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Report Highlights:

On November 12, 2021, the Ministry of Agriculture and Rural Affairs (MARA) published its "Decision on Amending Some Seed Industry Regulations (Draft for Comments)" on its website. The Decision facilitates the ability of developers of genetically engineered (GE) crop varieties to apply for seed variety registration as well as for a Production and Operation License. The deadline for comments is December 12, 2021. Over the last year, there have been several significant developments to China's seed and GE seed sector.

Executive Summary

On November 12, 2021, the Ministry of Agriculture and Rural Affairs (MARA) published its "Decision on Amending Some Seed Industry Regulations (Draft for Comments)" on its website, which includes three seed measures/regulations. These are the 1) Administrative Measures for Major Crops Variety Registration; 2) Administrative Measures for Crop Seed Production and Operation License; and 3) Regulations on Nomenclature of Agricultural Plant Varieties. The deadline for comments is December 12, 2021.

Simultaneously, MARA published its amended Administrative Rules for Safety of Agricultural GMOs for public comment (Note: See separate FAS China GAIN report). These publications are expected to facilitate the commercialization of domestic GE seeds and traits in China.

The Chinese government has undertaken significant effort over the past year to support the development of China's planting seed and biotech seed industry. This includes effort to amend China's Seed Law. Please refer to [CH2021-0100](#) (Seed Law amendment) dated August 24, 2021 and [CH2021-0064](#) (China's Planting Seed Annual) dated June 8, 2021.

The public can provide feedback on MARA's Decision through the following channels:

1. Log on to the website of the Ministry of Agriculture and Rural Affairs (website: www.moa.gov.cn), enter the "Soliciting Opinions" in the "Interactive" column above, and click "The Ministry of Agriculture and Rural Affairs' Decision on Revising Some Seed Industry Regulations (Draft for Solicitation of Comments) "Notice of Public Solicitation of Comments".

2. Send comments via email: zyspgc@agri.gov.cn

3. Mailing address: Seed Management Department, Ministry of Agriculture and Rural Affairs, No. 11 South Lane, Agriculture Exhibition Hall, Chaoyang District, Beijing, Zip Code: 100125

Full text of the Decision is available via link below:

http://www.moa.gov.cn/govpublic/nybzzj1/202111/t20211112_6382094.htm

This report provides an unofficial translation of the amendments to the above-mentioned three documents, highlights the revised text including changes to the original text with **deleted text marked in green** and **additional or amended text marked in blue**.

BEGINNING OF TRANSLATION

Administrative Measures for Major Crop Variety Registration

Chapter I General Provisions

Article 1 These Measures are enacted in accordance with the Seed Law of the People's Republic of China (hereinafter referred to as “Seed Law”) for the purpose of scientifically, impartially, and timely approving major crop varieties.

Article 2 These Measures apply to the registration of major crop varieties within the territory of the People’s Republic of China.

Article 3 The term “major crop” used herein refers to rice, wheat, corn, cotton, and soybean.

Article 4 The competent agricultural departments of the people’s government at the provincial level or above shall take measures to strengthen the supervision and administration on variety registration work. The competent agricultural departments of the people’s government at the provincial level shall improve the regional coordination mechanism for the selective breeding, and the registration of the varieties, promoting the selective breeding and marketing of the good varieties.

Chapter II Variety Registration Committees

Article 5 The Ministry of Agriculture and Rural Affairs establishes a National Variety Registration Committee responsible for the registration of national crop varieties, and the provincial variety registration committees in charge of the registration of the provincial crop varieties.

The variety registration committees shall establish registration archives including application documents, test data of variety registration, seed samples, opinions and conclusions on registration, and other content so as to guarantee their traceability.

Article 6 The variety registration committees consist of professionals specialized in science and research, teaching, production, marketing, management, application and so forth. The members shall have senior professional titles or positions at division level or above, and typically at the age below 55. Each term of office of the members shall be five years, and may not serve more than two consecutive terms.

A variety registration committee is supposed to have a director and two to five deputy directors.

Article 7 The variety registration committees shall set up offices in charge of daily work of the committees, of which an office is supposed to have a director, and one to two deputy directors.

Article 8 Special committees shall be established under the variety registration committees according to crop species. A special committee consists of an odd number of 9-23 members with one director and one to two deputy directors.

The provincial variety registration committees may together establish a special committee for major crops with small acreage.

Article 9 The variety registration committees shall set up director committees, consisting of the directors and deputy directors of the variety registration committees, directors of each special committees and the director of the office.

Chapter III Application and Acceptance

Article 10 Any institutions and individuals (hereinafter refers to as the applicants), who apply for variety registration, may file the application directly with the National Variety Registration Committee or the provincial variety registration committees.

Where any foreign applicant institutions and individuals without habitual residence or place of business in China apply for registration of their varieties, a domestic seed enterprise with the status of a legal person shall be entrusted. (Newly added): “Applicants who apply for registration of genetically engineered (GE) varieties of major crops shall apply directly to the National Crop Variety Approval Committee.”

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 shall meet the following requirements:

- (1) artificially bred/discovered and improved;
- (2) distinct from existing varieties (varieties registered by the variety registration committees or varieties whose application have been accepted by any peer Committees);
- (3) consistent morphological and biological characteristics;
- (4) stable genetic traits;
- (5) a name complying with the Rules on Naming Agricultural Plant Varieties; and
- (6) at least two production cycles of variety comparison trials at multiple test sites 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 test sites per year for comparison trials; for cotton and soybean varieties applying for national variety registration, it requires no less than 10 test sites per year for comparison trials, or provincial variety registration test reports. For varieties applying for provincial variety registration, it requires no less than 5 test sites per year for comparison trials.

Article 13 Applicants applying for variety registration shall submit the following materials to the office of the variety registration committee:

- (1) Application Form. The Application Form includes crop species and variety name; applicant name, address, post code, contact person, phone number, fax, nationality; selective breeding institutions or individuals (hereinafter referred to as the “breeders”);
- (2) Variety Breeding Report. The report includes parental combination, relationship between hybrids and their parents, breeding method, characterization of generations; trait characterization of the variety (including the parent lines of hybrids), standard images, recommended testing area and key points of cultivation; main defects of the variety and the problems needed to be noticed;
- (3) Variety Comparison Trial Report. The report includes test varieties, implementation institutions, resistance performance, quality, yield, as well as the data of each test site and summarized results and so forth;
- (4) Test Report of GMO Detection;
- (Deleted) (5) For GM cotton variety, the Agricultural GMO Safety Certificate shall be provided;
- (6) Letter of Commitment for the Authenticity of Variety and Application Material.

(Newly added): "For GE varieties of major crops, in addition to the materials specified in the preceding paragraph, the following materials should also be provided:

- (1) Information about event, including target genes and detection methods of distinctness of the event;
- (2) License agreement of the transformant research and development unit;
- (3) A Biosafety Certificate obtained in accordance with Article 16 of the " Administrative Rules for the Safety of Agricultural GMOs;
- (4) A test report on the uniformity between the GE target traits and the characteristics of the event issued by a technical testing institution with the testing conditions and capabilities;
- (5) Where a non-recipient variety breeder applies for variety registration, it shall also provide the recipient's variety owner's license or cooperation agreement. "

Article 14 The offices of the variety registration committees shall, within 45 days after receiving the application, make the decision to accept the application or not, and inform the applicants in written.

For the application consistent with Articles 12 and 13 provided for herein, it shall be accepted and the applicants shall be informed to provide test seeds within thirty (30) days. For those who provide test seeds in time, the office shall arrange variety testing; otherwise the application shall be deemed as withdraw.

Where the application is inconsistent with Article 12 or 13 provided for herein, it shall not be accepted, and the applicants shall, within thirty (30) days after receiving the notice, present opinions on or amend to the application materials; or the office shall deem the application as

withdraw. Where the amendment fails to comply with the provisions all the same, the application shall be rejected.

Article 15 The offices of the variety registration committees shall reserve the reference samples from the test seeds provided by the applicants, and submit to the Plant Variety Standard Sample Bank (newly added) designated by the Ministry of Agriculture and Rural Affairs for storage.

Chapter IV Variety Test

Article 16 Variety test include:

- (1) regional test;
- (2) production test; and
- (3) tests for distinctness, uniformity, and stability (hereafter referred to as “DUS testing”).

Article 17 The regional test and production test at national level shall be implemented by the National Agricultural Technology Extension and Service Center, and the regional and production tests at the provincial level shall be implemented by the provincial seed administration departments.

The test implementation agencies shall listen carefully to the opinions of applicants and experts, rationally set up test groups, optimize the layout of test sites, (newly added) establish and improve the management system, scientifically develop test implementation plan, and release them to the public.

Article 18 The regional test is supposed to identify the variety traits such as high yield ability, yield stability, adaptability, stress tolerance, as well as quality analysis, DNA fingerprint testing, GMO detection, (newly added) GE test, etc. (newly added) Non-GE varieties shall be tested for GE components, and GE varieties shall be tested for authenticity of events.

The regional test of each variety shall be not less than two production cycles, and field testing design shall be arranged by random blocks or interval contrast. The test sites in the same type of ecological zone shall be not less than 10 for the national level and no less than 5 sites for the provincial level.

Article 19 The production test shall be carried out in the same type of ecological zone after the regional test. The production test is supposed to further validate the high yield ability, yield stability, adaptability and stress tolerance and so forth of the variety following the local major production practice under the condition close to field production.

For each variety, the production test sites shall be not less than the sites for the regional test. The planting area of each test site for a variety shall be not less than 300 m², and not more than 3,000 m²; and the test time shall be not less than one production cycle.

(Deleted) For those varieties with outstanding characters in the first production cycle, their production tests may be conducted synchronously with the second production cycle of regional test.

Article 20 The check variety for regional and production tests shall be a representative variety which is approved to be disseminated and applied at the same production period in the same type of ecological zone.

The check varieties shall be proposed by the test implementation agencies and approved by relevant special committees of the variety registration committee. The check variety shall be changed timely based on the agriculture development requirements.

The provincial variety registration committees shall file the check varieties for the regional test and production test at the provincial level with the National Variety Registration Committee.

Article 21 The institutions undertaking regional test, production test or DUS test shall be an independent legal person and have corresponding test sites, instruments and equipment, and technical personnel.

The technicians for variety test shall have a college degree or above in relevant specialties or an intermediate professional and technical title or above, and relevant experience in variety test, and regularly receive related technical trainings.

Stress resistance identification shall be made by an institution specified by the variety registration committee; and the quality analysis, DNA fingerprint test and GMO test shall be carried out by an eligible institution.

The institutions and individuals conducting the trials, tests and identification of the variety shall be responsible for the authenticity of the data. (Newly added) The entity undertaking GE variety testing shall adopt corresponding safety management and precautions in accordance with the "Administrative Rules for the Safety of Agricultural GMOs" and relevant laws, administrative regulations, and departmental rules measure.

Article 22 The variety test implementation agencies shall, in conjunction with the offices of the variety registration committees, carry out survey on the variety trials, inspect the test quality, and identify and evaluate the variety performance regularly, and produce an investigation report. For varieties in presence of severe defects in the fields, site pictures shall be kept for reference.

(Deleted) **Article 23** The test implementation agencies shall organize the applicants' representatives to join in the estimation of yield in the regional and production tests at the harvest time. The data collected from yield estimation shall be confirmed by signature of the test

technicians, the responsible person of the testing institute, and the representatives of the applicants.

Article 24 The test implementation agencies shall convene a wrap-up meeting for the variety trials within 45 days by the end of each production cycle. The special committees of the variety registration committees will, in accordance with the summarized and investigation results, make a decision to terminate or continue the trials, or submit the variety for registration, and a notice of the outcomes of the variety registration will be issued timely by t

Article 25 Where the applicants have the test capability as well as a self-owned variety as the tested one, the test on their own varieties may be carried out by themselves in accordance with the following requirements:

- (1) the applicants may carry out production test on the basis of the regional variety tests at the national or provincial level;
- (2) for the self-owned special purpose varieties, the applicants may conduct the regional and production tests by themselves, ~~(deleted)~~ and the production test may be combined with the second production cycle of the regional test. The variety scope of the special purpose use and the test requirements shall be defined by the variety registration committees at the same level.
- (3) where the applicants are the union of enterprises, the union of research institutes and enterprises, and the union of research institutes, appropriate regional/group test for the varieties shall be carried out under their organization. The members of a union shall not be less than five; relevant cooperation agreements shall be signed to define responsibility and obligation in accordance with the principle of same rights and same responsibilities. One legal entity can only join one test union in the same testing region/group.

The implementation plan for variety trials that are carried out by the applicants themselves and set forth in preceding paragraph shall be reported to national or provincial variety testing departments within thirty (3) days before sowing; the eligible testing shall be incorporated into national or provincial variety trials for unified management.

(Newly added) Except for the target traits, the other characteristics of the GE variety applied for registration should not have changed from that of the recipient variety, and the recipient variety has been registered and has not been revoked, the varieties shall be subject to testing based on the following two circumstances:

- (1) The suitable planting area applied for registration is within the suitable planting area of the recipient variety, the test procedure can be simplified, and only one year of production testing is required;
- (2) The suitable planting area applied for registration is not within the suitable planting area of the recipient variety, a two-year regional test and a one-year production test should be carried out. For new varieties to be bred, two-year regional test, one-year production test, and a DUS test should be carried out.

Article 26 DUS testing may be either conducted by the applicants or entrusted to testing institutes authorized by the Ministry of Agriculture and Rural Affairs and shall be guided by the Science and Technology Development Center of the Ministry of Agriculture and Rural Affairs. For applicants conducting the tests by themselves, the test plan shall be reported, according to the registration level within thirty (30) days before sowing, to the Science and Technology Development Center of the Ministry of Agriculture and Rural Affairs or the provincial seed administration institution. The Science and Technology Development Center of the Ministry of Agriculture and Rural Affairs and the provincial seed administration institutions shall carry out inspection and supervision over the national or provincial registration procedures of the DUS testing and the authenticity verification of the samples and the test report by selective examination.

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 guidelines. The test report shall be signed by legal person or authorized representative by legal person.

Article 27 The seed enterprises eligible for MOA’s conditions and having the Breeding, Production and Operation License (hereafter referred to as “breeding, production and marketing integrated seed enterprises”) may test their own-developed (newly added) non-GE varieties of major crops in relevant ecological zones, and submit application materials after the completion of the test.

The test plan shall be filed with the national or provincial test implementation agencies within thirty (30) days prior to sowing.

The breeding, production and marketing integrated seed enterprises shall establish relevant archives including variety selection and breeding procedures, test implementation plans, original data of the test, and other information; take responsibility for the authenticity of test data to guarantee their traceability and accept supervision from the competent agriculture departments of the people’s government at the provincial level or above and the society.

Chapter V Registration and Announcement

Article 28 For the variety completing the procedures of tests, the applicants, the variety test implementation agencies and the breeding, production and marketing integrated seed enterprises shall submit the data, summarized results, (newly added) DNA fingerprint test report, and DUS test reports of rice, corn, cotton, soybean and wheat at all test sites to the variety registration committee offices separately by the end of February and September.

The variety registration committee offices shall submit the data, the summarized results and the DUS test reports within thirty (30) days to relevant special committees under the variety

registration committee for preliminary registration, and the special committees shall complete preliminary registration within thirty (30) days.

Article 29 For preliminary examination, each special committee shall convene a plenary meeting. The meeting is considered as valid if more than two thirds of the total members attend the meeting. According to registration criterion, the preliminary examination meeting adopts secret ballot. The variety is considered as passed if approval votes achieve one second or above of the total number of members.

The special committees shall review the test data and other materials submitted by the breeding, production and marketing integrated seed enterprises, those varieties up to the criterion shall pass the preliminary examination.

Article 30 The preliminary examination adopts avoidance system. The decision on withdrawal of the directors of the special committees shall be made by the offices of the variety registration committees, and the other members shall be by the directors of the special committees.

Article 31 Where the variety passes its preliminary examination, the offices of variety registration committees shall, within thirty (30) days, make public the output of the preliminary examination, and the test data and summarized results at each site on the official websites of the competent agricultural departments at the same level at least for thirty (30) days.

Article 32 After the period for public comments expires, the offices of the variety registration committees shall submit the output of the preliminary examination and the results of the public comments to the director committees of the variety registration committees for registration. The director committees shall complete it within thirty (30) days, and in case of passing the examination, the variety obtains the registration.

For the self-developed varieties which are tested by the breeding, production and marketing integrated seed enterprises themselves, the variety standard samples, after passed preliminary review of registration, shall be submitted to the Variety Standard Sample Bank (newly added) designated by of the Ministry of Agriculture and Rural Affairs for storage (newly added) within the publicity period.

Article 33 For the registered varieties, the variety registration committees shall designate an identifier and issue a certificate, and the competent agricultural departments at the same level shall publish the notice thereof.

For the varieties with provincial registration, the competent agricultural departments of the people's government at the provincial level shall submit the information such as variety name to the Ministry of Agriculture and Rural Affairs before the public notice and the Ministry of

Agriculture and Rural Affairs will release the information for public comments, and the period of the public comments shall be fifteen (15) working days

Article 34 The registration number consists of the abbreviation of registration committee, the abbreviation of crop species, and a four-digit series number.

Article 35 The public notice for variety registration includes registration number, variety name, applicants, breeders, variety sources, morphological characteristics, growth period (newly added) (group), yield, quality, resistance to stress, key points of cultivation techniques, suitable planting area and notes.

(Newly added) The GE variety should also include the event research and development unit, the name of the event, the agricultural GMO safety certificate number, and the GE target traits, etc.

The provincial notice shall be submitted to the National Variety Registration Committee for filing within thirty (30) days.

The variety name published in the public notice shall be a generic name of the variety, and any unauthorized alterations during the process of production, operation and marketing shall be prohibited.

Article 36 The registration certificate includes registration number, variety name, applicants, breeder, variety sources, registration comments, public notice number and certificate number. (Newly added) The GE variety should also include the event research and development unit, the name of the event, and the agricultural GMO safety certificate number.

Article 37 Where the varieties fail the registration, the offices of variety registration committees shall inform the applicants within thirty (30) days in written, and in case of an objection against the results, the applicants shall apply to previous committees in charge of the registration of the variety or the National Variety Registration Committee for reexamination within thirty (30) days upon receipt of the written notice. The variety registration committees which accept the application before shall review the reexamination reasons, previous registration documents and procedures at the forthcoming registration meeting. Where there is dissent on the evaluation results of pest and disease, or the variety registration committees deem it necessary, other institutions may be arranged to make a reexamination.

The offices of the variety registration committees shall inform the applicants of the review result within thirty (30) days of reexamination in written.

Article 38 The variety registration criterion shall be stipulated by the variety registration committees at the same level. The variety registration criterion shall be favorable to the

improvement and coordination of yield, quality, and resistance, and to the marketing of the varieties adaptive to market and living consumption needs.

Provincial variety registration criterion shall be filed with the National Variety Registration Committee within thirty (30) days after its release.

The variety registration criterion shall be published for public comments.

Chapter VI Variety Introduction Record

Article 39 The competent agricultural departments of the people's government at the provincial level shall establish a mutual sharing and recognition mechanism for inter-provincial variety test data in the same suitable ecological zone so as to file the introduced varieties on record.

Article 40 Where the varieties approved at provincial level are introduced to other provinces, autonomous regions and municipalities in the same suitable ecological zone, the introducer shall file the introduced variety with the competent agricultural departments of the people's government at the province, autonomous regions or municipality directly under central government where the introducer locates.

When putting the introduced variety on file, the introducer shall fill out crop species, name of the variety, name of the introducer, contacts, suitable planting regions of the registered variety, regions planning to introduce the variety and other information in the Variety Introduction Registration Form.

Article 41 The introducer shall carry out adaptability and disease resistance tests in the regions planning to introduce the variety for at least one year, and be responsible for the authenticity, safety and adaptability of the varieties. For those varieties with New Plant Variety Right, it shall obtain the consent of the right holder.

Article 42 The competent agricultural departments of the people's government of the province, autonomous region and municipality directly under the central government shall release variety introduction record notice timely. The notice shall include the name, introducer, breeder, registration number, and suitable planting regions of the introduced variety and others. Its format shall be (X) variety introduction (X) Number X, of which, the first X refers to abbreviation of the province, autonomous region and municipality directly under the central government; the second X refers to the year; and the third X refers to series number.

Article 43 The same suitable ecological zone for national registered varieties shall be determined by the National Variety Registration Committee. The same suitable ecological zone for provincially registered varieties shall be determined by the provincial variety registration

committee based on the same suitable ecological zones determined by the National Variety Registration Committee.

Chapter VII Registration Revocation

Article 44 The registration shall be revoked if any of the following circumstances occur in the registered variety:

- (1) serious defect in the application;
 - (2) severe degradation of variety characters or loss of production and utilization value.
 - (3) failing to provide variety standard sample as required or provide inauthentic standard sample;
- and
- (4) obtaining registration by fraudulent and fake data of test and other means.
 - (Newly added) (5) The Biosafety Certificate has expired.

Article 45 For the varieties to be revoked for registration, the offices of variety registration committees shall, after asking the applicants for opinions, put forward a proposal, and upon the preliminary examination of the special committees, make public it on the official website of the competent agricultural departments at the same level for at least thirty (30) days.

After the period for public comments expires, the offices of variety registration committees shall submit the output of the preliminary examination and the results of the public comments to the director committees of the variety registration committees for registration. The director committees shall complete it within thirty (30) days, and if the application is approved upon examination, the result shall be published by the competent agricultural departments of the same level.

Article 46 Where the variety is published to revoke registration, its production and advertisement shall be ceased from the date of publication, and the sales and marketing shall be stopped within one production cycle from the date of publication. Where the variety registration committees deem it necessary, the sales and marketing of the variety shall be stopped from date of publication.

The notice of provincial registration revocation shall be filed with the National Variety Registration Committee within thirty (30) days after its publication.

Chapter VIII Supervision and Administration

Article 47 The Ministry of the Agriculture and Rural Affairs shall establish a national crop variety registration data and information system to achieve online application, acceptance, (newly added) review and release of national and provincial variety (newly added) test and registration, internet sharing of information such as variety test data, registered varieties, varieties with registration revoked, introduced and filed varieties, standard samples, and (newly

added) events and to uniformly print out variety registration certificate online. The format of the variety registration certificate shall be designed by the National Variety Registration Committee. The competent agricultural departments of the people's government at the provincial level or above shall release information such as variety registration, registration revocation, variety introduction and filing, supervision and administration on a unified government information platform to receive supervision.

Article 48 The variety test, and registration institutions and their personnel shall keep in confidential the applicants' trade secrets which are learnt about during the testing, and the registration, and shall not provide the seed applying for variety registration out of the purpose use or for seeking illegal interests.

Article 49 The variety registration committees and their personnel shall be devoted to their duties, and be impartial and honest. In case of failing to perform the functions and duties by law, or practicing fraud or favoritism, punishment shall be given in accordance with the law, and from the date when the decision on the punishment is made, they shall not be allowed to engage in variety registration work in five (5) years.

Article 50 Where an applicant has fraudulent or bribery acts or other misconducts the variety registration procedure; his or her application shall not be accepted within three (3) years. Where there is any member enterprises of the union practiced fraud, the procedures for the testing, and registration of the variety shall be terminated. The member enterprise practicing fraud shall not be allowed to apply for variety registration within three (3) years, and not to attend union test. Other members shall undertake joint liability, and not attend other unions' test within three (3) years.

Article 51 The variety test and identification institutions which issue false test and inspection data or certificates shall be punished in accordance with Article 72 of the Seed Law of the People's Republic of China, and relevant laws and regulations.

Article 52 Where there are fraudulent acts in variety testing carried out by the breeding, production and marketing integrated seed enterprise itself and in variety application for registration, penalty of between RMB one million and RMB five million shall be imposed on the enterprise by the competent agricultural departments of the people's government at the provincial level or above, and no more variety tests shall be carried out by the enterprise itself; and in case of causing a loss to the seed users or other seed production and operation entities, the enterprise shall assume compensation liability in accordance with the law.

Article 53 The Ministry of Agriculture and Rural Affairs shall carry out supervision and inspection over the variety registration work of the competent agricultural departments of the people's government at the provincial level. In case of failing to carry out the work on

registration of the variety, filing of the introduced variety or revoking of the registration in accordance with the law, an order for correction in a time limit shall be issued, and punishment shall be legally given.

Article 54 In case of violating the provisions herein and constituting a crime, criminal liability shall be legally investigated.

Chapter IX Supplementary Provisions

Article 55 The expenditure for the testing, registration of the crop varieties shall be included in the special fiscal budget of the competent agricultural department of the same level.

(Deleted) Article 56 The GM Crop Variety (except for GM cotton) Registration Measures shall be formulated separately.

Article 57 The varieties tested by the breeding, production and marketing integrated seed enterprises themselves or tested under the organization of the unions shall not attend corresponding region/group tests organized by the national and provincial test implementation agencies.

Article 58 These Measures shall come into effect on August 15, 2016. The Administrative Measures for Major Crops Varieties Registration (the Ministry of Agriculture Decree [2013] No. 4) promulgated on December 27, 2013, and the Provisions on the Scope of Major Crops promulgated by Decree No. 51 of the Ministry of Agriculture on February 26, 2001 shall be simultaneously repealed.

Administrative Measures for Crop Seed Production and Operation License

Chapter I General Provisions

Article 1 These Measures are enacted in accordance with the *Seed Law of the People's Republic of China* for the purposes of strengthening the administration over the crop seed production and operation licensing and regulating the crop seed production and operation order.

Article 2 These Measures shall apply to the application, examination and approval, issuance and regulation of the crop seed production and operation license.

Article 3 Competent agricultural departments of the people's government at the county level or above shall be responsible for the acceptance, examination and approval, issuance and regulation of the crop seed production and operation license based on their segregation of duties.

Article 4 The competent agricultural departments in charge of the examination and approval and issuance of the crop seed production and operation permits shall make public the handling conditions, procedures or other information for crop seed production and operation license at their offices.

Article 5 The competent agricultural departments shall legally strengthen the administration over the crop seed production and operation licensing based on the principles of safeguarding the agricultural production safety, improving the crop variety selective breeding, seed production and operation level, promoting fair competition and strengthening the concurrent and ex-post regulation.

Chapter II Application Conditions

Article 6 Enterprises applying for obtaining the Seed Production and Operation License shall have facilities, equipment, varieties and personnel adequate to the seed production and operation, and meet the conditions provided herein.

Article 7 Enterprises applying for obtaining the Seed Production and Operation License for the normal seeds of main crops or the non-main crop seeds shall meet the following conditions:

(1) Basic Facilities. Enterprises producing and operating normal seeds of main crops shall have an office space of an area of at least 150 m², a testing room of an area of at least 100 m², a processing plant of an area of at least 500 m² and a warehouse of an area of at least 500 m²; and enterprises producing and operating non-main crop seeds shall have an office space of an area of at least 100 m², a testing room of an area of at least 50 m², a processing plant of an area of at least 100 m² and a warehouse of an area of at least 100 m²;

(2) Testing Instruments. Having cleanliness analysis platform, electronic scale, sample crusher, oven, biological microscope, electronic balance, sampler, sample splitter, germination box and other testing instruments, and meeting the conditions for routine testing of seed quality;

(3) Processing Equipment. Having seed processing and packaging equipment aligned with their scale. Of which, enterprises producing and operating normal seeds of main crops shall have complete sets of seed processing equipment, and if producing and operating normal wheat seeds, the total processing capacity of the complete sets of equipment shall be 10 tons/hour or more; if producing and operating normal rice seeds, the total processing capacity of the complete sets of

equipment shall be 5 tons/hour or more; if producing and operating normal soybean seeds, the total processing capacity of the complete sets of equipment shall be 3 tons/hour or more, and if producing and operating normal cotton seeds, the total processing capacity of the complete sets of equipment shall be 1 ton/hour or more;

(4) Personnel. There are respectively two or more professional technicians in terms of seed production, processing and storage and testing;

(5) Variety. In case of producing and operating normal seeds of main crops, obtaining the variety approval for their seeds produced and operated, and having at least one (1) approved varieties corresponding with the crop species applied for production and operation. In case of producing and operating seeds of registered crop, having one or more varieties registered; and in case of producing and operating seeds of any authorized varieties, having the written consent of the variety right holder;

(6) Production Environment. There is no quarantine pest at the place of production, and there are isolation and breeding conditions for seed production; and

(7) Other conditions as required by the Ministry of Agriculture and Rural Affairs.

Article 8 Enterprises applying for obtaining the Seed Production and Operation License for the hybrid seeds of main crops and their parental seeds shall meet the following conditions:

(1) Basic Facilities. Having an office space of an area of at least 200 m², a testing room of an area of at least 150 m², a processing plant of an area of at least 500 m², and a warehouse of an area of at least 500 m²;

(2) Testing Instruments. Except for the conditions set forth in Subparagraph 2 of Article 7 hereof, there shall be PCR instrument and products detection supporting equipment, acidometer, autoclave, magnetic stirring apparatus, thermostat water bath, high speed refrigerated centrifuge, complete sets of pipette and other instruments and equipment, and enterprises shall be able to carry out tests on the four indicators, namely, seed moisture content, purity, cleanliness and germination rate, and the variety molecular identification;

(3) Processing Equipment. Having complete sets of seed processing equipment, and if producing and operating hybrid corn seeds, the total processing capacity of the complete sets of equipment shall be 10 tons/hour or more; if producing and operating hybrid rice seeds, the total processing capacity of the complete sets of equipment shall be 5 tons/hour or more; and if producing and operating hybrid seeds of other main crops, the total processing capacity of the complete sets of equipment shall be 1 ton/hour or more;

(4) Personnel. There are respectively five or more professional technicians in terms of seed production, processing and storage and seed testing;

(5) Variety. Obtaining the variety approval for the varieties produced and operated, and having self-bred variety or any one or more approved varieties for which the enterprise is the first selective breeder, or any two or more approved varieties resulted from cooperation on selective breeding, or any three or more varieties having accepted the transfer of variety right, and if producing and operating seeds of any authorized varieties, having the written consent of variety right holder;

(6) Having the conditions set forth in Subparagraph 6 of Article 7 hereof; and

(7) Other conditions as required by the Ministry of Agriculture and Rural Affairs.

Article 9 Enterprises applying for obtaining the Seed Production and Operation License for the combination of selective breeding, production and operation and with a national valid region

shall meet the following conditions:

(1) Basic Facilities. Having an office space of an area of at least 500 m², and a refrigerated storage of an area of at least 200 m². In case of producing and operating main crop seeds or seed potatoes, having a testing room of at least 300 m²; and in case of producing and operating other crop seeds, having a testing room of an area of 200 m². In case of producing and operating hybrid corn, hybrid rice, wheat seed or seed potato, having a processing plant of an area of at least 1,000 m² and a warehouse of an area of at least 2,000 m²; and in case of producing and operating cotton or soybean seed, having a processing plant of an area of at least 500 m² and a warehouse of an area of at least 500 m²; and in case of producing and operating seeds of other crops, having a processing plant of an area of at least 200 m² and a warehouse of an area of at least 500 m²;

(2) Breeding Institution and Test Networks. Having specialized breeding institutions and corresponding breeding materials, and established complete archives on research of scientific breeding. In case of producing and operating hybrid corn and hybrid rice seeds, having at least 30 test sites in different ecological zones in China and corresponding sowing, harvesting and test facilities and equipment; and in case of producing and operating seeds of other crops, having at least 10 test sites in different ecological zones in China and corresponding sowing, harvesting and test facilities and equipment;

(3) Breeding Base. Having a base for scientific research on breeding that is owned or leased by the enterprise (with a lease term of no less than 5 years). In case of producing and operating hybrid corn and hybrid rice seeds, having at least five (5) breeding bases in different ecological zones with a total area of at least 200 mu; and in case of producing and operating other crop seeds, having at least three (3) breeding bases in different ecological zones with a total area of at least 100 mu;

(4) Scientific Research Input. Within three (3) years from the date of application, the annual average scientific research input shall not be lower than 5 percent of the annual revenue from sale of seeds, and if producing and operating hybrid corn seed, the annual average scientific research input shall not be lower than RMB 15,000,000, and if producing and operating hybrid rice seed, the annual average scientific research input shall not be lower than RMB 8,000,000, and if producing and operating other seeds, the annual average scientific research input shall not be lower than RMB 3,000,000;

(5) Variety. In case of producing and operating main crop seeds, obtaining approval for the varieties produced and operated, and having at least three (3) national approved varieties for which the enterprise is the first breeder, or at least six (6) provincial approved varieties (including at least approved by three (3) provinces), or two (2) national approved varieties and at least three (3) provincial approved varieties, or one (1) national approved variety and at least five (5) provincial approved varieties. In case of producing and operating hybrid rice seeds as well as normal rice seeds, having at least one (1) national approved variety for which the enterprise is the first seeder of the normal rice seed or at least three (3) provincial approved varieties and in addition to have the variety conditions as required by the hybrid rice seed. In case of producing and operating seeds of non-main crops, having at least five (5) varieties with corresponding plant variety rights obtained by the enterprise in its own name and by itself; in case of producing and operating seeds of any authorized varieties, having the written consent of variety right holder;

(6) Production Scale. If producing and operating hybrid corn seeds, the annual average seed production area in recent three (3) years shall be 20,000 mu or more; if producing and operating hybrid rice seeds, the annual average seed production area in recent three (3) years shall be

10,000 mu or more; and if producing and operating seeds of other crops, the quantity of the seed so produced in recent three (3) years shall not be lower than the quantity of the qualified seeds of such crop used in 1,000,000 mu land;

(7) Seed Operation. Having established and sound sales network and after-sale service system. If producing and operating hybrid corn seeds, the sales amount of hybrid corn seed shall reach RMB 200,000,000 or more or account for 1% or more of the national market share of such seed, in any one (1) year of the three (3) years prior to the date of application; if producing and operating hybrid rice seeds, the sales amount of hybrid rice seed shall reach RMB 120,000,000 or more or account for 1 percent or more of the national market share of such seed, in any one (1) year of the three (3) years prior to the date of application; if producing and operating vegetable seeds, the sales amount of such seed shall reach RMB 80,000,000 or more or accounts for 1 percent or more of the national market share of such seed, in any one (1) year of the three (3) years prior to the date of application; if producing and operating seeds of other crops, the sales amount of any seed shall account for 1 percent or more of the national market share of such seed in any one (1) year of the three (3) years prior to the date of application;

(8) Seed Processing. Having complete set of seed processing equipment, and in case of producing and operating hybrid corn and wheat seeds, the total processing capacity shall not be lower than 20 tons/hour; in case of producing and operating hybrid rice seeds, the total processing capacity shall not be lower than 10 tons/hour (including indent cleaning equipment); in case of producing and operating soybean seeds, the total processing capacity shall not be lower than 5 tons/hour; and in case of producing and operating seeds of other crops, the total processing capacity shall not be lower than 1 ton/hour. If producing and operating hybrid corn, hybrid rice or wheat seeds, having the corresponding drying equipment;

(9) Personnel. In case of producing and operating hybrid corn seeds and hybrid rice seeds, having 10 or more professional breeding personnel with bachelor degree or above or intermediate professional titles; and in case of producing and operating seeds of other crops, having 6 or more professional breeders with bachelor degree or above or intermediate professional titles. If producing and operating seeds of main crops, having at least 5 full-time professional technicians respectively for production, processing and storage, and testing; and if producing and operating seeds of non-main crops, having at least 3 full-time professional technicians respectively for production, processing and storage, and testing;

(10) Having the conditions set forth in Subparagraph 6 of Article 7 hereof and Subparagraph 2 of Article 8; and

(11) Other conditions as required by the Ministry of Agriculture and Rural Affairs .

Article 10 (Newly added) An enterprise applying for a GE crop seed Production and Operation License seeds shall meet the following conditions:

(1) Two or more agricultural GMO safety management personnel;

(2) The seed production site and business area are within the area approved by the Biosafety certificate;

(3) Having the isolation and production conditions that meet the requirements;

(4) There are corresponding safety management and preventive measures for agricultural GMOs.

(5) Other conditions stipulated by the Ministry of Agriculture and Rural Affairs.

Any enterprises or foreign-invested enterprises engaged in seed import and export business and (newly added) GE crop seeds production and operation shall, when applying for seed production

and operation licenses, meet other conditions provided in relevant laws and administrative regulations in addition to the corresponding conditions for issuance of the Seed Production and Operation License provided herein.

Article 11 The following materials shall be submitted when applying for obtaining the Seed Production and Operation License:

- (1) Application Form for Crop Seed Production and Operation License (see Appendix 1 for format);
- (2) Nature of organization, shareholding structure and other basic information, copies of the articles of association and the business permit, and description on establishment of branch, entrusted production of seeds and entrusted sale of seeds on a commission basis, and sale of seeds by means of buying and selling;
- (3) Basic information of professional technicians for the seed production, processing and storage and testing, (newly added) and agricultural GMO safety management personnel, (deleted) and copies of certificates of social insurance paid by the enterprise, name list of legal representative and senior executives of the enterprise and their seed industry experience;
- (4) Proof materials on property and assets of their ownership for the seed testing room, processing plant, warehouse and other facilities; copies of property certificates for their ownership of the office space or lease contract; copies of the list and purchase invoice of seed testing and processing equipment; description and photos of relevant facilities and equipment;
- (5) Copies of variety registration certificate; (newly added) in case of producing and operating GE crop seeds, the copy of the Biosafety Certificate, and in case of producing and operating seeds of any authorized variety, the copy of certificate of plant variety right and the certificate on the written consent given by the variety holder;
- (6) Copy of the commission contract of seed production, and description and proof materials on seed production organized by the enterprise itself;
- (7) Quarantine certificate of the place of production of seeds; and
- (7) Quarantine certificate of seed production site;
- (8) (Newly added) Description of agricultural GMO safety management, preventive measures, and isolation, production conditions
- (9) Other conditions as required by the Ministry of Agriculture and Rural Affairs.

Article 12 In case of applying for the Seed Production and Operation License for combination of selective breeding, production and operation, and with a national valid region, in addition to the materials provided in Article 11 hereof, the following materials shall also be submitted:

- (1) Photocopy of the certificate of self-owned base for scientific research on breeding or contract for lease of the base for scientific research on breeding;
- (2) Statement on the variety testing network and the testing sites, and the copies and photos of the property certificate of the corresponding self-owned sowing, harvesting and drying equipment and facilities;
- (3) Statement on breeding institution, scientific research input, breeding materials and scientific research activities and relevant proof materials; basic information of the breeding personnel and the copies of certificates of social insurance paid by the enterprise for which the breeding personnel work;
- (4) Statement on the seed production places in the recent 3 years and their area and the contact person, the base and relevant proof materials;
- (5) Statement on seed operation volume, turnover and its market share, and relevant proof

materials; and

(6) Construction situation of the sales network and after-sale service system.

Chapter III Acceptance, Examination, Approval and Issuance

Article 13 The Seed Production and Operation License will be examined, approved and issued level by level.

(1) For any enterprise which engages in the production and operation of normal seeds of main crops and the operation of non-main crop seeds, the Seed Production and Operation License of such enterprise shall be examined, approved and issued by the local competent agricultural department at the county level or above at the place of the enterprise;

(2) For any enterprise engaging in the production and operation of hybrid seeds of main crops and the parental seeds thereof or combining selective breeding with production and operation and having a national valid region, the Seed Production and Operation License of such enterprise shall be examined by the competent agricultural department at the county level at the place of the enterprise, and approved and issued by the competent agricultural department of the province, autonomous region or municipality directly under central government where the enterprise locates; and

(3) For any enterprise engaging in the crop seed import and export business (newly added) and GE crop seeds production and operation, the Seed Production and Operation License of such enterprise shall be examined by the competent agricultural and rural department of the province, autonomous region or municipality directly under central government where the enterprise locates, and approved and issued by the Ministry of Agriculture and Rural Affairs.

Article 14 With regard to the application submitted by an applicant enterprise for Seed Production and Operation License, the competent agricultural department shall handle it differently in light of the following circumstances:

(1) Where no Seed Production and Operation License is necessary, it shall inform the applicant immediately that such an application is not to be accepted;

(2) Where the application does not fall within the scope of its functions and powers, it shall make the decision not to accept the application immediately and inform the applicant of relevant department to which the application should be submitted;

(3) Where the errors in the application materials can be corrected on the spot, the applicant enterprise shall be permitted to correct them on the spot;

(4) Where the application materials so submitted are not complete or not in conformity with the statutory form, it shall, on the spot or within five days, inform the applicant, all at once, of what needs to be supplemented or corrected; and if it fails to do so at the expiration of the time limit, the application shall be deemed to be accepted as of the date it receives the application materials; and

(5) Where the application materials so submitted are complete and conform to the statutory form, or the application materials to be supplemented or corrected as required are all submitted, it shall accept the application.

Article 15 The examination and approval authority shall examine the materials of application submitted by the applicant enterprise, carry out on-site survey of the office space and the seed processing, testing and storage facilities and equipment of the applicant enterprise, and inspect the originals of relevant application materials.

The examination and approval authority shall complete the examination and approval work within 20 business days upon the date of receipt of application materials. For applications which meet the conditions provided herein, the examination and approval opinions shall be signed and reported to the issuing authority; and where the applications fail the examination and approval, a written notice with explanation of reasons shall be given to the applicant.

Article 16 The issuing authority shall complete the issuance work within 20 business days upon the date of receipt of application materials and examination and approval opinions. Where the issuing authority deems it necessary, it may carry out on-site survey and inspect the originals. Where the required conditions are met, the Seed Production and Operation License shall be issued and announced; otherwise, a written notice with explanation of reasons shall be given to the applicant.

In case of issuing the Seed Production and Operation License for combination of selective breeding, production and operation and with a national valid region, an announcement thereof shall be published by the issuing authority on <http://www.seedchina.com.cn/> for five business days.

Chapter IV License Management

Article 17 The Seed Production and Operation License has one Original Certificate and one Duplicate Certificate (see Appendix 2 for samples). The Original Certificate indicates the license number, name of enterprise, unified social credit identifier, address, legal representative, scope of production and operation, method of production and operation, valid region, term of validity, issuing authority, date of issuance; and the Duplicate Certificate indicates the type of crop, seed species, variety name and approval (registration) number, and place of production, etc. of the seeds to be produced.

(1) The license number shall be “__ (xxxx) Nong Zhong Xu Zi (xxx) No. xxxx”. The type of production and operation shall be added on “__” : A. the combination of selective breeding, production and operation; B. main crop hybrid seeds and their parental seeds; C. seeds of other main crops; D. seeds of non-main crops; E. import and export of seeds; F. foreign-invested enterprise; (newly added) G. GE crop seed; the abbreviation of the issuing authority shall be filled in the first bracket in the format of “province, prefecture and county”; the year of initial issuance of the license shall be filled in the second bracket; “No. xxxx” shall be filled in a 4-digit sequence number;

(2) The scope of production and operation shall be filled in based on the crop name of the seeds under production and operation, and vegetables, flowers and fiber crops shall be filled in based on their types of crop;

(3) The method of production and operation shall be filled in based on production, processing, packaging, wholesale, retail or import and export;

(4) Valid Region. The valid region of the Seed Production and Operation License for combination of selective breeding, production and operation shall be the whole country. The valid region of other Seed Production and Operation Licenses shall be determined by the issuing authority within the scope of its jurisdiction; and

(5) The place of production means the place where the seeds are produced, and the place of production shall be completed in the county administrative region for main crop hybrid seeds, or to the provincial administrative region for other crops.

The Seed Production and Operation License shall be indicated with the license information code. The license information code will be automatically generated when the issuing authority prints the license certificate, and the permit information code shall include content relating to the Seed Production and Operation License.

Article 18 The valid region indicated on the Seed Production and Operation License refers to the region where the enterprise establishes its branch.

The seed production place shall not be subject to the limitations of the valid region indicated on the Seed Production and Operation License, and shall be determined by the issuing authority in accordance with the seed production contract copies and the certificate of no quarantine pest submitted by the applicant.

The seed sale activity shall not be subject to the limitations of the valid region indicated on the Seed Production and Operation License, provided that the place where the seeds are terminally sold shall be within the suitable region indicated in and on the variety approval, variety registration or label.

Article 19 The term of the Seed Production and Operation License shall be five (5) years. (Newly added) The term of the Seed Production and Operation License for GE crop seeds shall not exceed the validity period specified in the Biosafety certificate.

In case of any change within the term of validity to the matters indicated on the Original Certificate, an application for change, together with the corresponding materials, shall be submitted to the original issuing authority, and the original issuing authority shall legally examine and go through the formalities for the change.

In case of any change within the term of validity to the seed variety, the place of production or other matters indicated on the Duplicate Certificate, the application for change shall be submitted to the original issuing authority 30 days prior to sowing; and where the application materials so submitted are complete and in conformity with the statutory form, the original issuing authority shall change the registration on the spot.

Where any enterprise is indented to continue engaging in the seed production and operation business upon expiry of the term of the Seed Production and Operation License, such enterprise shall re-file its application for that at least 6 months prior to the expiry of term.

Article 20 Where during the validity term of the Seed Production and Operation License, any of the following circumstances occurs, the issuing authority shall revoke the license and announce the same:

- (1) Where the enterprise concerned ceases its production and operation activities for one year or more;
- (2) Where the enterprise concerned has not possessed the permit conditions provided herein, and still fails to do so upon correction within prescribed time limit.

Chapter V Supervision and Inspection

Article 21 It is not required to go through the formalities for the Seed Production and Operation License in any of the following circumstances:

- (1) Where individual farmers sell or swap their surplus self-produced and self-used normal seeds on local fairs and markets;
- (2) Where an enterprise establishes a branch within the valid region indicated on the Seed Production and Operation License;
- (3) Where an enterprise specializes in packaged seed without sub-package; and
- (4) Where an enterprise produces and sells seeds on behalf of another enterprise with Seed Production and Operation License under any written entrustment or authorization.

Farmers set forth in forgoing Subparagraph 1 refers to farmers who have signed the rural land contracted management agreement in the form of household-responsibility system. Local fairs and markets refer to those markets within the countryside (township) regions where the farmers live. The number of sold or swapped seeds shall not exceed the annual number of seeds to be used by such individual farmers on their lands subject to the household-responsibility system. Any farms sold or swapped seeds against the provisions set forth in this Paragraph shall be deemed to produce and operate seeds without the License.

Article 22 Where an enterprise establishes any branch within the valid region indicated on the Seed Production and Operation License, such enterprise shall file with local competent agricultural department at the county level within 15 days upon obtaining or changing the business permit of the branch.

The filing content includes the copies of business permit of the branch, the copies of the Seed Production and Operation License of the enterprise that establishes such branch, and the name, domicile, principal and contacts of the branch (see Appendix 3 for the format).

Article 23 Where an enterprise specializes in packaged seed without sub-package, or sells seeds on behalf of another enterprise with Seed Production and Operation License under any written entrustment or authorization, such enterprise shall, prior to the sale of seeds, file with the local competent agricultural department at the county level and establishes sales account for seeds. The filing content includes the copies of business permit of the seed seller, the copies of the seed purchase and sale vouchers or the commission sale contract, the name, domicile, operation method, principal and contacts of the seed seller, the place of sale of seeds, variety name, quantity of seeds and other relevant information of the seeds sold (see Appendix 4 for the format). The sales account shall provide a faithful record of the name, quantity, source and whereabouts of the seeds.

Article 24 Where an enterprise is entrusted by another enterprise with the Seed Production and Operation License in writing to produce its seeds, such enterprise shall file with local competent agricultural and rural department at county level before sowing of the seeds. **(Newly added)** Where an enterprise is entrusted to produce GE crop seeds, such enterprise shall have specialized management personnel and business files, and shall have corresponding safety management and preventive measures and other conditions stipulated by the agricultural and rural administrative department of the State Council. The filing content includes the copies of Seed Production and Operation License of the entrusting enterprise and commission production contract, the name,

domicile, principal and contacts of the seed producer, and the variety name, place of production, production area and other information of the seed produced (see Appendix 5 for format). In case of producing hybrid corn or rice seeds under entrustment, the entrusted enterprise shall submit the agreement of production concluded with the farmers, farmer's cooperative organization or village committee at the place of production. (Newly added) In case of producing GE crop seeds under entrustment, the entrusted enterprise shall also submit the copy of Biosafety Certificate.

Article 25 The seed production and operation entity shall establish the seed production and operation archives, including the original recording or vouchers generated from the field production, processing and package, sales and circulation as well as other links of and relating to the seeds. The details are as follows:

(1) The field production records shall include technical director, crop species, variety name, name of parental (original) seed, source of parental (original) seed, place of production, production area, sowing date, segregation measures, production area quarantine, harvest date, seed yield, etc. In case of seed production under entrustment, the seed production entrustment contract shall also be included.

(2) The processing and packaging records shall include technical director, variety name, place of production, processing time, processing place, package specifications, batch of the seeds, marks and labels, warehouse-in time, quantity of seeds, quality inspection report, etc.

(3) The circulation and sales records shall include handler, name and address of the seed sale target, variety names, package specifications, sales volume, selling time and sales vouchers. In case of purchase and sale in bulk, the purchase and sale contract shall also be included.

The seed production and operation entity shall at least retain the seed production and operation archives for five (5) years to ensure the continuity, completeness, authenticity and traceability of the records therein. Where the archive materials include photocopies, the copying time shall be indicated and signed or sealed by the relevant persons in charge thereof.

Article 26 The seed production and operation entity shall keep the samples of seeds produced and operated hereunder batch by batch, and the samples shall at least be kept for two (2) production cycles of such crops.

Article 27 Where the applicant intentionally conceals relevant situations or provides false materials when applying for the Seed Production and Operation License, the competent agricultural department shall disapprove and put such misconduct of the applicant on record and include the same into the credit system, and the applicant may not apply for the Seed Production and Operation License within one (1) years.

Where the applicant obtains the Seed Production and Operation License by improper means such as cheat or bribery, the competent agricultural department shall cancel the Seed Production and Operation License, and put the misconduct of the applicant on record and include the same into the credit system, and the applicant may not apply for the Seed Production and Operation License within three (3) years.

Article 28 The competent agricultural departments shall carry out supervision and inspection over the seed production and operation activities, and in case of discovering any inconsistency with the regulations provided in the Measures, deal with the illegal activities in accordance with the *Seed Law of the People's Republic of China*.

The competent agricultural departments shall legally announce the information relating to the examination and issuance, and the cancellation, revocation and deregistration of the Seed Production and Operation License, and timely update the information on <http://www.seedchina.com.cn/>.

The competent agricultural departments and their personnel shall legally keep in confidential the trade secrets of the enterprise during the administration of permit.

Article 29 The superior competent agricultural departments shall carry out supervision and inspection over the seed production and operation licensing conducts of the inferior competent agricultural departments. Under any of the following circumstances, an order for correction will be issued, and the directly responsible executive and other direct responsible persons shall be legally given administrative discipline; and where it constitutes a crime, they shall be legally transferred to the judicial authority to be investigated for criminal liability:

- (1) Where they issue any Seed Production and Operation License not in compliance with their issuance powers and authorities;
- (2) Where they arbitrarily lower the issuance criteria to issue Seed Production and Operation License; or
- (3) Where they commit any other activity to illegally issue the Seed Production and Operation License.

Chapter VI Supplementary Provisions

Article 30 The seed production and operation mentioned herein refers to activities of sowing, harvesting, drying, cleaning, classifying, coating, packaging, labeling, storing, selling, exporting and importing seeds; and the seed production refers to field activities of sowing and harvesting for seeds breeding (production).

Article 31 The complete sets of seed processing equipment mentioned herein refer to the processing system that the main equipment and the supporting systems mutually match each other and are mounted and installed within the processing plant, to realize the selecting, coating, measurement and packaging of seeds. The main equipment mainly includes the air-screen separator (the winnowing part shall have front and rear air suction ducts, double settling chambers; the screen part shall have three or more screen pieces), gravity separator and computer measurement packing equipment; the supporting system mainly includes the transporting system, storage system, dust removal system, cleaning system and electronic control system.

Article 32 The facilities and equipment for scientific research on breeding, production, processing, testing and storage shall be the property or assets self-owned by the applicant enterprise, the property or assets self-owned by its subsidiary in which it has absolute majority shareholding. The office spaces shall be within the administrative region of the issuing authority of the Seed Production and Operation License, and tenable. The self-owned variety of a subsidiary in which the applicant enterprise has absolute majority shareholding may be deemed as the self-owned variety of the applicant enterprise. The subsidiary which the applicant enterprise has absolute majority shareholding may not take advantage of the said license obtaining conditions to repeatedly apply for obtaining the Seed Production and Operation

License.

Article 33 Seeds without sub-package mentioned herein refer to the seeds packed in accordance with relevant regulations and standards, and with minimum quantities which may not be further sub-packaged. In case of sub-packaging seeds, the seed production and operation entity shall obtain the Seed Production and Operation License, guarantee the intactness of the package of the seeds, and undertake responsibility for the sub-packed seeds.

The kernel seeds, the caryopsis, legume, capsule, drupe and other fruits, and the virus-free seed potatoes in mini-potatoes of generative propagation corps shall be packed, and the organs and tissues, and the seedlings of the vegetative propagation corps and their non-kernel seeds unsuitable for package may not.

The seed package shall conform to relevant national or industrial standards.

(Deleted) Article 34 The rules governing the licensing administration of the production and operation of genetically modified crop seeds shall be otherwise formulated by the Ministry of Agriculture.

Article 35 In case of applying for obtaining the Seed Production and Operation License for fresh corn seeds and popcorn seeds, it shall be handled in accordance with the licensing conditions for non-main crop seeds.

Article 36 In case of producing and operating the organs and tissues, and the seedlings of the vegetative propagation corps and their non-kernel seeds unsuitable for package, there shall be appropriate facilities, equipment, varieties and personnel, and the specific measures for that shall be formulated by the provincial competent agricultural departments and file with the Ministry of Agriculture and Rural Affairs.

Article 37 For administrative regions without any established competent agricultural department, the Seed Production and Operation License shall be examined, approved and issued by the competent agricultural department of the superior administrative region.

Article 38 The Seed Production and Operation License shall be uniformly printed and formulated by the Ministry of Agriculture and Rural Affairs, and the formats and samples of relevant forms are uniformly prepared by the Ministry of Agriculture and Rural Affairs. The application for, and the acceptance, examination and approval, issuance and printing of the Seed Production and Operation License, as well as the seed production and operation filing administration shall be carried out uniformly on <http://www.seedchina.com.cn/>.

Article 39 These Measures shall come into effect on August 15, 2016. The *Administrative Measures on Crop Seed Production and Operation Licensing* (the Ministry of Agriculture Decree [2011] No. 3) promulgated on August 22, 2011 and revised on April 29, 2015, together with the *Provisions on Processing and Packing of Commercial Crop Seeds* promulgated by Decree No.50 of the Ministry of Agriculture on February 26, 2001 shall be simultaneously

repealed.

The validity term of the crop seed production and operation licenses that have been obtained prior to the entry into effect of these Measures shall remain the same, and for enterprises that hold licenses with an expired date somewhere between the date of publication of these Measures and August 15, 2016, the validity term of their original seed production or operation licenses shall be automatically extended to December 31, 2016.

Where the crop seed production or operation licenses that have been obtained prior to the entry into effect of these Measures are within the period of validity, the application for change of the matters indicated on the License shall go through the formalities of the change in accordance with the procedures provided in Article 13.

Regulations on Nomenclature of Agricultural Plant Varieties

Article 1 To standardize the nomenclature of agricultural plant varieties, strengthen the management of variety names, and protect the legitimate rights and interests of breeders and seed producers, operators, and users, in accordance with the "Seed Law of the People's Republic of China" and the "Regulations on the Protection of New Plant Varieties of the People's Republic of China" and the "Regulations on the Safety Management of Agricultural Genetically Modified Organisms (GMOs)" to formulate these regulations.

Article 2 The naming of agricultural plant varieties and their directly applied parents that apply for crop variety registration, (newly added) variety record and agricultural plant variety rights, (deleted) and Biosafety assessments shall comply with these regulations.

The naming of other agricultural plant varieties shall be implemented with reference to these regulations.

Article 3 The Ministry of Agriculture and Rural Affairs is responsible for the supervision and management of the names of agricultural plant varieties nationwide.

The agricultural administrative department of the local people's government at or above the county level shall be responsible for the supervision and management of the names of agricultural plant varieties in their respective administrative regions.

Article 4 The Ministry of Agriculture shall establish an agricultural plant variety name retrieval system for variety naming, review and inquiries.

Article 5 Only one name can be used for an agricultural plant variety.

The names of varieties in the same or similar agricultural plant genera shall not be the same.

(Amended to) Only one Chinese name can be used for an agricultural plant variety. The name of the previously used variety has priority, and no other variety names can be used to name the same variety.

English name shall be provided when applying for new plant variety protection.

Article 6 The applicant shall ensure in writing that the name of the variety applied for is consistent in crop variety registration, agricultural plant variety rights, and Biosafety assessment.

(Amended to) The applicant shall ensure in writing that the name of the variety applied for is consistent in crop variety registration, variety record, and agricultural plant variety rights.

Article 7 If two or more varieties of the same or similar plant genus file related applications under the same name, the name shall be granted to the first applied variety, and the latter shall be

renamed; for the same day application, the name shall be granted to the variety that has been cultivated first, and the variety cultivated later should be renamed.

Article 8 The variety name shall use standard Chinese characters, English letters, Arabic numerals, Roman numerals or their combination. The variety name must not exceed 15 characters.

Article 9 The naming of varieties shall not exist in the following circumstances:

- (1) Only composed of numbers or English letters;
- (2) Only composed of one Chinese character;
- (3) Contains the full name, abbreviation of the country name, except for those that have other meanings and are not easy to mislead the public;
- (4) Containing geographical names of administrative divisions at or above the county level or other domestic and foreign geographical names known to the public, except where the abbreviations of geographical names and geographical names have other meanings;
- (5) Those whose names are the same as or similar to those of intergovernmental and international organizations or other well-known international and domestic organizations, except those that have been approved by the organization or are not easy to mislead the public;
- (6) It is easy to misunderstand the characteristics, trait of plant varieties or the identity of the breeder, except for the usual naming of hybrid rice varieties;
- (7) Exaggerating publicity;
- (8) The name is identical or similar to another's well-known trademark or similar registered trademark without the (newly added) written consent of the trademark owner;
- (9) Containing plant genetic breeding terms such as hybridization, backcrossing, mutation, bud change, and anther culture;
- (Newly added) (10) Containing plant taxonomy species and genus names, except for abbreviations;
- (11) Violating national laws and regulations, social morality or discriminatory;
- (12) Other circumstances that are not suitable as a variety name or are liable to cause misunderstanding.

Article 10 In any of the following situations, it is a situation that is likely to cause misunderstandings about the characteristics and traits of plant varieties:

(1) It is easy for the public to misunderstand that the variety has a certain characteristic or traits, but the variety does not possess that characteristic or traits;

(2) It is easy to make the public mistakenly believe that only the variety has a certain characteristic or traits, but other varieties of the same genus or within the same species also have the characteristic or traits;

(3) It is easy to make the public mistakenly believe that the variety is derived from or related to another variety, and is not actually related;

(Newly added) (4) The name of the variety contains the name of a well-known person, except with the consent of the well-known person;

(5) Other situations that easily cause misunderstandings about the characteristics and traits of plant varieties.

Article 11 In any of the following situations, it is a situation that is likely to cause misunderstanding of the identity of the breeder:

(1) The name of the variety contains the name of another well-known breeder, (newly added) except with the consent of the well-known breeder;

(2) The name of the variety is similar to the name of another well-known series that has been used;

(3) Other situations that easily cause misunderstanding of the identity of the breeder.

Article 12 In any of the following circumstances, it shall be deemed that the name of the variety is the same:

(1) The pronunciation or the meaning of the word is different, but the text is the same;

(Newly added) (2) Expressed by Chinese numerals, Arabic numerals or Roman numerals, but the meaning is the same number

(3) It is only distinguished by whether there is a Chinese character “号” after the number in the name;

(4) Other situations where the name of the variety is deemed to be the same.

Article 13 When the Chinese name of a variety is translated into English, it shall be transliterated word by word, and the first letter of the transliteration of each Chinese character shall be capitalized.

When translating the foreign names of varieties into Chinese, the transliteration shall be given priority; if the transliterated name overlaps with the known variety, the meaning translation shall be adopted; if the meaning translation still has repetitions, it shall be named separately.

(Newly added) **Article 14** Varieties whose individual traits have been modified by genetic engineering technology, and their variety name is similar to the recipient variety name, shall be agreed by the recipient breeder.

Article 15 If the name of an agricultural plant variety does not conform to these regulations, the applicant shall modify it within the specified time limit. If the amendment is not made within the time limit or the amendment still does not meet the requirements, the application shall be rejected.

Article 16 Agricultural plant varieties that apply for crop variety registration, (newly added) variety record, and new agricultural plant variety rights, (deleted) and agricultural GMO assessment shall be publicized on the website of the Ministry of Agriculture and Rural Affairs before the announcement. The publicity period is 15 working days. Before the announcement of the crop varieties approved at the provincial level, the agricultural administrative department of the provincial people's government shall report the name of the variety to the Ministry of Agriculture and Rural Affairs for public announcement.

The Ministry of Agriculture and Rural Affairs will review the objections raised during the publicity period and notify the objector and applicant of the results of the objection.

Article 17 The name of the variety shall not be changed without authorization after the announcement. If it is really necessary to change, it shall be submitted to the original approval unit for approval.

Article 18 Anyone who sells agricultural plant seeds without using the announced variety name shall be punished by the agricultural administrative department of the people's government at or above the county level in accordance with the provisions of Article 59 of the Seed Law.

Article 19 In the process of applying for crop variety registration, (newly added) variety record, and agricultural plant new variety rights, (deleted) and agricultural GMO Biosafety assessment with the same variety, the applicant obtains multiple variety names through fraud, bribery and other improper means, except that the approval authority revokes the corresponding crop variety registration, (newly added) variety record, and new agricultural plant variety rights, (deleted) and agricultural GMO Biosafety certificate, the authority will no longer accept the corresponding application within three years.

Article 20 Agricultural plant varieties that have obtained a variety name before the implementation of these regulations may continue to use their names. For varieties in use with

multiple names, the Ministry of Agriculture will organize the sorting of the names of the varieties and re-announce them.

The application for crop variety registration, (newly added) variety record, and agricultural plant new variety rights (deleted) and agricultural GMO Biosafety that have been accepted but not yet approved before the implementation of these regulations, whose variety names do not meet the requirements of these regulations, shall be renamed within the specified time limit.

Article 21 These regulations shall come into force on XXXXXX.

END TRANSLATIONS

Attachments:

No Attachments.