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Seed Law Implementation Regulations

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Report Highlights:

This is an UNOFFICIAL English translation of the People's Republic of China *Seed Law Implementation Regulations* and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulations is accurate.

Includes PSD changes: No
Includes Trade Matrix: No
Annual Report
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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

This set of Implementation Regulations for the Seed Law provides the five decrees from the Ministry of Agriculture; including 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, and Decree 51: Measures for the Scope of Major Crops. The Ministry of Agriculture has statutory authority over the Seed Law.

Seed Law Implementation Regulations

Decree 44 of the Ministry of Agriculture

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 published and put into effect. Signed by Minister Chen Yaobang on February 26, 2001.

Measures for the Examination and Approval of Major Crop Varieties

Chapter One: General Provisions

Article 1: These measures are created 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 formed by 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 shall be five years. The commission shall have one director and 2-3 deputy directors.

Article 6: The Commission shall establish an office that 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 that are appropriately extended 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 formed by 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 apply for examination and approval, may apply directly to the National Commission or the Provincial Commission.

Foreigners and foreign enterprises, who will apply for examination and approval, but do not have a residence or a place of business in China, 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 shall 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 in accordance with provincial standards.

The authority of examining and approving varieties of imported crops and genetically modified crops, shall be created in accordance with 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 number, 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 determined by the *Regulations on New Plant Varieties Protection of the People's Republic of China* (CH7023);
4. The suggested testing area and points 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 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 request 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 specified time, the office shall arrange to test the seeds. If the applicant does not provide for the request within the specified time, the action 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 tests 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 tests 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 from institutions appointed by the Commission shall be accepted as final results.

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 examination work within two months.

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

Article 22: The initial examination establishes a 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 the initial examination results, the director may ask to challenge the relevant commissioners.

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 varieties, if needed.

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

Article 24: The Commission shall assign a code number and issue certificates and proclamations by the agriculture administrative departments of the same level for varieties that passed examination and approval. The code number shall contain the abbreviation of the Commission, the abbreviation of the type or varieties, the year and a three digit ordinal number.

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

The proclamations shall be published in relevant 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 or failure within 15 days. If applicants are not satisfied with examination and approval results, applicants may apply to the Commission or higher level Commission within 30 days after receiving notice for a formal review of examination and approval. The Commission shall review the reasons for reconsideration, the formal examination and approval files, procedures, and prepare a revised conclusion and inform the applicants within six months.

Article 26: If approved varieties have irreversible defects during the cultivation process, the formal Professional Commission (the Examination and Approval Group) shall submit a 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 create 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 that is responsible for testing practices fraud, the unit shall be disqualified for varieties testing. The administrative sanctions for the unit and relevant personnel shall be investigated in accordance with the law. Any losses must be compensated. If the offense constitutes a crime, criminal responsibility shall be investigated in accordance with the 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 in accordance with the 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 shall be subject to the examination and approval of the original Commission for operation and extension. It is not necessary for the Commission to again arrange for the territorial and the production test other than a test of 1 or 2 production cycles to verify the improved characteristics.

Article 33: The number of repetitions, testing cycles, and testing places for the approval of varieties of crops for special use may be reduced.. 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 shall be effective from the date of 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 published by the Ministry of Agriculture on August 10, 1997 shall be 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 48 of the Ministry of Agriculture

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, are hereby published and put into effect. Signed by Minister Chen Yaobang on February 26, 2001.

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

Chapter One: General Provisions

Article 1: These Measures are created 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 conform 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 Licensing 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, hybrid parent seeds, and basic seeds of conventional varieties for major crops shall 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 shall be examined and approved by the agricultural administrative department of the local government at or above county level of production area.

Seed production license applications for crops that 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 the licenses shall be examined and approved.

Article 5: The units or individuals who arrange for seed production shall be responsible for the seed production license application.

Where farmers or village collective economic organizations are entrusted with production arrangements, 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 established requirements 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 parent seeds, the registered capital shall be more than 1,000,000 RMB (8.265 RMB equals 1 USD); for the production of hybrid seeds, the registered capital shall be more than 5,000,000 RMB;
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 the following documents to the examination authority:

1. The production license application form for major crop seeds. The unit or individual who submits the application shall give clear indication of any information that should remain confidential;
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 to the varieties that shall be produced; written proof of agreement from the owner of the variety or transfer contract of the variety shall be submitted for previously licensed breeds; the Safety Certificate for agricultural genetically modified organisms shall be submitted for genetically modified seeds;
9. The guarantee system for the production quality of seeds.

Article 8: Applicants 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 from receiving the application material. During the examination process, site investigations shall be carried out at the production place, the sunning and drying apparatus, the storage installations, the inspection equipment and apparatus. The authority shall provide its opinions on applications that satisfy the requirements detailed in these Measures and report examination results to the approval authority; a written notice, presenting an explanation, shall be delivered to the applicant if the application does not pass examination;
3. The approval authority shall finish the approval within 30 days from receiving the examination opinions. Applications that satisfy the requirements shall be issued a production license; applications that do not meet the requirements shall be returned with an explanation from the examination authority. The examination authority shall provide written notification of the reasons for disapproval to the applicant.

The approval authority may carry out site examinations as it considers necessary.

Article 9: The seed production license shall contain 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 issue, the varieties and the species of the crops that can 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 bracket shall be filled with the year number. The final x is for the ordinal number. “The variety” shall mean all approved varieties of crops that can 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; any varieties of genetically modified seeds shall be clearly indicated.

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

The seed producer, who needs a new license when the production license period of validity expires, shall submit a new application similar to the initial one 3 months prior to 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 examination, approval, and issuing system shall be adopted for the seed management license.

The management license of hybrid seeds, hybrid parent seeds, or basic seeds of conventional varieties 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 application for applicants 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. Companies that practice seed selection, production, and management and whose registered capital satisfies the provisions of Article 15 of these Measures, may apply for

direct management license examination 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 management license approval and issue.

Article 12: Units and individuals that apply 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 5,000,000 RMB registered capital;
2. Have inspection rooms that meet the requirements for 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 that apply for the management license other than hybrid seeds of major crops shall satisfy the requirements listed in Article 29 and meet the following standards:

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

Article 14: Applicants 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 10,000,000 RMB.

Article 15: Seed companies that practice seed selection, production and management, who apply to the Ministry of Agriculture for a seed management license, shall satisfy the requirements listed in Article 29 and meet the following standards:

1. Have more than 30,000,000 RMB 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: Applicants for a seed management license shall provide the following documents:

1. A completed 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.

Seed companies that practice a combination of seed selection, production, and management, 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 of the seed-breeding conditions, the inspection room, and the production and management status.

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

1. Applicants shall apply to the examining authority for the management license in accordance with provisions of Article 11 of these Measures;
2. The examination authority shall finish the examination within 30 days from receiving the application material. During the examination period, site investigations shall be carried at the place of management, the process and storage installations, and the inspection equipment and apparatus. The examination authority shall provide its recommendation on applications that satisfy the requirements listed in these Measures and report the findings to the approval authority; a written notice and explanation shall be provided to applications that do not pass examination.
3. The approval authority shall finish approval within 30 days from receiving the examination recommendation. Applications that satisfy the requirements shall be issued the management; applications that do not meet shall be returned with an explanation from the examining authority. The examining authority shall provide the applicant a written explanation for disapproval.

The approval authority may carry out an site examinations as it considers necessary.

Article 18: The management license shall contain 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 abbreviated name of the authority issuing the license. The second bracket shall be filled with 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 county being the smallest jurisdiction and the jurisdiction of the examination and approval authority the largest. The approval authority shall decide the scope or effective region in the license.

Article 19: In the event any change to the listed items occurs during the period of validity, the registration shall undergo modification in accordance with the procedures provided in Article 17 of these Measures and relevant information shall be provided.

The seed operator, who needs a new license when the management license period of validity expires, shall submit a new application similar to the initial one 3 months prior to expiration. The re-application shall go through the same procedures as the initial application.

Article 20: In accordance with Article 29 of the *Seed Law*, seed operators granted management licenses may

commission other units or individuals to sell seeds only within the region where the licenses are effective.

Chapter Four: Supervision and Administration

Article 21: Units that suspend seed production and management for more than a year shall return the license to the authority that issued the license.

Article 22: The crop seed production license or the seed management license acquired by falsification shall be revoked by the approval authority and an announcement shall be published.

Article 23: An applicant that is not satisfied with the examination or approval authority or does not receive a reply within the specified 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 or issues an inappropriate license in violation of the provisions of these Measures, the portion of the license that exceeds authority shall be considered void.

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

Chapter Five: Supplementary Articles

Article 26: The major crops in these Measures refer to the crops specified in Article 74, Paragraph 1, Sub-paragraph 3 of the *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 the 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 be effective from the date of publication *Interim Measures for the Administration of the Production and Management of Crop Seeds* published by the Ministry of Agriculture and the Administration for Industry and Commerce on April 16, 1996 shall be annulled simultaneously. Any current production and management license shall be invalid as of June 30, 2001.

Decree 49 of the Ministry of Agriculture

Measures on the Labeling of Crop Seeds, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, are hereby published and put into effect. Signed by Minister Chen Yaobang on February 26, 2001.

Measures for the Labeling of Crop Seeds

Chapter One: General Provisions

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

Article 2: Crop seeds sold or traded within the territory of People's Republic of China shall be marked with labels. The manufacturing, mark, use and management of the labels shall adhere to these Measures.

Article 3: In these measures, "labels" indicates the particular patterns and written explanations that are fixed on the package of seeds, or the internal and external package of the seeds.

The term "labels" for seeds sold without processing and packaging indicates the particular patterns and written explanations that sellers provide to buyers during distribution.

Chapter Two: Contents of Labels

Article 4: Crop seeds labels shall include the type of crops and 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 contact information.

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 with more than two types shall be labeled as "mixed seeds"; including the name of the different seed types and their proportions;
3. Treated seeds shall be labeled with the name of the chemicals, the active ingredients and the contents, and any 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"; including the serial number 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 packaging plants and the date of packaging;
7. Seeds that contain weed seeds shall be labeled; including 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 require no further additional labeling. Breeding generation seeds such as breeder's seeds, basic seeds, hybrid parent seeds, and seeds for field use shall be labeled. Field seeds require no further additional labeling.

The name of the seeds shall meet the provisions in the *Regulations of the People's Republic of China on New Variety Protection* and the *Implementation Rules*. Authorized seeds or seeds that have passed approval shall use the approved names.

Article 7: The place of production indicates the place where the seeds shall be reproduced, and the scope shall be listed in accordance with the province as the largest administrative jurisdiction area.

The origin of imported seeds shall be labeled in accordance with 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.

National standard or industry standard for crop seeds that are relevant to the quality index 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 that shall be weighed using kilograms and grams or counted by grains and plants.

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

Article 13: The producer's address shall be the same listed 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, legible, and the height of the characters shall be not smaller than 1.8mm. The caution labels shall be bold. The characters for labels using Pinyin or other languages shall be smaller than the corresponding Chinese characters.

Article 15: The contents may be printed on the package, or manufactured onto printed matters and fixed on the internal or external parts of the package. 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.

Printed materials 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 seeds labels according to these Measures. Seed label authentication shall be printed by seed authentication institutions. If the authentication label does not list the contents, the seed operators shall print labels to distinguish the contents.

Article 17: The package materials for the seed label indicates the smallest inseparable packaging material.

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

Chapter Four Supplementary Articles

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

Article 20: "Mixed seeds" refers to 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 interpretation of these provisions.

Article 22: These provisions shall be effective as of the date of publication. Labels manufactured before the issue of these Measures that do not conform to these Measures can be used until June 30, 2001.

Decree 50 of the Ministry of Agriculture

Measures on the Processing and Packaging of Seeds, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, are hereby published and put into effect. Signed by Minister Chen Yaobang on February 26, 2001.

Measures on the Processing and Packaging of Seeds

Article 1: These provisions are created 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 sale:

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

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

1. Organ and tissue of vegetative propagation; including roots (the root-tuber), stems (the tuber, the bulb, the corn and the rhizoma), branches, leaves, sprouts and cells etc;

2. Seedling and nursery stock; including vegetable seedlings, paddy seedlings, fruit tree seedlings, tea plant seedlings, mulberry seedlings, flowers and plants seedlings, etc;
3. Any other seed not suitable for packaging.

Article 4: The processing and packaging of seeds shall comply with the national standard or the industry standard.

Article 5: The agriculture administrative department at provincial levels may institute specific standards in accordance with these provisions, report this standard to the Ministry of Agriculture for recording, and then publish the standard.

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

Article 7: These provisions shall be effective as of the date of publication.

Decree 51 of the Ministry of Agriculture

Measures on the Scope of Major Crops, adopted at the first Executive Meeting of the Ministry of Agriculture on February 13, 2001, is hereby published and put into effect. Signed by Minister Chen Yaobang on 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 the Ministry of Agriculture. In addition to the seven crops, agricultural administration departments at provincial, autonomous region, or municipal levels can regulate another 1 or 2 crops as major crops within their jurisdictions. The other regulated crops must be announced and placed on file with the Ministry of Agriculture.

Article 3: The Ministry of Agriculture shall be responsible for interpreting this regulation.

Article 4: This regulation shall be effective from February 26, 2001.