

中华人民共和国价格法 Pricing Law of the People's Republic of China

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中华人民共和国价格法	Pricing Law of the People's Republic of China
主席令第九十二号	Adopted 29 December 1997 at the 29th Session of the Standing Committee of the 8th National People's Congress.
(全国人民代表大会 1997年12月29日颁布 中华人民共和国主席令第92号)	Promulgated 29 December 1997 as Order No 92 of the President of the People's Republic of China.
第一章 总则	CHAPTER I — GENERAL PRINCIPLES
第一条	Article 1.
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。	This Law is formulated to standardise pricing acts, to give full play to the role of prices in the fair allocation of resources, to stabilise the general level of market prices, to safeguard the legal rights and interests of consumers and operators and to promote the healthy development of socialist market economy.
第二条	Article 2.
在中华人民共和国境内发生的价格行为，适用本法。	This Law will apply to pricing acts which 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。	For the purposes of this Law, prices will include commodity prices and service charges.
商品价格是指各类有形产品和无形资产的价格。	Commodity prices will refer to the prices of all types of tangible goods and non-tangible assets.
服务价格是指各类有偿服务的收费。	Service charges will refer to the fees collected for all types of reimbursable services.
第三条	Article 3.

<p>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。</p>	<p>The State will implement and gradually perfect a primarily market-formulated price structure which is under macro-economic adjustment and control. Price setting must comply with the law of value, with most commodity prices and service charges being subject to market readjusted prices and only a small number of commodity prices and service charges being subject to government guided prices or government set prices.</p>
<p>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。</p>	<p>Market readjusted prices will refer to prices which are set by operators of their own accord as the result of undergoing market competition.</p>
<p>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。</p>	<p>For the purposes of this Law, an operator will refer to an entity with legal person status, other organisation or individual which engages in commodity production or operations or the provision of reimbursable services.</p>
<p>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。</p>	<p>Government guided prices will refer to prices set by an operator in accordance with the provisions of this Law and the guidance of the government department in charge of pricing or other relevant departments, which is given with reference to the base price and its fluctuation range stipulated by the price setting jurisdiction and scope.</p>
<p>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。</p>	<p>Government set prices will refer to prices set by the government departments in charge of pricing or other relevant department in accordance with the provisions of this Law and the price setting jurisdiction and scope.</p>
<p>第四条</p>	<p>Article 4.</p>
<p>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。</p>	<p>The State will support and promote fair, open and lawful market competition. It will safeguard the normal pricing order and will implement administration, surveillance and necessary adjustments in respect of pricing activities.</p>
<p>第五条</p>	<p>Article 5.</p>
<p>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。</p>	<p>The State Council department in charge of pricing will be uniformly responsible for pricing work nationwide. Other relevant State Council departments will be responsible for pricing work within the scope of their respective responsibility.</p>
<p>县级以上地方各级人民政府</p>	<p>The pricing departments of the various local people's</p>

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。	governments at county level or above will be responsible for pricing work within their respective areas of administrative jurisdiction. Other relevant departments of the various local people's governments at county level or above will be responsible for pricing work within the scope of their respective responsibility.
第二章 经营者的价格行为 第六条	CHAPTER II — OPERATOR PRICING ACTS Article 6.
商品价格和服务价格，除依照本法第十八条规定适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。	Market readjusted prices will be implemented in all cases, except for commodity prices and service charges which are subject to government guided prices or government set prices in accordance with the provisions of Article 18 of this Law. Prices will be set by operators of their own accord in accordance with the provisions of this Law.
第七条	Article 7.
经营者定价，应当遵循公平、合法和诚实信用的原则。	When setting a price, an operator must adhere to the principles of fairness, lawfulness, honesty and trustworthiness.
第八条	Article 8.
经营者定价的基本依据是生产经营成本和市场供求状况。	Production and operating costs and the market supply and demand situation will be the basis on which an operator sets a price.
第九条	Article 9.
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。	An operator must conscientiously improve production and operation management, reduce production and operating costs, provide consumers with commodities and services at reasonable prices and obtain lawful profit through market competition.
第十条	Article 10.
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。	An operator must establish and perfect an internal price management system according to its business requirements. It must accurately record and verify production and operating costs for its commodities and services, and must not engage in any fraudulent practices.
第十一条	Article 11.
经营者进行价格活动，享有下列权利：	When carrying out pricing activities, an operator will be entitled to the following rights:
(一) 自主制定属于市场调	(1) to set prices of its own accord for those goods which are

节的价格；	classified as subject to market readjusted prices;
(二) 在政府指导价规定的幅度内制定价格；	(2) to set prices within the range stipulated for government guided prices;
(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 set trial prices for new products which are within the scope of products classified as subject to government guided prices or government set prices, except for specially designated products; and
(四) 检举、控告侵犯其依法自主定价权利的行为。	(4) to report and lodge complaints against acts which infringe on its right to set prices of its own accord in accordance with the law.
第十二条	Article 12.
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。	An operator which is carrying out pricing activities must abide by the laws and statutes, and implement legally formulated government guided prices and government set prices and official price interventionary and emergency measures.
第十三条	Article 13.
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。	Operators which sell and purchase commodities or provide services must show marked prices in accordance with the provisions of the government department in charge of pricing. The name of the product, place of production, specifications, grade, price unit, price or service item and fee standard and other relevant details must be clearly indicated.
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。	An operator must not sell goods at a price higher than the marked price, nor collect any fees which are not clearly indicated.
第十四条	Article 14.
经营者不得有下列不正当价格行为：	An operator must not carry out any of the following improper pricing acts:
(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) collude with others to manipulate market prices, thereby infringing on the legal rights and interests of other 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	(2) dump goods with lower cost prices in order to squeeze out competitors or monopolise the market, thereby disrupting normal production and business order and damaging the

<p>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；</p> <p>(三) 捏造、散布涨价信息，哄抬价格，推动商品价格过高上涨的；</p> <p>(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；</p> <p>(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；</p> <p>(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；</p> <p>(七) 违反法律、法规的规定牟取暴利；</p> <p>(八) 法律、行政法规禁止的其他不正当价格行为。</p>	<p>national interest or the legal rights and interests of consumers, except in the case of fresh produce, seasonal products, overstocked goods, etc, where the prices are legally reduced;</p> <p>(3) fabricate and spread news of a price rise, drive up prices and propel commodity prices to rise exorbitantly;</p> <p>(4) use pricing methods which are false or open to misunderstanding to trick consumers or other operators into trading with it;</p> <p>(5) provide identical commodities or services, but implement price discrimination towards other operators with equal trading conditions;</p> <p>(6) adopt means to force up or force down prices, etc, when buying or selling commodities or providing services so as to covertly increase or lower prices;</p> <p>(7) violate the provisions of laws or statutes to seek exorbitant profits;</p> <p>(8) other improper pricing acts which are prohibited by the laws or administrative statutes.</p>
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第十五条

Article 15.

<p>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。</p>	<p>All types of intermediary agencies must abide by the provisions of this Law when collecting fees for any reimbursable services they provide. If any law stipulates otherwise, matters will be handled in accordance with the relevant provisions of that law.</p>
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第十六条

Article 16.

<p>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。</p>	<p>An operator which sells imported goods or buys goods for export must abide by the relevant provisions of this Chapter and safeguard domestic market order.</p>
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第十七条

Article 17.

<p>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。</p>	<p>Industry organisations must abide by price laws and statutes, improve pricing self-regulation and accept work-related guidance from the government departments in charge of pricing.</p>
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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：

When necessary, the government may apply government guided prices or government set prices in respect of the following commodities and services:

（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 prices of a small number of commodities which have a significant impact on national economic development and the people's livelihood;

（二）资源稀缺的少数商品价格；

(2) the prices of a small number of commodities which are in very short supply;

（三）自然垄断经营的商品价格；

(3) the prices of commodities which are subject to a natural monopoly;

（四）重要的公用事业价

(4) prices in respect of major public utilities;

格；

(5) prices in respect of major public welfare services.

（五）重要的公益性服务价格。

第十九条

Article 19.

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。

Pricing jurisdiction and the actual scope of application for government guided prices and government set prices will be based on Central government and local pricing lists.

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。

The Central Government pricing list will be formulated and amended by the State Council department in charge of pricing and publicly announced after its approval by 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。

Local pricing lists will be formulated by the pricing departments of the people's governments of the province, autonomous region or directly administered municipality in accordance with the pricing jurisdiction and actual scope of application stipulated in the Central Government pricing list. Subject to its examination, verification and approval by the people's government at the respective level, the list will be publicly announced after its examination and approval by the State Council department in charge of pricing.

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 level of province,

	autonomous region or directly administered municipality will not be permitted to formulate pricing lists.
<p data-bbox="201 143 304 174">第二十条</p> <p data-bbox="150 228 555 586">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。</p> <p data-bbox="150 640 555 945">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。</p> <p data-bbox="150 999 555 1303">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。</p> <p data-bbox="201 1469 328 1500">第二十一条</p> <p data-bbox="150 1554 555 1912">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。</p> <p data-bbox="201 1966 328 1998">第二十二条</p> <p data-bbox="201 2051 555 2083">政府价格主管部门和其他有</p>	<p data-bbox="564 143 1442 174">Article 20.</p> <p data-bbox="564 228 1442 640">The State Council department in charge of pricing and other relevant departments will formulate government guided prices and government set prices in accordance with the pricing jurisdiction and actual scope of application stipulated in the Central Government pricing list. Of these, the government guided prices and government set prices for important commodities and services will be subject to State Council approval in accordance with regulations.</p> <p data-bbox="564 694 1442 1052">The pricing departments of the people's governments at provincial, autonomous region or directly administered municipality level and other relevant departments will formulate government guided prices and government set prices for implementation within their own regions in accordance with the pricing jurisdiction and actual scope of application stipulated in the local pricing lists.</p> <p data-bbox="564 1106 1442 1464">Based on authorisation from the provincial, autonomous region or directly administered municipal people's government, municipal and county people's governments may formulate government guided prices and government set prices for implementation within their own regions in accordance with the pricing jurisdiction and actual scope of application stipulated in the local pricing lists.</p> <p data-bbox="564 1469 1442 1500">Article 21.</p> <p data-bbox="564 1554 1442 1966">When formulating government guided prices and government set prices, reasonable price differentials will be adopted for purchases and sales, for wholesale and retail trade, for different regions and for different seasons in accordance with the average cost of the relevant commodities and services in the society, the market supply and demand situation, national economic and social development requirements and the society's economic capacity for support.</p> <p data-bbox="564 1966 1442 1998">Article 22.</p> <p data-bbox="564 2051 1442 2083">When formulating government guided prices and government</p>

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。

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，提供必需的账簿、文件以及其他资料。

第二十三条

When government departments in charge of pricing carry out price and cost investigations in relation to government guided prices and government set prices, the relevant units must give an accurate account of the situation and provide the necessary account books, documents and other information.

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。

第二十四条

When formulating government guided prices and government set prices in relation to prices for public utilities, charges for public welfare services, commodity prices for goods subject to a natural monopoly, etc, which directly affect the people, an evidential hearing chaired by the government department in charge of pricing will be established to seek the opinions of consumers, operators and other parties concerned to discuss and validate the necessity and feasibility of the proposed price levels.

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。

第二十五条

After the formulation of government guided prices and government set prices, the department which formulated the prices will publicly announce the details to consumers and operators.

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。

消费者、经营者可以对政府指导价、政府定价提出调整建议。

第四章 价格总水平调控
第二十六条

The actual scope of application and price levels of government guided prices and government set prices will be subject to timely adjustments based on the state of the economy in accordance with the stipulated price fixing jurisdiction and procedures.

Consumers and operators may put forward price adjustment proposals in respect of government guided prices and government set prices.

CHAPTER IV — GENERAL PRICE LEVEL ADJUSTMENTS
Article 26.

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

Stabilising general market price levels will be an important macro-economic policy aim of the State. In accordance with national economic development requirements and society's

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。

第二十七条

economic capacity for support, the State will decide the adjustment target for general market price levels and list this in the national economic and social development plans. This will be coordinated with policies and measures on working capital, finance, investment, imports and exports, and various other areas to facilitate its realisation.

Article 27.

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。

第二十八条

The government may establish a reserve system for important commodities and set up a price adjustment fund in order to adjust and control prices and stabilise the market.

Article 28.

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。

第二十九条

In order to adapt to price adjustment, control and management requirements, the government department in charge of pricing will establish a prices monitoring system to monitor price changes to important commodities and services.

Article 29.

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。

第三十条

The government may implement price protection measures during the purchasing process in respect of grains and other important agricultural products when the market purchase price levels are excessively low, as well as adopt corresponding economic measures to ensure its realisation.

Article 30.

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。

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。

第三十一条

When the prices of important commodities and services are noticeably inflated or are likely to become so, the State Council and the provincial, autonomous region and directly administered municipal people's governments may adopt interventionary measures towards some prices to limit the price differential or profit rate, stipulate price limits and implement systems for the reporting of price increases and the recording of price adjustment details, etc.

A provincial, autonomous region or directly administered municipal people's government which adopts the interventionary measures stipulated above must report the details to the State Council for the record.

Article 31.

当市场价格总水平出现剧烈

When general market prices experience violent fluctuations or

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。

第三十二条

other abnormal conditions, the State Council may adopt emergency measures to temporarily centralise price setting jurisdiction or to partially or totally freeze prices nationwide or within a certain region.

Article 32.

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。

第五章 价格监督检查
第三十三条

Interventionary or emergency measures must be promptly removed after the elimination of the circumstances which required their implementation in accordance with the provisions of Article 30 or Article 31 of this Law.

CHAPTER V — PRICE SUPERVISION AND INSPECTION
Article 33.

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。

第三十四条

All levels of the people's government departments in charge of pricing at county level or above must carry out supervision and inspection of pricing activities in accordance with the law. They will also be required to impose administrative penalties in accordance with the provisions of this Law on any act which constitutes a pricing infringement.

Article 34.

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：

When carrying out pricing supervision and inspection work, the government departments in charge of pricing may exercise the following powers of office:

（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) the right to question the parties concerned or other relevant persons and require the submission of certifying material and other information relating to a pricing infringement;

（二）查询、复制与价格违法行为有关的账簿、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) the right to make inquiries about and take copies of account books, invoices, vouchers, documents and other information relating to a pricing infringement, and check bank data concerning the pricing infringement;

（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) the right to inspect goods involved in a price infringement and, where necessary, to order the party concerned to suspend any operations which are interrelated with a pricing infringement;

（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

(4) the right, when collecting evidence which may be destroyed or which may be difficult to obtain later, to first register the items for safekeeping in accordance with the law and to forbid the parties concerned to move, hide or destroy the items.

毁。

第三十五条

Article 35.

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账簿、单据、凭证、文件以及其他资料。

When subject to supervision and inspection by a government department in charge of pricing, an operator must provide account books, invoices, vouchers, documents and other information required for pricing supervision and inspection work in strict accordance with the facts.

第三十六条

Article 36.

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。

The personnel of government departments in charge of pricing must not use any information received or knowledge of situations obtained through the legal execution of their work for any purpose other than to carry out pricing administration in accordance with the law. They will be prohibited from disclosing any commercial secrets of the parties concerned.

第三十七条

Article 37.

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。

Consumer organisations, employee price supervision organisations, neighbourhood residents' committees, village residents' committees, other organisations and consumers will have the right to carry out public supervision of pricing acts. The government departments in charge of pricing must give full play to the role of the people in price supervision work.

新闻单位有权进行价格舆论监督。

News units will have the right to conduct public opinion surveys on prices.

第三十八条

Article 38.

政府价格主管部门应当建立对价格违法行为的举报制度。

The government departments in charge of pricing must establish a reporting system in respect of pricing infringements.

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 will have the right to report a pricing infringement. The government departments in charge of pricing will give incentives to encourage informers and will be responsible for protecting the identity of informers.

第六章 法律责任

CHAPTER VI — LEGAL LIABILITY

第三十九条

Article 39.

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

If an operator does not implement government guided prices, government set prices or official price interventionary and emergency measures, authorities will order it to rectify the matter, will confiscate any illicit gains and may also impose a fine

五倍以下的罚款；没有违法所得的，可以处以罚款；情节严重的，责令停业整顿。

of up to five (5) times the amount of the illicit gains. A fine may be imposed if there are no illicit gains. In serious circumstances, the operator will be ordered to suspend operations while rectification is carried out.

第四十条

Article 40.

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。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 an operator is involved in any of the acts listed in Article 14 of this Law, authorities will order it to rectify the matter, will confiscate any illicit gains and may also impose a fine of up to five (5) times the amount of the illicit gains. A warning will be given and a fine may be imposed if there are no illicit gains. In serious circumstances, the operator will be ordered to suspend operations while rectification is being carried out or the administration for industry and commerce will revoke the business licence. If a relevant law stipulates provisions regarding penalties and penalty issuing organs other than those stated in Article 14 of this Law, matters may be handled in accordance with the provisions of the relevant law.

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。

An act as specified in item (1) or (2) of Article 14 of this Law which is regarded as affecting matters nationwide will be determined by the State Council department in charge of pricing. An act which is regarded as being of a provincial nature or of affecting only a region smaller than a province will be determined by the pricing department of the people's government of the province, autonomous region or directly administered municipality.

第四十一条

Article 41.

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。

An operator which causes a consumer or another operator to pay too much due to a pricing infringement must refund the excess amount. If the consumer or other operator has incurred a loss as a result of the infringement, the operator will bear liability for compensation in accordance with the law.

第四十二条

Article 42.

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。

If an operator violates the provisions on clearly marked prices, authorities will order it to rectify the matter, will confiscate any illicit gains and may also impose a fine of up to 5,000 yuan.

第四十三条

Article 43.

经营者被责令暂停相关营业

If an operator which has been ordered to suspend related

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。

operations fails to do so or moves, hides or destroys goods which have been registered for safekeeping in accordance with the law, authorities will impose a fine equivalent to more than one (1) and less than three (3) times the value of related operations' earnings or of the goods which were moved, hidden or destroyed.

第四十四条

Article 44.

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。

If an operator refuses to provide the stipulated information required for supervision or inspection work or provides false information, authorities will order the matter to be rectified and will issue a warning. If the matter is not rectified within the specified period, a fine may be imposed.

第四十五条

Article 45.

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。

If a regional people's government at any level or a relevant department of a people's government at any level violates the provisions of this Law through the unauthorised formulation or adjustment of prices beyond the price setting jurisdiction and scope, or by failing to implement official price interventionary or emergency measures, authorities will order the matter to be rectified and may circulate a notice of criticism. Administrative penalties will be imposed in accordance with the law on persons in charge who were directly responsible and other persons directly involved.

第四十六条

Article 46.

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。

If any pricing personnel disclose State or commercial secrets, abuse their powers of office, practise favouritism or other irregularities, neglect their duties, or seek or accept bribes in an act which constitutes a crime, criminal liability will be pursued in accordance with the law. Where a case does not constitute a crime, a penalty will be imposed in accordance with the law.

第七章 附则
第四十七条

CHAPTER VII — SUPPLEMENTARY PRINCIPLES
Article 47.

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。

Fee collection by State administrative organs must be carried out in accordance with the law. There must be strict control of fee collection items and the limits on the scope of fee collection and related standards. The State Council will formulate detailed administrative measures for fee collection in separate legislation.

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。

This Law does not apply to interest rates, exchange rates,
insurance premium rates or the prices of securities or futures,
which are dealt with by the provisions of the relevant law and
administrative regulations.

第四十八条

Article 48.

本法自1998年5月1日起施
行。

This Law will take effect from 1 May 1998.



扫一扫，手机阅读更方便