

## 中华人民共和国价格法

### Pricing Law of the People's Republic of China

第一条 为了规范价格行为，发挥价格合理配置资源的作用，稳定市场价格总水平，保护消费者和经营者的合法权益，促进社会主义市场经济健康发展，制定本法。

Article 1 This law is formulated with a view to standardizing price behavior so as to strengthen their role in rational disposition of resources, stabilize the general price level of the market, protect the lawful rights and interests of consumers and business operators and then promote the healthy development of the socialist market economy.

第二条 在中华人民共和国境内发生的价格行为，适用本法。

Article 2 The law is applicable to all the price behaviors that occur within the territory of the People's Republic of China.

本法所称价格包括商品价格和服务价格。

The term "price" used in the law includes prices of all kinds of merchandise and prices of all kinds of services.

商品价格是指各类有形产品和无形资产的价格。

The term "price of merchandise" refers to the prices of all kinds of tangible and non-tangible assets.

服务价格是指各类有偿服务的收费。

The term "price of services" refers to fees collected for services rendered.

第三条 国家实行并逐步完善宏观经济调控下主要由市场形成价格的机制。价格的制定应当符合价值规律，大多数商品和服务价格实行市场调节价，极少数商品和服务价格实行政府指导价或者政府定价。

Article 3 The State shall introduce and gradually improve the mechanism of regulation of prices mainly through market force and under a kind of macroeconomic control. Under such a mechanism, pricing should be made to accord with the value law with most of the merchandises and services to adopt market regulated prices while only a few of them to be put under government-set or guided prices.

市场调节价，是指由经营者自主制定，通过市场竞争形成的价格。

Market-regulated prices refer to prices fixed independently by business operators through market competition.

本法所称经营者是指从事生产、经营商品或者提供有偿服务的法人、其他组织和个人。

"Business operator" used in this law refers to legal persons, other organizations or individuals that engage in production or marketing of merchandises or provide paid services.

政府指导价，是指依照本法规定，由政府价格主管部门或者其他有关部门，按照定价权限和范围规定基准价及其浮动幅度，指导经营者制定的价格。

Government-guided prices refer to prices as fixed by business operators according to benchmark prices and range of the prices as set by the government department in charge of price or other related departments within their term of reference.

政府定价，是指依照本法规定，由政府价格主管部门或者其他有关部门，按照定价权限和范围制定的价格。

Government-set prices as fixed by the government department in charge of prices or related departments within their term of reference according to the provisions of this law.

第四条 国家支持和促进公平、公开、合法的市场竞争，维护正常的价格秩序，对价格活动实行管理、监督和必要的调控。

Article 4 The State shall support and prompt fair, open and legal market competition, maintain normal price order and exercise administration, regulation and necessary control over conduct of prices.

第五条 国务院价格主管部门统一负责全国的价格工作。国务院其他有关部门在各自的职责范围内，负责有关的价格工作。

Article 5 The State Council department in charge of prices shall be responsible for the administration of the work related to prices in the whole country and other related departments shall be responsible for such work within their terms of reference.

县级以上地方各级人民政府价格主管部门负责本行政区域内的价格工作。县级以上地方各级人民政府其他有关部门在各自的职责范围内，负责有关的价格工作。

Price departments of the people's governments at and above the county level shall be responsible for the work related to prices within the regions under their jurisdiction. Price departments of the people's governments at and above the county level shall be responsible for the work related to prices within their terms of reference.

## 第二章 经营者的价格行为

### CHAPTER TWO PRICE BEHAVIOR OF BUSINESS OPERATORS

第六条 商品价格和服务价格，除依照本法第十八条规定运用政府指导价或者政府定价外，实行市场调节价，由经营者依照本法自主制定。

Article 6 Prices of all merchandises and services, except those as set in Article 18 of this law to adopt government-set or guided prices, shall be subject to market regulation to be fixed by business operators independently according to the provisions of this law.

第七条 经营者定价，应当遵循公平、合法和诚实信用的原则。

Article 7 In fixing prices, business operators should follow the principle of fairness, lawfulness, honesty and trustworthiness.

第八条 经营者定价的基本依据是生产经营成本和市场供求状况。

Article 8 Prices should be fixed by business operators basing on the cost of production or operation and market supply and demand.

第九条 经营者应当努力改进生产经营管理，降低生产经营成本，为消费者提供价格合理的商品和服务，并在市场竞争中获取合法利润。

Article 9 Business operators should strive for a better management to their own production and business operations so as to lower cost and provide consumers with merchandises and services at reasonable prices while obtaining lawful profits in market competition.

第十条 经营者应当根据其经营条件建立、健全内部价格管理制度，准确记录与核定商品和服务的生产经营成本，不得弄虚作假。

Article 10 Business operators should establish and improve their system of internal price management, accurately record and verify the cost of production or operations for their merchandise or services, in which any deception or forgery is not allowed.

第十一条 经营者进行价格活动，享有下列权利：

Article 11 Operators shall enjoy the following rights in pricing:

(一) 自主制定属于市场调节的价格；

1. To fix prices that are subject to market regulation;

(二) 在政府指导价规定的幅度内制定价格；

2. To fix prices within the guided range as set by the government;

(三) 制定属于政府指导价、政府定价产品范围内的新产品的试销价格，特定产品除外；

3. To fix prices for new products which are subject to government-set or guided prices, except special products for trial sales; and

(四) 检举、控告侵犯其依法自主定价权利的行为。

4. To report or claim against actions that have infringe upon their rights of independent pricing.

第十二条 经营者进行价格活动，应当遵守法律、法规，执行依法制定的政府指导价、政府定价和法定的价格干预措施、紧急措施。

Article 12 In their work related to prices, business operators should strictly keep up with laws, regulations, government guided-prices, government-set prices, legal price intervention measures and emergency measures adopted by the government according to law.

第十三条 经营者销售、收购商品和提供服务，应当按照政府价格主管部门的规定明码标价，注明商品的品名、产地、规格、等级、计价单位、价格或者服务的项目、收费标准等有关情况。

Article 13 In marketing and purchasing merchandises or providing services, business operators should clearly tap the related prices, specify names, places of origin, specifications, grades, price units, prices or items, fee collection standards and other related information according to the government's regulations.

经营者不得在标价之外加价出售商品，不得收取任何未予标明的费用。

Business operators must not sell merchandises at prices above the marked prices or collect fees not specified.

第十四条 经营者不得有下列不正当价格行为：

Article 14 Business operators must not act whatsoever in the following ways to effect abnormal price behaviors:

(一) 相互串通，操纵市场价格，损害其他经营者或者消费者的合法权益；

1. To work collaboratively with others to control market prices to great detriments to the lawful rights and interests of other business operators or consumers;

(二) 在依法降价处理鲜活商品、季节性商品、积压商品等商品外，为了排挤竞争对手或者独占市场，以低于成本的价格倾销，扰乱正常的生产经营秩序，损害国家利益或者其他经营者的合法权益；

2. To engage in dumping sales (except the cases of sales of fresh and live merchandises, seasonal merchandises and stockpiled merchandises at discount) at belowcost prices in order to attain an upper hand over rivals or dominate the market and disrupt the normal production and operation order to great detriments to the interests of the State or the lawful rights and interests of other business operators;

(三) 捏造、散布涨价信息，哄抬价格，推动商品价格过高上涨的；

3. To fabricate and spread price rise **information** for pushing up the prices to excessively high level;

(四) 利用虚假的或者使人误解的价格手段，诱骗消费者或者其他经营者与其进行交易；

4. To resort to deceitful or misleading means in terms of prices to entice consumers or other business operators into trading in terms of prices;

(五) 提供相同商品或者服务，对具有同等交易条件的其他经营者实行价格歧视；

5. To discriminate in terms of prices same kinds of merchandises or services offered by certain business operators under same trading conditions;

(六) 采取抬高等级或者压低等级等手段收购、销售商品或者提供服务，变相提高或者压低价格；

6. To disguisely raise or lower prices at irrational ranges by artificially raising or lowering grades of merchandises or services;

(七) 违反法律、法规的规定牟取暴利；

7. To seek exorbitant profits in violation of laws and regulations; and

(八) 法律、行政法规禁止的其他不正当价格行为。

8. To effect other illicit price behaviors that are forbidden by law or administrative decrees.

第十五条 各类中介机构提供有偿服务收取费用，应当遵守本法的规定。法律另有规定的，按照有关规定执行。

Article 15 In collecting fees for services rendered, all intermediary organizations should abide by the provisions of this law, except otherwise provided by other laws.

第十六条 经营者销售进口商品、收购出口商品，应当遵守本章的有关规定，维护国内市场秩序。

Article 16 In a bid to keep the domestic market order, business operators must

observe related provisions of this chapter in selling imported merchandises or purchasing export merchandises.

第十七条 行业组织应当遵守价格法律、法规，加强价格自律，接受政府价格主管部门的工作指导。

Article 17 Organizations of various sectors should abide by laws and regulations governing prices, persist in self-discipline with regard to prices and accept guidance from government price departments.

### 第三章 政府的定价行为

#### CHAPTER THREE PRICE BEHAVIOR OF GOVERNMENT

第十八条 下列商品和服务价格，政府在必要时可以实行政府指导价或者政府定价：

Article 18 The government shall issue government-set or guided prices for the following merchandises and services if necessary:

（一）与国民经济发展和人民生活关系重大的极少数商品价格；

1. The few merchandises that are of great importance to development of the national economy and the people's livelihood;

（二）资源稀缺的少数商品价格；

2. The few merchandises that are in shortage of resources;

（三）自然垄断经营的商品价格；

3. Merchandises of monopoly in nature;

（四）重要的公用事业价格；

4. Important public utilities;

（五）重要的公益性服务价格。

5. Important services of public welfare in nature.

第十九条 政府指导价、政府定价的定价权限和具体适用范围，以中央的和地方的定价目录为依据。

Article 19 Scope of specific items and uses for government-set or guided prices shall depend on the price catalogs issued by the central and local governments.

中央定价目录由国务院价格主管部门制定、修订，报国务院批准后公布。

Catalogs of central government-set prices shall be fixed and revised by the price department of the State Council an published after the approval of the State Council.

地方定价目录由省、自治区、直辖市人民政府价格主管部门按照中央定价目录规定的定价权限和具体适用范围制定，经本级人民政府审核同意，报国务院价格主管部门审定后公布。

Catalogs of prices to be set by departments of the people's governments of provinces, autonomous regions and municipalities within their power according to scope of specific items and uses as set in the central price catalog and be published with the examination and approval of the people's governments at the same level.

省、自治区、直辖市人民政府以下各级地方人民政府不得制定定价目录。

Local people's governments below the provincial, autonomous regional and municipal level shall not make their own price catalogs.

第二十条 国务院价格主管部门和其他有关部门，按照中央定价目录规定的定价权限和具体适用范围制定政府指导价、政府定价；其中重要的商品和服务价格的政府指导价、政府定价，应当按照规定经国务院批准。

Article 20 State Council price department and other related departments shall fix government-set and guided prices according to scope of items and uses as set in the central prices and the government-set and guided prices for major merchandises and services shall get the approval from the State Council.

省、自治区、直辖市人民政府价格主管部门和其他有关部门，应当按照地方定价目录规定的定价权限和具体适用范围制定在本地区执行的政府指导价、政府定价。

Price departments and other related departments of the people's governments of provinces, autonomous regions and municipalities shall fix indicative local government-set and guided prices within their respective power according to scope of items and uses as set in the local price catalogs.

市、县人民政府可以根据省、自治区、直辖市人民政府的授权，按照地方定价目录规定的定价权限和具体适用范围制定在本地区执行的政府指导价、政府定价。

People's governments of cities and counties may fix government-set and guided prices for their localities within their own power according to scope of items and uses as prescribed in the local price catalogs.

第二十一条 制定政府指导价、政府定价，应当依据有关商品或者服务的社会平均成本和市场供求状况、国民经济与社会发展要求以及社会承受能力，实行合理的购销差价、批零差价、地区差价和季节差价。

Article 21 Government-set and guided prices shall be fixed according to the average cost and market supply and demand of related merchandises or services, the economic and social development and the affordance of the people,

allowing rational price differentials between buying and selling, between wholesale and retail sale, among different regions and different seasons.

第二十二条 政府价格主管部门和其他有关部门制定政府指导价、政府定价,应当开展价格、成本调查,听取消费者、经营者和有关方面的意见。

Article 22 In fixing government-set and guided prices, price departments and other related departments shall carry out investigations into prices and costs and hear views from consumers, business operators and other quarters.

政府价格主管部门开展对政府指导价、政府定价的价格、成本调查时,有关单位应当如实反映情况,提供必需的帐簿、文件以及其他资料。

Upon investigated by government price departments and related departments in terms of prices and costs, related units should provide true fact and necessary books, documents and other materials.

第二十三条 制定关系群众切身利益的公用事业价格、公益性服务价格、自然垄断经营的商品价格等政府指导价、政府定价,应当建立听证会制度,由政府价格主管部门主持,征求消费者、经营者和有关方面的意见,论证其必要性、可行性。

Article 23 In fixing government-set and guided prices for public utilities services of public welfare in nature and the prices for merchandises of monopoly in nature that are important to immediate interest of people public hearings presided over by government price department should be conveyed to solicit views from consumers, business operators and other quarters to explore the necessity and feasibility.

第二十四条 政府指导价、政府定价制定后,由制定价格的部门向消费者、经营者公布。

Article 24 After the government-set and guided prices are determined, they shall be made public by the price departments.

第二十五条 政府指导价、政府定价的具体适用范围、价格水平,应当根据经济运行情况,按照规定的定价权限和程序适时调整。

Article 25 The scope and level of the government-set and guided prices shall properly be adjusted in the light of the operation of the national economy.

消费者、经营者可以对政府指导价、政府定价提出调整建议。

Consumers and business operators may put forward their recommendations with regard to the adjustment of the government-set and guided prices.

#### 第四章 价格总水平调控

#### CHAPTER FOUR CONTROL AND ADJUSTMENT TO GENERAL PRICE LEVEL



第二十六条 稳定市场价格总水平是国家重要的宏观经济政策目标。国家根据国民经济发展的需要和社会承受能力，确定市场价格总水平调控目标，列入国民经济和社会发展规划。并综合运用货币、财政、投资、进出口等方面的政策和措施，予以实现。

Article 26 To stabilize the general price level is one of the major objectives of macro-economic policy. The State shall set targets for the monitoring and adjustment of general price level in the light of the requirements of the development of the national economy and the endurance of the people, list them into the national economic and social development programs and help their realization through means of monetary, fiscal, investment and import and export policies and measures.

第二十七条 政府可以建立重要商品储备制度，设立价格调节基金，调控价格，稳定市场。

Article 27 The government shall build a major merchandise reserve system and establish a price regulation fund to control prices and stabilize the market.

第二十八条 为适应价格调控和管理的需要，政府价格主管部门应当建立价格监测制度，对重要商品、服务价格的变动进行监测。

Article 28 In order to better control prices, government price departments shall establish a price monitoring system to monitor changes in the prices of major merchandises and services.

第二十九条 政府在粮食等重要农产品的市场购买价格过低时，可以在收购中实行保护价格，并采取相应的经济措施保证其实现。

Article 29 Whereas the selling prices of grain and other major farm produce are too low on the market, the government shall introduce protective prices and adopt corresponding measures to ensure the protective prices be put into effect.

第三十条 当重要商品和服务价格显著上涨或者有可能显著上涨，国务院和省、自治区、直辖市人民政府可以对部分价格采取限定差价率或者利润率、规定限价、实行提价申报制度和调价备案制度等干预措施。

Article 30 Whereas prices of major merchandises or services rise sharply or are likely to rise sharply, the State Council and the people's governments of provinces, autonomous regions and municipalities may set limit at disparity of prices or rate of profitability for part of the merchandises, fix price ceilings or introduce other measures for intervention such as a system for announcing or recording price rises.

省、自治区、直辖市人民政府采取前款规定的干预措施，应当报国务院备案。

After adoption of above-mentioned intervention measures, provincial,

autonomous regional and municipal people's governments should report to the State Council for the record.

第三十一条 当市场价格总水平出现剧烈波动等异常状态时，国务院可以在全国范围内或者部分区域内采取临时集中定价权限、部分或者全面冻结价格的紧急措施。

Article 31 When such abnormalities as violent fluctuation in the general price level occur nationwide, the State Council shall introduce power for the concentrated fixation of prices in the whole country or part of the regions for the time being or adopt such emergency measures as freezing part or all prices.

第三十二条 依照本法第三十条、第三十一条的规定实行干预措施、紧急措施的情形消除后，应当及时解除干预措施、紧急措施。

Article 32 The intervention or emergency measures introduced according to the provisions of Article 30 and Article 31 shall be removed or lifted in time when the situations that call for such measures disappear.

## 第五章 价格监督检查

### CHAPTER FIVE MONITORING AND CHECKING OF PRICES

第三十三条 县级以上各级人民政府价格主管部门，依法对价格活动进行监督检查，并依照本法的规定对价格违法行为实施行政处罚。

Article 33 The price departments of the people's governments at and above the county level exercise monitoring and checking over pricing activities according to law and mete out administrative punishments on acts that violate the law.

第三十四条 政府价格主管部门进行价格监督检查时，可以行使下列职权：

Article 34 In exercising monitoring and checking of prices, government price departments shall exercise the following powers:

(一) 询问当事人或者有关人员，并要求其提供证明材料和与价格违法行为有关的其他资料；

1. To inquire into people concerned or related personnel and demand for evidences or other materials relating to law-violating acts;

(二) 查询、复制与价格违法行为有关的帐簿、单据、凭证、文件及其他资料，核对与价格违法行为有关的银行资料；

2. To look into and duplicate account books, bills, vouchers, documents or other materias related to price law violating acts and verify banking materials associated with price law violating acts.

(三) 检查与价格违法行为有关的财物，必要时可以责令当事人暂停相关营业；

3. To checked property related to the price law violating acts and, if necessary, order the people concerned to stop business operation.

(四) 在证据可能灭失或者以后难以取得的情况下，可以依法先行登记保存，当事人或者有关人员不得转移、隐匿或者销毁。

4. To register and keep some evidences that are liable to be destroyed or kept out of hand or is hard to obtain for which people concerned or related personnel must not in any cases remove, hide or destroy.

第三十五条 经营者接受政府价格主管部门的监督检查时。应当如实提供价格监督检查所必需的帐簿、单据、凭证、文件以及其他资料。

Article 35 In accepting the monitoring and checking by government price departments, business operators should provide their account books, bills and vouchers, documents or other materials needed for such monitoring and checking.

第三十六条 政府部门价格工作人员不得将依法取得的资料或者了解的情况用于依法进行价格管理以外的任何其他目的，不得泄露当事人的商业秘密。

Article 36 The personnel of government prices departments are wholly prohibited to use materials or information obtained according to law for purposes other than price control or reveal business secrets of the people concerned.

第三十七条 消费者组织、职工价格监督组织、居民委员会、村民委员会等组织以及消费者，有权对价格行为进行社会监督。政府价格主管部门应当充分发挥群众的价格监督作用。

Article 37 Consumer organizations, workers' price monitoring organizations, neighborhood committees, village committees and consumers have the right to exercise monitoring over price activities. Government price departments should give a full play to the monitoring roles of the people.

新闻单位有权进行价格舆论监督。

Medias have the right to mobilize public opinion for the monitoring of prices.

第三十八条 政府价格主管部门应当建立对价格违法行为的举报制度。

Article 38 Government price departments shall establish a system for reporting acts of violation of the price law.

任何单位和个人均有权对价格违法行为进行举报。政府价格主管部门应当对举报者给予鼓励，并负责为举报者保密。

Any unit or individual has the right to report acts of violation of price law and the government price departments shall encourage such reporting and undertake to keep secret what concerns concerning the reporters.

第三十九条 经营者不执行政府指导价、政府定价以及法定的价格干预措施、紧急措施的，责令改正，没收违法所得，可以并处违法所得五倍以下的罚款；没收违法所得的，可以处以罚款；情节严重的，责令停业整顿。

Article 39 Business operators who refuse to implement the government-set or guided prices, legal price intervention measures or emergency measures shall be ordered to correct, have their illegal proceeds confiscated and be fined concurrently for an amount less than five times the illegal proceeds. In cases of no illegal proceeds involved, a fine may still be imposed. For serious cases, they shall be ordered to stop business operation and make correction.

第四十条 经营者有本法第十四条所列行为之一的，责令改正，没收违法所得，可以并处违法所得五倍以下的罚款；没有违法所得的，予以警告，可以并处罚款；情节严重的，责令停业整顿，或者由工商行政管理机关吊销营业执照。

Article 40 Business operators who have violated one of the acts listed in Article 14 of this law shall be ordered to correct, have their illegal proceeds confiscated and be fined concurrently for an amount less than five times the illegal proceeds. In cases of no illegal proceeds involved, a warning shall be issued, together with a fine. For serious cases, they shall be ordered to stop operation for correction or have their business licenses revoked.

有关法律对本法第十四条所列行为的处罚及处罚机关另有规定的，可以依照有关法律的规定执行。

If other laws have stipulations concerning the punishments for acts listed in Article 14 of this law, the related laws shall prevail.

有本法第十四条第（一）项、第（二）项所列行为，属于是全国性的，由国务院价格主管部门认定，属于是省及省以下区域性的，由省、自治区、直辖市人民政府价格主管部门认定。Whether acts listed in 1, 2 of Article 14 and are of national in nature shall be upon the judgment of the State Council price department and whether the acts are regional in nature, they shall be confirmed by price departments of provincial, autonomous regional and municipal people's governments.

第四十一条 经营者因价格违法行为致使消费者或者其他经营者多付价款的，应当退还多付部分；造成损害的，应当依法承担赔偿责任。

Article 41 Whereas business operators have caused overpayment by consumers or other business operators in violation of price law, the part in excess of the due

payment shall be returned. If damages are done, the business operators shall undertake to compensate for the losses.

第四十二条 经营者违反明码标价规定的，责令改正，没收违法所得，可以并处五千元以下的罚款。

Article 42 Whereas business operators violate the provisions about price marking, they shall be ordered to correct, have their proceeds confiscated and be fined concurrently for an amount of less than RMB5,000.

第四十三条 经营者被责令暂停相关营业而不停止的，或者转移、隐匿、销毁依法登记保存的财物的，处相关营业所得或者转移、隐匿、销毁的财物价值一倍以上三倍以下的罚款。

Article 43 For business operators who refuse to stop operation for correction as ordered or remove, hide or destroy things recorded for keeping according to law, a fine ranging from over one time to less than three times the value of the things removed, hidden or destroyed shall be imposed.

第四十四条 拒绝按照规定提供监督检查所需资料或者提供虚假资料的，责令改正，予以警告；逾期不改正的，可以处以罚款。

Article 44 Business operators who refuse to provide materials needed for price monitoring and checking or provide false materials shall be ordered to correct, with a warning. Whereas they refuse to correct within the prescribed time limit, a fine shall be imposed.

第四十五条 地方各级人民政府或者各级人民政府有关部门违反本法规定，超越定价权限和范围擅自制定、调整价格或者不执行法定的价格干预措施、紧急措施的，责令改正，并可以通报批评，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 45 Whereas local people's governments at all levels or related government departments at all levels fix or adjust prices beyond their terms of reference or refuse to implement price intervention measures or emergency measures shall be ordered to correct and may be criticized by issuing circulars. People in charge or related people directly responsible shall be given administrative punishments according to law.

第四十六条 价格工作人员泄露国家秘密、商业秘密以及滥用职权、徇私舞弊、玩忽职守、索贿受贿，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

Article 46 Whereas government personnel in charge of prices have leaked State secrets, commercial secrets or abused their power, resort to deception for personal gains, commit dereliction of duty or accept bribes and the cases are serious enough as to constitute crimes, criminal responsibilities shall be affixed.

If a case is not serious enough to constitute a crime, an administrative punishment shall be meted out.

## 第七章 附则

### CHAPTER SEVEN SUPPLEMENTARY PROVISIONS

第四十七条 国家行政机关的收费，应当依法进行，严格控制收费项目，限定收费范围、标准，收费的具体管理办法由国务院另行制定。

Article 47 State administrative organs shall collect fees strictly according to law, limit fee collection items and scope and standards of fee collection. Specific administration methods for such fee collection shall be provided for separately by the State Council.

利率、汇率、保险费率、证券及期货价格，适用有关法律、行政法规的规定，不适用本法；  
Interest rates, exchange rates, insurance premium rates, securities and futures prices shall be subject to related laws or administrative decrees instead of this law.