
China's WEEE

2009-03-18

On February 25, 2009, China's Premier Wen Jiabao signed the long-awaited Rules on the Administration of the Recovery and Disposal of Discarded Electronic and Electrical Products [废弃电器电子产品回收处理管理条例] (the WEEE Rules), some six months after approval by the State Council on August 20, 2008.

The lengthy delay was occasioned by reluctance to impose additional burdens on domestic industry amidst the economic crisis.

The WEEE Rules are a complement to China's Restriction of Hazardous Substances (RoHS) regulations which were promulgated in 2006. The WEEE Rules, which take effect on January 1, 2011, establish the regulatory regime for the recovery, recycling and disposal of electronic and electrical products. Covered products will be listed in a Catalogue for the Disposal of Discarded Electronic and Electrical Products [废弃电器电子产品处理目录] which will be formulated and adjusted from time to time under the leadership of the Ministry of Environmental Protection and the Ministry of Industry and Information Technology subject to approval by the State Council. The extent of harmonization with EU WEEE is as yet uncertain.

The WEEE Rules require labeling of hazardous components in, and instructions on the recovery and disposal of, covered domestically-manufactured and imported products. Certified recovery, recycling and disposal facilities will be established, in part through fees collected from producers and importers or their agents, and supplemented by a state electronic and electrical products disposal fund supervised by the

Ministry of Finance.

A procedure will be created to certify disposal and recycling enterprises. There are no apparent restrictions on foreign investment in the industry, although centralized facilities may be established with provincial-level government approval. All facilities must comply with land use and urban planning regulations.

Penalties can be imposed for violations: fines of up to 50,000 yuan for labeling violations; suspension or closure order, confiscation of proceeds, and fines of 50,000 to 500,000 yuan for engaging in disposal activities without the proper certification; and up to 50,000 yuan for recording and reporting violations.

Authors



Lester Ross

PARTNER

Partner-in-Charge, Beijing
Office

✉ lester.ross@wilmerhale.com

☎ +86 10 5901 6588



Kenneth Zhou

PARTNER

✉ kenneth.zhou@wilmerhale.com

☎ +86 10 5901 6588