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## China - Peoples Republic of

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### China Revised Crop Variety Registration Measure

**Report Categories:**

Planting Seeds

**Approved By:**

Andrew Anderson-Sprecher

**Prepared By:**

Zhang Lei

**Report Highlights:**

On February 17, 2016, the Ministry of Agriculture (MOA) released its Draft Administrative Measures for Major Crops Variety Registration for public comments. The comment window will close on March 17, 2016. This report provides an unofficial translation of the full text of the document.

**Executive Summary:**

On February 17, 2016, the Ministry of Agriculture (MOA) released its Draft Administrative Measures for Major Crops Variety Registration for public comments. The comment window will close on March 17, 2016. Comments can be submitted via:

- 1) email: [zzjscjgc@agri.gov.cn](mailto:zzjscjgc@agri.gov.cn);
- 2) mail address: No. 11, Nongzhanguan Nanli, Chaoyang District, Beijing, 100125.  
Addressee: Market Supervision Division, Seed Administrative Bureau, MOA;
- 3) Chinese government legal website [www.chinalaw.gov.cn](http://www.chinalaw.gov.cn); and
- 4) MOA website [www.moa.gov.cn](http://www.moa.gov.cn).

This report provides an unofficial translation of the full text of the document. The current measure is attached in the Appendix for comparison.

The draft is developed in accordance with the new Seed Law. The following major modifications were made to the variety registration system:

1. The number of crops subject to variety registration requirements was reduced to five: rice, wheat, corn, cotton and soybean.
2. Seed enterprises with integrated businesses in breeding, production and marketing can conduct tests for their own varieties; enterprise unions or enterprise and institute unions (企业联合体, 科企联合体和科研单位联合体) with test capacity can conduct variety testing.
3. A variety registered in one province can be introduced to other provinces in the same ecological region through a new record system without going through the variety registration system.

# **Administrative Measures for Major Crops Variety Registration**

## **(Draft for Comments)**

### **Chapter I - General Provisions**

**Article 1.** The Measure is formulated based on the "Seed Law of the People's Republic of China (hereinafter referred to as the "Seed Law") to scientifically, impartially, and timely approve major crop varieties.

**Article 2.** The Measure applies to the major crop variety registrations in China.

**Article 3.** The term "major crops" used in the Measure refers to rice, wheat, corn, cotton, and soybean.

Article 4. The administrative departments for agriculture under the local people's governments at or above the provincial level shall take measures to enhance supervision and management on variety registration work. The administrative departments for agriculture under the local people's governments at the provincial level shall improve region coordination mechanism for variety selection/breeding and variety registration, and promote selection/breeding and marketing of good varieties.

### **Chapter II - Variety Registration Committee**

**Article 5.** Established by the Ministry of Agriculture, the National Variety Registration Committee is responsible for national crop variety registration. Established by provincial agricultural administrative departments, the Provincial Variety Registration Committees are responsible for provincial crop variety registrations.

The Crop Variety Registration Committee should establish the registration files, which should include information such as application documents, testing data of variety registration, seed samples, review opinion and review conclusions. The registration files must be traceable.

**Article 6.** Variety Registration Committee consists of professionals specialized in research, teaching, producing, marketing, management, and application, etc. The members should have senior professional titles or positions at division director level and above, generally below 55 years of age, for a term of five years.

Variety Registration Committee is supposed to have one Director and **2-5** Deputy Directors.

**Article 7.** Variety Registration Committee sets up an office, which is responsible for daily work of the Variety Registration Committee. The office is supposed to have one Director and 1-2 Deputy Directors.

**Article 8.** Special Committees by different crops shall be established under Variety Registration Committee. The Special Committee consists of 9-23 members with one Director and 1-2 Deputy Directors.

Provincial Variety Registration Committee could combine to establish Special Committee for crops with small acreage.

**Article 9.** Variety Registration Committee shall set up Director Committee, consisting of the Director and Deputy Directors of Variety Registration Committee, Directors of each Special Committees and the Director of the office.

### **Chapter III - Application and Acceptance**

**Article 10.** The agents and individuals (hereinafter refers as the applicants), who apply for variety registration, can apply directly to National Variety Registration Committee or Provincial Variety Registration Committees.

The foreign agents and individuals with no habitual residence or place of business in China should entrust the domestic seed

enterprises with legal personality if they want to apply for Variety Registrations in China.

**Article 11.** The applicants may apply for national and/or provincial registration, or apply to several provinces (autonomous regions and municipalities directly under the Central Government) for variety registration.

**Article 12.** The varieties applying for registration should meet the following requirements:

- (1) Artificially bred/discovered and improved;
  - (2) Distinct from existing varieties (registered varieties or varieties whose application have been accepted by the peer Crop Variety Registration Committee);
  - (3) Consistent morphological and biological characteristics;
  - (4) Stable genetic traits;
  - (5) A name complying with “Rules on Naming Agricultural Plant Varieties”;
  - (6) A two-years and multi-locations variety comparison trials shall be completed in the same type of ecological zones.
- For rice, wheat and corn varieties applying for national variety registration, it requires no less than 20 testing sites per year for comparison trials; For cotton and soybean varieties applying for national variety registrations, it requires no less than 10 testing sites per year for comparison trials, or provide provincial testing reports. For varieties applying for provincial variety registrations, it requires no less than 5 testing sites per year for comparison trials; for special purpose varieties, it requires no less than 3 testing sites.

**Article 13.** Applicants applying for variety registration shall submit the following documents to the office of Variety Registration Committee:

- 1) Application Form. The Application Form includes crop species and variety name; applicant name, address, post code, contact, phone number, fax, nationality; agents or individuals responsible for variety breeding (hereinafter referred to as “breeders”);
- 2) Variety Breeding Report. The report includes the combination of parent lines and the parental relationship of the hybrids, breeding method, characterization of generations; the trait characterization of varieties (including the parent lines of hybrids), standard images, proposed testing area and key points of cultivation; main defects of the variety and the problems that should be paid attention to;
- 3) Variety Comparison Trial Report. The report includes testing varieties, implementation agent, resistance performance, quality, yield result, as well as the data of each test site and summarized result;
- 4) Test Report of GMO Detection.
- 5) GM cotton variety shall also provide Agricultural GMO Safety Certificate;
- 6) Letter of Commitment for the Authenticity of Variety and Application Material.

**Article 14.** Within 45 days after receiving the application, the office of Variety Registration Committee shall make the decision to accept the application or not, and inform the applicants.

For those applications compliant with Article 12 and 13 of this Measure, the applications should be accepted and the applicants should be informed to provide test seeds within 30 days. The office shall arrange variety testing for those who provide test seeds; while the application shall be deemed as withdraw for those who fail to provide test seeds in time.

For those applications incompliant with Article 12 or 13 of this Measure, the applications should be rejected. Within 30 days after receiving the notice, the applicants may present their opinions or do amendment; while the application shall be deemed as withdraw for those who fail to reply in time. The applications shall be rejected if they are still incompliant with related articles after amending.

**Article 15.** The office of Variety Registration Committee should reserve the reference sample from the test seeds provided by applicants, and submit to MOA Plant Variety Standard Sample Bank for storage.

## **Chapter IV – Variety Trials**

**Article 16.** Variety trials include:

1. regional testing;
2. production testing;
3. tests for distinctness, uniformity and stability testing (hereafter refer to as DUS testing).

**Article 17.** Regional testing is supposed to identify the variety traits such as yield ability, yield stability, stress tolerance and quality, as well as DNA fingerprint testing and GMO detection.

The regional testing of each variety must be no less than two production cycles, and field testing design can be arranged by random groups; The test sites in the same ecological zone must be no less than 10 for national level and no less than 5 sites for provincial level.

**Article 18.** The production testing should be implemented in the same ecological zone after the regional test. The production test is supposed to further validate the yield ability, yield stability and stress tolerance of each variety following the local production practice under the condition close to field production.

For those varieties with outstanding characters, the production testing can be conducted synchronously with the second production cycle of regional testing.

Seed enterprises can conduct production testing for their own varieties, and testing implementation plan shall be reported to variety testing departments for review within one month before sowing; the eligible testing shall be incorporated into national or provincial variety testing for unified management.

For each variety, the production testing sites should be no less than the sites for the regional test. The planting area for each test site should be no less than 300 m<sup>2</sup>, and no more than 3000 m<sup>2</sup>; and the test time should be no less than one production cycle.

**Article 19.** The check variety for regional testing and production testing should be the representative registered variety with same producing period in the same ecological zone. The check variety shall be proposed by the testing implementation institution and approved by Special Committee of Variety Registration Committee. The check variety shall be changed timely based on the agriculture development requirements.

The check variety for provincial regional test and production test shall be reported by provincial Crop Variety Registration Committee to national Crop Variety Registration Committee for the record.

**Article 20.** The unit undertaking regional test, production test or DUS test should have independent legal personality with the corresponding test sites, equipment, and technical personnel.

The technician for variety trials should have relevant professional college education or professional titles of intermediate or above, with work experience in variety trials and regularly receiving related technical training.

Stress resistance identification shall be undertaken by agency assigned by Variety Registration; quality analysis, DNA fingerprint test and GMO detection shall be undertaken by eligible agencies.

The agencies and individuals undertaking the test and identification are responsible for the authenticity of data.

**Article 21.** Regional testing and production testing at national level shall be implemented by National Agricultural Technology Extension and Service Center; regional test and production test at provincial level shall be implemented by provincial seed management departments. DUS testing shall be guided by MOA Science and Technology Development

Center.

The test implementation agencies shall listen carefully to the opinion of applicants and experts, rationally set up test groups, optimize the layout of test sites, and scientifically develop test implementation plan.

**Article 22.** Along with the office of Variety Registration Committee, the test implementation agencies should regularly organize the investigation of variety trials to examine the trial quality, evaluate the variety performance, and formulate investigation report. For varieties performing severe defect in the fields, site pictures shall be kept for reference.

**Article 23.** The test implementation agencies shall organize applicants' representatives to participate in crop harvest in regional tests and production tests. The harvest data shall be confirmed by signature of test technician, the responsible person of the agency undertaking test, and representative of applicants.

**Article 24.** Unions of enterprises, unions of research institutes and enterprises, and unions of research institutes with experiment capacity can voluntarily carry out variety test.

The tests carried out by unions shall be implemented in accordance with the requirements of national or provincial variety test of the same crop category. The test plan shall be reported to national or provincial variety test implementation agencies for review, and eligible tests shall be incorporated into unified management of national or provincial variety test.

The members of the union shall not be less than five, cooperation agreement shall be signed to define responsibility and obligation in accordance with the principle of same rights and same responsibilities. Testing varieties shall be self-owned varieties.

One legal entity can only join one test union in the same testing region/group.

**Article 25** For the special purpose use varieties, the applicants can conduct variety tests by themselves. The test plan shall be reported to national or provincial variety test implementation agencies for review, and eligible tests shall be incorporated into unified management of national or provincial variety test.

The variety type of special purpose use and test requirements shall be defined by Variety Registration Committee at the same level. Production test can be combined with the second production cycle of regional test.

**Article 26** The test implementation agencies should hold a wrap-up meeting within 45 days after each production cycle. According to the test summary and investigation result, the Special Committee of Variety Registration Committee decides to terminate the trial, continue the trial, or submit for registration. The office of Variety Registration Committee shall inform applicants the final decision of the variety application.

**Article 27** The seed enterprises eligible for MOA's conditions, or with integrated breeding, production and marketing business (hereafter refer as integrated seed enterprises) may implement the variety tests of their own crop varieties in relevant ecological zones. Application documents shall be submitted after test procedure is completed.

The test plan shall be reported to the national or provincial test implementation agencies for record one month prior to sowing.

The integrated seed enterprises shall establish the files, which should include information such as variety selection and breeding procedure, test implementation plan, and the original data of the test; and be responsible for the authenticity of test data. The files must be traceable, and accept supervision from the agricultural administrative departments at or above the provincial level and the society.

**Article 28** DUS test can be either conducted by the applicants or entrusted to test agencies authorized by MOA.

For applicants conducting tests by themselves, test plan shall be reported to MOA Science and Technology Development

Center one month prior to sowing for national registration, and to provincial seed management agencies for provincial registration. MOA Science and Technology Development Center and provincial seed management agencies respectively undertake the supervision and inspection for national and provincial DUS test; and the implementation of inspection on annual seed sample and the authenticity of test data.

The similar variety selected for DUS test shall be the most similar variety in characters and traits. DUS test shall be conducted in accordance with relevant major crop DUS test guideline. Test report shall be signed by legal person or authorized representative by legal person.

## **Chapter V – Registration and Announcement**

**Article 29.** For the variety completing the procedure of tests, the variety test implementation agencies and integrated seed enterprises shall submit data of all test sites and summary result to Variety Registration Committee Office 30 days prior to the preliminary examination meeting. Meanwhile, applicants submit DUS test report.

National and Provincial Crop Variety Registration Committee hold preliminary examination meeting for rice, corn, cotton and soybean before the end of March; and for wheat before the end of October.

**Article 30.** During the preliminary registration, each Special Committee should convene a plenary meeting. The meeting is considered as valid if more than **2/3** of the total members attend the meeting. According to registration criterion, the variety preliminary examination applies with secret ballot. The variety is considered as passed if approval votes achieve **1/2** and above of the total number of members.

The Special Committee should review the documents such as variety test data submitted by integrated seed enterprises; those varieties reaching registration standard shall pass the preliminary examination.

**Article 31.** The preliminary examination applies with avoidance system. The office of Variety Registration Committee decides the avoidance of the Director of Special Committee; and Special Committee decides the avoidance of other members.

**Article 32.** For the variety that passes the preliminary examination, within 30 days, the office of Variety Registration Committee shall publish the review comments of preliminary examination, the data of each site and summary result on the official website of the agricultural administration department at the same level for exposure. The public exposure duration should be no less than 30 days.

**Article 33.** After public exposure, the review comments of preliminary examination as well as exposure result should be submitted by the office of Variety Registration Committee to the Director Committee of Variety Registration Committee for examination. The Director Committee should complete the examination within 30 days. The variety gets the approval if it passes the examination.

After the variety of integrated seed enterprises is approved for registration, variety standard sample shall be submitted to MOA Variety Standard Sample bank.

**Article 34.** For the variety with approval, the Variety Registration Committee shall designate an identifier, issue the certificate, and the peer agricultural administrative department shall publish the notice.

For the varieties with provincial approval, the provincial agricultural administrative departments should submit the information such as variety name to MOA for public exposure before the public notice.

**Article 35.** The registration number is (X) crop species (X) Number X. The first X refers to abbreviation of Registration Committee; the second X refers to the year; and the third X refers to four-digit series number.

**Article 36.** The public notice includes: registration number, variety name, applicants, breeders, variety history, morphological characteristic, growth stage, yield, quality, resistance to stress, key points of cultivation techniques, suitable planting area and notes.

The provincial Variety Registration Committee should report to the National Crop Variety Registration Committee for the record within 30 days of public notice.

The published variety name in the public notice should be the common name of the variety, which is not allowed with unauthorized alterations during the process of production, operation and marketing.

**Article 37.** The registration certificate includes registration number, variety name, applicants, breeder, variety history, registration comments, public notice number and certificate number.

**Article 38.** For the variety that fails to pass the registration, the office of Variety Registration Committee shall inform the applicant within 30 days. The applicant with objection to the result may apply to the same Variety Registration Committee or National Variety Registration Committee for re-examination within 30 days of receipt of the notification date. Variety Registration Committee should review the re-examination reason, previous registration document and previous registration procedure during the following registration meeting. Where there is dissent on the evaluation result of pest and disease, or variety Registration Committee deems necessary, it may arrange another entity to reevaluate.

The Office of Variety Registration Committee shall inform the applicant of the review result within 30 days of re-examination in written.

**Article 39.** The variety registration standard shall be established by the Crop Variety Registration Committee at the same level. The variety registration standard shall benefit the improvement and coordination of yield, quality, and resistance, and benefit the marketing of varieties that suitable for the market and life consumption demand. Provincial variety registration standard shall be reported to National Crop Variety Registration Committee for the record within 30 days after it is released.

The development of variety registration standard shall solicit public opinion.

## **Chapter VI – Variety Introduction and Record**

**Article 40** Establish sharing and mutual recognition mechanism for inter-provincial variety test data in the same suitable ecological zone, and carry out variety introduction and record.

**Article 41** Varieties that passed the registration at the province level can be introduced to other provinces, autonomous regions and municipalities directly under the Central Government in the same suitable ecological zone. The introducer shall report the introduced variety and region to the corresponding agricultural administrative departments of the provinces, autonomous regions and municipalities directly under the Central Government for record.

The introducer should be the variety registration applicant, or eligible seed producers and traders authorized by the applicant or the owner of the variety located in introducing region. Variety registration applicant, the owner of the variety, and the introducer shall be responsible for the authenticity, safety and adaptability of the variety.

**Article 42** Rice, corn, cotton and soybean shall submit the following variety introducing record material before the end of March and wheat before the end of October:

1. Variety Introduction Record Form, including information such as crop species, variety name, introducer name, contact information, suitable planting regions of the registered variety, regions planning introducing the varieties, etc. The regions planning introducing the varieties shall be administrative regions at or above county level.
2. Registration announcement and the copy of Registration Certificate of the introducing variety;
3. Test report of adaptability and disease resistance no less than one year in regions planning introducing the varieties.
4. For those varieties with New Plant Variety Right, the copy of the New Plant Variety Right owner's written consent



shall also be submitted.

5. Letter of Commitment on authenticity of variety introducing materials.

**Article 43** The agricultural administration departments of the provinces, autonomous regions and municipalities directly under the Central Government shall release variety introducing announcement within 30 days after the deadline of receiving variety introducing record materials. The announcement format shall be: (X) variety introducing (X) Number X. The first X refers to abbreviation of the provinces, autonomous regions and municipalities directly under the Central Government; the second X refers to the year; and the third X refers to series number.

**Article 44** The same suitable ecological zone for national registered varieties shall be determined by National Crop Variety Registration Committee.

The same suitable ecological zone for provincial registered varieties and introducing varieties shall be determined by Provincial Crop Variety Registration Committee based on the same suitable ecological zones determined by National Crop Variety Registration Committee.

## **Chapter VII– Registration Revocation**

**Article 45.** The registered varieties should revoke registration if the following situation occurs:

- (1) Serious defect found in the application;
- (2) Severely degradation of variety characters or loses of production and utilization value.
- (3) Failed to provide variety standard sample as requested or standard sample is inauthentic;
- (4) Registration was approved based on cheating or fake test data.

**Article 46.** For the variety that is proposed to revoke registration, the office of Variety Registration Committee shall make the proposal after soliciting opinion of variety registration applicant in written. After preliminary examination by Special Committee, the result shall be published on the official website of the peer agricultural administrative department. The exposure duration should be more than 30 days.

After public exposure, the review comments and exposure results should be submitted by the office of Variety Registration Committee to the Director Committee of Variety Registration Committee for review. The Director Committee should finish the review within 30 days. After getting the permission, the variety shall be announced to revoke the registration by the peer agricultural administrative department.

**Article 47.** For the variety announced to revoke registration, its production and advertisement should be stopped from the publish date of announcement, and the sales and marketing should be stopped within one production cycle from the publish date of announcement. Variety Registration Committee may decide to stop sales and marketing from the publish date of announcement if necessary.

For provincial registration revocation, it should be reported to the National Variety Registration Committee for the record within 30 days after publishing the announcement.

## **Chapter VIII – Supervision and Administration**

**Article 48.** MOA establishes National Crop Variety Registration Data and Information System to realize internet application and acceptance of national and provincial variety registration, and share information such as variety test data, registered variety, revoked registration variety, introduced variety, and standard sample. Registration Certificate can be uniformly printed on internet. Variety Registration Certificate format shall be designed by National Crop Variety Registration Committee.

The agricultural administration departments at or above provincial level shall release information such as variety registration, registration revocation, variety introduction and record, supervision and management on unified government information release platform, and receive supervision.

**Article 49.** The personnel related to variety trial and administrative management shall undertake the obligation of confidentiality of business secret obtained from the procedure of testing and registration, and shall not provide the seeds applying for variety registration or seek illegal interests.

**Article 50.** The members and staffs of Variety Registration Committee shall be devoted to their duties, impartial and honest. If they fail to implement their duties according to the laws, resorts to deceit, plays favoritism and commits irregularities, sanctions shall be applied based on the laws; they are not allowed to engage in variety registration work within in five years counting from the date when the sanction is applied.

**Article 51.** Where an applicant behaves improperly such as cheat or bribe during variety registration procedure, his/her application would not be accepted within three years.

Where the members of union practice fraud, the union variety test registration procedure would be terminated; the member practicing fraud is not allowed to apply for variety registration within 3 years, and not allowed to attend union test. Other members shall undertake joint liability, and cannot attend other union's test within 3 years.

**Article 52.** The variety testing, experimenting and appraisal institutions which issue false test, experiment and inspection data or certificates shall be ordered to correct by the administrative department for agriculture at or above county level. The entity shall be imposed a fine between RMB50,000 and RMB100,000; the executives with direct responsibility and other staffs with direct responsibility shall be imposed a fine between RMB10,000 and RMB50,000; in case illegal gains exist, the illegal gains shall be confiscated; in case losses caused to seed users or other seed producers and traders, joint liability shall be undertaken with the seed producer and trader.

**Article 53.** Where fraud practices exist in variety test and registration application of integrated seed enterprises, a fine between RMB one million and five million shall be imposed by the administrative department for agriculture at or above provincial level; and the integrated seed enterprise is not allowed to conduct variety test by itself; in case losses caused to seed users or other seed producers and traders, , compensation shall be made in accordance with the laws.

Article 54. MOA shall supervise and check the variety registration work of provincial agricultural administrative departments. Where one of the following situations occurs, correction shall be ordered, and sanctions shall be imposed on the executives with direct responsibility and other staffs with direct responsibility:

1. Fails to conduct variety registration in accordance with laws and regulations;
2. Fails to conduct variety introduction and record in accordance with laws and regulations;
3. Fails to conduct registration revocation in accordance with laws and regulations.

Article 55. If anyone violates provisions hereof and such violation constitutes a crime, it shall be investigated for criminal liability according to law.

## **Chapter IX – Supplementary Provisions**

**Article 56.** The work funding and variety test funding required by crop variety registration shall be included in the special fiscal budget of the peer agricultural administrative department.

**Article 57.** GM Crop Variety (except for GM cotton) Registration Measures shall be developed separately

**Article 58.** Varieties tested by integrated seed enterprises or unions will not attend corresponding region/group variety tests organized by national and provincial test implementation agencies.

**Article 59.** This measure would be effective from //2016. At the same time the “the Administrative Measure of Major Crop Variety Registration” issued by MOA on February 26, 2001 and revised by MOA on November 8, 2007 and February 1, 2014 should be abolished.

## **Appendix**

### **Administrative Measures for Major Crops Variety Registration**

#### **Chapter I - General Provisions**

**Article 1.** The Measure is formulated based on the "Seed Law of the People's Republic of China (hereinafter referred to as the "Seed Law") to scientifically, impartially, and timely approve major crop varieties.

**Article 2.** The Measure applies to the major crop variety registrations in China.

**Article 3.** The term "major crops" used in the Measure refers to rice, wheat, corn, cotton, soybean, rape, potato and other 1-2 crops determined by provincial agricultural administrative departments.

#### **Chapter II - Variety Registration Committee**

**Article 4.** Established by the Ministry of Agriculture, the National Variety Registration Committee is responsible for national crop variety registrations. Established by provincial agricultural administrative departments, the Provincial Variety Registration Committees are responsible for provincial crop variety registrations.

**Article 5.** Variety Registration Committee consists of professionals specialized in research, teaching, producing, marketing, management, and application, etc. The members should have senior professional titles or positions at division director level and above, generally below 55 years of age, for a term of five years.

Variety Registration Committee is supposed to have one Director and 2-5 Deputy Directors.

**Article 6.** Variety Registration Committee sets up an office, which is responsible for daily work of the Variety Registration Committee. The office is supposed to have one Director and 1-2 Deputy Directors.

**Article 7.** Special Committees by different crops shall be established under Variety Registration Committee. The Special Committee consists of 11-23 members with one Director and 1-2 Deputy Directors.

**Article 8.** Variety Registration Committee shall set up Director Committee, consisting of the Director and Deputy Directors of Variety Registration Committee, Directors of each Special Committees and the Director of the office.

#### **Chapter III - Application and Acceptance**

**Article 9.** The agents and individuals (hereinafter refers as the applicants), who apply for variety registration, can apply directly to National Variety Registration Committee or Provincial Variety Registration Committees.

The foreigners, foreign enterprises or other organizations with no habitual residence or place of business in China should entrust the agents with legal personality of the seed research, production, or operation if they want to apply for Variety Registrations in China.

**Article 10.** Rice, wheat, corn, cotton, soybean, rape and potato are subject to national or provincial variety registration. The applicants may apply for national and/or provincial registration, or apply to several provinces (autonomous regions and municipalities directly under the Central Government) for variety registration.

The major crop varieties determined by the provincial agricultural administrative departments apply to provincial approval.

**Article 11.** The varieties applying for registration should meet the following requirements:

- (1) Artificially bred/discovered and improved;

(2) Distinct from existing varieties (registered varieties or varieties whose application have been accepted by the peer Crop Variety Registration Committee);

(3) Stable genetic traits;

(4) Consistent morphological and biological characteristics;

(5) A name complying with “Rules on Naming Agricultural Plant Varieties”;

(6) A two-years and multi-locations variety comparison trials shall be completed in the same type of ecological zones. For rice, wheat and corn varieties applying for national variety registration, it requires no less than 20 testing sites per year for comparison trials; For cotton, soybean, rape, potato varieties applying for national variety registrations, it requires no less than 10 testing sites per year for comparison trials, or more than two provincial testing reports. For rice, wheat and corn varieties applying for provincial variety registrations, it requires no less than 10 testing sites per year for comparison trials; for cotton, soybean, rape, potato and the provincially-determined major crop varieties applying for provincial variety registrations, it requires no less than 5 testing sites per year for comparison trials.

All applications from the applicant would be rejected in three years if the applicant has any deception, bribery or other improper behavior during the application process. Where a crime is constituted, criminal liability will be investigated

**Article 12.** Applicants applying for variety registration shall submit the following documents to the office of Variety Registration Committee:

1) Application Form. The Application Form includes crop species and variety name (with a written guarantee that the applied variety name is consistent with the name used for New Plant Variety Right and Safety Assessment of Agricultural Genetically-Modified Organisms); applicant name, address, post code, contact, phone number, fax, nationality; agents or individuals responsible for variety breeding (hereinafter referred to as “breeders”);

2) Variety Breeding Report. The report includes the combination of parent lines and the parental relationship of the hybrids, breeding method, characterization of generations; the trait characterization of varieties (including the parent lines of hybrids), standard images, proposed testing area and key points of cultivation; main defects of the variety and the problems that should be paid attention to;

3) Variety Comparison Trial Report. The report includes test purpose, test varieties, test design, implementation agent, resistance identification, quality analysis, yield result, as well as the data of each test site and summarized result;

4) Letter of Commitment for the Authenticity of Variety and Application Material;

5) Test Report of GMO Detection.

6) GM cotton variety shall also provide Agricultural Genetic Modification Biology Safety Certificate.

**Article 13.** Within 60 days after receiving the application, the office of Variety Registration Committee shall make the decision to accept the application or not, and inform the applicants.

For those applications compliant with Article 11 and 12 of this Measure, the applications should be accepted and the applicants should be informed to provide test seeds within 30 days. The office shall arrange variety testing for those who provide test seeds; while the application shall be deemed as withdraw for those who fail to provide test seeds in time.

For those applications incompliant with Article 11 or 12 of this Measure, the applications should be rejected. Within 60 days after receiving the notice, the applicants may present their opinions or do amendment; while the application shall be deemed as withdraw for those who fail to reply in time. The applications shall be rejected if they are still incompliant with related articles after amending.

**Article 14.** The office of Variety Registration Committee should reserve the reference sample from the test seeds provided by applicants, and submit to MOA-assigned institute for storage.

#### **Chapter IV – Variety Trials**

**Article 15.** Variety trials include:

1. regional testing;
2. production testing;
3. tests for distinctness, uniformity and stability DUS testing (hereafter refer to as DUS testing).

The varieties can be exempted from regional testing and production testing when applying national approval if they passed provincial approval and got two years testing data at over 10 production testing locations in the same type of ecological zones of neighboring province, Autonomous regions, and municipality directly under the Central Government.

The specific measures shall be developed and released by Variety Registration Committee.

**Article 16.** Regional testing and production testing at national level shall be implemented by National Agricultural Technology Extension and Service Center; regional test and production test at provincial level shall be implemented by provincial seed management organization. DUS testing shall be conducted by MOA New Plant Variety Test Center.

**Article 17.** Regional testing is supposed to identify the variety agronomic traits such as yield ability, yield stability, stress tolerance and quality, as well as DNA fingerprint testing and GMO detection.

The regional testing of each variety must be no less than two production cycles, with no less than 3 test replicates; The test sites in the same ecological zone must be no less than 10 for national level and no less than 5 sites for provincial level.

**Article 18.** Synchronization of DUS testing and regional testing follows related crop test guideline.

**Article 19.** The production testing should be implemented in the same ecological zone after the regional test. The production test is supposed to further validate the yield ability, yield stability and stress tolerance of each variety following the local production practice under the condition close to field production.

For each variety, the production testing sites should be no less than the sites for the regional test. The planting area for each test site should be no less than 300 m<sup>2</sup>, no more than 3000 m<sup>2</sup>; and the test time should be no less than one production cycle.

**Article 20.** The check variety for regional testing and production testing should be the representative registered variety with same producing period in the same ecological zone. The check variety shall be proposed by the testing implementation institution and approved by Special Committee of Variety Registration Committee. The check variety shall be changed timely based on the agriculture development requirements.

The check variety for provincial regional test and production test shall be reported by provincial Crop Variety Registration Committee to national Crop Variety Registration Committee for the record.

**21.** The unit undertaking regional test or production test should have independent legal personality with the corresponding test sites, equipment, and technical personnel.

The technician for variety trials should have relevant professional college education or professional titles of intermediate or above, with more than three years work experience in variety trials and regularly receiving related technical training.

The testing institutions assigned by Variety Registration Committee shall be responsible for stress resistance identification, quality analysis, DNA fingerprint test and GMO detection.

**Article 22.** Along with the office of Variety Registration Committee, the specific implementation institution should regularly organize the investigation of variety trials to examine the trial quality, evaluate the variety performance, and formulate investigation report.

**Article 23.** The specific implementation institution should hold a wrap-up meeting within 60 days after each production cycle. According to the test summary and investigation result, the Special Committee of Variety Registration Committee decides either to terminate the trial or to continue for registration submission. The office of Variety Registration Committee shall inform applicants the final decision of the variety application.

**Article 24.** The seed enterprises with integrated breeding, production and marketing business and registered capital over RMB100 Million may implement the regional testing and production testing of own crop varieties when applying for national approval. The testing plan shall be reported to the Office of National Crop Variety Registration Committee and confirmed by the Office 60 days prior to sowing. Testing conditions and standards shall be no lower than national level regional testing and production testing, and shall accept variety testing investigation regulated by Article 22 of this Measure. The specific measures shall be developed by the National Crop Variety Registration Committee.

## **Chapter V – Registration and Announcement**

**Article 25.** For the variety completing the procedure of DUS testing, regional testing and production testing, the data of each test site and summary result should be submitted to the office of Variety Registration Committee by the specific implementation institution of variety trial within 60 days.

For the varieties regulated by the Article 15 of this Measure applying for national approvals, breeders shall submit papers to the Office of National Crop Variety Registration Committee, including Provincial Approval Certificate, copy of Registration Announcement, breeder's voluntarily production testing summary report, and DUS testing report.

The office of Variety Registration Committee shall submit to Special Committee of Variety Registration Committee within 30 days for preliminary examination. The Special Committee should complete the preliminary examination within 60 days.

**Article 26.** During the preliminary examination, each Special Committee should convene a plenary meeting. The meeting is considered as valid if more than  $\frac{2}{3}$  of the total members attend the meeting. According to registration criterion, the variety preliminary examination applies with secret ballot. The variety is considered as passed if approval votes achieve  $\frac{1}{2}$  and above of the total number of members.

**Article 27.** The preliminary examination applies with avoidance system. The office of Variety Registration Committee decides the avoidance of the director of Special Committee; and Special Committee decides the avoidance of other members.

**Article 28.** For the variety that passes the preliminary examination, the review comments of preliminary examination as well as the data of each site and summary result shall be published by the office of Variety Registration Committee on the official website for exposure. The public exposure duration should be more than 60 days.

**Article 29.** After public exposure, the review comments of preliminary examination as well as exposure result should be submitted by the office of Variety Registration Committee to the Director Committee of Variety Registration Committee for examination. The Director Committee should complete the examination within 30 days. The variety gets the approval if it passes the examination.

**Article 30.** For the variety with approval, the Variety Registration Committee shall designate an identifier, issue the certificate, and the peer agricultural administrative department shall publish the notice.

For the varieties with provincial approval, the provincial agricultural administrative departments should submit the information such as variety name to MOA for public exposure before the public notice.

**Article 31.** The registration number consists of abbreviation of approval committee, abbreviation of crop species, the year and series number, wherein the series number is three-digit.

**Article 32.** The public notice includes: registration number, variety name, applicants, breeders, variety history, morphological characteristic, growth stage, yield, quality, resistance to stress, key points of cultivation techniques, suitable planting area and notes.

The provincial Variety Registration Committee should report to the National Crop Variety Registration Committee for the record within 30 days of public notice.

The published variety name in the public notice should be the common name of the variety, which is not allowed with

unauthorized alterations during the process of production, operation and marketing.

**Article 33.** The registration certificate includes registration number, variety name, applicants, breeder, variety history, registration comments, public notice number and certificate number.

**Article 34.** For the variety that fails to pass the registration, the office of Variety Registration Committee shall inform the applicant within 30 days. The applicant may apply to the same Variety Registration Committee for re-examination within 30 days of receipt of the notification date. Variety Registration Committee should review the re-examination reason, previous registration document and previous registration procedure during the following registration meeting. Variety Registration Committee may arrange another production cycle of variety trial if necessary.

The Office of Variety Registration Committee shall inform the applicant of the review result within 30 days of re-examination in written.

**Article 35.** The variety registration standard of rice, wheat, corn, cotton, soybean, rape and potato shall be established by National Crop Variety Registration Committee. The variety registration standard of major crops determined by provincial agricultural administrative department shall be established by provincial Crop Variety Registration Committee and reported to National Crop Variety Registration Committee for the record.

The development of variety registration standard shall solicit public opinion.

## **Chapter VI – Variety Withdraw**

**Article 36.** The varieties that have passed registration should exit the market if the following situation occurs during production:

- (1) Serious flaws found in the application;
- (2) Severely degradation of variety characters;
- (3) Failed to provide variety standard sample as requested.

**Article 37.** For the variety that is proposed to withdraw, the office of Variety Registration Committee shall make the proposal after soliciting opinion of the breeder or variety owner in written. After preliminary examination by Special Committee, the result shall be published on the official website of the peer agricultural administrative department. The exposure duration should be more than 60 days.

After public exposure, the review comments and exposure results should be submitted by the office of Variety Registration Committee to the Director Committee of Variety Registration Committee for review. The Director Committee should finish the review within 30 days. After getting the permission, the variety shall be announced to exit the market by the peer agricultural administrative department.

**Article 38.** For the variety announced to withdraw the production should be stopped from the publish date of announcement, and the operation and marketing should be stopped within one production cycle from the publish date of announcement. Variety Registration Committee may decide to stop operation and marketing from the publish date of announcement if necessary.

The provincial Crop Variety Registration Committee should report to the National Variety Registration Committee for the record within 30 days after publishing the announcement.

## **Chapter VII – Supervision and Administration**

**Article 39.** The personnel related to variety trial and administrative management shall undertake the obligation of confidentiality of business secret obtained from the procedure of testing and registration, and shall not provide the seeds applying for variety registration or seek illegal interests.

**Article 40.** The commitment institution practicing fraud should be cancelled the qualification of variety trial, and shall be

investigated for the administrative responsibility of the units or individuals who are responsible, or be held criminally responsible if constitute a crime.

**Article 41.** The personnel of test trial and registration administration who practices fraud, favoritism, abuse of authority, or dereliction of duty shall be given administrative sanctions; or be held criminally responsible if constitute a crime.

### **Chapter VIII – Supplementary Provisions**

**Article 42.** The major crop variety that passes provincial registration may be introduced to the same appropriate ecological zones of neighboring provinces, autonomous regions, municipalities directly under the Central People's Government after getting the permission of respective agriculture and forestry administrative departments. However, firstly, the introduction test should be carried out in accordance with the “Agricultural Technology Promotion Act - People's Republic of China” to demonstrate that their applicability.

**Article 43.** The work funding and variety test funding required by crop variety registration shall be included in the special fiscal budget of the peer agricultural administrative department, and not collect from applicant.

**Article 44.** The variety test of silkworm variety registration is with reference to the implementation of this measure.

GM Crop Variety (except for GM cotton) Registration Measures shall be developed separately.

**Article 45.** This measure would be effective from February 1, 2014. At the same time the “the Administrative Measure of Major Crop Variety Registration” issued by MOA Decree No. 44 on February 26, 2001 and revised by MOA Decree No. 6 on November 8, 2007 should be abolished.

### **Consumption:**