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## Administrative Measures for the Paid Use of Plastic Bags at Commodity Retailing Places [Effective]

商品零售场所塑料购物袋有偿使用管理办法 [现行有效]

【法宝引证码】CLI.4.105054(EN)

**Issuing authority:** Instrumentalities of the State Council, All Ministries, Ministry of Commerce, All Commissions, State Development & Reform Commission (incl. former State Development Planning Commission), All Administrations, State Administration for Industry & Commerce

**Area of Law:** Industrial and Commercial Management

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**Level of Authority:** Departmental Rules

Order of the Ministry of Commerce, the National Development and Reform Commission and the State Administration for Industry and Commerce

(No.8 [2008])

The Administrative Measures for the Paid Use of Plastic Bags at Commodity Retailing Places, which were deliberated and adopted at the fifth executive meeting of the Ministry of Commerce on April 16th, 2008 and have been consented to by the National Development and Reform Commission and the State Administration for Industry and Commerce, are hereby promulgated, and shall come into force as of June 1st, 2008.

Minister of Commerce : Chen Deming

Chairman of the National Development and Reform Commission: Zhang Ping

Director-General of the State Administration for Industry and Commerce: Zhou Bohua

May 15th, 2008

Administrative Measures for the Paid Use of Plastic Bags at Commodity Retailing Places

**Article 1** These Measures are formulated for the purpose of saving resources, protecting the ecological environment and guiding consumers to reduce the use of plastic bags.

**Article 2** The term of "commodity retailing places" as mentioned in these Measures refers to various kinds of supermarkets, shops and trade markets where retailing services are provided for consumers.

The term "plastic bags" as mentioned in these Measures refers to the plastic bags with the function of carrying things that are provided by commodity retailing places and used to hold the commodities purchased by consumers, excluding the plastic prepackages provided by commodity retailing places for health and food safety and used for holding bulk fresh food, cooked food and wheaten food, etc.

The material quality and technical requirements of plastic bags shall be governed by the relevant state standards.

**Article 3** Commodity retailing places shall provide paid plastic bags for consumers pursuant to these Measures.

**Article 4** The competent department of commerce, the competent department of price and the administrative department for industry and commerce shall, within their respective scope of duties and functions, supervise and administer the business operations conducted by commodity retailing places in the process of the paid use of plastic bags in accordance with the relevant laws and regulations.

**Article 5** Commodity retailing places shall sell plastic bags at a marked price according to law.

**Article 6** A commodity retailing place may determine the price of plastic bags independently, but any of the following behaviors shall be prohibited:

1. selling plastic bags at a price lower than the cost;
2. selling plastic bags without marking a price thereon or without marking the required information or in the required way;
3. selling plastic bags to consumers in violation of the marked price by discounting or other way; or

商务部、国家发展和改革委员会、国家工商行政管理总局令  
(2008年第8号)

《商品零售场所塑料购物袋有偿使用管理办法》已经2008年4月16日商务部第五次部务会议审议通过，并经发展改革委、国家工商总局同意，现予公布，自2008年6月1日起施行。

商务部部长 陈德铭

发展改革委主任 张平

工商总局局长 周伯华

二〇〇八年五月十五日

商品零售场所塑料购物袋有偿使用管理办法

**第一条** 为节约资源、保护生态环境，引导消费者减少使用塑料购物袋，制订本办法。

**第二条** 本办法所称商品零售场所是指向消费者提供零售服务的各类超市、商场、集贸市场。

本办法所称塑料购物袋是指由商品零售场所提供的，用于装盛消费者所购商品，具有提携功能的塑料袋。但不包括商品零售场所基于卫生及食品安全目的，用于装盛散装生鲜食品、熟食、面食等商品的塑料预包装袋。塑料购物袋的材质及技术要求由国家相关标准予以规范。

**第三条** 商品零售场所应当依据本办法向消费者有偿提供塑料购物袋。

**第四条** 商务主管部门、价格主管部门、工商行政管理部门依照有关法律法规，在各自职责范围内对商品零售场所塑料购物袋有偿使用过程中的经营行为进行监督管理。

**第五条** 商品零售场所对塑料购物袋应当依法明价。

**第六条** 商品零售场所可自主制定塑料购物袋价，不得有下列行为：

- (一) 低于经营成本销售塑料购物袋；
- (二) 不标明价格或不按规定的内容方式标明价格销售塑料购物袋；
- (三) 采取打折或其他方式不按标示的价格向消费者销售塑料购物袋；



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4. providing free plastic bags to consumers either directly or in any disguised form.

**Article 7** Commodity retailing places shall separately list the quantity, unit price and item of the plastic bags bought by consumers in the sales voucher.

Trade markets operated in the form of leasing stalls, if it is really difficult for them to issue sales vouchers, shall be exempted from the preceding requirement.

**Article 8** Commodity retailing places shall purchase plastic bags from the legally established plastic bag manufacturers, wholesalers or importers, ask for the relevant certificate, and set up machine accounts for the purchase and sales of plastic bags for future reference.

**Article 9** No commodity retailing place may sell plastic bags that fail to reach the relevant state standards.

**Article 10** Commodity retailing places shall take steps to provide convenience for consumers to shop with their own shopping bags or baskets.

**Article 11** Commodity retailing places are encouraged to provide substitutes for plastic bags which satisfy the relevant quality standards and environmental protection requirements.

**Article 12** For a trade market operated in the form of leasing stalls, the entity opening the market may purchase and sell plastic bags in a centralized way or allow a stall trading plastic bags either exclusively or concurrently which is established upon the approval of the entity to do so.

**Article 13** The operators of commodity retailing places (hereinafter referred to as operator) shall assume corresponding responsibility for behaviors in violation of the relevant provisions of these Measures.

The responsibility for the violative behaviors of the following commodity retailing places shall be assumed by the opening entity or leasing entity:

1. trade markets operated in the form of leasing stalls;
2. supermarkets and counters inside such places but leased to other parties; and
3. counters set up by large-scale supermarkets and shops for selling products from manufacturers.

**Article 14** Where any operator, opening entity or leasing entity of commodity retailing places violates the provisions of Article 6 of these Measures on price-related behaviors, the competent department of price shall order it to correct, and may impose a fine of not more than 5000 yuan in light of the seriousness of the circumstances.

**Article 15** Where any operator, opening entity or leasing entity of commodity retailing places violates the provisions of Article 6 about competition behavior or Article 7 of these Measures, the administrative department for industry and commerce shall order it to correct, and may impose a fine of not more than 10,000 yuan in light of the seriousness of the circumstances.

**Article 16** Where any operator, opening entity or leasing entity of commodity retailing places violates the provisions of Article 8 of these Measures, the administrative department for industry and commerce shall order it to correct, and may impose a fine of not more than 20,000 yuan in light of the seriousness of the circumstances.

**Article 17** Where any operator, opening entity or leasing entity of commodity retailing places violates the provisions of Article 9 of these Measures, the administrative department for industry and commerce shall punish it in accordance with [the Law of the People's Republic of China on Product Quality](#) and other relevant laws and regulations.

**Article 18** Where any operator, opening entity or leasing entity of commodity retailing places gets punished for its violation of these Measures, the competent department of commerce, the competent department of price and the administrative department for industry and commerce may announce the punishment imposed on it to the public.

**Article 19** News media are encouraged to supervise the violations of these Measures by public opinion. All entities and individuals can report the violations of these Measures to the local competent department of commerce, the competent department of price and the administrative department for industry and commerce.

**Article 20** The competent department of commerce of the people's government of each province, autonomous region or municipality directly under the Central Government may, together with the competent department of price and the administrative department for industry and commerce at the same level, work

料购物袋;

(四) 向消费者无偿或变相无偿提供塑料购物袋。

**第七条** 商品零售场所应当在销售凭证上单独列示消费者购买塑料购物袋的数量、单价和款项。以出租摊位形式经营的集贸市场对消费者开具销售凭证确有困难的除外。

**第八条** 商品零售场所应向依法设立的塑料购物袋生产厂家、批发商或进口商采购塑料购物袋，并索取相关证照，建立塑料购物袋购销台账，以备查验。

**第九条** 商品零售场所不得销售不符合国家相关标准的塑料购物袋。

**第十条** 商品零售场所应采取的措施，为消费者自带购物袋、购物篮购物提供便利。

**第十一条** 鼓励商品零售场所提供符合相关质量标准和环保要求的塑料购物袋替代品。

**第十二条** 以出租摊位形式经营的集贸市场，可以由开办单位或经其批准在市场内设立的专营（或兼营）塑料购物袋经营摊位实行塑料购物袋统一采购、销售。

**第十三条** 商品零售场所的经营者（以下简称经营者）对违反本办法有关规定的行为承担相应责任。

下列商品零售场所，由开办单位或出租单位对违反本办法有关规定的行为承担相应责任：

- (一) 以出租摊位形式经营的集贸市场；
- (二) 场内外租超市、柜台；
- (三) 大型超市、商场引厂进店的经营摊位。

**第十四条** 商品零售场所的经营者、开办单位或出租单位违反本办法第六条有关价格行为和明码标价规定的，由价格主管部门责令改正，并可视情节处以5000元以下罚款。

**第十五条** 商品零售场所的经营者、开办单位或出租单位违反本办法第六条有关竞争行为和第七条规定的，由工商行政管理部门责令改正，并可视情节处以10000元以下罚款。

**第十六条** 商品零售场所经营者、开办单位或出租单位违反本办法第八条规定的，由工商行政管理部门责令改正，并可视情节处以20000元以下罚款。

**第十七条** 商品零售场所经营者、开办单位或出租单位违反本办法第九条规定的，由工商行政管理部门依据[《中华人民共和国产品质量法》](#)等法律法规予以处罚。

**第十八条** 商品零售场所经营者、开办单位或出租单位因违反本办法相关规定受到处罚的，商务主管部门、工商行政管理部门和工商行政管理部门可将处罚情况向社会公告。

**第十九条** 鼓励新闻媒体对违反本办法规定的行为进行舆论监督。

任何单位或个人可向当地商务主管部门、价格主管部门、工商行政管理部门举报违反本办法规定的行为。

**第二十条** 各省、自治区、直辖市人民政府商务部门会同同级价格主管、工商行政管理部门依据本办法制订



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out the detailed rules for the implementation of these Measures, implement such rules upon the approval of the people's government at the same level, and file them with the Ministry of Commerce, the National Development and Reform Commission and the State Administration for Industry and Commerce for archival purpose.

实施细则，经同级人民政府批准后实施，并报商务部、国家发展和改革委员会、国家工商行政管理总局备案。

**Article 21** The power to interpret these Measures shall remain with the Ministry of Commerce, the National Development and Reform Commission and the State Administration for Industry and Commerce.

**第二十一条** 本办法由商务部、国家发展和改革委员会、国家工商行政管理总局负责解释。

**Article 22** These Measures shall come into force as of June 1st, 2008.

**第二十二条** 本办法自2008年6月1日起实施。

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