the illegal or criminal acts of business operators infringing upon the lawful rights and interests of consumers in providing commodities or services.

Article 35 The people's courts shall take measures to facilitate consumers' filing of lawsuits, and must accept and hear in a timely manner consumer rights and interests dispute cases which meet the litigation conditions as set out 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 legally formed to exercise social supervision over commodities and services and protect the lawful rights and interests of consumers.

Article 37 Consumer associations shall perform the following public duties:

- (1) Providing consumption information and consultation services to consumers, increasing consumers' ability to protect their lawful rights and interests, and guiding consumption in a civilized, healthy, resource conservation, and environmental protection manner.
- (2) Participating in the development of laws, regulations, rules, and mandatory standards related to consumer rights and interests.
- (3) Participating in the supervision and inspection of commodities and services conducted by the relevant administrative departments.
- (4) Reporting or inquiring about issues concerning the lawful rights and interests of consumers to the relevant authorities and providing recommendations.
- (5) Accepting complaints of consumers and investigating or mediating complaints.
- (6) When necessary, authorizing an appraisal by a qualified appraiser, which shall issue an appraisal opinion, if a complaint involves any quality problems of commodities or services.
- (7) For infringement upon the lawful rights and interests of consumers, supporting the victims in filing lawsuits or, in accordance with this Law, filing lawsuits.

(8) Exposing and criticizing through mass media the acts infringing upon the lawful rights and interests of consumers.

The people's governments at all levels shall provide necessary operating funds and other support for consumer associations to perform their duties.

Consumer associations shall conscientiously perform their duties in protecting the lawful rights and interests of consumers, hear the opinions and suggestions of consumers, and accept social supervision.

Other consumer organizations legally formed shall conduct activities to protect the lawful rights and interests of consumers in accordance with laws, regulations, and their bylaws.

Article 38 Consumer organizations shall neither engage in commodity trading or for-profit services nor recommend commodities or services to consumers by charging fees or any other for-profit means.

Chapter VI Settlement of Disputes

Article 39 Where any dispute over consumer rights and interests arises between business operators and consumers, consumers may settle the dispute by the following means:

- (1) Conciliation with business operators through consultations.
- (2) Requesting mediation by a consumer association or any other mediation organization legally formed.
- (3) Filing a complaint with the relevant administrative department.
- (4) Applying to an arbitral institution for arbitration under an arbitral agreement with a business operator.
- (5) Filing a lawsuit with a people's court.

Article 40 Consumers whose lawful rights and interests are infringed upon in purchasing or using commodities may claim compensation from the sellers, which shall, after paying compensation, have the right to be reimbursed by the liable manufacturers or other sellers supplying the commodities to them.

Consumers or other victims suffering personal injuries or property damage from defects of commodities may claim compensation from the sellers and manufacturers. If the manufacturers are liable, the sellers shall, after paying compensation, have the right to be reimbursed by the manufacturers. If the sellers are liable, the manufacturers shall, after paying compensation, have the right to be reimbursed by the sellers.

Consumers whose lawful rights and interests are infringed upon in receiving services may claim compensation from the service providers.

Article 41 Consumers whose lawful rights and interests are infringed upon in purchasing or using commodities or receiving services may claim compensation from the enterprises succeeding to the rights and obligations of the original enterprises after modifications such as business split or combination.

Article 42 Consumers whose lawful rights and interests are infringed upon by business operators illegally using business licenses of others to provide commodities or services may claim compensation from such business operators and holders of such business licenses.

Article 43 Consumers whose lawful rights and interests are infringed upon in purchasing commodities or receiving services at trade fairs or leased counters may claim compensation from the sellers or service providers. After trade fairs are over or counter leases expire, they may also claim compensation from the organizers of trade fairs or the counter lessors. The organizers of trade fairs or the counter lessors shall, after paying compensation, have the right to be reimbursed by the sellers or service providers.

Article 44 Consumers whose lawful rights and interests are infringed upon in purchasing commodities or receiving services through online trading platforms may claim compensation from the sellers or service providers. If the providers of online trading platforms are unable to provide the true names and addresses and valid contact methods of the sellers or service providers, consumers may also claim compensation from the providers of online trading platforms; and the providers of online trading platforms which have made any commitments more favorable to consumers shall fulfill such commitments. The providers of online trading platforms shall, after compensation, have the right to be reimbursed by the sellers or service providers.

Where the providers of online trading platform know or should have known that the sellers or service providers infringe upon the lawful rights and interests of consumers through the platforms, but fail to take necessary measures, they shall be jointly and severally liable with the sellers or service providers.

Article 45 Consumers whose lawful rights and interests are infringed upon by business operators providing commodities or services by false advertising or any other means of falsified promotion may claim compensation from business operators. Consumers may request the competent administrative departments to punish advertising agents or publishers which engage in false advertising. Advertising agents or publishers which fail to provide the true names and addresses and valid contact methods of business operators shall assume compensatory liability.

Where the false advertising of commodities or services involving the life and health of consumers designed, produced, or published by advertising agents or publishers has caused damage to consumers, they shall be jointly and severally liable with the business operators providing the commodities or services.

Where, in the false advertising or any other falsified promotion of commodities and services involving the life and health of consumers, social groups or other organizations or individuals recommend the commodities or services to consumers, causing damage to consumers, they shall be jointly and severally liable with the business operators providing the commodities or services.

Article 46 Where a consumer files a complaint with the relevant administrative department, the department shall, within

seven working days of receipt of the complaint, process the complaint and inform the consumer.

Article 47 For infringement upon the lawful rights and interests of vast consumers, the China Consumers' Association and the consumer associations formed in provinces, autonomous regions, and municipalities directly under the Central Government may file lawsuits in the people's courts.

Chapter VII Legal Liability

Article 48 Under any of the following circumstances, business operators providing commodities or services shall assume civil liability in accordance with the provisions of other applicable laws and regulations, except as otherwise provided for in this Law:

- (1) Commodities or services are defective.
- (2) Commodities lack the required performances in use, and no explanation is provided at the time of sale.
- (3) Commodities fail to comply with the commodity standards indicated on commodities or their packaging.
- (4) Commodities fail to reach the quality indicated by product instructions, real samples, and other means.
- (5) Commodities expressly eliminated by the state are produced or expired or deteriorated commodities are sold.
- (6) Commodities sold are short in quantity.
- (7) Service contents and costs are in violation of agreement.
- (8) Business operators deliberately delay or unreasonably refuse consumers' requests for repair, remanufacture, replacement, return of goods, making up shortage of commodities, refunding payments for goods or services, or compensation for losses.
- (9) Otherwise infringing upon consumer rights and interests as provided for by laws and regulations.

Where business operators fail to fulfill their obligations of safety protection of consumers, causing damage to consumers, they shall assume tort liability.

Article 49 Where the commodities or services provided by business operators have caused personal injuries to consumers or other victims, business operators shall compensate them for medical expenses, care expenses, travel expenses, and other reasonable expenses incurred for treatment and rehabilitation, as well as lost wages. If disabilities are caused to them, business operators shall also compensate them for expenses on assisting devices for disability and pay disability compensation. If death is caused to them, business operators shall also pay funeral expenses and death compensation.

Article 50 Business operators which infringe upon the human dignity or personal freedom of consumers or infringe upon consumers' right to legal protection of personal information shall cease infringement, restore consumers' reputation, eliminate adverse effects, make apologies, and compensate consumers for losses.

Article 51 Where business operators insult or defame, search the persons of, violate the personal freedom of, or otherwise infringe upon the personal rights of consumers or other victims, inflicting serious mental distress on the victims, the victims may claim damages for the infliction of mental distress.

Article 52 Where the commodities or services provided by business operators have caused property damage to consumers, business operators shall assume civil liability in accordance with the law or as agreed by the parties, including but not limited to repair, remanufacture, replacement, return of goods, making up shortage of commodities, refunding payments for goods or services, or compensation for losses.

Article 53 Business operators which provide commodities or services in the form of advance payment shall provide the

same as agreed upon. Business operators which fail to provide the same as agreed upon shall fulfill agreements or refund advance payments as required by consumers, and pay interest on advance payments and necessary reasonable expenses of consumers.

Article 54 Business operators shall, as required by consumers, be responsible for the return of commodities determined as non-compliance commodities by the relevant administrative departments in accordance with the law.

Article 55 Business operators which fraudulently provide commodities or services shall, as required by consumers, increase the compensation for consumers' losses, and the increase in compensation shall be three times the payment made by a consumer for the commodity purchased or the service received or be 500 yuan if the increase as calculated before is less than 500 yuan, except as otherwise provided for by the law.

Where business operators knowingly provide consumers with defective commodities or services, causing death or serious damage to the health of consumers or other victims, the victims shall have the right to require business operators to compensate them for losses in accordance with Articles 49 and 51 of this Law and other provisions of laws, and have the right to claim punitive compensation of not more than two times the amount of losses incurred.

Article 56 Under any of the following circumstances, business operators shall, in addition to corresponding civil liabilities, be governed by other applicable laws and regulations which provide for the punishing authorities and forms of punishment; or in the absence of such provisions in laws or regulations, the administrative departments for industry and commerce or other relevant administrative departments shall order them to make correction, and may, according to the circumstances, warn the business operators, confiscate their illegal income, impose a fine of not less than the illegal income but not more than ten times the illegal income or, if there is no illegal income, a fine of not more than 500,000 yuan, or impose a combination of the above penalties on them; and if the circumstances are serious, order them to suspend business for rectification or revoke their business licenses:

- (1) Providing commodities or services not in compliance with the requirements for the protection of personal and property safety.
- (2) Adulterating commodities, passing fake commodities off as genuine ones, or passing inferior commodities off as superior ones, or passing non-compliance commodities off as compliance ones.
- (3) Producing commodities expressly eliminated by the state, or selling expired or deteriorated commodities.
- (4) Forging the origins of commodities, forging or falsely using the factory names and addresses of others, tampering with the date of production, or forging or falsely using certification marks and other quality marks.
- (5) Selling commodities not inspected or quarantined as required, or forging the inspection or quarantine results.
- (6) Promoting commodities or services in a false or misleading manner.
- (7) Refusing or delaying the measures ordered by the relevant administrative departments, such as cessation of sale, issuance of warnings, recall, harmless treatment, destruction, and cessation of production or service, for their defective commodities or services.
- (8) Deliberately delaying or unreasonably refusing consumers' requests for repair, remanufacture, replacement, return of goods, making up shortage of commodities, refunding payments for goods or services, or compensation for losses.
- (9) Infringing upon the human dignity or personal freedom of consumers or infringing upon the right of consumers to legal protection of personal information.
- (10) Otherwise infringing upon consumer rights and interests, punishable according to laws or regulations.

Where business operators fall under any of the circumstances in the preceding paragraph, in addition to punishment in

accordance with laws and regulations, the punishing authorities shall enter the violations into their credit files and disclose them to the public.

Article 57 Business operators which are suspected of any crime for infringing upon the lawful rights and interests of consumers in providing commodities or services in violation of this Law shall be subject to criminal liability in accordance with the law.

Article 58 Business operators violating this Law shall fulfill their civil compensatory liability first if their assets are insufficient to both fulfill civil compensatory liability and pay administrative or criminal fines.

Article 59 Against the administrative punishment decisions, business operators may, in accordance with the law, apply for administrative reconsideration or file administrative lawsuits.

Article 60 Whoever obstructs, by force, threat, or other means, the legal performance of duties by the employees of relevant administrative departments shall be subject to criminal liability in accordance with the law; and whoever refuses or obstructs, without resorting to violence or threats, the legal performance of duties by the employees of relevant administrative departments shall be punished by the public security authorities in accordance with the provisions of the Public Security Administration Punishments Law of the People's Republic of China.

Article 61 Where any employees of a state organ neglect their duties or harbor any business operator's infringement upon the lawful rights and interests of consumers, the state organ or the superior state organ shall take administrative disciplinary actions against them; and if they are suspected of any crime for the serious circumstances, they shall be subject to criminal liability in accordance with the law.

Chapter VIII Supplementary Provisions

Article 62 This Law shall apply, by reference, to farmers' purchase and use of means of production directly for agricultural production.

Article 63 This Law shall come into force on January 1, 1994.

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