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Report Highlights:

On September 2, 2022, the National People's Congress (NPC) published an updated Agricultural Product Quality and Safety Law of the People's Republic of China (PRC). Though domestically focused, some articles of the law hold the potential to impact trade, including sections on cold chain logistics and traceability. The law, which will enter into force on January 1, 2023, replaces the current law of the same title, which was issued in 2006. A draft of the updated law was published for public comment in October 2021 but was not notified to the WTO.

Summary:

The Agricultural Product Quality and Safety Law of the People's Republic of China was originally issued in 2006 (see GAIN Report [CH6095](#)). Draft revisions to the Agricultural Product Quality and Safety Law were initially released for public comment by the Ministry of Agriculture and Rural Affairs (MARA) in June 2019. On October 23, 2021, the NPC released an updated revised draft of the law for public comment (see GAIN Report [CH2021-0172](#)). On September 2, 2022, NPC published its final update to the law (see http://www.news.cn/2022-09/02/c_1128972520.htm - [link in Chinese](#)).

The final version of the law contains 81 articles in eight chapters, covering a range of topics related to agricultural products including risk management and standard development, places of origin, production, sales, supervision and administration, and legal liabilities. Some articles of the law hold the potential to impact trade, including sections on cold chain logistics (Article 33) and traceability (Article 41). Notably, the final version of the law removes references to geographic indications (Article 34 of the October 2021 draft law). The law will enter into force on January 1, 2023.

Note: This report provides an UNOFFICIAL translation of the law. In comparison to the October 2021 draft version of the law, newly added content is highlighted in red and deleted content is marked with a strike-through.

BEGIN UNOFFICIAL TRANSLATION

Agricultural Product Quality and Safety Law of the People's Republic of China

Chapter I: General Provisions

Article 1 The Law is formulated for ensuring the quality and safety of agricultural products, safeguarding the health of the general public, and promoting the development of agriculture and rural economy.

Article 2 The term agricultural products as mentioned in this Law refers to primary products originated from planting, forestry, animal husbandry and fishery, etc., i.e., the plants, animals, microbes and their products obtained from agricultural activities.

The term agricultural product quality and safety as mentioned in this Law means that the quality of an agricultural product **reaches the quality and safety standards of agricultural products and** meets the requirements for human health and safety.

Article 3 The production and operation activities of agricultural products as well as the oversight of the agricultural product quality and safety shall comply with the Law.

Provisions in the *Food Safety Law of the People's Republic of China* (Food Safety Law) on the market sales of edible agricultural products, the formulation of relevant quality and safety standards, the announcement of relevant safety information, and the agricultural inputs should be followed.

Article 4 **China strengthens the quality and safety of agricultural products, implements source management, risk management, and whole-process control, establishes a scientific and strict supervision and management system, and builds a coordinated and efficient social co-governance system.**

Article 5 The agriculture and rural affairs department¹ and the market supervision department² of the State Council oversees agricultural product quality and safety in accordance with the Law and their jurisdictions.

Other relevant departments of the State Council undertake the work related to agricultural product quality and safety in accordance with the Law and their jurisdictions.

Article 6 The municipal governments at the county level or above are responsible for the work on agricultural product quality and safety in their administrative regions, providing unified lead, deployment and coordination for the work, take measures to establish and improve an agricultural product quality and safety working mechanism, and improve the level of agricultural product quality and safety.

The municipal governments at the county level or above should determine the oversight jurisdiction of the agriculture and rural affairs department, the market supervision department, and other relevant departments within the municipal government with regard to agricultural product quality and safety; relevant departments are responsible for the oversight of agricultural product quality and safety within their jurisdictions.

The municipal governments at the town and township level should fulfill the oversight responsibilities and assist the higher-level municipal government and relevant departments in oversight of agricultural product quality and safety.

Article 7 Producers and operators of agricultural products are held accountable for quality and safety of the agricultural products they produce and operate.

¹ Currently it is the Ministry of Agriculture and Rural Affairs (MARA).

² Currently it is the State Administration for Market Regulations (SAMR).

Producers and operators of agricultural products should follow laws, regulations and agricultural product quality and safety standards in their production and operation; they should be honest and self-disciplined and are subject to public supervision and assume social responsibilities.

Article 8 The municipal government at the county level or above should include the agricultural product quality and safety work into their economic and social development planning and include the funds for the purpose into its budget to strengthen the capacity building of agricultural product quality and safety oversight.

Article 9 China guides and promotes standardized production of agricultural products, encourages and supports the production of “green” and high-quality agricultural products; it is prohibited to produce and sell agricultural products that do not conform to the national agricultural product quality and safety standards.

Article 10 China supports the science and technology research on agricultural product quality and safety; China promotes science-based quality and safety administration methods and extends advanced and safe production technologies. **China strengthens international exchanges and cooperation in the science and technology of agricultural product quality and safety.**

Article 11 Municipal governments at all levels and relevant departments should strengthen the propaganda of agricultural product quality and safety knowledge, let the community-level organizations **and rural collective economic organization** utilize their advantages in self-governance, guide producers and operators of agricultural producers to strengthen their quality and safety management to guarantee the safety of agricultural product consumption.

The media shall carry out public welfare publicity of agricultural product quality and safety laws, regulations and knowledge of agricultural product quality and safety, and conduct public opinion supervision over illegal acts. The publicity reports on the quality and safety of agricultural products shall be truthful and fair.

Article 12 Professional farmer cooperatives or agricultural products industry associations should timely provide production technology services to its members, establish agricultural product quality and safety management systems, improve the agricultural product quality and safety control system, and strengthen self-discipline.

Chapter II: Agricultural Product Quality and Safety Risk Management and Standards Development

Article 13 China establishes the agricultural product quality and safety risk surveillance system.

MARA formulates national plan for agricultural product quality and safety risk surveillance in accordance with the national risk surveillance plan, MARA conducts risk surveillance in key regions and

on key agricultural product varieties. Based on the actual production and operation of agricultural products in the region, provincial agriculture and rural affairs departments develops implementation plans for risk surveillance, which are be submitted to MARA for record filing. The county and above level agriculture and rural affairs departments implements the agricultural product quality and safety risk surveillance in the region.

Noticing agricultural product quality and safety risks, county and above level market supervision department and other relevant departments should immediately verify the risk and inform the agriculture and rural affairs department of the same level. **The agricultural and rural affair department that receives the notification shall report it in a timely manner. The departments that formulate agricultural product quality and safety risk monitoring plans and implementation plans shall conduct research and analysis in a timely manner and make adjustments when necessary.**

Article 14 China establishes an agricultural product quality and safety risk assessment system.

MARA establishes an expert committee for agricultural product quality and safety risk assessment to conduct risk analysis and assessment of potential hazards which might affect agricultural product quality and safety. Where the health department³, the SAMR and other departments of the State Council find it is necessary to conduct the quality and safety risk assessment, they should propose risk assessment to MARA.

The expert committee for agricultural product quality and safety risk assessment is composed of experts in relevant areas including agriculture, food, nutrition, biology, environment, medicine, **chemical**, etc.

Article 15 MARA should take commensurate administrative measures according to the results of agricultural product quality and safety risk surveillance and risk assessment, and timely notify the results to SAMR, **health departments, and the agricultural and rural departments of the people's governments of relevant provinces, autonomous regions and municipalities directly under the Central Government.**

When the county level agricultural and rural departments or above carry out risk monitoring and risk assessment of the quality and safety of agricultural products, they may enter the place of production, storage, and wholesale and retail markets of agricultural products as needed. The collection of samples should be paid according to the market price.

Article 16 China establishes and improves the agricultural product quality and safety standard system. The agricultural product quality and safety standards are compulsory technical norms, which **include requirements related to the quality and safety of agricultural products:**

- 1) **Provisions on agricultural input quality, scope of use, usage, dosage, safety interval and withdrawal period.**
- 2) **Requirements for production environment, production process, storage, and transportation.**

³ Currently it is the National Health Commission

- 3) Requirements for key ingredients indicators of agricultural products.
- 4) Standard inspection procedures for slaughtered livestock and poultry.
- 5) Other **mandatory requirements** related to agricultural product quality and safety.

The quality and safety standards related to edible agricultural products are implemented in accordance with the provisions of the *Food Safety Law*.

Article 17 The agricultural product quality and safety standards are developed and announced in accordance with relevant laws and administrative regulations.

While developing the agricultural product quality and safety standards, the standard developer should consider the results of agricultural product quality and safety risk assessment and listen to the opinions of producers and operators engaging in production of agricultural products, consumers, **industry association** and other stakeholders, so as to guarantee the consumption safety of **agricultural products**.

Article 18 The agricultural product quality and safety standards should be revised timely based on science and technology advancement and the needs for safeguarding agricultural product quality and safety.

Article 19 MARA publishes and implements agricultural product quality and safety standards together with relevant government agencies.

Chapter III: Places of Origin of Agricultural Products

Article 20 China establishes a monitoring system for the places of origin of agricultural products.

The county and above level agriculture departments, together with the ecological environment and the natural resources departments of the same level, formulate monitoring plans for the places of origin of agricultural products, and strengthen safety survey/investigation, surveillance and assessment of the places of origin of agricultural products.

Article 21 The county and above level agriculture departments, together with the ecological environment and the natural resources departments of the same level, propose plans for defining strict control areas for specific agriculture products⁴; such plans are developed following requirements of agricultural product quality and safety, characters of the crop varieties, surveillance and assessment results; **Suggestions on the designation of prohibited production areas for specific agricultural products in accordance with the provisions of laws and regulations such as soil pollution prevention and control**, the plans will be announced after approval by the municipal government of the same level.

No unit or individual may plant, breed, fish, collect or establish specific agricultural product production bases in the prohibited production areas of specific agricultural products.

⁴ Note: certain agricultural products are not allowed to be grown in the strict control areas for specific agriculture products

The specific measures for the delimitation and management of the prohibited production areas of specific agricultural products shall be formulated by the competent agricultural and rural departments of the State Council in consultation with the ecological environment, natural resources, and other departments of the State Council.

~~Article 22 It is prohibited to produce, fish or collect certain agricultural products or to build up production bases of certain agricultural products in the strict control areas for specific agriculture products.~~

Article 22 It is prohibited to discharge or dump wastewater, waste gas, solid wastes, or other toxic and harmful substances to the place of origin of agricultural products, which is in violation of laws and regulations.

The water used for agricultural production and the solid wastes used as fertilizers should conform to requirements of laws, regulations and relevant compulsory standards in China.

Article 23 A producer of agricultural products should use agricultural inputs (such as pesticides, veterinary drugs, fertilizers and agricultural films) in a **scientific** and reasonable way, and prevent pollution caused by such inputs to the place of origin of agricultural products.

Producers, operators, and users of agricultural inputs (such as pesticides, fertilizers, and agricultural films) should collect and properly dispose of packaging and wastes. ~~Detailed measures will be developed by MARA after consultation with the ecological environment department and the industry and information technology departments of the State Council.~~

Article 24 The municipal government at the county level or above should take measures to strengthen the construction of agricultural product bases, promote the construction of comprehensive demonstration areas for standardized production, and improve the conditions for production of agricultural products.

Chapter IV Production of Agricultural Products

Article 25 The county and above level agriculture department should formulate the technical production requirements and the standard operation procedures that ensure agricultural product quality by considering the local conditions; they should reinforce training and guidance for production of agricultural product.

~~Agricultural technology promotion agencies shall strengthen the training of quality and safety knowledge and skills for agricultural product producers and operators. China encourages scientific research and educational institutions to carry out agricultural product quality and safety training.~~

Article 26 Agricultural product production enterprises, farmers' professional cooperatives, and agricultural socialized service organizations shall strengthen the management of the quality and safety of agricultural products.

A producer of agricultural products should establish quality and safety management system, which has suitable technicians. Where a producer cannot have such technicians, it should entrust personnel with professional technical knowledge to provide guidance on agricultural product quality and safety.

China encourages and supports agricultural product producers, professional farmer cooperatives and socialized agricultural service organizations to establish and implement the hazard analysis and the critical control point (HACCP) system, thereby implementing good production practices, **improving the quality and safety management of agricultural products.**

Article 27 Producers of agricultural products, professional farmer cooperatives and socialized agricultural service organizations should establish records on production of agricultural products, and truthfully record the following items:

- 1) the name, source, usage, dosage of the agricultural inputs; date of using it, and the date of stopping using it.
- 2) occurrence, prevention and control of animal epidemic diseases and insect pests; and
- 3) the date of harvest, slaughter or fishing.

The records on production of agricultural products should be kept for at least two years. It is prohibited to falsify records of agricultural products production.

China encourages other producers of agricultural products to establish records on production of agricultural products.

Article 28 In accordance with relevant laws and regulations, (China) adopts licensing systems for pesticides, veterinary drugs, feeds and feed additives, fertilizers, and veterinary devices that might affect agricultural product quality and safety.

The agricultural and rural departments of the people's governments at or above the provincial level shall regularly or irregularly conduct sampling inspections on agricultural inputs (such as pesticides, veterinary drugs, feeds and feed additives, and fertilizers) that might harm agricultural product quality and safety; the sampling inspection results should be announced.

Operators of pesticides and veterinary drugs shall establish a sales ledger in accordance with the provisions of relevant laws and administrative regulations to record the purchaser, the date of sale and the scope of drug application.

Article 29 Producers and operators of agricultural products shall, in accordance with the laws, regulations, **national mandatory standards** and MARA rules, properly and **scientifically** use the

agricultural input products such as pesticides, veterinary drugs, feed and feed additives, fertilizers, etc., strictly follow the provisions on safe intervals or withdrawal period. It is not allowed to use agricultural inputs beyond the scope or dosage to endanger the quality and safety of agricultural products.

Do not use agricultural inputs beyond the scope or dosage to endanger the quality and safety of agricultural products

Article 30 The sites for agricultural product production and the facilities, equipment, disinfectants, detergents, etc. used in production should conform to relevant quality and safety regulations to prevent contaminated.

Article 31 The county and above level agriculture and rural affairs departments should strengthen its management and guidance for the use of agricultural inputs; they should establish and improve the system for safe use of agricultural inputs, popularize the scientific use of agricultural inputs as well as popularize the use of green, safe, and environmentally friendly agricultural input products. Popularize the use of safe and environmentally friendly agricultural inputs.

Article 32 China encourages and supports agricultural product producers and operators to select high-quality and characteristic agricultural product varieties, adopt green production technology and whole-process quality control technology, produce green and high-quality agricultural products, implement grading and classification, improve the quality of agricultural products, and build agricultural product brands.

Article 33 China supports the construction of cold chain logistics infrastructure in agricultural product producing areas, improves the relevant agricultural cold chain logistics standards, service specifications, and supervision and guarantee mechanisms, ensures that cold chain logistics agricultural products are smooth, efficient, safe and convenient, and expands the supply of high-quality markets.

Producers and operators engaged in the cold chain logistics of agricultural products shall, in accordance with laws, regulations and relevant agricultural product quality and safety standards, strengthen the innovation and application of cold chain technology, and quality and safety control, and implement regulations on cold chain logistics agricultural products and their packaging, means of transportation, and operating environments. Inspection and quarantine requirements to ensure the quality and safety of cold chain agricultural products.

Chapter V: Agricultural Product Sales

Article 34 The agricultural products sold shall meet the agricultural product quality and safety standards.

Agricultural product production enterprises and farmers' professional cooperatives shall, according to the requirements of quality and safety control, conduct inspections on the quality and safety of

agricultural products by themselves or by entrusting testing institutions; agricultural products that fail to meet the quality and safety standards of agricultural products shall take timely control measures and shall not be sold.

Institutions such as agricultural technology promotion shall provide agricultural product testing technical services for farmers and other agricultural product producers and operators.

Article 35 The materials used in package, preservation, storage, and transport of agricultural products, such as preservatives, antiseptics and additives, etc., should conform to relevant quality and safety regulations.

Containers, tools, and equipment for storing and transporting agricultural products should be safe and harmless. It is forbidden to store and transport agricultural products together with toxic and harmful substances to prevent contamination of agricultural products.

Article 36 An agricultural product under any of the following circumstances should not be sold:

- 1) It contains pesticide, veterinary drug or other **compounds** prohibited for use in China.
- 2) The residue of chemical substances such as pesticides or veterinary drugs, or the toxic and harmful substances contained (such as heavy metal) does not conform to the agricultural product quality and safety standards.
- 3) The pathogenic parasites, microorganisms or biological toxin contained does not meet the agricultural product quality and safety standards.
- 4) **Not using preservers, preservatives, additives, packaging materials, etc. in accordance with relevant national mandatory standards and other agricultural product quality and safety regulations, or using preservers, preservatives, additives, packaging materials, etc. do not meet relevant national mandatory standards and other quality safety regulations;**
- 5) Product from animals that have died of disease, poison, or unknown causes and the product processed from such animals.
- 6) Other circumstances that do not meet the agricultural product quality and safety standards.

The agricultural product not allowed for sale as prescribed in the preceding paragraph should be disposed of in accordance with relevant laws and regulations.

Article 37 The agricultural product wholesale market shall establish or entrust a testing institution in accordance with the regulations to conduct random inspection and testing on the quality and safety of agricultural products entering the market; if it is found that the quality and safety standards of agricultural products are not met, the seller shall be required to immediately stop the sale and report to the local market supervision and management, MARA and other sector reports.

An agricultural product sales enterprise shall establish and improve the purchase inspection and acceptance system for the agricultural products it sells; if it fails to meet the quality and safety standards of agricultural products after inspection, it shall not be sold.

When purchasing agricultural products and other food raw materials, food producers shall inspect licenses and certificates of conformity in accordance with the provisions of the Food Safety Law of the People's Republic of China.

Article 38 The agricultural products sold by agricultural product production enterprises, farmers' professional cooperatives, and units or individuals engaged in the purchase of agricultural products should be packaged or attached with signs such as a commitment to compliance certificate according to regulations. The product name, place of origin, manufacturer, production date, shelf life, product quality grade, etc. of the product shall be indicated on the packaging or label in accordance with regulations; if additives are used, the name of the additive shall also be indicated in accordance with regulations. The specific measures shall be formulated by MARA.

Article 39 Agricultural product production enterprises and farmers' professional cooperatives shall implement the provisions of laws and regulations and relevant national mandatory standards, ensure that the agricultural products they sell meet the quality and safety standards of agricultural products, and issue commitments compliance certificate based on quality and safety control, test results, etc., promise not to use banned pesticides, veterinary drugs and other compounds and use conventional pesticides, veterinary drug residues not exceeding the standard, etc. Encourage and support farmers to issue commitment compliance certificates when selling agricultural products. Where laws and administrative regulations have special provisions on the quality and safety certification of livestock and poultry products, such provisions shall be abided by.

Units or individuals engaged in the purchase of agricultural products shall collect and keep the commitment compliance certificate or other quality and safety compliance certificates in accordance with the regulations, and if the purchased agricultural products are mixed or sub-packaged and sold, they shall issue the commitment compliance certificate in accordance with the regulations.

The agricultural product wholesale market shall establish and improve systems such as the inspection of agricultural product commitment compliance certificates.

The agricultural and rural departments of the people's governments at or above the county level shall provide guidance and services for the work related to the commitment to compliance certificate and strengthen daily supervision and inspection.

The administrative measures for the commitment compliance certificate to the quality and safety of agricultural products shall be formulated by MARA in conjunction with the relevant departments of the State Council.

Article 40 Producers and operators of agricultural products that sell agricultural products through online platforms shall strictly implement their quality and safety responsibilities in accordance with the provisions of this Law, the Electronic Commerce Law of the People's Republic of China, the Food Safety Law of the People's Republic of China and other laws and regulations. Ensure that the agricultural products it sells meet quality and safety standards. Online platform operators shall strengthen the management of agricultural product producers and operators in accordance with the law.

Article 41 China adopts traceability management of edible agricultural products listed in the catalogue for traceability of edible agricultural product quality and safety. MARA should, together with SAMR, establish a traceability collaboration mechanism for edible agricultural product quality and safety. MARA together with SAMR and other departments are responsibility for development of the measures and the traceability catalogue.

China encourages qualified producers and operators of agricultural products to adopt modern information technology tools to collect and keep production and operating information such as production records, purchase and sales records.

Article 42 The agricultural products sold must meet the agricultural product quality and safety standards. If the quality of the agricultural products meets the standards for quality agricultural products, the operator of the products could apply for using relevant quality marks of agricultural products.

It is prohibited to imitate the quality marks of agricultural products as prescribed in the preceding paragraph.

Article 43 The agricultural biotech products should be marked in accordance with the relevant administrative measures for agricultural biotech products.

Article 44 Animals and plants required by the law to be quarantined and their products, should have quarantine marks of conformity and quarantine certificates of conformity attached.

Chapter VI Supervision and Administration

Article 45 The agricultural and rural departments and market supervision and administration departments of the people's governments at or above the county level shall establish and improve the whole-process supervision and management coordination mechanism for the quality and safety of agricultural products to ensure the quality and safety of agricultural products from production to consumption.

The agricultural and rural departments and the market supervision and management departments of the people's governments at or above the county level shall strengthen the coordination and cooperation in the supervision and management of the quality and safety of agricultural products and the connection of law enforcement during the process of purchase, storage and transportation, promptly notify and share

the information on the supervision and management of the quality and safety of agricultural products, and follow their duties and powers. , and release information on the daily supervision and management of agricultural product quality and safety.

Article 46 The agricultural and rural departments of the people's governments at or above the county level shall, according to the risk monitoring of agricultural product quality and safety, the results of risk assessment and the quality and safety of agricultural products, formulate a plan for supervision and random inspection, determine the focus, method and frequency of supervision and inspection of agricultural product quality and safety, and implement the quality and safety of agricultural products risk classification management.

Article 47 The competent departments of agriculture and rural areas of the people's governments at or above the county level shall establish and improve the random inspection mechanism and organize the supervision and inspection of the quality and safety of agricultural products in accordance with the supervision and inspection plan.

Supervision and random inspection of agricultural product quality and safety shall be entrusted to an agricultural product quality and safety inspection agency that meets the conditions stipulated in this Law. Supervisory random inspections shall not charge fees to the persons subject to random inspections, and the samples taken shall be paid according to the market price and shall not exceed the quantity specified by the competent agricultural and rural department of the State Council.

For the same batch of agricultural products under the supervision and random inspection of the agricultural and rural administrative department at the higher level, the agricultural and rural administrative department at the lower level shall not repeat the random inspection separately.

Article 48 Agricultural product quality and safety tests should be conducted by the existing qualified testing institutions.

Institutions engaging in agricultural product quality and safety tests must have relevant conditions and capacities and should pass the assessment of the provincial agriculture and rural affairs department or its authorized department. Specific measures are developed by MARA.

An agricultural product quality and safety test institution should have legal accreditation.

Article 49 Personnel engaging in agricultural product quality and safety test should have corresponding professional knowledge and practical operation skills; they should abide by disciplines and laws as well as professional ethics.

The testing report issued by the agricultural product quality and safety testing objective and fair, and the test data should be faithful and reliable. It is strictly prohibited to issue a false testing report.

Article 50 The county and above level agriculture and rural affairs department could use the rapid testing method recognized by MARA, SAMR and other departments to conduct sampling tests of agricultural product quality and safety. If the sampling test results indicate relevant agricultural products are incompliant to agricultural product quality and safety standards, such results could serve as the basis for administrative penalty.

Article 51 Where a producer or an operator holds different opinions of the sampling test results, it may, within five days as of receipt of the test result, apply to the agriculture and rural affairs department that conducted the sampling tests or the higher-level agriculture and rural department for a re-test. **The re-test agency and the initial test agency shall not be the same agency.**

Where the rapid testing is used in sampling tests, if the selected (producer or operator) holds different opinions of the testing results, it may, within four hours as of receipt of the test result, apply for a re-test. The re-test should not use the rapid testing methods.

The re-test agency shall issue a test report within seven working days from the date of receipt of the re-test sample.

Where the error in testing results causes any loss to the person/party concerned, (the testing institution) should bear liabilities for compensation in accordance with the law.

Article 52 The county and above level agriculture and rural affairs department should strengthen oversight of agricultural product production, conduct routine inspections with focus on the production environment, the purchase and use of agricultural inputs, records on the production, and **commitment to standard compliance certificate issuance, etc.**

China encourages and **support** local autonomous institutions⁵ to establish the agricultural product quality and safety information staff system, such staff assist the implementation of relevant work.

The county and above level agriculture and rural affairs departments and the market supervision departments should, within their respective jurisdictions, publish relevant information about their routine oversight of agricultural product quality and safety.

Article 53 To carry out agricultural product quality and safety supervision and inspection, (relevant authorities) are entitled to take the following measures:

- 1) Entering the production and operating sites to conduct on-site inspections to learn about agricultural product quality and safety situation.
- 2) Check and copy production records, purchase and sales ledgers and other materials related to agricultural product quality and safety.

⁵ Note: local autonomous institutions include villagers' committee and urban residents' committee.

- 3) Carrying out sampling tests on agricultural products, agricultural inputs and other related products which are produced and operated.
- 4) Sealing up or detaining agricultural products which have been proved to have potential safety risks or do not meet the agricultural product quality and safety standards upon testing.
- 5) Sealing up or detaining agricultural inputs and other toxic and harmful substances which have been proved to endanger the agricultural product quality and safety or do not meet the agricultural product quality and safety standards upon testing.
- 6) Sealing up and detaining facilities, equipment, sites and transportation tools used for illegal production and operation of agricultural products.
- 7) **Seize fake agricultural product quality marks.**

Producers and operators are required to provide assistances and be cooperative in inspections; they shall not refuse or obstruct inspections.

Article 54 The county and above level agriculture and rural affairs departments and other relevant departments should strengthen the credit record system for agricultural product quality and safety, establish credit records for producers and operators, and promote the use and management of credit information on agricultural product quality and safety.

Article 55 Where there are potential quality and safety risks in the production and operation of agricultural products, or the risks are not timely removed, the county and above level agriculture and rural affairs department could summon the legal representative(s) or the person(s) in charge of the producer or the operators for an accountability meeting. **Producers and operators of agricultural products shall take immediate measures to rectify and eliminate hidden dangers.**

Article 56 China encourages supervision by **consumer association** and other public, including entities and individuals, over the agricultural product quality and safety. **Put forward opinions and suggestions on the supervision and management of agricultural product quality and safety.** All entities and individuals have rights to **report an accusation**, file complaints and report law violations.

The county and above level agriculture and rural affairs departments should establish a system for complaints and reports on agricultural product quality and safety, open the channels, and handle complaints and reports in a timely manner. Issues not under their jurisdiction should be transferred to the competent department and the person submitting the complaints/reports should be notified in writing.

Article 57 The county and above level agriculture and rural affairs department should strengthen training and assessments for safety and quality oversight personnel and law-enforcement personnel. Those who do not have necessary knowledge and competence should not engage in supervision or law enforcement of agricultural product quality and safety.

Article 58 The municipal government at the higher level should supervise and urge the municipal government at the lower level to perform their duties of supervision and oversight. For the local

municipal government that does not effectively perform their duties or have serious problems, the municipal government at the higher level could summon the person(s) in charge for an accountability meeting. **The local people's government being interviewed shall immediately take corrective measures.**

Article 59 MARA formulates the national contingency plan for agricultural product quality and safety emergencies together with relevant departments **and connected with the national food safety accident emergency plan.**

The county and above level local municipal governments should formulate local contingency plans for agricultural product quality and safety emergencies in accordance with laws, regulations and the plans formulated by the municipal governments at the higher level.

When an agricultural product quality and safety incident occurs, relevant entities and individuals should immediately take measures to prevent expansion of the incident, and timely report the incident to relevant local authorities. Relevant department receiving the report should timely deal with the incident following the contingency plan for emergencies and report the situation to the municipal government of the same level and the higher level. Major incidents should be timely reported to the State Council and its relevant departments level by level.

No entity or individual should conceal, falsely report or delay reporting of agricultural product quality and safety incident, or conceal, falsify or destroy relevant evidence.

Article 60 The market supervision and administration department of the local people's government at or above the county level shall, in accordance with the provisions of this Law and the "Food Safety Law of the People's Republic of China" and other laws and regulations, supervise and inspect the production and business activities of agricultural products after they enter the wholesale and retail markets or production and processing enterprises.

Article 61 Where the county or above level agriculture and rural affairs department and the market supervision department find illegal acts which are suspected of crime and the criminal responsibility should be investigated, the case should be timely transferred to the public security authority. The public security authority should investigate into the transferred case in a timely manner; if it believes that criminal facts do exist and criminal responsibility should be investigated, it should file a case for investigation.

The public security organ shall promptly transfer the case to MARA, SAMR, etc. for those who do not need to be investigated for criminal responsibility but should be given administrative punishment, and the relevant departments shall handle it according to the law.

Where the public security authority requests assistance from the agriculture and rural affairs department, the administrative department of environmental protection, the market supervision department, etc., to

provide testing results and conclusions, opinions, and to take harmless treatment of the agricultural products involved in the case, the departments concerned should provide assistance in a timely manner.

Chapter VII Legal Liabilities

~~**Article 60** Where staff engaging in agricultural product quality and safety supervisory does not perform his supervisory duties, or abuses his powers, neglects his duties and engages in malpractices for personal gain, he/she is subject to administrative sanctions in accordance with the law.~~

Article 62 Where the local municipal government at the county level or above violates the Law and commits one of the following acts, warnings should be given to the person-in-charge directly responsible and other persons held directly liable, and they should receive demerits or major demerits; if there are serious consequences, they should be demoted or dismissed from office:

- 1) Failure to determine the duties of relevant departments for agricultural product quality and safety oversight, failure to establish and improve an agricultural product quality and safety working mechanism, and failure to fulfill the responsibilities for agricultural product quality and safety oversight duties.
- 2) Failure to formulate a contingency plan for agricultural product quality and safety emergencies within its own jurisdiction, or failure to activate the contingency plan as required after an agricultural product quality and safety incident.

Article 63 Where the agriculture and rural affairs departments and other relevant departments of the municipal government at the county level or above violate the Law and commit one of the following acts, the person-in-charge directly responsible and other persons held directly liable should receive major demerits; If the circumstance is serious, they should be demoted or dismissed from office; if the circumstance is severe, they should be expelled; if it causes serious consequences, the person(s) chiefly in charge should also take the blame and resign:

- 1) Concealing, falsely reporting, and delay reporting the agricultural product quality and safety incident or concealing, forging, and destroying relevant evidence.
- 2) Failure to investigate the agricultural product quality and safety incident as required, or failure to deal with the report on the agricultural product quality and safety incident in a timely manner, causing the expansion or spread of the incident.
- 3) Failure to take commensurate measures in a timely manner after detecting major potential risks in agricultural product quality and safety risk assessments which later cause agricultural product quality and safety incident or adverse social impacts.
- 4) Failure to perform oversight duties, resulting in agricultural product quality and safety incidents.

Article 64 Where the county and above level agriculture and rural affairs department, the market supervision department and other relevant departments conduct illegal inspection or force actions in its law-enforcement and cause losses to a food producer or an operator, they should bear liabilities for

indemnity in accordance with the law, and the person-in-charge directly responsible and other persons held directly liable are to be punished in accordance with the law.

Article 65 If the agricultural product quality and safety inspection agency or inspector issues a false inspection report, the agricultural and rural department of the people's government at or above the county level shall confiscate the inspection fee collected. If the testing cost is more than 10,000 yuan, a fine of five to ten times the testing cost shall be imposed; the directly responsible person in charge and other directly responsible personnel shall be fined between 10,000 yuan and 50,000 yuan; the legitimate rights and interests of consumers will be subject to In the event of damage, the agricultural product quality and safety inspection agency shall bear joint and several liability with the agricultural product producer and operator.

The staff who received criminal penalties due to illegal acts, or who has caused major incident due to the false testing report he/she issues or forges, the person should be banned from agricultural product quality and safety test for life. Agricultural product quality and safety testing institutions shall not employ the above-mentioned personnel.

Where an agricultural product quality and safety testing institution commits the violations in the preceding two paragraphs, the competent department or institution that granted its qualification shall revoke the qualification certificate of the agricultural product quality and safety testing institution.

Article 66 Whoever, in violation of the provisions of this Law, grows, breeds, fishes, collects specific agricultural products in areas where the production of specific agricultural products is prohibited, or establishes production bases for specific agricultural products, shall be ordered by the competent agricultural and rural departments of the local people's government at or above the county level to stop the illegal act, and the agricultural products and illegal gains shall be confiscated, A fine of not less than one time but not more than three times the illegal gains shall be imposed.

Whoever violates any law or regulation by discharging or dumping wastewater, waste gas, solid wastes or other toxic and harmful substances to production area of agricultural products shall be penalized in accordance with the relevant environmental protection laws and regulations; if it/he causes any damages, it/he shall bear liabilities for indemnity in accordance with the law.

~~**Article 66** Whoever violates law or regulations or MARA provisions in agricultural input use shall be penalized in accordance with the relevant laws and administrative regulations.~~

Article 67 Where producers, operators, and users of agricultural inputs (such as pesticides, fertilizers, and agricultural films) fail to recycle and properly dispose of package materials and wastes as required shall be punished by the county and above level agriculture department in accordance with relevant laws and administrative regulations.

Article 68 Where a producing enterprise of agricultural products commits one of the following acts, it shall be ordered to make a correction within the time limit set by the county and above level agriculture department; **if corrections are overdue**, it shall be fined 5,000 Yuan up to 50,000 Yuan:

- 1) Failure to establish an agricultural product quality and safety management system.
- 2) Failure to assign technical personnel for agricultural product quality and safety management, **and** failure to entrust professional technical personnel to provide guidance on agricultural product quality and safety.

Article 69 Where a producer and an operator of agricultural products, a professional farmer cooperative or a socialized agricultural service organizations fails to establish or keep production records, or forges and **alters** records, the county and above level agriculture department shall order it to take corrections within the time limit; **if corrections are overdue**, it shall be fined 2,000 Yuan up to 20,000 Yuan.

Article 70 Violation of the provisions of this law, where a producer or an operator commits one of the following acts which does not constitute a crime, it shall be ordered to cease production and operation, recall the agricultural products that have been sold, and take harmless treatment of the illegally produced and operated agricultural products, or destroy the product under supervision of the county and above level agriculture department. In addition, the tools, equipment, raw materials and other items used in its illegal production and operation shall be confiscated; where the value of illegally produced and operated agricultural products is less than 10,000 Yuan, it shall be fined 100,000 Yuan up to 150,000 Yuan; where the value is more than 10,000 Yuan, it shall be fined 15 times up to 30 times the value of the agricultural products; the farmer household shall be fined 1,000 Yuan up to 10,000 Yuan; if the circumstance is serious, the licensing shall be revoked, and the person-in-charge and other persons held directly liable shall be detained for 5 days up to 15 days by the public security authority. If it causes any damages, it shall bear liabilities for indemnity in accordance with the law:

- 1) Using agricultural input product that is prohibited in China or other toxic and harmful substances in agricultural product production.
- 2) Selling agricultural products containing pesticide, veterinary drug or other **compounds** banned for use in China.
- 3) Selling animal that have died of disease, poison, or unknown causes or the products thereof.

(Entity/individual) knowingly engages in the illegal acts listed above but still provides production and operation premises or other conditions shall be ordered by the county and above level agriculture department to cease the illegal acts. In addition, its illegal gains shall be confiscated, and it shall be fined 100,000 Yuan up to 200,000 Yuan; if it causes damages to the legitimate rights and interests of consumers, it should bear joint liability with the producer or the operator of the agricultural products.

Article 71 Violation of the provisions of this law, where a producer or an operator of agricultural products commits one of the following acts which does not constitute a crime, it should be ordered by the country and above level agriculture department to cease production and operation, recall the

agricultural products that have been sold, and take harmless treatment of the product or destroy the product under supervision, and confiscate illegal gains; the county and above level agriculture department could also confiscate tools, equipment, raw materials and other items used in illegal production and operation. Where the value of illegally produced and operated agricultural products is less than 10,000 Yuan, it shall be fined 50,000 Yuan up to 100,000 Yuan; where the value is more than 10,000 Yuan, it shall be fined 10 times up to 20 times the value of the agricultural products; the farmer household shall be fined 500 Yuan up to 5,000 Yuan. If it causes any damage, it shall bear liabilities for indemnity in accordance with the law:

- 1) Selling agricultural product with residues of chemical substances (such as pesticides and veterinary drugs) or containing heavy metals and other toxic and harmful substances, which does not meet the agricultural product quality and safety standards.
- 2) Selling agricultural products containing pathogenic parasites, microorganisms or biotoxins, which does not meet the agricultural product quality and safety standards.
- 3) **Selling** agricultural products which do not meet the agricultural product quality and safety standards.

Article 72 Violation of the provisions of this law, where a producer or an operator commits one of the following acts, it shall be ordered by the county and above level agriculture department to cease production and operation, recall the agricultural products that have been sold, and take harmless treatment of the illegally produced and operated agricultural products or destroy them under supervision. In addition, its illegal gains, tools, equipment, raw materials and other items used in illegal production and operation shall be confiscated; where the value of illegally produced and operated agricultural products is less than 10,000 Yuan, it shall be fined 5,000 Yuan up to 50,000 Yuan; where the value is more than 10,000 Yuan, it shall be fined 5 times up to 10 times the value of the agricultural products; the farmer household shall be fined **300 Yuan up to 3,000 Yuan**:

- 1) The facilities, equipment, disinfectants, detergents, etc. used in the production sites and production activities do not meet relevant quality and safety regulations in China.
- 2) **Not using preservers, preservatives, additives, packaging materials, etc. in accordance with relevant national mandatory standards or other agricultural product quality safety regulations, or using preservers, preservatives, additives, packaging materials, etc. do not meet relevant national mandatory standards or other quality safety regulations;**
- 3) Agricultural products are stored and transported together with toxic and harmful substances.
- 4) ~~The package materials used do not meet relevant quality and safety regulations in China.~~

Article 73 Those who violate the provisions of this Law and commit any of the following acts shall be criticized and educated by the agricultural and rural departments of the local people's governments at or above the county level according to their duties, and ordered to make corrections within a time limit; those who fail to make corrections within the time limit shall be fined not less than 100 yuan but not more than 1,000 yuan:

- 1) Agricultural product production enterprises, farmers' professional cooperatives, units or individuals engaged in the purchase of agricultural products fail to issue a commitment compliance certificate in accordance with regulations
- 2) Units or individuals engaged in the purchase of agricultural products fail to collect and keep the commitment compliance certificate or other qualification certificates in accordance with the regulations.

Article 74 Where a producer or an operator fraudulently uses the agricultural product quality mark or sells agricultural products with the fraudulently used agricultural product quality mark, the county and above level agriculture department should order the producer or the operator to take correction measures and confiscate its illegal gains. Where the value of illegally produced and operated agricultural products is less than 5,000 Yuan, it shall be fined 5,000 Yuan up to 50,000 Yuan; where the value is more than 5,000 Yuan, it shall be fined 10 times up to 20 times the value of the agricultural products.

Article 75 Whoever violates the provisions in this Law on traceability of the edible agricultural product quality and safety shall be ordered by the county and above level agriculture department to make a correction within the time limit; if it refuses to make a correction, it shall be fined 5,000 Yuan up to 50,000 Yuan. **Those who fail to make corrections within the time limit may be fined not more than 10,000 yuan.**

Article 76 Whoever violates this Law, refuses or obstructs supervision and inspection of agricultural product quality and safety, incident investigation and handling, sampling testing and risk assessment conducted legally, shall be ordered to cease production and operation by the relevant administrative departments and shall be fined 2,000 Yuan up to 50,000 Yuan; If it constitutes an act in violation of public security administration, it shall be penalized by the public security authority.

Article 77 Where the *Food Safety Law* has provisions on illegal acts and legal liabilities about edible agricultural product enter the wholesale and retail markets or producing/processing, penalties should be imposed by the county or above level market supervision department in accordance with the provisions.

Article 78 Whoever violates the Law and has committed a crime are subject to criminal liabilities in accordance with this Law.

Article 79 Whoever violates the provisions of this Law and causes personal, property or other damages to consumers should bear civil liabilities for indemnity in accordance with this Law. When the property of the producer or the operator is not enough to bear both civil liabilities for indemnity and payment of fines and penalties, it should first bear civil liabilities for indemnity.

Where a producer or trader of edible agricultural products violates the provisions of this Law, pollutes the environment, infringes upon the legitimate rights and interests of many consumers, and damages public interests, the people's procuratorate may, in accordance with the Civil Procedure Law of the

People's Republic of China, the Administrative Procedure Law of the People's Republic of China, and other laws Provisions to file a lawsuit in the people's court.

Chapter VIII Supplementary Provisions

Article 80 The quality and safety administration of grain purchase, storage and transportation are implemented in accordance with the laws and administrative regulations on grain management.

Article 81 The Law come into force on **01-01-2023**.

END UNOFFICIAL TRANSLATION

Attachments:

No Attachments.