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Regulation on recalls in pipeline

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The country has taken a major step toward launching a recall system for a wider range of consumer products in the domestic market by completing the first draft regulation.

The move comes amid concern over the safety and quality of Chinese products.

The draft regulation on the recall of defective products applies to all products that might harm public health or personal safety, Liu Zhaobin, director of the policy and legislation department of the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), told *China Daily* on the sidelines of a quality control symposium yesterday.

He did not list the products covered by the draft but - apart from automobiles, toys, drugs and foodstuffs that are already covered by various recall systems - they might include medical apparatus, home appliances and public facilities such as elevators and cable cars.

Currently, the rules on the recall of defective cars, toys, drugs and foodstuffs are set by separate central government departments and there is no regulation or law governing the issue.

According to the draft regulation, producers are required to take back unsafe products; or else the government will order a recall, and fine and punish producers, Liu said.

"For example, if their failure to recall causes any serious public harm, producers can have their production licenses revoked and be subject to criminal charges," he said.

Liu said the draft has been sent to some enterprises and government departments to solicit opinion, and "if everything goes smoothly, the draft regulation could be adopted by the State Council as early as next year".

Generally, a State Council regulation takes effect a month after being passed.

Jiang Tianbo, a senior official with the State Council Legislative Affairs Office, confirmed yesterday that listing the draft regulation on the legislative agenda for next year is being considered.

Officials and experts believe that the introduction of a comprehensive recall system, backed by laws and regulations, will greatly help improve product quality and protect consumers' rights.

"The establishment of a sound recall system is one of the fundamental ways to improve the quality of Chinese-made products," AQSIQ Vice-Minister Pu Changcheng said at the symposium yesterday.

With more new technologies and materials being used, the possibility of defective products is increasing, he said. But currently, product safety issues are addressed mainly by market access control, random sample tests and compensation for damage caused by defective products.

Wang Liming, a member of the law committee of the National People's Congress (NPC), the top legislature, also said that he would suggest that the NPC amend the Product Safety Law and the Law on the Protection of Consumers' Rights and Interests by adding provisions on the recall of defective products to offer the system greater legal backing.

But experts questioned whether the regulation could be properly implemented as the country has no product injury monitoring system or a sound product retrospective marking system.

"We need to set and update more standards to facilitate the rules' implementation," said Ying Songnian, a member of the NPC's civil and judicial affairs committee.

(*China Daily* November 23, 2007)

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