

**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 (Revision 2018)**

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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 (Revision 2018)

(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)

第一章 总则  
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。

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

Chapter I General Provisions

Article 1 This Law is formulated in order to strengthen the supervision and control of product quality, raise the level of product quality, clarify the liability for product quality, safeguard the legal rights and interests of consumers and maintain social and economic order.

Article 2 This Law must be complied with when engaging in activities involving the production or sale of products within the territory of the People's Republic of China.

For the purposes of this Law, the term "products" refers to

法。

products which are sold following processing or manufacture.

本法所称产品是指经过加工、制作，用于销售的产品。

This Law does not apply to construction projects; however, where building materials, building components or equipment used for construction projects are within the scope of "products" as defined in the preceding paragraph, this Law shall apply.

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。

#### 第三条

Article 3 Producers and sellers shall establish a sound internal product quality control system and strictly adhere to a job responsibility system in relation to quality standards and quality liabilities together with implementing corresponding examination and inspection measures.

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。

#### 第四条

Article 4 Producers and sellers shall bear liability for product quality in accordance with this Law.

生产者、销售者依照本法规定承担产品质量责任。

#### 第五条

Article 5 The counterfeiting or imitating of quality marks such as certification marks is prohibited; falsifying the place of origin of products, and falsifying or imitating the name or address of another factory is prohibited; adulteration of, or mixing of improper elements with products produced or sold, using fake products as genuine products, or using products of poor quality as high quality products is prohibited.

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。

#### 第六条

Article 6 The State encourages the practice of scientific quality control methods and the adoption of advanced science and technology. It encourages enterprises to improve the quality of their products to achieve and surpass industry, national and international standards.

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。

A unit or individual who has achieved outstanding results, whose product quality control and product quality reach an internationally advanced level shall be rewarded.

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。

#### 第七条

Article 7 People's governments at all levels shall include product quality improvement in their national economic and social development plans, shall strengthen overall planning, organize and take a leadership role with respect to product quality work, lead and supervise producers and sellers in strengthening product quality control and improving product quality, organize all relevant departments to adopt measures in accordance with law, prevent behavior in the course of production or sale that violates the provisions of this Law, and ensure the implementation of this Law.

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。

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。

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。

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。

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。

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。

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。

市场监督管理部门和有关部门

Article 8 The State Council's market regulation department shall be in charge of nationwide supervision of product quality. The relevant departments of the State Council shall be responsible for supervision of product quality within the scope of their respective duties.

Local market regulation departments at county level or above shall be in charge of product quality supervision within their administrative regions. Relevant departments of local people's governments at county level or above shall be responsible for product quality supervision within the scope of their respective duties.

Where laws stipulate otherwise regarding market regulation departments, relevant provisions of those laws shall be implemented.

Article 9 The personnel of people's governments at all levels and the personnel of other state organs must not abuse their powers, neglect their duties or commit irregularities, nor cover up or allow to continue behavior during production or selling that violates the provisions of this Law and which occurs in their administrative region or within their own administrative systems, nor impede or intervene in the carrying out of investigations in accordance with law into behavior in the course of production or selling that violates the provisions of this Law.

Where local people's governments at all levels and other state organs cover up or allow to continue behavior in the course of production or selling that violates the provisions of this Law, an investigation into the legal liability of the principal person-in-charge shall be made in accordance with law.

Article 10 Any unit or individual has the right to report behavior that violates the provisions of this Law to the market regulation department or other relevant department.

The market regulation department or other relevant department shall treat the report in confidence and reward the reporter in accordance with the regulations of provincial, autonomous region and centrally controlled municipality

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。

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。

第二章 产品质量的监督  
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。

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。

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。

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。

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

people's governments.

Article 11 No unit or individual may refuse entry to its region or systems of products that are up to quality standards and which are produced by an enterprise that is not within the unit or individual's region or systems.

Chapter II Supervision and Control of Product Quality

Article 12 Product quality must be examined and found to be up to standard. Substandard products shall not be passed as products that are up to standard.

Article 13 Industrial products which may be hazardous to health, personal safety or the safety of property must meet the national and industry standards for the safeguarding of health, personal safety and the safety of property. If no national or industry standards have been formulated, the products must meet the requirements for the safeguarding of health, personal safety and the safety of property.

It is prohibited to produce or sell industrial products which do not meet the standards and requirements for the safeguarding of health, personal safety and the safety of property. Specific measures for control shall be formulated by the State Council.

Article 14 The State shall put into practice a certification system for enterprise quality systems in accordance with internationally accepted quality control standards. Enterprises may, in accordance with the principle of voluntary participation, apply for certification of their quality system to a certification organ recognized by the State Council's market regulation department or by a department authorized by the State Council's market regulation department. If the system is certified as up to standard, an enterprise quality system certificate shall be issued by the certification organ.

The State shall promote a product quality certification system with reference to internationally advanced product standards and technological requirements.

Enterprises may, in accordance with the principle of voluntary participation, apply for certification of product quality to a certification organ recognized by the State Council's market regulation department or by a department authorized by the State Council's market regulation department. If the product is certified as up to standard, a product quality certificate shall

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。

#### 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。监督检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。

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。

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。

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。

#### 第十六条

be issued by the certification organ, and the enterprise shall be permitted to use a product quality certification mark on the product or its packaging.

Article 15 The State shall implement a system of supervision and inspection of product quality, based mainly on a random inspection of products. Where important industrial products may be hazardous to health, personal safety or the safety of property, or may affect the national economy and the people's livelihood, or where the products may have quality problems as reported by consumers or relevant organizations, random inspection must be carried out. Random samples to be inspected shall be drawn from goods that are on the market or goods that are stored in an enterprise's end product warehouse waiting to be sold. Supervision and random inspection shall be planned and organized by the State Council's market regulation department. Local market regulation departments at county level or above may also organize supervision and random inspection within their administrative regions. Where laws stipulate otherwise regarding the supervision and control of product quality, the provisions of the relevant laws shall apply.

Where products have been randomly inspected under state supervision, local departments must not separately re-check the products; where products have been randomly checked under supervision of a higher level department, lower level departments must not separately re-check the products.

Inspection of products may be carried out in accordance with the requirements of supervision and random inspection. The quantity of samples drawn to be inspected must not exceed reasonable inspection requirements, and inspection fees must not be collected from persons being inspected. The inspection expenses required for supervision and random inspection shall be listed as expenditure pursuant to State Council regulations.

Where producers and sellers dispute the results of inspection and random inspection, they may apply to the market regulation department that carried out the inspection and random inspection or to a higher level market regulation department for re-inspection within fifteen (15) days from the date on which the results of the inspection were received. The market regulation department that has undertaken re-inspection shall issue a re-inspection conclusion.

Article 16 Producers and sellers must not refuse product quality

对依法进行的产品质量监督检  
查，生产者、销售者不得拒绝。  
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。

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。

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：

(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；

(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；

(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；

(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

Article 17 Where the quality of products for which supervision and random inspection has been carried out in accordance with the provisions of this Law is not up to standard, the market regulation department that carried out the supervision and random inspection shall order the producer or seller to rectify the situation within a limited time. Where the situation is not rectified within the required time limit, the market regulation department of the people's government at provincial level or higher shall issue a public announcement; where products are re-examined after the announcement and are still not up to standard, the department shall order production to be suspended and the operations to be reorganized; where the quality of products that have been re-examined after the expiry of the period of reorganization is still not up to standard, the business license shall be revoked.

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

Article 18 The market regulation department at county level or above may, in accordance with evidence or reports in its possession that behavior is suspected to have violated the law, exercise the following functions and powers at the time of carrying out an investigation into behavior which is suspected to have violated the provisions of this Law:

- (1) carry out site inspections where it is suspected that a relevant party is undertaking production or selling activities that are in violation of this Law;
- (2) investigate and inquire of the legal representative of the relevant party, the main person responsible or other relevant persons where it is suspected that there is a situation involving production or selling activities that are in violation of this Law;
- (3) check or copy contracts, receipts, account ledgers together with other relevant information relating to the relevant party;
- (4) seal up or hold in custody products for which there is evidence to believe that they do not meet national and industry standards for the safeguarding of health, personal safety and the safety of property, products which have other serious quality problems, and raw and supplementary materials, packaging and production tools that are directly used in the production or sale of those products.

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。

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。

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。

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。

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。

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。

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

Article 19 Product quality inspection organizations must possess the appropriate qualifications and ability to carry out an inspection. They may undertake a product quality inspection only after they have been assessed as up to standard by a market regulation department of the people's government at provincial level or above or a department authorized thereby. Where laws or statutory regulations stipulate otherwise regarding product quality inspection organizations, the provisions of the relevant laws or statutory regulations shall apply.

Article 20 A social intermediary organ which engages in product quality inspection and certification must be established in accordance with law, and must not have a relationship of attachment or other economic relationship with administrative organs and other state organs.

Article 21 Product quality inspection organs and product quality certification organs must objectively and impartially issue results of inspections and evidence of certification in accordance with law and relevant standards.

A product quality certification organ shall, in accordance with state regulations, carry out a follow-up examination after certification marks are permitted to be used on products in accordance with state regulation. Where certification marks are used on products that are not up to certification standards, the situation shall be rectified; where the circumstances are serious, the permission for using a certification mark shall be revoked.

Article 22 Consumers shall have the right to make inquiries to product producers and sellers regarding product quality problems, and shall have the right to appeal to market regulation departments or relevant departments, and the departments accepting such appeals shall be responsible for their handling.

Article 23 Social organizations safeguarding the rights and interests of consumers may propose that relevant departments take charge of handling product quality problems reported by consumers, and shall support consumers in filing suits in a people's court for damage caused by poor product quality.

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。

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。

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；不得对产品进行监制、监销等方式参与产品经营活动。

第三章 生产者、销售者的产品质量责任和义务

第一节 生产者的产品质量责任和义务

第二十六条

生产者应当对其生产的产品质量负责。

产品质量应当符合下列要求：

(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；

(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；

(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。

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 24 Market regulation departments of the State Council and provincial, autonomous region and directly administered municipality people's governments shall regularly publish public announcements with respect to the quality of products that have been randomly inspected under their supervision.

Article 25 Market regulation departments, state organs and product quality inspection organs must not publicly promote the products of producers and must not be involved in business activities relating to products by way of carrying out supervision of product manufacture or sale.

Chapter III Product Quality Liability and Obligations of Producers and Sellers

Section 1 Product Quality Liability and Obligations of Producers

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

Product quality shall satisfy the following requirements:

(1) no unreasonable danger to personal safety or the safety of property shall exist; where there are national or industry standards for protection of health, personal safety and the safety of property, such standards shall be complied with;

(2) [products must] possess the properties for use that should be possessed by such products, except for products where flaws in their properties for use are clearly indicated;

(3) [products must] conform to the product standards carried on the product or its packaging, and conform to the quality indicated by such means as the product description and physical samples, etc.

(2) [products must] possess the properties for use that should be possessed by such products, except for products where flaws in their properties for use are clearly indicated;

(3) [products must] conform to the product standards carried on the product or its packaging, and conform to the quality indicated by such means as the product description and physical samples, etc.

(3) [products must] conform to the product standards carried on the product or its packaging, and conform to the quality indicated by such means as the product description and physical samples, etc.

Article 27 Products or the marks on their packaging must be genuine, and shall meet the following requirements:

(1) have a product quality inspection certificate;

(2) have the name and the manufacturing factory's name and



(一)有产品质量检验合格证明；

(二)有中文标明的产品名称、生产厂名和厂址；

(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；

(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；

(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。

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。

#### 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。

#### 第二十九条

生产者不得生产国家明令淘汰的产品。

#### 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。

#### 第三十一条

address displayed in Chinese;

(3) where the product's characteristics and usage requirements necessitate the display of the product's specifications, grade and the names and contents of its main constituents, such information shall be displayed in Chinese; where it is necessary that the consumer knows in advance, the information should be displayed on the outside packaging, or the relevant information should be supplied to the consumer in advance;

(4) products to be used within a prescribed time shall indicate their production date, period of safe use or date of expiry in a prominent place;

(5) products likely to cause the products themselves to be damaged or to endanger personal safety or the safety of property if used improperly should carry a warning mark or warning explanation in Chinese.

Product marks need not be affixed to unpackaged foodstuffs and other unpackaged products to which it is difficult to affix marks due to the special characteristics of such products.

Article 28 For products which are fragile, flammable or explosive, or which contain toxic, corrosive, radioactive or other dangerous matter, together with products which cannot be placed upside down during storage and transport or which have other special requirements, the packaging must meet the corresponding requirements, and warning marks or warnings in Chinese indicating the points for attention in storage and transport must be made in accordance with relevant state regulations.

Article 29 Producers shall not produce products that the State has determined should be eliminated.

Article 30 Producers shall not falsify the place of origin of products and shall not falsify or imitate the name or address of another factory.

Article 31 Producers shall not counterfeit or imitate quality marks such as certification marks.

生产者不得伪造或者冒用认证

标志等质量标志。

第三十二条

Article 32 In producing products, a producer shall not adulterate or mix improper elements with its products, and shall not use fake products as genuine products or products of poor quality as high quality products, and shall not use substandard products as products which are up to standard.

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。

第二节 销售者的产品质量责任和义务

Section 2 Product Quality Liability and Obligations of Sellers

第三十三条

Article 33 Sellers shall establish and implement an examination and acceptance system for purchased stock to examine product quality certificates and other marks.

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。

第三十四条

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

销售者应当采取措施，保持销售产品的质量。

第三十五条

Article 35 Sellers shall not sell products that the State has determined should be eliminated and whose sale has ceased or expired, or deteriorated products.

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。

第三十六条

Article 36 The marks on products sold by sellers must comply with the provisions of Article 27 of this Law.

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。

第三十七条

Article 37 Sellers shall not falsify the place of origin of products and shall not falsify or imitate the name or address of another factory.

销售者不得伪造产地，不得伪造或者冒用他人的厂名、厂址。

第三十八条

Article 38 Sellers shall not counterfeit or imitate quality marks such as certification marks.

销售者不得伪造或者冒用认证标志等质量标志。

第三十九条

Article 39 In selling products, a seller shall not adulterate or mix improper elements with the products, shall not use fake products as genuine products or products of poor quality as high quality products and shall not use substandard products as products which are up to standard.

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。

第四章 损害赔偿

Chapter IV Compensation for Damage

第四十条

Article 40 A seller shall be responsible for the repair, replacement or return of the product sold if any of the following circumstances apply; if a consumer who purchased the product incurs losses as a result, the seller shall compensate for such losses:

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：

(1) the product sold does not possess the properties for use that it should possess, and no prior and clear indication is

(一)不具备产品应当具备的使用性能而事先未作说明的；

(二)不符合在产品或者其包装上注明采用的产品标准的；

(三)不符合以产品说明、实物样品等方式表明的质量状况的。

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。

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。

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。

#### 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。

生产者能够证明有下列情形之一的，不承担赔偿责任：

(一)未将产品投入流通的；

(二)产品投入流通时，引起损害的缺陷尚不存在的；

(三)将产品投入流通时的科学

given of such a situation;

(2) the product sold does not conform to the applied product standard as carried on the product or its packaging;

(3) the product sold does not conform to the quality indicated by such means as a product description or physical sample.

After a seller has taken responsibility for repair, replacement or return of the products, or has borne liability for compensation for losses pursuant to the provisions of the preceding paragraph, if the producer is liable or another seller who provided the product to the seller (hereinafter referred to as the supplier) is liable, the seller shall have the right to recovery from the producer or the supplier.

If a seller fails to repair, replace or return the product or fails to compensate for losses pursuant to the provisions of paragraph 1 of this Article, the market regulation department shall order rectification of such a situation.

If product purchase and sale contracts and work contracts concluded between producers, between sellers or between producers and sellers stipulate otherwise, the parties to such contracts shall proceed pursuant to such contracts.

Article 41 If a defect in a product causes physical injury or damage to property other than the defective product (hereinafter referred to as third party property), the producer shall bear liability for compensation.

A producer may not bear liability for compensation if any of the following circumstances is proven:

(1) the product has not been put into circulation;

(2) the defect causing the damage did not exist when the product was put into circulation;

(3) when the product was put into circulation, the level of science and technology at the time was not sufficient to detect the existence of the defect.

技术水平尚不能发现缺陷的存在

的。

第四十二条

Article 42 Where a product is defective due to a mistake made by the seller and such defect causes physical injury or damage to third party property, the seller shall bear liability for compensation.

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。

If a seller is unable to identify the producer of a defective product and is also unable to identify the supplier thereof, the seller shall bear liability for compensation.

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。

第四十三条

Article 43 If a defect in a product causes physical injury or damage to third party property, the party which was injured or incurred damage may claim compensation against the producer or may claim compensation against the seller. If the producer of the product is liable and compensation is made by the seller of the product, the seller of the product shall have the right of recovery against the producer of the product; if the seller of the product is liable and compensation is made by the producer of the product, the producer of the product shall have the right of recovery against the seller of the product.

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。

第四十四条

Article 44 If a defect in a product causes physical injury to the injured party, the injuring party shall compensate for expenses such as medical expenses, nursing costs for the period of treatment and loss of income due to absence from work; where a defect causes physical disability, the injuring party shall pay the disabled person's self-help supplement and living allowance, compensation for the disability and living expenses required by the disabled person's dependents; where a defect causes the death of the injured party, the injuring party shall additionally pay such expenses as the funeral expenses, compensation for death and living expenses required by the dependents of the deceased.

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。

If a defect in a product causes damage to the property of the injured party, the injuring party shall restore the property to its original state or pay compensation at the depreciated price. If the injured party suffers other major losses as a result thereof, the injuring party shall compensate for such losses.

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。

第四十五条

Article 45 The statutory limitation for legal actions involving claims for compensation for damage caused by a defect in a product shall be two (2) years, calculated from the date on which the party became

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。

aware or ought to be aware that his rights and interests had been infringed.

The right to claim compensation for damage caused by a defect in a product shall be extinguished after ten (10) years from the delivery of the defective product to the first consumer, unless the clearly indicated period of safe use has not yet expired.

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。

#### 第四十六条

Article 46 For the purposes of this Law, the term "defect" shall refer to the unreasonable danger in the products where such danger threatens personal safety or the safety of third party property. Where a product is governed by national or industry standards for protection of health or personal safety or the safety of property, the term "defect" shall refer to non-compliance of the product with the standards.

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。

#### 第四十七条

Article 47 Civil disputes arising over product quality may be settled through consultation or mediation between the parties. If the parties to the dispute are not willing to settle the dispute through consultation or mediation, or if consultation or mediation is unsuccessful, the dispute may be submitted to an arbitration organ for arbitration on the basis of an agreement between the parties; if the parties fail to reach an arbitration agreement, or the arbitration agreement is invalid, the parties may file a suit directly in a people's court.

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。

#### 第四十八条

Article 48 An arbitration organ or people's court may entrust a product quality inspection organization as stipulated in Article 19 of this Law to inspect the quality of the relevant product.

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。

### 第五章 罚 则

#### 第四十九条

### Chapter V Penalties

Article 49 If the products of a producer or seller do not comply with the national or industry standards for protection of health or personal safety or the safety of property, orders shall be issued to cease their production or sale. Products that have been illegally produced or sold shall be confiscated. A fine shall be imposed equal to an amount greater than the value of the products that have been illegally produced or sold (hereafter including products already sold and goods not yet sold) but less than three (3) times the value of the products; where there is illegal income, the illegal income shall be confiscated; where the circumstances are serious, the business license shall be revoked; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

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。

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。

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。

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。

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，

Article 50 If a producer or seller mixes improper elements with the products, adulterates the products, uses fake products as genuine products, uses products of poor quality as high quality products or uses substandard products as products which are up to standard, production or sale of such products shall be ordered to be terminated. Products illegally produced or sold shall be confiscated. A fine shall be imposed equal to an amount more than 50 per cent but less than three (3) times the value of the products that have been illegally produced or sold; where there is illegal income, the illegal income shall be confiscated; where the circumstances are serious, the business license shall be revoked; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 51 Where products that the State has determined should be eliminated are produced, or where products that the State has determined should be eliminated and no longer sold are sold, the production or sale of such products shall be ordered to be terminated. The products that have been illegally produced or sold shall be confiscated. A fine shall be imposed equal to an amount less than the value of the products that have been illegally produced or sold; where there is illegal income, the illegal income shall be confiscated; where the circumstances are serious, the business license shall be revoked.

Article 52 Where expired or deteriorated products are sold, an order shall be issued to cease such sale. The products being sold illegally shall be confiscated. A fine shall be imposed equal to an amount less than twice the value of the products that have been illegally sold; where there is illegal income, the illegal income shall be confiscated; where the circumstances are serious, the business license shall be revoked; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 53 Where the place of origin of products is falsified, or where the name or address of another factory is falsified or imitated, or where quality marks such as certification marks are forged or imitated, an order shall be issued to rectify the situation. The products that have been illegally produced or sold shall be confiscated. A fine shall be imposed equal to an amount less than the value of the products that have been illegally produced or sold; where there is illegal income, the illegal income shall be confiscated; where the circumstances are serious, the business license shall be revoked.

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。

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。

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。

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。

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。

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

Article 54 Where product marks do not conform with Article 27 of this Law, an order shall be issued to correct the situation. If marks on packaged products do not comply with items (4) or (5) of Article 27 of this Law and the case is serious, the production and sale of such products may be ordered to be terminated. A fine shall be imposed equal to an amount less than 30 per cent of the value of the products that have been illegally produced or sold; where there is illegal income, the illegal income shall be confiscated.

Article 55 Where a seller sells products the sale of which has been banned under Articles 49 to 53 of this Law, if there is sufficient evidence to prove that the seller did not know that the products were products the sale of which had been banned and if the seller can explain the source of the goods and how they entered the market, the penalty may be reduced.

Article 56 Where acceptance of product quality supervision and inspection that is carried out in accordance with law is refused, a warning shall be given and the situation shall be ordered to be rectified; where rectification is refused, production shall be ordered to be suspended or reorganized; where the circumstances are serious, the business license shall be revoked.

Article 57 Where a product quality inspection organ or a product quality certification organ falsifies inspection conclusions or issues a false certification, it shall be ordered to rectify the forgery. 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.

Where inspection conclusions or certification issued by a product quality inspection organ or a product quality certification organ are not accurate and cause damage, corresponding liability for compensation should be borne; where major damage is caused, the unit's inspection or certification qualifications shall be cancelled.

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。

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。

#### 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。

#### 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。

#### 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。

#### 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

Where a product quality certification organ does not, in violation of Article 21, paragraph 2 of this Law, order rectification or cancellation of permission for a certification mark with respect to a product that does not meet certification standards but nevertheless used a certification mark, it shall assume liability for damage that is caused to a consumer on account of the product not conforming with certification standards jointly with the producer and seller of the product; where the circumstances are serious, the unit's certification qualification shall be revoked.

Article 58 Where a social group or social intermediary organ makes a promise or guarantee with respect to product quality, if the product does not meet the quality requirements as promised or guaranteed, and damage is caused to a consumer, it shall assume liability for damage jointly with the producer and seller of the product.

Article 59 Where an advertisement makes false statements with respect to product quality and consumers are deceived or misled, legal liability shall be pursued in accordance with the provisions of the Advertising Law of the People's Republic of China.

Article 60 The raw and supplementary materials, packaging, and production tools that are specially used by a producer to produce products listed in Articles 49 and 51 of this Law or products which are passed off as genuine should be confiscated.

Article 61 Where it is known or ought to be known that production or sale of products has been banned by this Law, yet one still provides transport, custody, warehousing or other favorable conditions, or one provides techniques for the production of fake products which imitate genuine ones, the entire income from the transport, custody, warehousing or supply of production techniques for fake products shall be confiscated. A fine shall be imposed equal to an amount between 50 per cent and three (3) times the illegal income; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.



上三倍以下的罚款；构成犯罪的，

依法追究刑事责任。

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，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。

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。

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。

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：

(一)包庇、放纵产品生产、销售中违反本法规定行为的；

(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；

(三)阻挠、干预市场监督管理

Article 62 Where an operator in a service industry uses products that are banned under Articles 49 to 52 of this Law in operational service activities, an order shall be issued for their use to cease; where the operator knows or ought to know that the products used are products that are banned under the provisions of this Law, the operator shall be fined in accordance with the provisions for fining sellers under this Law and in accordance with the value of the products illegally used (including products already used and products not yet used).

Article 63 Where articles that have been sealed up or are held in custody by a market regulation department are concealed, moved, sold or destroyed, a fine shall be imposed equal to an amount greater than the value of the articles concealed, moved, sold or destroyed but less than three (3) times their value; where there is illegal income, the illegal income shall be confiscated.

Article 64 Where the provisions of this Law are violated, liability for civil compensation and for paying fines shall be borne. Where there are insufficient assets to pay all the amounts simultaneously, liability for civil compensation shall be borne first.

Article 65 Where personnel from people's governments at all levels or personnel from other state organs engage in one of the following activities, administrative punishment shall be imposed in accordance with law; where the case constitutes a crime, criminal liability shall be pursued in accordance with law:

(1) covering up or allowing to continue behavior involving the production and sale of products which violates the provisions of this Law;

(2) divulging secret information to a party which engages in production or selling activities that violate the provisions of this Law, or helping that party to escape investigation;

(3) obstructing or interfering with the investigation carried out by a market regulation department into behavior in the production and sale of products which violates the provisions

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。

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。

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。

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。

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。

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、

of this Law, thereby causing serious consequences.

Article 66 Where a market regulation department takes a sample of products that exceeds the stipulated amount or collects an inspection fee from the person being inspected in the course of product quality supervision and random inspection, a higher level market regulation department or supervisory organ shall order the excess products or fee to be returned; where the circumstances are serious, the person directly in charge who is responsible and other persons directly responsible shall be subject to administrative sanctions.

Article 67 Where a market regulation department or other state organ promotes the products of a producer or is involved in operational activities relating to products by way of carrying out supervision of product manufacture or sale in violation of Article 25 of this Law, a higher level organ or supervisory organ shall order the situation to be rectified, the effects of the illegal behavior shall be eliminated and any illegal income shall be confiscated; where the circumstances are serious, the person directly in charge who is responsible and other persons directly responsible shall be subject to administrative sanctions.

Where a product quality inspection organ commits an illegal act listed in the preceding paragraph, the market regulation department shall order the situation to be rectified, the effects of the illegal behavior shall be eliminated, any illegal income shall be confiscated, and a fine may be imposed equal to an amount less than twice the illegal income; where the circumstances are serious, the department's quality inspection qualifications shall be cancelled.

Article 68 Where personnel of a market regulation department abuse their powers of office, neglect their duty or practice favoritism, if such conduct constitutes a crime, criminal liability shall be pursued in accordance with the law; if such conduct does not constitute a crime, then administrative punishment shall be imposed.

Article 69 If a party, by violence or threat, obstructs personnel of a market regulation department from performing their duties in accordance with the law, criminal liability shall be pursued in accordance with law; where a party, without violence or threat, rejects or obstructs such personnel, that party shall be punished by the public security authorities in accordance with the law of Administrative Penalties for Public Security.

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。

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。

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。

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。

第六章 附则  
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。

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。

第七十四条

本法自1993年9月1日起施行。

Article 70 The administrative penalties as stipulated by Articles 49 to 57 and Articles 60 to 63 of this Law shall be decided by the market regulation departments. Where laws or statutory regulations stipulate otherwise regarding authorities exercising the power to impose administrative penalties, such provisions of the relevant laws or statutory regulations shall apply.

Article 71 Products which are confiscated in accordance with the provisions of this Law shall be destroyed or handled by other means in accordance with relevant state regulations.

Article 72 "Value" as stipulated in Articles 49 to 54, 62 and 63 of this Law shall be calculated using the advertised market price of the products that have been illegally produced or sold; where there is no advertised market price, "value" shall be calculated in accordance with the market price of similar goods.

Chapter VI Supplementary Provisions

Article 73 Administrative measures on the supervision of the quality of military products shall be formulated separately by the State Council and the Central Military Commission.

Where damage is caused by nuclear facilities or nuclear products and compensation liability is incurred thereby, if laws or statutory regulations stipulate otherwise, such provisions of the relevant laws or statutory regulations shall apply.

Article 74 This Law shall take effect from September 1, 1993.



扫一扫，手机阅读更方便