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## **China, Peoples Republic of**

## **Planting Seeds**

## **China Seed Law Passed**

## **2000**

### **U.S. Embassy**

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#### **Report Highlights:**

**China recently released a new national planting seeds law which is expected to bring more order to China's seed industry. The final law is an improvement over previous drafts, due largely to the lobbying efforts of foreign seed companies in China and the American Seed Trade Association, as well as support from FAS. However, concerns remain over how well the law will be implemented.**

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Unscheduled Report

Beijing [CH1], CH

China's National People's Congress (NPC) recently passed the long awaited China Seed Law, which replaces the 1989 Seed Administration Rules and is expected to bring more order to China's seed industry. The Seed Law more resembles a collection of guiding principles than a detailed law, as is the practice in China. Details to accompany these principles and other implementation procedures will be published in the "Implementation Regulations", which will be released prior to the law coming into effect on December 1, 2000.

The content of a national seed law was a topic of hot debate during the past several years, and several draft laws were submitted for review, but subsequently rejected due to a lack of consensus among agricultural industry regulators. There were several areas of debate, primarily related to the degree to which the seed industry should be regulated by government and which levels of government should regulate it (Refer to CH9064 for a thorough discussion of the seed law debate). There was also disagreement concerning the allowed level of foreign involvement in China's seed industry due to concerns about foreign seed companies competing with the domestic industry.

The final Seed Law is an improvement over past drafts with regard to imported seeds and foreign seed companies with operations in China. In previous drafts of the seed law, the U.S. seed industry had concerns with national treatment issues (the WTO principle of equal treatment of domestic and foreign companies), regulations for imported germplasm and special quality requirements for imported seed. Articles relating to two of these topics were amended in the new law. These improvements were due largely to the lobbying efforts of foreign seed companies with operations in China and the American Seed Trade Association, as well as support from FAS. Below are the major improvements over previous drafts:

- Whereas in past drafts foreign companies only could have their varieties examined and registered in national level trials, which are reportedly more difficult and expensive to pass than provincial level trials, in the current law they can choose to enter national or provincial level trials, which is consistent with treatment of domestic companies (Article 15).

- In previous drafts only foreign seeds which "were superior in quality, possessed unique economic properties or were in short supply" relative to similar domestic varieties could be imported to China. In the current draft this requirement has been removed (formerly a part of Article 51).

- Seed companies are levied with greater responsibility for the quality of their seeds than in the past. This theme is present throughout the seed law.

The Seed Law, however, still contains language and gaps which could be exploited to hinder seed imports and the operations of foreign seed companies in China. For example, although foreign seed companies now can choose where their varieties are examined, language in Articles 10 and 50 preserve the power of national level ministries by allowing them to set further regulations on foreign seeds and to regulate variety examinations on imported seeds. The content of the Implementation Regulations will also be crucial, as it could potentially be mined with various deterrents to bringing foreign seeds to China.

The Seed Law includes special requirements for Genetically Modified (GM) seeds. GM seeds are subject to a safety evaluation and strict safety control measures defined by the State Council (Article 14); the management method for introducing foreign GM seeds is regulated by the State Council (Article 50); commercial GM seeds must be clearly labeled as GMOs (Article 35). What all of this means is that foreign seed companies and their GM seeds will have to pass through an excessive amount of red tape and variety examinations before they will be allowed to enter the commercial market.

Now that the Seed Law has been passed, the main concerns for the U.S. industry will be the content of the Implementation Regulations and actual implementation. The content of the Implementation Regulations will determine how the principles in the Seed Law are put in to practice. Because the language in the Seed Law is general and open to interpretation, the Implementation Rules could be written in a variety of different ways; some of which could effectively contradict certain principles included in the Seed Law which benefit foreign seed companies. However, this will not necessarily occur, and the Implementation Rules may be written even more favorably to foreign seed companies than the Seed Law itself. The outcome of the rules will largely depend on the continuing debate over the seed industry, which may intensify as China gets closer to entering the WTO. Once China enters the WTO, its agricultural markets will face greater competition from foreign agricultural products. If Chinese farmers were allowed easier access to superior foreign seed varieties, they would be better prepared to compete with foreign agricultural products after acceding to the WTO. China's seed industry regulators recognizing this opportunity may draft Implementation Regulations favorable to the introduction of imported seeds.

The most menacing problem facing China's seed industry is implementation of laws and regulations. Many have described China's seed industry at the commercial level as anarchy. They argue that since existing seed laws and regulations have never been implemented, there is no reason to believe that the new Seed Law will be implemented either. Some believe that the Seed Law will make the situation for foreign seed companies even worse that it is at present. Traditionally, all seed rules and regulations have been enforced with foreign companies, while with domestic companies they have not. The passing of the Seed Law will bring more regulations to the seed industry, which foreign companies will be expected to follow. If implementation practices remain the same, foreign seed companies may be at an even greater disadvantage relative to their domestic competitors under the new law. Successful and even implementation of the Seed Law will be the most important factor in improving China's seed industry.

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

(approved at the sixteenth meeting of the Standing Committee of the  
ninth National People's Congress on July 8, 2000)

**Command of Chairman of People's Republic of China  
( No. 34)**

The Seed Law of the People's Republic of China was approved at the sixteenth meeting of the Standing Committee of the ninth National People's Congress on July 8, 2000, and will come into force from Dec. 1, 2000.

**Jiang Zemin**

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## Chapter 1 General Principles

**Article 1** The seed law is formulated to protect and make rational use of germplasm material; to standardize the selection and breeding of varieties, seed production, management and use of seeds; to safeguard the legal rights of variety selectors, seed producers, managers and users; to improve seed quality; to give an impetus to seed industrialization; and to promote the development of crop production and forestry.

**Article 2** The seed law is applicable for the activities of variety selection and breeding, production, management, use and administration of seeds within the territory of People's Republic of China.

The seeds mentioned in the seed law refer to the cultivation and reproduction material for crops and trees, including seeds, fruits, roots, stems, seedlings, sprouts and leaves.

**Article 3** The agricultural and the forestry administration department at the State Council will take charge of the national work of crop seeds and tree seeds, respectively; the agricultural and forestry administration department of the local people government above the county level will take charge of the work of crop seeds and tree seeds, respectively, within their administration regions

**Article 4** The State supports the protection of germplasm material, selection and breeding, production, renewal and extension of good varieties. The State encourages selection and breeding of varieties and the combination of seed production and management, and rewards those institutes and individuals for the great achievement they make in the work of germplasm material protection and selection and breeding and extension of good varieties.

**Article 5** The people's government above the county level must formulate a seed development plan in accordance with the principle of revitalizing agriculture through science and education, and the demand of plantation and forestry. It must take measures to finance, credit, provide loans and tax to guarantee the implementation of the plan, according to the law.

**Article 6** The State Council and the people's government of the provinces, autonomous regions and municipalities must set up a special fund for supporting the selection and breeding of high quality varieties. The detailed method is formulated by the State Council.

**Article 7** The state must establishes a seed storage and reserve system to meet consumption needs during disasters and to guarantee the safety of agricultural production. The stored and reserved seeds must be examined and replaced regularly. The detailed seed storage and reserve method is formulated by the State Council.

## Chapter 2 Protection of Germplasm

**Article 8** The state protects germplasm material according to the law. No institute or individual is allowed to seize or destroy germplasm material.

The selected germplasm and breeding plants protected by the State are forbidden from being collected or cut. Collecting and cutting for scientific research must be approved by the State Council or the agricultural and forestry administration departments of the people's government of the provinces, autonomous regions and municipalities.

**Article 9** The state collects, collates, appraises, registers, stores, exchanges and makes use of germplasm material, and regularly publicizes the contents of usable germplasm material. The detailed method is formulated by the agricultural and forestry administration departments under the State Council.

The agricultural and forestry administration departments under the State Council must establish a state germplasm material bank, and the agricultural and forestry administration departments of the people's government at the provincial, autonomous regions and municipal level must also establish a germplasm material bank and a germplasm material protection area or plot in accordance with demand.

**Article 10** The State enjoys sovereignty over germplasm material. The provision of germplasm material by any institute or individual to those outside of China must be approved by the agricultural and forestry administration departments at the State Council. The introduction of germplasm material from abroad in to China must be handled according to the pertinent regulations of the agricultural and forestry administration departments at the State Council.

### Chapter 3 Selection and Examination of Varieties

**Article 11** The agricultural, forestry, science and technology, and education administration departments at the State Council and of the people's government of the provinces, autonomous regions and municipalities must organize the relevant institutes to do research on theory, technique, and method of variety selection and examination.

The State encourages and supports institutes and individuals to do variety selection and breeding and development on high quality varieties.

**Article 12** The state implements the new plant varieties protection system. Plant variety protection is given to new man-cultivated plant varieties and newly discovered wild plant varieties which have undergone development and possess the characteristics of novelty, peculiarity, consistency and stability. The legal rights of the owners of the new plant varieties are protected. The detailed method is in accordance with the related state regulations. The variety breeders whose varieties are extended and applied must get corresponding economic benefit.

**Article 13** The forestry administration department which approves the establishment of survey forests, experimental forests, high quality tree collection areas and gene banks for the purpose of selecting and breeding high quality tree varieties must provide economic compensation to institutes or individuals who suffer economic loss because of the establishment, according to the relevant regulations of the State.

**Article 14** A safety evaluation must be conducted on the selection and breeding, experimentation, examination and extension of the Genetically Modified plant varieties, and strict safety control measures must be adopted. The detailed methods are formulated by the State Council.

**Article 15** The major crop varieties and major forest varieties must be examined at the state or the provincial level before being extended and used. The applicants of the varieties may directly apply for provincial or state level examination. The major crop varieties and major forest varieties determined by the agricultural and forestry administration departments of the people's government of the provinces, autonomous regions and municipalities must undergo provincial examination.

The examination method must reflect the principles of fairness, openness, science, and efficiency, and must be formulated by the agricultural and forestry administration departments at the State Council.

The agricultural and forestry administration departments at the State Council and of the people's government of the provinces, autonomous regions and municipalities respectively set up Commissions for Examination of Crop and Forest Varieties which are staffed by professionals, and conduct major crop and major forest variety examinations.

In the regions with ecological diversity the agricultural and forestry administration departments of the people's government of the provinces, autonomous regions and municipalities may entrust districts or autonomous prefecture with the work of examination of major crop and major forest varieties which are suitable for extension and use in their special ecological areas.

**Article 16** The major crop and major forest varieties which have passed state level examinations must be announced by the agricultural and forestry administration departments at the State Council; the announced varieties may be extended in the eligible ecological areas within China. The major crop and major forest varieties which have passed provincial examination must be announced by the agricultural and forestry administration departments of the people's government at the provincial, autonomous region and municipal level. The announced varieties may be extended in the eligible ecological areas in the administrative regions; neighboring provinces, autonomous regions and municipalities which belong to the same eligible ecological regions may introduce the announced varieties after obtaining approval from the agricultural and forestry administration departments of the people's government of the provinces, autonomous regions and municipalities where the varieties are from.

**Article 17** Crop varieties which required an examination, but did not pass the examination, can not be announced, managed or extended.

Forest varieties which required an examination, but did not pass the examination, can not be managed or extended. However, if production of such varieties is crucial, the varieties should be examined by the forestry administration department of the people's government above the provincial level. The forest varieties examination commission at the same level will make the final decision about whether the varieties can be produced.

**Article 18** Applicants whose crop and forest varieties failed examination may apply for reexamination to the original examination commission or one at a higher level.



**Article 19** Foreigners, foreign enterprises or other foreign organizations which do not have permanent residence or operation places in China must entrust a qualified Chinese legal person from a Chinese seed research, production or management agencies to apply for variety examination.

## Chapter 4 Seed Production

**Article 20** Production of major crop and commercial forest seeds is to be conducted under a licensing system.

Seed production licenses for major hybrid crop seeds and their parent seeds, basic seeds of conventional varieties and improved forest tree seeds must be examined by the agricultural and forest administration departments at the local county level of the desired production area, and be examined and issued by the agricultural and forest administration departments of the people's government at the provincial, autonomous region and municipal level. Production licenses for other seeds must be examined and issued by the agricultural and forest administration departments of the people's government above the county level of the desired production area.

**Article 21** The institutes or individuals that apply for seed production licenses must meet the following conditions:

1. Have suitable conditions for isolation and cultivation in seed reproduction;
2. Have production areas without quarantined diseases and insect pests, or seed collection forests determined suitable by the forest administration departments of the people's government above the county level;
3. Have necessary funds for production and production and experimentation facilities suitable for seed production;
4. Have professional seed production and experimentation technicians;
5. Other conditions stipulated by laws and regulations.

When applying for a seed production license which includes the right of new plant variety protection, the applicant must solicit written agreement from the variety owner.

**Article 22** The seed production license must contain the name of the seed variety, production location and validity period of the seed.

It is forbidden to forge, falsify, trade, rent or borrow seed production licenses. Institutes and individuals are forbidden from producing seed without a seed production license or in a manner that is not in accordance with the regulations stipulated in the license.

**Article 23** Commercial seed production must conform to seed production technical rules and experimentation and quarantine rules.

**Article 24** Collecting seeds in forest seed production bases must be organized by the base manager and seed collection must conform to related state standards.

It is forbidden to harvest immature seeds and damage parent trees. Collecting seeds from inferior forests and parent trees is prohibited.



**Article 25** Commercial seed producers must establish a seed production file which contains information on the production location, environment of production area, previous crops grown in the area, source and quality of parent seeds, responsible technicians, records of field examinations, meteorology record of the production location, and the areas where the seed are shipped to, etc.

## Chapter 5 Seed Management

**Article 26** Seed management is conducted under a licensing system. Seed managers must obtain seed management licenses before applying for or revising operation licenses in the industry and commerce administration department.

Seed management licenses are examined, approved and issued by level. Seed management licenses are examined and issued by the local agricultural and forestry administration department of the people's government at or above the county level. Seed production licenses for the production of major hybrid crop seeds and their parent seeds, basic seeds, and the major improved forest tree seed varieties must be examined by the local agricultural and forestry administration department of the people's government at the county level and issued by the agricultural and forestry administration department of the people's government at the provincial, autonomous region or municipal level. Seed management licenses applied for by seed companies which engage in seed selection, breeding, production, and management, whose registered capital meets the requirements set by the agricultural and forestry administration department at the State Council, and seed import and export companies, must be examined by the agricultural and forestry administration departments of the provinces, autonomous regions and municipalities, and be issued by the agricultural and forestry administration department at the State Council.

**Article 27** If farmers have a surplus of conventional seed from their own seed production stock which was intended for on-farm use, the surplus can be sold or exchanged on the market without obtaining a seed management license. The people's government of the provinces, autonomous regions and municipalities must formulate the administrative method.

**Article 28** The state encourages and supports scientific and research institutes and schools and technicians to research, develop, manage and extend new crop varieties and improved forest seeds in accordance with the law.

**Article 29** The institutes or individuals who apply for seed management licenses must meet the following conditions:

1. Have the necessary capital to manage the stated varieties and quantity of seed, and the ability to fulfill civil obligations;
2. Have the technicians who are able to identify the seeds managed, examine seed quality, master the technique of seed storage, and manage technology;
3. Have the operation location which is suitable for the seed varieties and quantity managed, and have processing, packing and storage facilities and the equipment for examining seed quality;
4. Other conditions formulated in laws and regulations.

The seed managers who manage seeds which will not be re-packaged or are entrusted through

written document by the managers who have a seed management license do not have to obtain a seed management license.

**Article 30** The valid region of the seed management license is determined by the issuing authority within their jurisdiction. The seed managers do not have to obtain an additional seed management license if they establish branches within the valid region regulated in their management license, but do have to file their application in the local agricultural and forestry authority and the original license issuing authority within 15 days after they obtain or revise the operation license.

**Article 31** Seed management scope, operation method, valid duration and valid region or project must be registered on the seed management license.

Counterfeiting, altering, buying and selling, borrowing or renting seed management licenses is illegal. Managing seeds without a seed management license or not in accordance with seed management license regulations is illegal.

**Article 32** Seed managers must abide by the relevant laws and regulations. Seed managers must provide the seed users with a summary of the physical features of the seeds, the basic methods of cultivation, an explanation of the conditions needed for the seed, and relevant consultation and service. The seed managers are also responsible for seed quality. No institutes or individuals are allowed to interfere with the management authority of the seed managers.

**Article 33** Seeds produced in seed production bases established by the forestry authorities at the State Council and of the people's government of the provinces, autonomous regions and municipalities must be procured and regulated, in a planned and united way, and used by the institutes designated by the forestry authority at the State Council and of the people's government in the provinces, autonomous regions and municipalities.

Precious trees seeds and any other seeds prohibited for purchase by the forestry authorities at the State Council and of the people's government of the provinces, autonomous regions and municipalities can not be procured without the approval from the forestry authorities at the State Council and of the people's government of the provinces, autonomous regions and municipalities.

**Article 34** Seeds for sale must be processed, graded and packed. Seeds which can not be processed and packed are allowed an exception.

Large packages of seeds or imported seeds can be packed separately; the name of the packaging plant must be stated on the package. The plant must also be responsible for seed quality.

**Article 35** Seeds for sale must have a label attached. The label must include the seeds' classification, variety, production location, quality indicator, serial number of the quarantine certificate, serial number of the seed production and management license, or the serial number of the import approval. The information on the label must be in line with the seeds for sale.

Tags in Chinese must be attached if imported seeds are to be sold.

If genetically modified seed varieties are being sold, the tag must clearly indicate that those

varieties are genetically modified and explain the safety control measures that should be followed when using the seed.

**Article 36** Seeds managers must establish a seed management file which contains records on the source of seeds, a brief explanation of seed processing, storage, transportation, quality examination, the responsible person and the area where the seeds will be put on sale.

The seed record files of the annual crop seeds must be kept for two years after the seeds are sold. The duration for keeping records on perennial crop seeds and forest seeds will be formulated by the agricultural and forestry administration authority at the State Council.

**Article 37** The content of seed advertisements must be consistent with this law and related advertising laws and regulations. The content of the advertisement must be consistent with the announced results of the variety examination.

**Article 38** A quarantine certificate must be attached to seeds which are transported or mailed between counties.

## Chapter 6 Use of Seeds

**Article 39** The seed user has the right to make his own seed purchasing decisions. No institute or individual can interfere with this right.

**Article 40** Afforestation projects invested wholly or partly by the state and forests developed by state-owned forestry institutes, in accordance with plans formulated by the forest administration authority, must be planted with improved forest seeds.

The state will support the extension and use of the improved forest seeds to develop shelter forests and the forests for special uses.

**Article 41** If seed users sustains loss due to poor seed quality, the seed managers who sold the seed must compensate the seed users. The compensation must include the cost of the seeds, related expenditures and lost profit.

If it is found that after compensation has been paid that the true responsibility of the lost crop rests with seed producers or other seed managers, the seed manager has the right to claim the paid compensation back from the seed producers or other seed managers.

**Article 42** If a civil dispute arises over seed use, the parties concerned may resolve the dispute through negotiation or mediation. If the parties concerned are not willing to resolve the dispute through negotiation or mediation, or the negotiation and mediation are not successful, the parties concerned may resort to arbitration in accordance with the agreement reached between them. The parties concerned may also directly bring a suit to the people's court.

## Chapter 7 Seed quality

**Article 43** The agricultural and forestry administration authority at the State Council will formulate the quality management methods and industry standards for seed production, processing, packaging, examination and storage and the standard for the whole sector.

**Article 44** The agricultural and forestry administration authority may entrust seed quality examination agencies with the responsibility of implementing seed quality examinations.

The seed quality examination agencies which are entrusted with the work of seed quality examination must have the appropriate conditions for conducting seed examinations as well as the capability of examination. The agency must also have been checked and qualified by the people's government at or above the provincial level.

**Article 45** The seed quality examination agencies must be staffed with seed examiners. The seed examiners must possess the following qualifications,

1. Graduated with a related major from a vocational high school or above;
2. Worked for a minimum of 3 years in the technical aspects of seed examination;
3. Be qualified by the agricultural and forestry administration authority of the people's government at or above the provincial level.

**Article 46** Production and management of fake or poor quality seeds is forbidden.

The following seeds are considered to be fake seeds:

1. Pass non-seeds off as seeds or pass one variety of seed off as another variety;
2. The variety or species of seed, production location, or other contents of the label are inconsistent with the actual seed, or the quality of seed is poorer than the label indicates.

The following seeds are considered to be poor quality seeds:

1. Actual seed quality is lower than the state regulated standard for seed use;
2. Actual seed quality is lower than that listed on the attached label;
3. The seed is unusable due to deterioration;
4. Proportion of weed seed is higher than the related regulation allows;
5. Seed bears harmful organisms which are prohibited by state quarantine authorities.

**Article 47** The use of the crop seeds for production whose standard is lower than that stipulated by the regulations of the state or locality, due to force majeure, must be approved by the local people's government at or above the county level; the use of forest seeds under such circumstances must be approved by the people's government of the province, autonomous regions or municipality concerned.

**Article 48** Institutes and individuals who are engaged in seed variety examination, production, management and administration must abide by the relevant laws on plant quarantine, and administrative laws and regulations. They must also prevent plant diseases, insects, weeds and other harmful organisms from being spread and extended.

Institutes and individuals are forbidden from doing experiments on seeds with harmful diseases and pests in the seed production base.

## Chapter 8 Imports and Exports of Seeds and Foreign Cooperation on Seeds

**Article 49** All imported and exported seeds must be quarantined to prevent diseases, insects, weeds and other harmful organisms which may damage plants from entering or exiting China. The detailed quarantine procedures must be implemented in line with the related entry and exit quarantine and administrative laws and regulations.

**Article 50** Legal persons or other organizations engaged in commercial seed importing and exporting, in addition to obtaining a seed management license, must, according to relevant foreign trade and administrative law and regulations, obtain a seed import/export permit.

The State Council regulates the authority and method of examination and approval of imported crop and forest seeds, and the management method for the introduction of genetically modified plant varieties.

**Article 51** Imported commercial seeds must meet quality standards set by the state or industry. Imported seeds which do not meet state or industry quality standards are acceptable if they are consistent with the quality standard agreed upon in the contract.

**Article 52** Seeds imported to produce seeds for sale outside of China are not bound by the first paragraph of Article 50. However, the contract for importing seeds to produce seeds for sale abroad should be available. These imported seeds can only be used to produce seed and can not be sold in China.

Seeds imported for experimental use must be cultivated in an isolated location, and the harvested seeds must not be sold in China as commercial seeds.

**Article 53** Imports and exports of fake and poor quality seeds and seeds which the state does not allow to be traded are forbidden.

**Article 54** Examination and approval procedures and management methods for foreign enterprises, other economic organization and individuals which want to invest in seed production and seed management in China must be formulated by the relevant departments at the State Council in accordance with the pertinent laws and administrative regulations.

## Chapter 9 Administration of Seeds

**Article 55** The agricultural and forestry administration departments are the seed law enforcement authorities. Seed law enforcers must present their law enforcer certificates while enforcing the seed law.

The agricultural and forestry administration departments may do on-site inspections for the purpose of enforcing the seed law.

**Article 56** The agricultural and forestry administration departments as well as their staff are not allowed to participate or engage in seed production and management activities. Seed production

and management organizations are not allowed to participate or engage in seed administration management. The finances and staff of seed administration authorities must be separate from those of seed production and management organizations.

**Article 57** The agricultural and forestry administration departments at the State Council and the people's government of the provinces, autonomous regions and municipalities which produce seeds developed in other locations must strengthen the administration and coordination of bringing seed from the development location to the production location. Transportation departments must give first priority to the transportation of such seeds.

**Article 58** While implementing the examination and issue of licenses according to this law, the agricultural and forestry authorities are not allowed to collect any fees except for fees representing the basic cost of issuing the license.

## Chapter 10 Legal Responsibility

**Article 59** Those who violate the seed law by producing and managing fake or low quality seeds will be ordered by the agricultural and forestry administration departments of the people's government at or above the county level or the industrial and commercial administrative departments to stop seed production and management and will confiscate their seeds and any illegal profit they reaped, revoke their seed production and seed management license or operation license, and impose a fine on them. For those who reaped illegal profit, the fine imposed will be no less than 5 times and no greater than ten times the amount of illegal profit. For those who did not reap illegal profit, the fine will be no less than 2,000 yuan and no more than 50,000 yuan. For those whose actions are considered a serious crime, a criminal investigation will be conducted to determine responsibility according to the law.

**Article 60** Those who violate the seed law by committing any of the below offenses will be ordered by the agricultural and forestry administration department of the people's government at or above the county level to correct their behavior and will confiscate their seeds and illegally reaped profit. For those who reaped illegal profit, the fine imposed will be no less than one time and no greater than three times the amount of illegal profit. For those who did not reap illegal profit, the fine will be no less than 1,000 yuan and no greater than 30,000 yuan. Their seed production and seed management or operation licenses may be revoked. For those whose actions are considered a serious crime, a criminal investigation will be conducted to determine responsibility according to the law:

1. Illegally obtaining, forging or falsifying, altering, trading or renting a seed production license. Producing seeds not in accordance with the regulations stipulated in the seed production license.
2. Illegally obtaining, forging or falsifying, altering, trading or renting a seed management license. Managing seeds not in accordance with the regulations stipulated in the seed management license.

**Article 61** Those who violate the seed law by committing any of the below offenses will be



ordered by the agricultural and forestry administration department of the people's government at or above the county level to correct their behavior and will confiscate their seeds and illegally reaped profit. For those who reaped illegal profit, the fine imposed will be no less than one time and no greater than three times the amount of illegal profit. For those who did not reap illegal profit, the fine will be no less than 1,000 yuan and no greater than 20,000 yuan. For those whose actions are considered a serious crime, a criminal investigation will be conducted to determine responsibility according to the law:

1. Selling seeds in China which were produced in China for export abroad;
2. Selling seeds harvested from an experimental trial of imported seeds as commercial seeds;
3. Collecting or picking key natural germplasm resources which are protected by the state without approval.

**Article 62** Those who violate the seed law by committing any of the below offenses will be ordered by the agricultural and forestry administration department of the people's government at or above the county level or the industrial and commercial administrative departments to correct their behavior and will impose a fine of no less than 1,000 yuan and no greater than 10,000 yuan:

1. Not packaging managed seeds which should be packaged;
2. Not labeling managed seeds; attaching a label which does not contain the information required by the regulations of the seed law;
3. Forging or altering labels; forging or altering an experiment or examination data;
4. Failure to record and maintain seed production and management files as defined by the regulations;
5. Seed managers do not file an application to establish branch operations in other locations according to regulations.

**Article 63** Those who violate the seed law by providing germplasm material to other countries or introduce germplasm material to China from other countries will have their germplasm material and illegal profits confiscated by the agricultural and forestry administration department at the State Council and the people's government of the provinces, autonomous regions and municipalities and be fined no less than 10,000 yuan and no greater than 50,000 yuan.

Those who carry or ship germplasm material out of the country without approval from the agricultural and forestry administrative departments will have their germplasm material suspended by Customs and dealt with by the agricultural and forestry administration department of the provinces, autonomous regions and municipalities.

**Article 64** Those who violate the seed law by managing and extending seeds which should be examined and approved, but were not, will be ordered by the agricultural and forestry administration departments of the people's government at or above the county level to stop their management and extension of the seeds. Their seeds and illegal profits will also be confiscated, and they will be fined no less than 10,000 yuan and no more than 50,000 yuan.

**Article 65** Those who violate the seed law by picking immature seeds, damaging parental trees or collecting seeds from poor quality forests or parental trees will be ordered by the forestry



administration department at or above the county level must to stop seed collection and confiscate the seeds already collected. A fine will be imposed on them of no less than one time and no greater than three times the value of the seeds collected. For those whose actions are considered a serious crime, a criminal investigation will be conducted to determine responsibility according to the law:

**Article 66** Those who violate Article 33 of the seed law by procuring forest tree seeds will have the seed they collected confiscated by the forestry administration department of the people's government at or above the county level and a have a fine imposed on them no greater than twice the value of the trees seed procured.

**Article 67** Those who violate the seed law by conducting experiments on seed diseases and pests in seed production bases will be ordered by the agricultural and forestry administration department of the people's government at or above the county level to stop experimenting and will be fined no greater than 50,000 yuan.

**Article 68** Seed quality examination agencies which issue fake examination certificates will bear joint liability with the producers and sellers of the seed. The seed quality examination agencies and other relevant responsible persons will be investigated for administrative according to the law. For those whose actions are considered a serious crime, a criminal investigation will be conducted to determine responsibility according to the law.

**Article 69** Any losses sustained by seed users due to institutions or individuals which force seed users to purchase seeds against their will must be compensated to seed users by those institutions or individuals.

**Article 70** Agricultural and forestry administration departments which violate the seed law by issuing seed production or seed management licenses to seed producers or managers who do not meet the required conditions will have their managers and staff members who are directly responsible subject to disciplinary punishment according to the law. For those whose actions are considered a serious crime, a criminal investigation will be conducted to determine responsibility according to the law

**Article 71** Disciplinary punishment will be exercised according to the law on to seed administrators who practice fraud or favoritism, abuse their power, or neglect their duties. For those whose actions are considered a serious crime, a criminal investigation will be conducted to determine responsibility according to the law

**Article 72** If the litigant believes that the administrative behavior of the relevant administrative authorities infringed upon his legal rights, he may apply for administrative reconsideration, or bring a lawsuit to people's court according to the law.

**Article 73** After the agricultural and forestry administration departments have revoked the seed management license of the persons or institutes who broke the law, they must notify the industrial and commercial administration authorities that they should cancel or alter the operation

license of the persons or institutes who broke the law.

## Chapter 11 Attachments

**Article 74** The meaning of terms and phrases which appear in this law are listed below:

1. Germ plasm refers to the basic materials needed for selecting and breeding new varieties, including cultivated and wild species of various crops, the breeding materials of wild kindred plants, as well as the genetic materials of various plants created by man with the above mentioned breeding materials.
2. Varieties refers to cultivated plant species selected, bred, discovered and developed by man, with uniform morphological characteristics and biologic features, as well as stable genetic properties.
3. Major crops refer to rice, wheat, corn, cotton, soybean and one or two other crops determined by the agricultural and forestry administration departments at the State Council and of the people's government of the provinces, autonomous regions and municipalities.
4. Improved forest seeds refers to the forest seeds which have been examined and approved. In a given region, their production, adaptability, and resistance are undeniably superior to the propagating and planting materials of the currently prevailing cultivating materials.
5. Label refers to the diagrams and descriptions on the outside and inside of a package of seeds.

**Article 75** The "major forest trees" in the seed law refer to those trees selected and announced by the state forestry administration authority. The forestry authorities at the provincial, autonomous region and municipal level may also select eight major trees in addition to those selected by the state.

**Article 76** The administration, selection, breeding, production, management and use of grass and edible fungi seeds are governed by the seed law.

**Article 77** If there is any discrepancy between the seed law and seed related international treaties which China concluded or participated in, the international treaties shall be recognized, except for in cases where China announced special conditions.

**Article 78** The seed law will take effect beginning December 1, 2000. The Seed Administration Rules of China enacted on March 13, 1989 will be abolished simultaneously.