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China, Peoples Republic of

Planting Seeds

Seed Law Implementation Regulations

2001

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Report Highlights:

Implementation regulations for the Seed Law of the People's Republic of China have been published after a delay of several months. It remains to be seen how effectively these measures will be enforced.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Beijing [CH1], CH

General Comments

The Seed Law of the People's Republic of China and the following Implementation Regulations regulate seeds for 7 major crops (rice, wheat, corn, cotton, soybean, rapeseed, and potatoes). Seed types subject to regulation face stringent testing requirements before they can be disseminated and used. Agricultural departments in provinces, municipalities, and autonomous regions may specify that up to two additional major crop seed varieties require examination prior to seed dissemination and use within their administrative regions. Other crop seeds can be disseminated and used without examination. (Examination is the first step toward seed approval, and consists of several site and production tests). Companies interested in marketing seed varieties in China should consult with provincial and regional authorities to determine if a particular seed variety is subject to regulation.

Applicants can apply for examination at the national level, provincial level, both levels, or in several provinces. Seeds that pass national level examinations can be used throughout China. The Ministry of Agriculture decides on the ecological environment suitability for dissemination of seeds that passed national level examinations. Seeds with provincial level approval can be used only within that province. Applicants can introduce approved seeds from one province to neighboring provinces if the two provinces have the same ecological environment. Departments of agriculture in neighboring provinces determine whether or not ecological environments are the same.

If a seed variety is rejected, applicants can appeal the decision to the newly formed Agricultural Varieties Examinations and Approvals Commission. National and provincial authorities for examining and approving varieties of imported seeds and genetically modified seeds must adhere to standards set by the State Council. These standards and their implementing requirements have not yet been released by the State Council.

There are three types of licenses: a production license, a management license, and a combined production/management license. The licensing requirements for all types have been tightened. Commercial seeds other than the 7 major types and those specified by the provincial/regional authorities are free from production licensing. Applicants for production or management licenses must meet requirements including capital reserves, technical staffing, facilities and equipment.

The new regulations provide improved protection for seed companies. Agricultural departments may not collect charges other than fees to cover the basic costs of issuing the license. There is also greater protection of intellectual property rights afforded to seed selectors and breeders, operators, and users.

Labeling requirements are clearer, but may pose problems to U.S. exporters. Some examples of the new requirements include: content on the labels must be written in standard Chinese to exact specifications; the name of the importer, serial numbers of the seed import and export licenses, and the numbers of the seed import approval file must be included on the label; genetically modified seeds must be labeled as such; and seed quality standards must also be indicated on the labels.

The new regulations do not resolve problems with the VAT on planting seeds, and may only have served to add to the confusion. Problems also continue with the system for issuing import and export permits and quotas for planting seeds, which result in irregular trade patterns for foreign companies as importers attempt to meet artificial deadlines.

Unofficial Translation of the
SEED LAW IMPLEMENTATION REGULATIONS
OF THE PEOPLE'S REPUBLIC OF CHINA

CONTENTS

Decree 44	Measures for the Examination and Approval of Major Crop Varieties
Decree 48	Measures for the Administration of Crop Seed Production License and Management License
Decree 49	Measures for the Labeling of Crop Seeds
Decree 50	Measures for the Processing and Packaging of Seeds
Decree 51	Measures for the Scope of Major Crops

**Decree of the Ministry of Agriculture
Number 44**

Measures for the Examination and Approval of Major Crop Varieties, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, are hereby promulgated and put into effect.

Minister Chen Yaobang
February 26, 2001

Measures for the Examination and Approval of Major Crop Varieties

Chapter One: General Provisions

Article 1: These measures are formulated in order to scientifically, fairly and promptly examine and approve major crop varieties in accordance with the provisions of Article 15 in the *Seed Law of the People's Republic of China* (referred to as Seed Law hereinafter see GAIN CH0031).

Article 2: The examination and approval measures for major crops within the territory of the People's Republic of China shall apply to these major crop varieties.

Article 3: The major crops in these measures are indicated by the crops specified in Article 74, paragraph one, item three of *Seed Law*.

Chapter Two: Agricultural Varieties Examinations and Approvals Commission

Article 4: The Agricultural Varieties Examinations and Approvals Commission (referred to as "The Commission" hereinafter) shall be established by the Ministry of Agriculture and be responsible for the examination and approval of major agricultural crop varieties at the national level. Provincial level commissions shall be established by provincial agriculture administrative departments and be responsible for the examination and approval of the major crop varieties at the provincial level.

Article 5: The Commission shall be composed of professional personnel in the field of scientific research, education, production, extension, administration and use. Commissioners shall have senior title of region/area post or the position equal to or higher than the chief of a department. Commissioners shall normally be under 55 years of age. Term of office for commission members is five years. The commission shall have one director and 2-3 deputy directors.

Article 6: The Commission shall establish an office, which shall be responsible for the routine duties of the commission. The office shall have one chief officer and 2-3 vice chief officers.

Article 7: The Commission shall create professional commissions according to classification of crops. Each professional commission shall consist of 9-13 commissioners, have one chief commission member and 1-2 vice chief commissioners.

Article 8: In regions with ecological diversity, provincial level commissions may establish Examination and Approval Groups in cities with sections or autonomous prefectures. These groups shall be responsible for the initial examination of major crop varieties which are suitably disseminated and used in the special eco-region. Each group shall consist of 7-11 members, have one chief group leader, and 1-2 vice chief group leaders.

Article 9: The Commission shall set up a Directors Commission consisting of the director and the deputy directors of the Commission, the chief commission members, the chief officers of all the professional commissions and the official building.

Chapter Three: Applications and Acceptances

Article 10: Any Chinese units or individuals (referred to as “applicants” hereinafter), who applies for examination and approval, may apply directly to the National Commission or the Provincial Commission.

Foreigners and foreign enterprises, that do not have a residence or a place of business in China and that will apply for examination and approval, shall entrust one Chinese institution, a corporation in the field of scientific seed research, production, and operation, as an agent to apply for examination and approval.

Article 11: Rice, wheat, corn, cotton, soybean and any other major crops specified by the Ministry of Agriculture must be examined and approved according to national or provincial standards. Applicants may apply for examination and approval according to national or provincial standards, or may simultaneously apply for examination and approval of both national and provincial standards, or may apply for examination and approval in several provinces, or a municipality directly under the central government, or an autonomous region.

Major crops specified by the agriculture administration departments at the provincial level shall be examined and approved according to provincial standards.

The authority of examining and approving varieties of imported crops and genetically modified crops, must be set according to the provisions of the State Council.

Article 12: To apply for examination and approval, the varieties must satisfy the following requirements:

1. Be selected and bred artificially, or be discovered and improved artificially;
2. Have obvious distinctions from existing varieties (existing varieties being the varieties that have passed examination and have been approved by commissions of the same level);
3. Have a stable hereditary feature;
4. Have morphology features consistent with biology features;
5. Have a proper name.

Article 13: Written applications for examination and approval of the varieties shall be submitted to the Commissioner office. The written application must contain the following:

1. The name, address, post code, contact personnel, phone number, fax and nationality of the applicants;
2. The units and individuals that select and breed the crops;
3. The temporary name of the crop type and varieties. The temporary name shall be up to the provisions of the *Regulations on New Plant Varieties Protection of the People's Republic of China* (CH7023);
4. The suggested testing area and main point of cultivation;
5. The report on the selection and crop breed, including the parents genetic constitution, the parents genetic relationship to the hybrid varieties, the methods of selection and breeding, and the descriptions of features and generations;
6. The description about the varieties features and standard pictures

Applicants for examination of genetically modified crops shall also supply the safety certificates for the genetically modified crops.

Article 14: The Commission office shall make the decision to accept or deny the application within two months from receipt of the application, and then inform the applicants.

Applications that meet the provisions in Article 12 and Article 13 shall be accepted. The commission shall inform the applicants to pay the testing fee and supply testing seed within one month. If the applicant pays the testing fee and supplies seeds within the time limit, the office shall arrange to test the seeds. If not, it shall be regarded as a withdrawal of the application.

Applications that do not meet the provisions in measures Article 12 and Article 13 shall not be accepted. The Applicant may address or amend the application contents within two months after receiving notice. If the applicant's reply arrives after the deadline, it shall be regarded as a withdrawal of the application. If the application is not up to standard after the amendments, the office will reject the application.

Chapter Four: Varieties Test

Article 15: The varieties test includes both territorial and production tests. The test of genetically modified crops shall be limited to the safety cultivating area regulated by the Safety Certificates of Agricultural Genetically Modified Crops. The specific testing methods shall be promulgated and announced by the Commission.

Article 16: Territorial test for each variety shall not be less than five testing sites in one ecological area. The duplication of the test shall not be less than three times. The testing period shall not be not less than two cultivation cycles.

The agronomic properties, such as varieties bumperity, adaptability, lodging-resistancy and quality, shall be appraised according to the test.

Article 17: Production test for each variety shall not be less than five testing sites in the same ecological area. The cultivated area of one testing site shall not be less than 300m² nor larger than 3,000m². The testing period shall be one cultivation cycle.

The test shall affirm the agronomic properties of the varieties bumperity and lodging-resistancy in conditions similar as to the field. At the same time, the test shall summarize the supporting cultivation technology.

Article 18: The appraised results of lodging-resistancy and quality shall accept the testing result institutions appointed by the Commission as the final result.

Article 19: Three months after each cultivation cycle, the Commission office shall gather all crop testing results and promptly inform the applicants.

Chapter Five: Proclamations, Examination and Approval

Article 20: The Commission office shall collect test results within three months for varieties that have finished the varieties testing procedures. Then the Commission office shall submit the results to the Professional Commission for initial examination. The Professional Commission (or the Examination and Approval Group) shall finish the initial examining work within two months.

Article 21: The Professional Commission (or the Examination and Approval Group) shall convene the conference for initial varieties examination. For results to be effective, the number of attending commissioners should be more than 2/3 of all commissioners. The initial examination of the varieties, according to the examination and approval standard, shall be voted on by secret ballot. The initial varieties examination is carried when more than one half of all the commissioners of that Professional Commission (or the Examination and Approval Group) vote affirmative.

Article 22: The initial examination enacts the challenge system. If the Director of the Professional Commission (or the leader of the Examination and Approval Group) believes some one may affect the

impartiality of results of the initial examination, the director may ask the relevant commissioners to challenge.

The challenge of the director of the Professional Commission (or the leader of the Examination and Approval Group) shall be ruled on by the Office of the Examination and Approval Commission.

The Professional Commission (the Examination and Approval Group) may invite applicants to introduce the varieties, if needed.

Article 23: The Professional Commission (the Examination and Approval Group) shall submit the opinions of the initial examination and recommendation for cultivating sites of varieties that have passed the initial examination to the Directors Commission within one month. The approval of the Directors Commission indicates that the variety passes the examination. The Directors Commission shall finish the examination and approval work within one month.

Article 24: With respect to varieties that have passed examination and approval, the Commission shall give a code number and issue the certificates and proclamations by the agriculture administrative departments of the same level. The code number shall contain the abbreviation of the Commission, the abbreviation of the type of varieties, the year and the ordinal number of three digits.

The proclamations of Varieties Examination and Approval at the provincial level shall be put on record with the Commission.

The proclamations shall be published on relative media. The published varieties name shall be the common name of the varieties.

Article 25: The Commission office shall inform applicants about their varieties examination and approval failure within 15 days. If applicants are not satisfied with examination and approval results, the applicants may apply for the review of examination and approval to the formal Commission or the higher level Commission within 30 days after receiving the notice. The Commission shall review the reason of reconsideration, the formal examination and approval files and procedures, and prepare a review conclusion and inform the applicants within six months.

Article 26: If approved varieties have unalterable defects during the cultivation process, the formal Professional Commission (the Examination and Approval Group) shall submit the suggestion to stop the extension. After the Directors Commission reviews and agrees to the submission, the agriculture administrative department of the same level shall proclaim the notice.

Article 27: The Ministry of Agriculture shall prescribe the examination and approval criteria for rice, wheat, corn, cotton, soybean and other major crops as specified by the Ministry of Agriculture. The criteria for major crops as specified by the provincial agriculture administrative departments shall be prescribed by the agriculture administrative departments at the provincial level and put on record with the Ministry of Agriculture.

Chapter Six: Supervision and Administration

Article 28: Units and relative personnel that undertook the testing and examination and approval of works can not distribute the applicant's seeds for the purpose of non-testing without the agreement of the applicants.

Article 29: Where a unit, responsible for testing, practices fraud, the unit shall be disqualified for varieties testing. The administrative sanctions for the unit and concerning personnel must be investigated by law. Any losses must be compensated. If the offense constitutes a crime, criminal responsibility shall be investigated according to law.

Article 30: Personnel, who practice fraud, favoritism or embezzlement, abuse their power or neglect their duties, must be subject to administrative sanctions. If the offense constitutes a crime, criminal responsibility shall be investigated according to law.

Article 31: The units and personnel that have performed distinctively in variety testing and examination and approval work shall be rewarded by the agriculture administrative department of the same level.

Chapter Seven: Supplementary Provisions

Article 32: The approved varieties, whose certain characters have been improved by the original applicant, shall not use the same name, but rather note the relation to the original varieties. The improved varieties must be subject to the examination and approval of the original Commission for operation and extension. It is not necessary for the Commission to arrange again the territorial and the production test other than a test of 1 or 2 production cycles to verify the improved characteristics.

Article 33: With regard to the approval of varieties of crops for special use, testing cycle, and testing places, the number of repetitions may be reduced. The specific requirements shall be formulated by the Commission.

Article 34: The working fees and territorial testing fees necessary for the examination and approval of varieties shall be included in the special financial budget of the agricultural administrative department of the same level.

Article 35: These Measures shall be interpreted by the Ministry of Agriculture.

Article 36: These measures go into effect the date of their publication. The measures on the agriculture varieties examination and approval of the People's Republic of China, and the chapter of the agriculture varieties examination and approval commission of the People's Republic of China proscribed by the Ministry of Agriculture on August 10, 1997 are annulled simultaneously.

In the event of conflict between the enactments of the provincial agriculture varieties examination and approval and the provisions of these Measures, the provisions of these Measures shall prevail.

**Decree of the Ministry of Agriculture
Number 48**

Measures for the Administration of the Crop Seed Production License and Management License, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, is hereby promulgated and put into effect.

Minister Chen Yaobang
February 26, 2001

Measures for the Administration of Crop Seed Production License and Management License

Chapter One: General Provisions

Article 1: These Measures are formulated in accordance with relevant provisions of the *Seed Law of the People's Republic of China* (hereinafter referred to as *Seed Law*), with a view to standardizing the examination, approval and administration of the crop seed production license and the crop seed management license.

Article 2: The application, examination, approval and administration of the crop seed production license or the crop seed management license within the territory of the People's Republic of China shall be applicable to these Measures.

Article 3: The examining and approval authorities shall publish the requirements and the procedures for handling the crop seed production and the crop seed management license.

Chapter Two: Production License for Major Crop Seeds

Article 4: The licensing system is adopted for the production of major commercial crop seeds.

The production licenses for hybrid seeds, their parental seeds and basic seeds of conventional varieties for major crops must be examined by the agriculture administrative department at the local county level of production area, and approved by the agricultural administrative department at the provincial level. The production license for conventional field seeds of major crops must be examined and approved by the agricultural administrative department of the local government at or above county level of production area.

Application for the seed production licenses for those crops which are major crops in provinces (or autonomous regions or municipalities directly under the central government) other than the production area shall be accepted by the agricultural administrative department of the production area and license shall be examined and approved.

Article 5: The units or individuals directly arranging for seed production shall be responsible for the application of the seed production license.

Where farmers or village collective economic organizations are entrusted with the arrangement of the production, the trustor shall be responsible for the application; where other economic entities are entrusted with the production, the trustor or the trustee shall be responsible for the application.

Article 6: Those applying for the seed production license shall satisfy the requirements prescribed in Article 21 of *Seed Law* and live up to the following standards:

1. For the production of conventional seeds (including basic seeds) and hybrid parental seeds, the registered capital shall be more than RMB 1,000,000; for the production of hybrid seeds, the registered capital shall be more than RMB 5,000,000;
2. More than 500 square meters sunning ground for drying seeds, or seed-drying equipment;
3. Necessary storage installations;
4. More than 2 persons in charge of seed testing and more than 3 professional seed technicians whose qualification are approved by the agricultural administrative department at or above the provincial level.

Article 7: Those applying for the seed production license shall submit to the examining authority the following documents:

1. The application form for the production license of major crop seeds. Where anything needs to be kept secret, the unit applicant or individual shall give clear indication;
2. The quality certificates of persons in charge of seed-quality testing and technicians in seed production;
3. Proof of registered capital;
4. The list of inspection equipment and apparatus, the photos and the proof of property rights;
5. An introduction to the sunning ground for drying seeds, or the photos and the proof of property rights of the seed-drying equipment;
6. The photos and the proof of property rights of seed storage installations;
7. The quarantine certificate and its introduction from the production place;
8. An introduction for the varieties to be produced; in case of licensed breeds, written proof of agreement by the owner of the variety or transfer contract of the variety shall be submitted; in case of genetically modified seeds, the safety certificate for agricultural genetically modified organism shall be submitted;
9. The guarantee system for the production quality of seeds.

Article 8: Those who apply for the seed production license shall go through the following procedures:

1. The applicant applies to the examining authority for the seed production license according to the provisions of Article 4 of these Measures;
2. The examining authority shall finish the examination of the application within 30 days of receiving the application material. During the examination process, spot investigations shall be carried out into the production place, the sunning and drying apparatus, the storage installations, the inspection equipment and apparatus. The authority shall provide its opinions on an application that satisfies the requirements prescribed in these Measures and report

- examination results to the approving authority; if the application does not pass the examination, a written notice, which presents an explanation, shall be delivered to the applicant;
3. The approving authority shall finish the approval within 30 days of its receiving the examination opinions. Where the application satisfies the requirements, the production license shall be issued; where the application does not meet the requirements, the application shall be returned with an explanation to the examining authority. The examining authority shall notify the applicant in writing of the reasons for disapproval.

The approving authority may carry out a spot examination as it considers necessary.

Article 9: The seed production license shall enter such items as the serial number of the license, the name, the domicile and the legal representative of the seed producer, the authority issuing the license, the date of issuance, the varieties and the species of the crops to be produced, the production place and the period of validity, etc.

The serial number of license shall be “(x) (xxxx)x ”. The first bracket shall be filled with the abbreviated name of the authority issuing the license, the second the year number. The final x is for the ordinal number. “The variety” means all the approved varieties of crops to be produced; “the production place” may refer specifically to the administrative region at or below the county level. The period of validity shall be 3 years; where there are any varieties of genetically modified seeds, they shall be clearly indicated as such.

Article 10: In the event of any changes to the entered items during the period of validity of the production license, the registration shall undergo modification in accordance with the procedures provided in Article 8 of these Measures and relevant evidence shall be provided.

The seed producer, who needs a new license when the period of validity for the seed production license runs out, shall submit a new application by the initial one 3 months before expiration. The re-application shall go through the same procedures as the initial application.

Chapter Three: The Crop Seed Management License

Article 11: The hierarchical examining, approving and issuing system shall be adopted for the seed management license.

The management license of hybrid seeds and their parental seeds, or conventional basic seeds for major crops shall be examined by the agriculture administrative department at the county level in the place where the seed operator has its domicile, and approved and issued by the agriculture administrative department at the provincial level. The management licenses for other seeds shall be examined and issued by the agriculture administrative department at or above county level in the place where the operator has its domicile.

The management license applied by the applicant which is engaged in the import and export of seeds shall be examined by the agriculture administrative department at the provincial level in the place where

the applicant is registered, approved and issued by the Ministry of Agriculture. The company, which practices the combination of seed selection, production and management and whose registered capital satisfies the provisions of Article 15 of these Measures, may apply directly for examination of the management license to the agriculture administrative department at the provincial level in the place where the company is registered, and report to the Ministry of Agriculture for approval and issuance.

Article 12: Units and individuals, applying for the management license for hybrid seeds of major crops or conventional basic seeds, shall satisfy the requirements prescribed in Article 29 of *Seed Law* and live up to the following standards:

1. Have more than RMB 5,000,000 registered capital;
2. Have inspection rooms that meet the need of inspection; the equipment meets standards required for an average seed-quality inspecting institute; have more than 2 persons in charge of seed testing who have passed the examination approved by agriculture administrative department at the provincial level;
3. Have a complete set of seed-processing equipment and more than 1 technician in seed processing.

Article 13: Units and individuals, applying for the management license other than hybrid seeds of major crops, shall satisfy the requirements prescribed in Article 29 and live up to the following standards:

1. Have more than RMB 1,000,000 registered capital;
2. Have inspection rooms and necessary equipment that meet the need of inspection; have more than 1 person in charge of testing who has passed the examination approved by the agriculture administrative department at the provincial level.

Article 14: Those applying for the management license for import and export of seeds shall satisfy the requirements prescribed in Article 29 of *Seed Law*. Registered Capital shall be more than RMB 10,000,000.

Article 15: The seed companies, who practice a combination of seed selection, production and management and who apply to the Ministry of Agriculture for a seed management license, shall satisfy the requirements prescribed in Article 29 of *Seed Law* and live up to the following standards:

1. Have more than RMB 30,000,000 registered capital;
2. Have a breeding organization and relevant breeding conditions;
3. Have sales volume of its self-owned seeds that accounts for more than 50% of the total amount of sale;
4. Have a permanent base for seed breeding;
5. Have a complete set of seed-processing equipment;
6. Have inspection apparatus and equipment that meets standards for a seed-quality-inspecting institution at the ministerial level; have more than 5 persons in charge of seed testing who have passed the examination approved by the agriculture administrative department at the provincial level;

7. Have relatively stable net sales;

Article 16: Those applying for a seed management license shall provide the following documents:

1. A crop seed management license application form;
2. The qualification certificates for the persons in charge of seed testing, the storekeepers and the technicians in seed-processing;
3. A list, photos, and property rights proof of seed-inspecting apparatus, processing equipment and storage installations;
4. Photos of the place of management.

The seed companies that practice a combination of seed selection, production and management and who apply to the Ministry of Agriculture for the seed management license shall provide the following documents:

1. The photos of or an introduction to the breeding organization, the sales net and the seed-breeding base;
2. Proof of self-owned breeds;
3. An explanation as to the conditions of the seed-breeding, the inspection room and the state of production and management.

Article 17: Applications for the management license shall be handled in accordance with the following procedures:

1. Applicants apply to the examining authority for the management license in accordance with provisions of Article 11 of these Measures;
2. The examining authority shall finish the examination within 30 days from its receipt of the application material. During the examination period, spot investigations shall be carried out into the place of management, the process and storage installations, and the inspection equipment and apparatus. The examining authority shall provide its recommendation on the application satisfying the requirements prescribed in these Measures and report to the approving authority; where the application does not pass the examination, a written notice and explanation, shall be delivered to the applicant;
3. The approving authority shall finish the approval within 30 days of its receipt of the examination recommendation. Where the application satisfies the requirements, the management license shall be issued; where the application dissatisfies the requirements, the application shall be returned with an explanation to the examining authority. The examining authority shall notify the applicant in a written explanation for disapproval.

The approving authority may carry out an on-the-spot examination as it considers when necessary.

Article 18: The management license shall include such items as the serial number of the license, the name, the domicile and the legal representative of the seed operator, the capital applied for registration, the period of validity, the region in which the license is effective, the authority issuing the license, the

date of issuance, the scope of management, and the mode of operation.

The serial number of license shall be “(x) (xxxx)x ”. The first bracket shall be filled with the short name of the authority issuing the license. The second bracket shall contain the year number. The final x is for the ordinal number. The scope of management shall be filled out with hybrid or basic seeds or conventional seeds; when the scope of management covers all the major crops or all crops other than major crops or finally all crops, the scope shall be filled out with major crop seeds, or crop seeds other than major crops or crop seeds. The mode of operation shall be filled out with wholesale, retail, or import and export; the period of validity shall be 5 years; the region in which the license is effective shall be filled out in terms of administrative regions, with the county being the smallest and the jurisdiction of the examining and approving authority the largest. The approving authority decides the scope of effective region in the license.

Article 19: In the event of any changes in the entered items during the period of validity, the registration shall undergo modification in accordance with the procedures provided in Article 17 of these Measures and relevant evidence shall be produced.

The seed operator, who needs a new license when the period of validity runs out of the seed management license, shall submit a new application by the original one 3 months before the expiration. The re-application shall go through the same procedures as the initial application.

Article 20: According to Article 29 of the *Seed Law*, seed operators who have been granted management licenses may commission other units or individuals to sell seeds only within the region in which the licenses are effective.

Chapter Four: Supervision and Administration

Article 21: The units, that suspend seed production and management for more than a year, shall return licenses to the authority that issued the licenses.

Article 22: The crop seed production license or the seed management license, that is acquired by falsification, shall be taken back by approving authority and an announcement shall be published.

Article 23: The applicant, who is not satisfied with the examining or approving authority on the examination and approval or does not receive a reply within the prescribed period for the seed production license or the seed management license, may apply for reconsideration or bring an administrative case to the People's Court.

Article 24: If the agriculture administrative department exceeds its authority to issue inappropriate license in violation of the provisions of these Measures, the license part exceeding the authority shall be regarded as non-effective.

Article 25: In the course of issuing licenses according to these Measures, the agriculture administrative department may not collect charges other than fees representing basic costs of issuing the license.

Chapter Five: Supplementary Articles

Article 26: The major crop in these Measures refers to the crops specified in Article 74, Paragraph 1, Sub-paragraph 3 of the Crop Seed Law.

Article 27: The application form of the production license for major crop seeds and the application form for the management license for major crop seeds shall be printed by administrative agriculture departments at the respective provincial level. Both the production license and the management license for major crop seeds shall be printed by the Ministry of Agriculture.

Article 28: These Measures shall be interpreted by the Ministry of Agriculture.

Article 29: These Measures shall go into force as of the date of promulgation. *Interim Measures for the Administration of the Production and Management of Crop Seeds* that were promulgated by the Ministry of Agriculture and the Administration for Industry and Commerce on April 16, 1996 shall be annulled on the same date. Any current production and management license shall be invalid as of June 30, 2001.

**Decree of the Ministry of Agriculture
Number 49**

Measures on the Labeling of Crop Seeds, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, is hereby promulgated and put into effect.

Minister Chen Yaobang
February 26, 2001

Measures for the Labeling of Crop Seeds

Chapter One General Provisions

Article 1: These Measures are formulated for the purpose of enhancing the administration on the labeling of crops seeds, normalizing the manufacture, mark and use of labels, and protecting the lawful rights and interests of the producers, operators and users, in accordance with the relative regulations of *Seed Law of the People's Republic of China* (hereinafter referred to as *Seed Law*).

Article 2: The crop seeds sold or traded within the territory of People's Republic of China shall be marked with labels. The manufacturing, marking, using and management of the labels shall obey these Measures.

Article 3: The term "labels," referred to in these Measures, indicates the particular patterns and written explanations that are fixed on the package of the seeds, or the internal and external package of the seeds.

With regard to those seeds sold without processing and packaging, the term “labels” indicates the particular patterns and written explanations that the sellers provide to the buyers during distribution.

Chapter Two Contents of Labels

Article 4: The labels of the crop seeds shall include the type of the crops and the seeds, the name of the variety, the place of production, the serial numbers of the Seed Management License, the quality index, the serial numbers of the quarantine certificates, the net contents, the date of production, the name of the producers, the address and the way of contact.

Article 5: There shall be separate labeling for any one of the following items:

1. Major crop seeds shall be labeled with the serial numbers of the Seed Production License and the serial numbers of the Approvals;
2. Seeds mixed by more than two types shall be labeled with “mixed seeds”, and the name of the different types of the seeds and their proportions;
3. Treated seeds shall be labeled with the name of the chemicals, the active constituent and the contents, and the points for attention. Seeds shall be labeled carefully with a mark such as the human skull and cross-bone in accordance with the toxicity of the chemicals, and labeled “poisonous”;
4. Genetically modified seeds shall be labeled “genetically modified” and with the serial numbers for the safety certificate of agriculture genetically modified organisms and the safety control measures;
5. Imported seeds shall be labeled with the name of the importers, the serial numbers of the seed import and export licenses and the numbers of the approval files for seed importing;
6. Seeds packed individually from large packages shall be labeled with the name of the package plants and the date of packaging;
7. Seeds that contain weed seeds shall be labeled with the types and the proportion of harmful weeds.

Article 6: Types of crops shall be explained using biological species. Seed types shall be labeled as conventional seeds or hybrid seeds. Conventional species seeds need not be especially labeled. At the same time, breeding generation seeds such as breeder’s seeds, basic seeds, hybrid parent seeds and seeds for field use should be labeled. Field seeds need not be especially labeled.

The name of the seeds shall be up to the provisions in the *Regulations of the People's Republic of China on New Variety Protection* and the *Implementation Rules*. The types of seeds that are authorized seeds or have passed approval shall use the approved names.

Article 7: The place of production indicates the place where the seeds are reproduced, and the scope shall be marked with the province to the largest according to the administrative jurisdiction.

The origin of imported seeds shall be labeled according to the *Temporary Provisions of Customs for the People's Republic of China on the Original Place of the Imported Goods*.

Article 8: The quality index is the producers' promised quality index. It shall be labeled on the basis of purity, rate of cleanliness, germination percentage, and the moisture content of species.

If there are other requirements concerning the quality index in the national standard or the industry standard on some crop seeds, such requirements shall also be marked.

Article 9: The quarantine certificate serial numbers shall be labeled using the serial number of the certificate of inspection or the plant quarantine certificate in the place of production.

The quarantine certificate serial numbers of imported seeds shall be labeled using the serial numbers of the approval sheet for inspecting imported seeds and seedlings.

Article 10: The date of production is indicated by harvest time. The year and month shall be used under such patterns: Year 2000, Month July; 2000-07.

Article 11: The net content indicates the actual mass and quantity, which shall be weighed by kilograms and grams and counted by grains and plants.

Article 12: Producers indicate the initial supplier of the commercial seeds. Importers indicate the entities that bought the seeds from aboard.

Article 13: The producer's address shall be listed the same as the address on the Seed Management License. The means of contact shall be the labeled telephone numbers or fax numbers.

Chapter Three The Manufacturing, Use and Management of Labels

Article 14: The contents in the labels shall be written in standard Chinese, printed clearly, and the height of the characters shall be not lower than 1.8mm. The labels for caution labels shall be bold. When using Pinyin or other languages, the characters shall be smaller than the corresponding Chinese characters.

Article 15: The contents of the labels may be printed on the package, or manufactured onto printed matters and fixed on the internal or external parts of the package. Nevertheless the types of crops, the name of the varieties, the producers, the quality index, the net content, the date of production, the mark of caution and the contents as "genetically modified" shall be labeled on the package.

The labels of seeds, sold without processing and packaging, shall be made on printed materials and supplied to those seeds users in the distribution of the seeds.

The materials for printed matters shall be bold and the size shall not be smaller than 12cm by 8cm. The color of the materials may be different according to the different seeds. The color of materials for breeder's seeds may be white with purple diagonal stripes. The color of materials for basic seeds may be blue, parent seed's color of materials may be red and the color of materials for the large field seeds may be white or any single color other than red and blue.

Article 16: Seed operators shall print the labels of the seeds according to these Measures. The seeds label of authentication shall be printed by the seed authentication institutions. If the authentication sign does not list the contents, the seed operators shall print the labels to mark the contents.

Article 17: The package materials for the seeds label indicates the smallest undivided packaging materials.

Article 18: Anyone, in violation of the provisions of the Measures, shall be punished in accordance with the Article 62 of *Seed Law*.

Chapter Four Supplementary Articles

Article 19: The provision of Article 32 of *Seed Law* requires that seed operators shall supply the basic characters, the primary cultivation measures, and the explanation of the use conditions. This information can be printed on the labels or other separately printed materials.

Article 20: "Mixed seeds" in these Measures indicates the mixture of different species or the mixing of seeds from different varieties of the same species, or the mixture of the same variety of seeds using different modes of production or processing.

Article 21 The Ministry of Agriculture shall be responsible for the interpretation of these provisions.

Article 22: These provisions shall go into force on the date of issuance. The labels that are manufactured before the issuance of these Measures and do not conform to these Measures can be used until June 30, 2001.

Decree of the Ministry of Agriculture Number 50

Measures on the Processing and Packaging of Seeds, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, is hereby promulgated and put into effect.

Minister Chen Yaobang
February 26, 2001

Measures on the Processing and Packaging of Seeds

Article 1: These provisions are formulated in accordance with article 34 of *Seed Law of the People's Republic of China* (hereinafter called *Seed Law*).

Article 2: The following seeds shall be processed and packaged before selling:

1. the seeds and fruits of sexual reproduction crops, including the caryopsis, the legume, the capsules, and the drupes
2. the detoxined mic-potato seeds.

Article 3: The following seeds may be sold without processing and packaging:

1. the organs and the tissues of vegetative propagation, including roots (the root-tuber), stems (the tuber, the bulb, the corm and the rhizoma), branches, leaves, sprouts and cells etc;
2. the seedlings and nursery stocks, such as: vegetable seedlings, paddy seedlings, fruit tree seedlings, tea plant seedlings, mulberry seedlings and flowers and plants seedlings, etc;
3. any other seeds not suitable for packaging.

Article 4: The processing and the packaging of seeds shall be packaged up to the national standard or the industry standard.

Article 5: The agriculture administrative department at provincial level may enact a specific list in accordance with these provisions, report this list to the Ministry of Agriculture for recording, and then publish the list.

Article 6: These Measures shall be interpreted by the Ministry of Agriculture.

Article 7: These provisions shall go into force as of the date of publication.

Decree of the Ministry of Agriculture Number 51

Measures on the Scope of Major Crops, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, is hereby promulgated and put into effect.

Minister Chen Yaobang
February 26, 2001

Measures on the Scope of Major Crops

Article 1: According to State Council regulations, crops include: grain, cotton, oilseeds, linen, sugar, vegetable, fruit trees (excluding dried nuts such as walnuts and chestnuts), tea trees, flora (excluding wild or rare flora varieties), mulberry trees, tobacco, Chinese herbal medicine, grass, green manure, edible fungus and tropical crops such as rubber.

Article 2: In addition to the five crops (rice, wheat, corn, cotton and soybean) which are regulated as major crops by the Seed Law (article 74), rapeseed and potato are also regulated as major crops by MOA. Besides the seven crops mentioned above, agricultural administration departments at provincial, autonomous region and municipal city levels can regulate another 1 or 2 crops as major crops in their jurisdictions. They must announce the list of major crops in their jurisdictions and put them on file with MOA.

Article 3: MOA is responsible for interpreting this regulation.

Article 4: This regulation takes effect from February 26, 2001.