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# 中华人民共和国产品质量法（2018修正）

# Product Quality Law of the People's Republic of China (2018 Revision)

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(1993年2月22日第七届全国人民代表大会常务委员会第三十次会议通过 根据2000年7月8日第九届全国人民代表大会常务委员会第十六次会议《关于修改〈中华人民共和国产品质量法〉的决定》第一次修正 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第二次修正 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国产品质量法〉等五部法律的决定》第三次修正)

(Adopted at the 30th session of the Standing Committee of the 7th National People's Congress on February 22, 1993; amended for the first time according to the Decision on Revising the Product Quality Law of the People's Republic of China at the 16th session of the Standing Committee of the 9th National People's Congress on July 8, 2000; amended for the second time according to the Decision on Revising Certain Laws at the 10th session of the Standing Committee of the 11th National People's Congress on August 27, 2009; and amended for the third time according to the Decision on Revising Five Laws including the Product Quality Law of the People's Republic of China at the 7th session of the Standing Committee of the 13th National People's Congress on December 29, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了加强对产品质量的监督管理，提高产品质量水平，明确产品质量责任，保护消费者的合法权益，维护社会经济秩序，制定本法。

Article 1 This Law is enacted for the purposes of strengthening the supervision and control over product quality, raising the level of product quality, defining the responsibilities for product quality, protecting the legitimate rights and interests of consumers and maintaining the social and economic order.

第二条   在中华人民共和国境内从事产品生产、销售活动，必须遵守本法。

Article 2 The law applies to all production and marketing activities within the territory of the People's Republic of China.

本法所称产品是指经过加工、制作，用于销售的产品。

For the purpose of the Law, products refer to products processed or manufactured for the purpose of sale.

建设工程不适用本法规定；但是，建设工程使用的建筑材料、建筑构配件和设备，属于前款规定的产品范围的，适用本法规定。

This law is not applicable to construction projects. However, the construction materials, components, fittings and equipment that fall within the category as provided in the previous paragraph shall be governed by this law.

第三条   生产者、销售者应当建立健全内部产品质量管理制度，严格实施岗位质量规范、质量责任以及相应的考核办法。

Article 3 Producers and sellers shall establish and improve their internal product quality management systems, and rigorously implement post-oriented quality regulations, quality responsibilities and corresponding measures for their assessment.

第四条   生产者、销售者依照本法规定承担产品质量责任。

Article 4 Producers and sellers are responsible for product quality in accordance with the Law.

第五条   禁止伪造或者冒用认证标志等质量标志；禁止伪造产品的产地，伪造或者冒用他人的厂名、厂址；禁止在生产、销售的产品中掺杂、掺假，以假充真，以次充好。

Article 5 It is forbidden to forge or fraudulently use certification marks or other quality marks; to forge the origin of products, or to forge or fraudulently use the factory names or factory addresses of others; to mix impurities or imitations into products that are manufactured or for sale, or to pass fake goods off as genuine ones or shoddy products as good ones.

第六条   国家鼓励推行科学的质量管理方法，采用先进的科学技术，鼓励企业产品质量达到并且超过行业标准、国家标准和国际标准。

Article 6 The State encourages the use of scientific quality control methods and adoption of advanced science and technology, and encourages enterprises to make their product quality reach or surpass the trade standards, national standards and even international standards.

对产品质量管理先进和产品质量达到国际先进水平、成绩显著的单位和个人，给予奖励。

The entities and individuals that have made outstanding achievements in ensuring advanced product quality control and in raising product quality to the advanced international standards shall be awarded.

第七条   各级人民政府应当把提高产品质量纳入国民经济和社会发展规划，加强对产品质量工作的统筹规划和组织领导，引导、督促生产者、销售者加强产品质量管理，提高产品质量，组织各有关部门依法采取措施，制止产品生产、销售中违反本法规定的行为，保障本法的施行。

Article 7 The people's governments at all levels shall ensure the implementation of the Law by incorporating the improvement to product quality into their plans for national economic and social development, reinforcing the overall planning, organization and leadership regarding product quality, instructing and urging producers and sellers to reinforce the management of product quality and improve product quality, and organizing relevant departments to lawfully take measures for stopping any violations of the Law in the process of product production and selling.

第八条   国务院市场监督管理部门主管全国产品质量监督工作。国务院有关部门在各自的职责范围内负责产品质量监督工作。

Article 8 The market supervision and administration department of the State Council shall be in charge of supervision and administration of product quality nationwide. Other relevant departments of the State Council shall be responsible for the supervision of product quality within their respective functions and duties.

县级以上地方市场监督管理部门主管本行政区域内的产品质量监督工作。县级以上地方人民政府有关部门在各自的职责范围内负责产品质量监督工作。

Local market supervision and administration authorities at or above the county level are in charge of product quality supervision within their respective administrative jurisdictions. The relevant departments of the local people's governments at or above the county level are responsible for product quality supervision according to their respective responsibilities.

法律对产品质量的监督部门另有规定的，依照有关法律的规定执行。

If the product quality supervision departments are otherwise provided by the law, such provisions apply.

第九条   各级人民政府工作人员和其他国家机关工作人员不得滥用职权、玩忽职守或者徇私舞弊，包庇、放纵本地区、本系统发生的产品生产、销售中违反本法规定的行为，或者阻挠、干预依法对产品生产、销售中违反本法规定的行为进行查处。

Article 9 No functionaries of the people's governments at all levels or of other state organs may abuse their power, neglect their duties or engage in malpractices for personal gain, cover up for or connive at violations of the Law in the process of product production and selling that occur within the locality or within the trade, or hinder or interfere with the lawful investigation into and handling of violations of the Law that occur in the process of product production and selling.

各级地方人民政府和其他国家机关有包庇、放纵产品生产、销售中违反本法规定的行为的，依法追究其主要负责人的法律责任。

Where any of the local people's governments or other state organs covers up or gives loose to the violations of this Law that occur in the production or selling of products, the principal person-in-charge shall be subject to legal liabilities.

第十条   任何单位和个人有权对违反本法规定的行为，向市场监督管理部门或者其他有关部门检举。

Article 10 Any organisation or individual shall have the right to report any violation of the provisions of this Law to the market supervision and administration authorities or other relevant authorities.

市场监督管理部门和有关部门应当为检举人保密，并按照省、自治区、直辖市人民政府的规定给予奖励。

Market regulatory authorities and the relevant authorities shall keep confidentiality of whistle-blowers, and reward them pursuant to the provisions of the People's Government of the province, autonomous region or centrally-administered municipality.

第十一条   任何单位和个人不得排斥非本地区或者非本系统企业生产的质量合格产品进入本地区、本系统。

Article 11 No entity or individual may prevent any qualified products produced outside of the region or trade from entering the region or trade.

第二章 产品质量的监督

CHAPTER 2 SUPERVISION OVER PRODUCT QUALITY

第十二条   产品质量应当检验合格，不得以不合格产品冒充合格产品。

Article 12 Quality of products shall pass standard examinations and no sub-standard products shall be used as standard ones.

第十三条   可能危及人体健康和人身、财产安全的工业产品，必须符合保障人体健康和人身、财产安全的国家标准、行业标准；未制定国家标准、行业标准的，必须符合保障人体健康和人身、财产安全的要求。

Article 13 Industrial products which may be hazardous to human health and personal or property safety shall meet the national standards and trade standards for ensuring human health and personal or property safety. In the absence of such national standards or trade standards, the products shall conform to the requirements for ensuring human health and personal or property safety.

禁止生产、销售不符合保障人体健康和人身、财产安全的标准和要求的工业产品。具体管理办法由国务院规定。

It is prohibited to produce or sell industrial products which do not conform to the standards and requirements for the protection of human health and personal and property safety. The specific administrative measures shall be formulated by the State Council.

第十四条   国家根据国际通用的质量管理标准，推行企业质量体系认证制度。企业根据自愿原则可以向国务院市场监督管理部门认可的或者国务院市场监督管理部门授权的部门认可的认证机构申请企业质量体系认证。经认证合格的，由认证机构颁发企业质量体系认证证书。

Article 14 The State shall institute the system for certifying quality control system of enterprises according to the quality control standards commonly accepted internationally. Enterprises may, according to the principle of voluntariness, apply for certification of their quality systems to the certification organizations recognized by the market regulatory department under the State Council or by the departments authorized by the market regulatory department under the State Council. If the system is certified as up to standard, an enterprise quality system certificate shall be issued by the certification organ.

国家参照国际先进的产品标准和技术要求，推行产品质量认证制度。企业根据自愿原则可以向国务院市场监督管理部门认可的或者国务院市场监督管理部门授权的部门认可的认证机构申请产品质量认证。经认证合格的，由认证机构颁发产品质量认证证书，准许企业在产品或者其包装上使用产品质量认证标志。

The State shall practice a product quality certification system with reference to the internationally advanced product standards and technical requirements. Enterprises may apply voluntarily for certification of the quality of their products with the market regulatory department under the State Council or quality certification organizations recognized by the departments authorized by the market regulatory department under the State Council. The qualified enterprises shall be issued with the certificates for product quality and allowed to use quality certification marks on the products or on the packages thereof.

第十五条   国家对产品质量实行以抽查为主要方式的监督检查制度，对可能危及人体健康和人身、财产安全的产品，影响国计民生的重要工业产品以及消费者、有关组织反映有质量问题的产品进行抽查。抽查的样品应当在市场上或者企业成品仓库内的待销产品中随机抽取。监督抽查工作由国务院市场监督管理部门规划和组织。县级以上地方市场监督管理部门在本行政区域内也可以组织监督抽查。法律对产品质量的监督检查另有规定的，依照有关法律的规定执行。

Article 15 The State, with respect to product quality, adopts a supervision and inspection system with random inspection as the main method. The products that may endanger human health and personal or property safety, the important industrial products that influence the national economy and the people's livelihood and the products that have been reported by consumers or relevant organizations as defective in quality are subject to random inspection. The samples for random inspection shall be randomly taken from the market or the products for sale stored in the warehouse of an enterprise. The supervision and random inspection shall be planned and organized by the market regulatory authority under the State Council. A local market supervision and administration department at or above the county level may also organize the supervision and random inspection within its administrative region. Where there are different provisions concerning the supervision and inspection, such provisions shall be applied.

国家监督抽查的产品，地方不得另行重复抽查；上级监督抽查的产品，下级不得另行重复抽查。

The products supervised and randomly inspected by the state shall not be subject to repeated random inspection by local administrations; the products supervised and randomly inspected by the administration at a higher level shall not be subject to repeated random inspection by an administration at a lower level.

根据监督抽查的需要，可以对产品进行检验。检验抽取样品的数量不得超过检验的合理需要，并不得向被检查人收取检验费用。监督抽查所需检验费用按照国务院规定列支。

Products may be tested when required by supervision and random inspection. The quantity of samples shall not be larger than that is reasonably needed, and no fees may be charged from the inspected. The inspection cost for the supervision and random inspection shall be disbursed in accordance with the regulations of the State Council.

生产者、销售者对抽查检验的结果有异议的，可以自收到检验结果之日起十五日内向实施监督抽查的市场监督管理部门或者其上级市场监督管理部门申请复检，由受理复检的市场监督管理部门作出复检结论。

Where manufacturers and sellers have any objection to the results of random inspection and tests, they may, within 15 days from the date of receiving the results of inspection and tests, apply for re-inspection to the market supervision and administration departments that implement supervision and random inspection or the market supervision and administration departments at a higher level. The market supervision and administration departments that accept the re-inspection shall issue a re-inspection conclusion.

第十六条   对依法进行的产品质量监督检查，生产者、销售者不得拒绝。

Article 16 No producer or seller may reject any supervision or inspection over product quality that is carried out in accordance with the law.

第十七条   依照本法规定进行监督抽查的产品质量不合格的，由实施监督抽查的市场监督管理部门责令其生产者、销售者限期改正。逾期不改正的，由省级以上人民政府市场监督管理部门予以公告；公告后经复查仍不合格的，责令停业，限期整顿；整顿期满后经复查产品质量仍不合格的，吊销营业执照。

Article 17 Where any product is found to be unqualified by any supervision and random inspection that is carried out in accordance with the Law, the market supervision and administration department carrying out the supervision and random inspection shall order the producer or seller to make corrections within a prescribed time limit. If the producer or seller fails to make corrections within the time limit, the market supervision and administration department of the people's government at the provincial level or above shall make an announcement. If the product is still found to be unqualified upon re-inspection after the announcement, the producer or seller shall be ordered to suspend business for rectifications within a time limit. If the product quality is still found to be unqualified upon re-inspection after the expiration of the period of rectification, the business license shall be revoked.

监督抽查的产品有严重质量问题的，依照本法第五章的有关规定处罚。

Where serious quality problems arise in the supervision and random inspection of products, penalties shall be imposed in accordance with the relevant provisions in Chapter V of this Law.

第十八条   县级以上市场监督管理部门根据已经取得的违法嫌疑证据或者举报，对涉嫌违反本法规定的行为进行查处时，可以行使下列职权：

Article 18 A market supervision and administration department at the county level or above may, when investigating and handling any act suspected to be in violation of this Law according to the evidence acquired concerning the suspected violation of law or the report, exercise the following powers:

(一)对当事人涉嫌从事违反本法的生产、销售活动的场所实施现场检查；

1. Conducting on-spot inspection over the site where the parties concerned are suspected to engage in production or sale activities by violating this Law;

(二)向当事人的法定代表人、主要负责人和其他有关人员调查、了解与涉嫌从事违反本法的生产、销售活动有关的情况；

2. Inquiring the legal representative, the principal person-in-charge and other relevant persons about information relevant to the suspected activities of production and sale in violation of this Law;

(三)查阅、复制当事人有关的合同、发票、帐簿以及其他有关资料；

(III) To examine and copy relevant contracts, invoices, account books and other materials of parties concerned;

(四)对有根据认为不符合保障人体健康和人身、财产安全的国家标准、行业标准的产品或者有其他严重质量问题的产品，以及直接用于生产、销售该项产品的原辅材料、包装物、生产工具，予以查封或者扣押。

(IV) Sealing up or detaining any product that may be considered on the basis of existing grounds as not meeting the national standards or trade standards for ensuring human health and personal or property safety, any product that has other serious defects in quality, and raw or subsidiary materials, wrappings, or production tools directly used for production or sale of this product.

第十九条   产品质量检验机构必须具备相应的检测条件和能力，经省级以上人民政府市场监督管理部门或者其授权的部门考核合格后，方可承担产品质量检验工作。法律、行政法规对产品质量检验机构另有规定的，依照有关法律、行政法规的规定执行。

Article 19 Product quality inspection institutions shall have the corresponding testing facilities and capabilities and shall conduct product quality inspection only after they have passed the examination of the market supervision and administration departments of the people's governments at or above the provincial level or of departments authorized thereby. If there are separate provisions by other laws or administrative decrees, the relevant laws or administrative decrees shall apply.

第二十条   从事产品质量检验、认证的社会中介机构必须依法设立，不得与行政机关和其他国家机关存在隶属关系或者其他利益关系。

Article 20 Social intermediary institutions engaged in the inspection and certification of product quality shall be established in accordance with the law, and shall not be subordinate to or have any other interest relations with any administrative organs or state organs.

第二十一条   产品质量检验机构、认证机构必须依法按照有关标准，客观、公正地出具检验结果或者认证证明。

Article 21 Product quality inspection institutions and certification institutions shall make objective and fair inspection conclusions or certifications in accordance with the law and relevant criteria.

产品质量认证机构应当依照国家规定对准许使用认证标志的产品进行认证后的跟踪检查；对不符合认证标准而使用认证标志的，要求其改正；情节严重的，取消其使用认证标志的资格。

Product quality certification institutions shall, in accordance with the provisions of the state, make track-up inspections on the products that are allowed to bear certification marks. If any product fails to meet the certification requirements and still bears certification marks, the institutions shall order the producers or sellers to make corrections; if the circumstances are serious, the institutions shall revoke their qualifications for using certification marks.

第二十二条   消费者有权就产品质量问题，向产品的生产者、销售者查询；向市场监督管理部门及有关部门申诉，接受申诉的部门应当负责处理。

Article 22 Consumers have the right to inquire about the quality problems of products with producers or sellers of the products, to complain about product quality to the market supervision and administration departments or the relevant departments. The departments accepting complaints shall be responsible for handling such matters.

第二十三条   保护消费者权益的社会组织可以就消费者反映的产品质量问题建议有关部门负责处理，支持消费者对因产品质量造成的损害向人民法院起诉。

Article 23 Social organizations for protecting the rights and interests of consumers may propose to relevant departments to handle matters concerning the complaints by consumers about product quality and give aid to consumers to sue producers whose products have caused damages.

第二十四条   国务院和省、自治区、直辖市人民政府的市场监督管理部门应当定期发布其监督抽查的产品的质量状况公告。

Article 24 The market supervision and administration departments under the State Council and the market supervision and administration departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall publicize regularly the quality situation of the products that they have supervised and randomly inspected.

第二十五条   市场监督管理部门或者其他国家机关以及产品质量检验机构不得向社会推荐生产者的产品；不得以对产品进行监制、监销等方式参与产品经营活动。

Article 25 Market supervision and administration departments, other state organs, and product quality inspection institutions may not recommend producers' products to the public, nor may they engage in the operational activities of products by means of supervising the production or sale of products.

第三章 生产者、销售者的产品质量责任和义务

Chapter 3 Responsibilities and Obligations of Producers and Sellers in Respect of Product Quality

第一节 生产者的产品质量责任和义务

Section 1 Producer’s Responsibility and Obligation for Product Quality

第二十六条   生产者应当对其生产的产品质量负责。

Article 26 Producers shall be responsible for the quality of products they produce.

产品质量应当符合下列要求：

Product quality shall conform to the following requirements:

(一)不存在危及人身、财产安全的不合理的危险，有保障人体健康和人身、财产安全的国家标准、行业标准的，应当符合该标准；

1. being free from unreasonable dangers that may jeopardize personal and property safety, and meeting national standards or trade standards for ensuring human health and personal and property safety if there are such standards;

(二)具备产品应当具备的使用性能，但是，对产品存在使用性能的瑕疵作出说明的除外；

(II) having proper functional performance except the circumstances where defects in functional performance are indicated;

(三)符合在产品或者其包装上注明采用的产品标准，符合以产品说明、实物样品等方式表明的质量状况。

(III) Products shall tally with the standards prescribed or specified on the packages and with the quality specified in the instructions for use or shown in the providing samples.

第二十七条   产品或者其包装上的标识必须真实，并符合下列要求：

Article 27 The marks on the products or the packages thereof shall be authentic and shall include the following:

(一)有产品质量检验合格证明；

1. there shall be certificates for quality inspection;

(二)有中文标明的产品名称、生产厂厂名和厂址；

(II) Product name, manufacturer name and address in Chinese;

(三)根据产品的特点和使用要求，需要标明产品规格、等级、所含主要成份的名称和含量的，用中文相应予以标明；需要事先让消费者知晓的，应当在外包装上标明，或者预先向消费者提供有关资料；

(III) If, according to the characteristics and requirements for use, the specification, grade or the names and contents of the major ingredients are required to be specified, they shall be specified in Chinese; if it is necessary to inform consumers in advance, it shall be marked on the outer package or relevant materials shall be provided to consumers in advance;

(四)限期使用的产品，应当在显著位置清晰地标明生产日期和安全使用期或者失效日期；

(IV) Products which have a time limit for use, the date of production or the period for safe use or the date of losing efficacy shall be indicated clearly in a conspicuous position of the product;

(五)使用不当，容易造成产品本身损坏或者可能危及人身、财产安全的产品，应当有警示标志或者中文警示说明。

(V) Where it is not properly used, a warning mark or warning specifications in Chinese shall be indicated on the product if the product is easily damaged or may endanger personal or property safety.

裸装的食品和其他根据产品的特点难以附加标识的裸装产品，可以不附加产品标识。

Food products without package and other non-packed products, which are difficult to be marked because of their nature, may dispense with product marks.

第二十八条   易碎、易燃、易爆、有毒、有腐蚀性、有放射性等危险物品以及储运中不能倒置和其他有特殊要求的产品，其包装质量必须符合相应要求，依照国家有关规定作出警示标志或者中文警示说明，标明储运注意事项。

Article 28 For such dangerous products as fragile, inflammable, explosive, toxic, corrosive or radioactive products, products which cannot be placed upside down in the process of storage or transportation or products which have other special requirements, the packages thereof shall meet the corresponding requirements, carry warning marks or warnings written in Chinese or notes of attention in storage or transportation in accordance with the relevant provisions of the State.

第二十九条   生产者不得生产国家明令淘汰的产品。

Article 29 Producers are forbidden to produce products eliminated according to State laws or decrees.

第三十条   生产者不得伪造产地，不得伪造或者冒用他人的厂名、厂址。

Article 30 No producer may forge the origin of a product, nor forge or falsely use another producer name and address.

第三十一条   生产者不得伪造或者冒用认证标志等质量标志。

Article 31 No producer may forge or falsely use certification marks or other quality marks.

第三十二条   生产者生产产品，不得掺杂、掺假，不得以假充真、以次充好，不得以不合格产品冒充合格产品。

Article 32 In producing products, producers shall not mix impurities or imitations into products, or to pass fake goods off as genuine ones or shoddy products as good ones or sub-standard products as standard ones.

第二节 销售者的产品质量责任和义务

Section 2 Liability and Obligation of Seller for Product Quality

第三十三条   销售者应当建立并执行进货检查验收制度，验明产品合格证明和其他标识。

Article 33 Sellers shall implement the system of examination and acceptance of goods procured, to verify the product quality certificates and other marks.

第三十四条   销售者应当采取措施，保持销售产品的质量。

Article 34 Sellers shall adopt measures to maintain the quality of products for sale.

第三十五条   销售者不得销售国家明令淘汰并停止销售的产品和失效、变质的产品。

Article 35 Sellers may not sell any product that is eliminated and the sale of which is stopped by State orders, or any expired and deteriorated product.

第三十六条   销售者销售的产品的标识应当符合本法第二十七条的规定。

Article 36 The marks of products for sale by sellers shall conform to the provisions of Article 27 of the Law.

第三十七条   销售者不得伪造产地，不得伪造或者冒用他人的厂名、厂址。

Article 37 Sellers are not allowed to fake the place of origin or fake or fraudulently use the factory names and addresses of others.

第三十八条   销售者不得伪造或者冒用认证标志等质量标志。

Article 38 Sellers are not allowed to forge or fraudulently use certification marks and other quality marks.

第三十九条   销售者销售产品，不得掺杂、掺假，不得以假充真、以次充好，不得以不合格产品冒充合格产品。

Article 39 In selling products, sellers shall not mix impurities or imitations into products, or to pass fake goods off as genuine ones or shoddy products as good ones or sub-standard products as standard ones.

第四章 损害赔偿

Chapter 4 Damages

第四十条   售出的产品有下列情形之一的，销售者应当负责修理、更换、退货；给购买产品的消费者造成损失的，销售者应当赔偿损失：

Article 40 Sellers shall be responsible for repair, replacement or return and compensate for the damages done to consumers if one of the following cases occurs:

(一)不具备产品应当具备的使用性能而事先未作说明的；

1. The product does not have the function it should have and there is no advance explanations thereabout;

(二)不符合在产品或者其包装上注明采用的产品标准的；

2. The quality of products does not conform to the standards or to the standards specified in the packages;

(三)不符合以产品说明、实物样品等方式表明的质量状况的。

(III) the quality of products does not meet the quality specified by way of product specifications and samples.

销售者依照前款规定负责修理、更换、退货、赔偿损失后，属于生产者的责任或者属于向销售者提供产品的其他销售者(以下简称供货者)的责任的，销售者有权向生产者、供货者追偿。

After the sellers undertake the repairs, replacement, return or compensation for damages according to the provisions of the preceding paragraph, the sellers have the right to recover the losses from producers or suppliers if the responsibility rests with the producers or other sellers that provide the products.

销售者未按照第一款规定给予修理、更换、退货或者赔偿损失的，由市场监督管理部门责令改正。

Sellers who fail to make repair, replacement, return or compensation pursuant to the provisions of the first paragraph shall be ordered by the market supervision and administration authorities to make correction.

生产者之间，销售者之间，生产者与销售者之间订立的买卖合同、承揽合同有不同约定的，合同当事人按照合同约定执行。

If there are relevant provisions in the sales contracts or work contracts between producers, between sellers or between producers and sellers, the parties to the contracts shall follow the provisions of the contracts.

第四十一条   因产品存在缺陷造成人身、缺陷产品以外的其他财产(以下简称他人财产)损害的，生产者应当承担赔偿责任。

Article 41 Producers shall be responsible for compensating for the injury to a person or damage to property other than the defective products per se (hereinafter referred to as the "property of others") due to the defects of products.

生产者能够证明有下列情形之一的，不承担赔偿责任：

Producers shall not be held liable if they can prove one of the following cases:

(一)未将产品投入流通的；

1. The products have not been put into circulation;

(二)产品投入流通时，引起损害的缺陷尚不存在的；

2. the defects causing the damage do not exist when the products are put into circulation; and

(三)将产品投入流通时的科学技术水平尚不能发现缺陷的存在的。

(III) the defects cannot be found at the time of circulation due to the scientific and technological level at the time of circulation.

第四十二条   由于销售者的过错使产品存在缺陷，造成人身、他人财产损害的，销售者应当承担赔偿责任。

Article 42 Sellers shall be responsible for compensation if the damages caused to the property of others are caused by defects resulting from the fault on the part of sellers.

销售者不能指明缺陷产品的生产者也不能指明缺陷产品的供货者的，销售者应当承担赔偿责任。

Sellers shall be responsible if they cannot identify the producers or suppliers of the defective products.

第四十三条   因产品存在缺陷造成人身、他人财产损害的，受害人可以向产品的生产者要求赔偿，也可以向产品的销售者要求赔偿。属于产品的生产者的责任，产品的销售者赔偿的，产品的销售者有权向产品的生产者追偿。属于产品的销售者的责任，产品的生产者赔偿的，产品的生产者有权向产品的销售者追偿。

Article 43 If personal injury or damage to the property of others is caused due to the defects of products, the victims may claim for compensation from either the producers or sellers. If the liability lies on the producers and the compensation has been paid by the sellers, the sellers have the right to recover their losses from the producers. If the liability lies on the sellers and the compensation has been paid by the producers, the producers have the right to recover their losses from the sellers.

第四十四条   因产品存在缺陷造成受害人人身伤害的，侵害人应当赔偿医疗费、治疗期间的护理费、因误工减少的收入等费用；造成残疾的，还应当支付残疾者生活自助具费、生活补助费、残疾赔偿金以及由其扶养的人所必需的生活费等费用；造成受害人死亡的，并应当支付丧葬费、死亡赔偿金以及由死者生前扶养的人所必需的生活费等费用。

Article 44 If personal injury is caused by the defect of a product, the party liable shall pay medical expenses, nursing expenses during medical treatment and lost income due to absence from work to the victim; if the personal injury has resulted in disability, the party liable shall also pay the expenses for self-supporting equipment, living allowances, disability compensation and the living expenses necessary for those under the support of the disabled person; if death is resulted, the party liable shall also pay the funeral expenses, compensation for death and the living expenses necessary for those supported by the dead.

因产品存在缺陷造成受害人财产损失的，侵害人应当恢复原状或者折价赔偿。受害人因此遭受其他重大损失的，侵害人应当赔偿损失。

If the defect of a product causes damage to the property of the victims, the party liable shall restore the damaged property to its original state, or pay compensation at the market price. If the victim suffers other major losses, the party liable shall compensate for the losses.

第四十五条   因产品存在缺陷造成损害要求赔偿的诉讼时效期间为二年，自当事人知道或者应当知道其权益受到损害时起计算。

Article 45 The validity period for claiming for compensation for damage due to defects of products is two years, starting from the date when the parties concerned knew or should have known that their rights and interests are damaged.

因产品存在缺陷造成损害要求赔偿的请求权，在造成损害的缺陷产品交付最初消费者满十年丧失；但是，尚未超过明示的安全使用期的除外。

The right of request for compensation claim for damages done due to defects of products shall lose effect after the tenth year after the products shall lose effect after the tenth year after the products with defects that cause damages was first delivered to the first consumers. However, cases in which the specified safe use period has not been exceeded are exceptions.

第四十六条   本法所称缺陷，是指产品存在危及人身、他人财产安全的不合理的危险；产品有保障人体健康和人身、财产安全的国家标准、行业标准的，是指不符合该标准。

Article 46 Defects mentioned in the law are referred to the irrational dangers existing in the products that threaten the safety of person or properties or products that do not conform to the standards set by the State or the specific trade if there is any.

第四十七条   因产品质量发生民事纠纷时，当事人可以通过协商或者调解解决。当事人不愿通过协商、调解解决或者协商、调解不成的，可以根据当事人各方的协议向仲裁机构申请仲裁；当事人各方没有达成仲裁协议或者仲裁协议无效的，可以直接向人民法院起诉。

Article 47 If a civil dispute over product quality occurs, the parties concerned may settle the dispute through consultation or mediation. If any party concerned refuses to settle the disputes through consultation or mediation or consultation and mediation fail to settle the disputes, parties concerned may, according to their agreement, apply for arbitration with arbitration organizations. If the parties concerned fail to reach agreements on arbitration or the agreements on arbitration become invalid, the cases may be brought before the people's courts.

第四十八条   仲裁机构或者人民法院可以委托本法第十九条规定的产品质量检验机构，对有关产品质量进行检验。

Article 48 Arbitration organizations or the people's courts may entrust product quality inspection institutions provided for in Article 19 of the Law to inspect the quality of products concerned.

第五章 罚 则

Chapter 5 Penalty Provisions

第四十九条   生产、销售不符合保障人体健康和人身、财产安全的国家标准、行业标准的产品的，责令停止生产、销售，没收违法生产、销售的产品，并处违法生产、销售产品(包括已售出和未售出的产品，下同)货值金额等值以上三倍以下的罚款；有违法所得的，并处没收违法所得；情节严重的，吊销营业执照；构成犯罪的，依法追究刑事责任。

Article 49 An enterprise producing products that do not conform to the state standard or the specific trade standard for ensuring physical health and the safety of human body and property shall be ordered to stop production and sale; the products illegally produced and sold shall be confiscated; a fine less than three times the value of the products illegally produced or sold shall be imposed upon the producer or seller; where there are illegal proceeds, such proceeds shall be confiscated; if the circumstances are serious, the business license shall be revoked. If crimes are constituted, criminal liabilities shall be investigated.

第五十条   在产品中掺杂、掺假，以假充真，以次充好，或者以不合格产品冒充合格产品的，责令停止生产、销售，没收违法生产、销售的产品，并处违法生产、销售产品货值金额百分之五十以上三倍以下的罚款；有违法所得的，并处没收违法所得；情节严重的，吊销营业执照；构成犯罪的，依法追究刑事责任。

Article 50 If a producer or a seller is found adulterating their products or posing fake ones as genuine, inferior ones as superior or sub-standard ones as standard, it shall be ordered to stop production or selling; the products illegally produced or sold shall be confiscated and a fine not less than 50% of but not more than three times the value of the products illegally produced or sold shall be imposed concurrently; if there are illegal proceeds, such proceeds shall be confiscated concurrently; if the circumstances are serious, the business license shall be revoked; if the case constitutes a crime, criminal liability shall be investigated in accordance with law.

第五十一条   生产国家明令淘汰的产品的，销售国家明令淘汰并停止销售的产品的，责令停止生产、销售，没收违法生产、销售的产品，并处违法生产、销售产品货值金额等值以下的罚款；有违法所得的，并处没收违法所得；情节严重的，吊销营业执照。

Article 51 Any producer producing products that have been eliminated by State orders or any seller selling products that have been eliminated and the sale of which has been stopped by State orders shall be ordered to stop production or selling; the products illegally produced or sold shall be confiscated and a fine not more than the equivalent of the value of the products illegally produced or sold shall be imposed concurrently; if there are illegal proceeds, the proceeds shall be confiscated concurrently; if the circumstances are serious, the business license shall be revoked.

第五十二条   销售失效、变质的产品的，责令停止销售，没收违法销售的产品，并处违法销售产品货值金额二倍以下的罚款；有违法所得的，并处没收违法所得；情节严重的，吊销营业执照；构成犯罪的，依法追究刑事责任。

Article 52 Any seller selling products that are expired or deteriorated shall be ordered to stop selling; the products for illegal sale shall be confiscated and a fine not more than two times the value of the products for illegal sale shall be imposed concurrently; if there are illegal proceeds, such proceeds shall be confiscated concurrently; if the circumstances are serious, the business license shall be revoked. If the case constitutes a crime, criminal liability shall be investigated in accordance with the law.

第五十三条   伪造产品产地的，伪造或者冒用他人厂名、厂址的，伪造或者冒用认证标志等质量标志的，责令改正，没收违法生产、销售的产品，并处违法生产、销售产品货值金额等值以下的罚款；有违法所得的，并处没收违法所得；情节严重的，吊销营业执照。

Article 53 If a producer or a seller is found to have fabricated the place of origin, fabricated or used without authorization the names and addresses of other producers, fabricated or used without authorization quality marks such as certification marks, such producer or seller shall be ordered to make corrections; the products illegally produced or sold shall be confiscated and a fine not more than the equivalent of the value of the products illegally produced or sold shall be imposed concurrently; if there are illegal proceeds, such proceeds shall be confiscated concurrently; if the circumstances are serious, the business license shall be revoked.

第五十四条   产品标识不符合本法第二十七条规定的，责令改正；有包装的产品标识不符合本法第二十七条第(四)项、第(五)项规定，情节严重的，责令停止生产、销售，并处违法生产、销售产品货值金额百分之三十以下的罚款；有违法所得的，并处没收违法所得。

Article 54 Where the marks of a product do not conform to the provisions of Article 27 of this Law, the producer or seller shall be ordered to set it right; where the marks of the packaged products do not conform to the provisions of subparagraph (4) or (5) of Article 27 of this Law and the circumstances are serious, the producer or seller shall be ordered to stop the production or sale, and be fined not more than 30% of the value of the products illegally produced or sold; if there are illegal proceeds, such proceeds shall be confiscated.

第五十五条   销售者销售本法第四十九条至第五十三条规定禁止销售的产品，有充分证据证明其不知道该产品为禁止销售的产品并如实说明其进货来源的，可以从轻或者减轻处罚。

Article 55 If a seller that sells the products prohibited from selling as provided in Articles 49 to 53 of the Law presents sufficient evidence to prove that the seller does not know that the products had been prohibited from selling and truthfully reveals the source of products, the seller may be punished in a lenient way or be given a lesser punishment.

第五十六条   拒绝接受依法进行的产品质量监督检查的，给予警告，责令改正；拒不改正的，责令停业整顿；情节特别严重的，吊销营业执照。

Article 56 Any producer or seller that refuses to accept lawful product quality supervision and inspection shall be given a warning and be ordered to make corrections; if the producer or seller refuses to make corrections, the producer or seller shall be ordered to suspend business for rectifications; if the circumstances are extremely serious, its business license shall be revoked.

第五十七条   产品质量检验机构、认证机构伪造检验结果或者出具虚假证明的，责令改正，对单位处五万元以上十万元以下的罚款，对直接负责的主管人员和其他直接责任人员处一万元以上五万元以下的罚款；有违法所得的，并处没收违法所得；情节严重的，取消其检验资格、认证资格；构成犯罪的，依法追究刑事责任。

Article 57. Where a product quality inspection organ or a product quality certification organ falsifies inspection conclusions or issues a false certificate, it shall be ordered to rectify the situation. The unit involved shall be fined an amount greater than 50,000 yuan and less than 100,000 yuan and the person in charge who is directly responsible and other persons who are directly responsible shall be fined an amount greater than 10,000 yuan and less than 50,000 yuan; where there is illegal income, the illegal income shall be confiscated; where the circumstances are serious, the unit's inspection or certification qualifications shall be cancelled; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

产品质量检验机构、认证机构出具的检验结果或者证明不实，造成损失的，应当承担相应的赔偿责任；造成重大损失的，撤销其检验资格、认证资格。

Any product quality inspection institution or certification institution that produces untrue results and thus leads to losses shall be held liable for corresponding compensations. If the losses are great, it shall be disqualified for inspection or certification.

产品质量认证机构违反本法第二十一条第二款的规定，对不符合认证标准而使用认证标志的产品，未依法要求其改正或者取消其使用认证标志资格的，对因产品不符合认证标准给消费者造成的损失，与产品的生产者、销售者承担连带责任；情节严重的，撤销其认证资格。

Where any product quality certification institution violates the provisions of Paragraph 2 of Article 21 of the Law by failing to demand the producers or sellers whose products do not meet the requirements for certification but who use certification marks on their products to make corrections or failing to revoke their qualification for using certification marks in accordance with the law shall, together with the producers or sellers of the products, be liable for any losses caused to consumers due to the products' inconformity with the standards for certification. If the circumstances are serious, it shall be disqualified for certification.

第五十八条   社会团体、社会中介机构对产品质量作出承诺、保证，而该产品又不符合其承诺、保证的质量要求，给消费者造成损失的，与产品的生产者、销售者承担连带责任。

Article 58 Where any public organization or public intermediary organization makes promises or warranties concerning the quality of a product which, however, does not meet the requirements for such promises or warranties, thus causing losses to consumers, the organization shall bear several and joint liability with the producers and sellers of the product.

第五十九条   在广告中对产品质量作虚假宣传，欺骗和误导消费者的，依照《中华人民共和国广告法》的规定追究法律责任。

Article 59 If a producer or seller falsely publicizes the quality of a product in advertisements so that consumers are cheated or misled, the producer or seller shall bear legal liability in accordance with the Advertising Law of the People's Republic of China.

第六十条   对生产者专门用于生产本法第四十九条、第五十一条所列的产品或者以假充真的产品的原辅材料、包装物、生产工具，应当予以没收。

Article 60 The subsidiary materials, packages, tools used by producers for producing such products as mentioned in Articles 49 and 51 of the Law or for producing fake products as real ones shall be confiscated.

第六十一条   知道或者应当知道属于本法规定禁止生产、销售的产品而为其提供运输、保管、仓储等便利条件的，或者为以假充真的产品提供制假生产技术的，没收全部运输、保管、仓储或者提供制假生产技术的收入，并处违法收入百分之五十以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

Article 61 If anyone knows or ought to know that a product is prohibited from being produced or sold by the Law but still facilitates the transportation, safekeeping, and storage for the said product or supplies the production techniques for producing fake products as real ones, all the proceeds from the transportation, safekeeping, storage or supply of production techniques for producing fake products as real ones shall be confiscated and he shall be fined not less than 50% of but not more than three times the illegal proceeds concurrently; if the case constitutes a crime, criminal liability shall be investigated in accordance with the law.

第六十二条   服务业的经营者将本法第四十九条至第五十二条规定禁止销售的产品用于经营性服务的，责令停止使用；对知道或者应当知道所使用的产品属于本法规定禁止销售的产品的，按照违法使用的产品(包括已使用和尚未使用的产品)的货值金额，依照本法对销售者的处罚规定处罚。

Article 62 Where any business operator of the service industry uses any of the products which are prohibited by Articles 49 to 52 of this Law from selling into business services shall be ordered to stop using; if it knows or ought to know that the products it uses are prohibited from using by this Law, it shall be penalized in accordance with this Law in the same way as applicable to a seller on the basis of the value of the products illegally used (including those already used and those not yet used).

第六十三条   隐匿、转移、变卖、损毁被市场监督管理部门查封、扣押的物品的，处被隐匿、转移、变卖、损毁物品货值金额等值以上三倍以下的罚款；有违法所得的，并处没收违法所得。

Article 63 Anyone who conceals, transfers, sells or damages any of the articles sealed up or seized by a market supervision and administration department shall be fined an amount not less than one time but not more than three times the value of the articles concealed, transferred, sold or damaged; if there are illegal proceeds, such proceeds shall be confiscated concurrently.

第六十四条   违反本法规定，应当承担民事赔偿责任和缴纳罚款、罚金，其财产不足以同时支付时，先承担民事赔偿责任。

Article 64 Persons who violate the provisions of this Law shall bear civil compensation liability and pay fines and penalties, where their properties are inadequate for both, civil compensation liability shall be borne first.

第六十五条   各级人民政府工作人员和其他国家机关工作人员有下列情形之一的，依法给予行政处分；构成犯罪的，依法追究刑事责任：

Article 65 Where any of the functionaries of the people's governments at various levels or other state organs commits any of the acts as mentioned below shall be given an administrative sanction in accordance with the law; if a crime is constituted, criminal liability shall be investigated in accordance with the law:

(一)包庇、放纵产品生产、销售中违反本法规定行为的；

1. covering up or conniving at any of the violations of the Law in the process of production or selling products;

(二)向从事违反本法规定的生产、销售活动的当事人通风报信，帮助其逃避查处的；

(II) divulging secret information to any of the parties involved in the production or sale activities in violation of this Law so as to help him escape from investigation;

(三)阻挠、干预市场监督管理部门依法对产品生产、销售中违反本法规定的行为进行查处，造成严重后果的。

(III) hindering or intervening in the lawful investigation by market supervision and administration departments into acts violating this Law in the process of production or sale of products, thereby causing serious consequences.

第六十六条   市场监督管理部门在产品质量监督抽查中超过规定的数量索取样品或者向被检查人收取检验费用的，由上级市场监督管理部门或者监察机关责令退还；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

Article 66 Where a market supervision and administration department demands more samples than prescribed or collects inspection fees from the persons under inspection in the process of product quality supervision and random inspection, it shall be ordered by the market supervision and administration department or the supervisory organ at the higher level to return them; if the circumstances are serious, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law.

第六十七条   市场监督管理部门或者其他国家机关违反本法第二十五条的规定，向社会推荐生产者的产品或者以监制、监销等方式参与产品经营活动的，由其上级机关或者监察机关责令改正，消除影响，有违法收入的予以没收；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

Article 67 Any market supervision and administration department or other state organ which, in violation of Article 25 of this Law, recommends a producer's products to the public or participates in the product business activities by way of supervising the production or selling, it shall be ordered by the department or supervision organ at a higher level to make corrections and clear up the ill effects; the illegal proceeds, if any, shall be confiscated; if the circumstances are serious, the person-in-charge held directly responsible and other persons held directly liable shall be given administrative sanctions in accordance with the law.

产品质量检验机构有前款所列违法行为的，由市场监督管理部门责令改正，消除影响，有违法收入的予以没收，可以并处违法收入一倍以下的罚款；情节严重的，撤销其质量检验资格。

Any product quality inspection institution that commits any of the illegal acts specified in the preceding paragraph shall be ordered by the market supervision and administration department to make corrections and clear up any ill effects; the illegal proceeds, if any, shall be confiscated and a fine of not more than double the illegal proceeds may be imposed concurrently; if the circumstances are serious, it shall be disqualified for quality inspection.

第六十八条   市场监督管理部门的工作人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

Article 68 Any staff member of a market supervision and administration authority who abuses his power, neglects his duty or commits illegalities for personal gains shall be investigated for criminal liability in accordance with the law where a crime is constituted; or shall be subject to administrative sanctions in accordance with the law where no crime is constituted.

第六十九条   以暴力、威胁方法阻碍市场监督管理部门的工作人员依法执行职务的，依法追究刑事责任；拒绝、阻碍未使用暴力、威胁方法的，由公安机关依照治安管理处罚法的规定处罚。

Article 69 Whoever by means of violence or threat, obstructs the staff of the market supervision and administration department from performing their duties in accordance with the law shall be investigated for criminal liability in accordance with the law; whoever refuses or obstructs the performance of duties by means other than violence or threat shall be punished by the public security organ in accordance with the provisions of the Law on Penalties for the Violation of Public Security Administration.

第七十条   本法第四十九条至第五十七条、第六十条至第六十三条规定的行政处罚由市场监督管理部门决定。法律、行政法规对行使行政处罚权的机关另有规定的，依照有关法律、行政法规的规定执行。

Article 70 Administrative penalties stipulated in Article 49 to Article 57 and Article 60 to Article 63 of this Law shall be decided by the market supervision and administration authorities. Where there are different provisions in laws or administrative regulations on exercising the power of giving administrative punishments, such provisions shall be applied.

第七十一条   对依照本法规定没收的产品，依照国家有关规定进行销毁或者采取其他方式处理。

Article 71 Products that have been confiscated in accordance with the Law shall be destroyed or otherwise disposed of in accordance with the relevant provisions of the State.

第七十二条   本法第四十九条至第五十四条、第六十二条、第六十三条所规定的货值金额以违法生产、销售产品的标价计算；没有标价的，按照同类产品的市场价格计算。

Article 72 The value of products as mentioned in Articles 49 to 54, 62 and 63 of the Law shall be calculated on the basis of the marked price of the products illegally produced or sold; where there are no marked prices, it shall be calculated according to the market prices of the similar products.

第六章 附 则

Chapter 6 Supplementary Provisions

第七十三条   军工产品质量监督管理办法，由国务院、中央军事委员会另行制定。

Article 73 Measures for the supervision and administration over the quality of military products shall be formulated separately by the State Council and the Central Military Commission.

因核设施、核产品造成损害的赔偿责任，法律、行政法规另有规定的，依照其规定。

Where the laws and administrative regulations provide otherwise on compensation liability for damages caused by nuclear facilities and nuclear products, such provisions shall prevail.

第七十四条   本法自1993年9月1日起施行。

Article 74 This Law shall go into effect as of September 1, 1993.