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China Releases Regulations on Pesticide Management

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Report Highlights:

On March 16, the State Council released the “Regulations on the Management of Pesticides” (State Council Decree 677). These Regulations pertain to the registration, production, distribution, and use of pesticides. These were first promulgated in 1997 as State Council Decree 216, and later revised in 2001. Please note that the revised regulations are considered final and will be implemented on June 1, 2017. Prepared in cooperation with CropLife China, this report provides an unofficial translation of the standard.

General Information:

BEGIN TRANSLATION

Regulations on the Management of Pesticides

The Regulations were promulgated by the State Council Decree 216 on May 8, 1997 and revised by the State Council Resolution on Revising the Regulations on the Management of Pesticides on November 29, 2001; the Regulations were revised and adopted at the 164th Executive Session of the State Council on February 8, 2017.

Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of strengthening the management of pesticides, ensuring the quality of pesticides, ensuring the quality and safety of agricultural products and the safety of human beings and animals, and protecting agricultural and forestry production and the ecological environment.

Article 2 A pesticide, as referred to in these Regulations, means a substance or mixture or other preparation of one or more substances derived from chemical synthesis, or originated from biological and other natural sources, used to prevent or control diseases, insects, weeds, rodents or other organisms harmful to agriculture and forestry, and aimed to regulate the growth of plants and insects.

Pesticides, as stipulated in the preceding paragraph, include various types to be used for the following purposes and locations:

1. To prevent or control diseases, insects (including insects, ticks and mites), weeds, rodents, mollusks and other organisms harmful to agriculture and forestry;
2. To prevent or control diseases, insects, rodents and other organisms harmful to storehouses and processing sites;
3. To regulate the growth of plants and insects;
4. To be used as preservatives in agricultural or forestry products;
5. To prevent or control mosquitoes, flies, cockroaches, rodents and other harmful organisms;
6. To prevent or control organisms harmful to dykes and dams, railways, ports, airports, buildings and other sites.

Article 3 The agricultural authority of the State Council shall be responsible for the supervision and management of pesticides nationwide.

Agricultural authorities of local people's governments at or above the county level shall be responsible for the supervision and management of pesticides within their respective administrative areas.

Other relevant departments of people's governments at or above the county level shall be responsible for the supervision and management of pesticides within the respective scopes of their duties.

Article 4 Local people's governments at or above the county level shall enhance organizing and leading the pesticide supervision and management, budget the funds for pesticide supervision and management on their own governmental levels, and ensure pesticide supervision and management.

Article 5 Pesticide producers and dealers shall be responsible for the safety and effectiveness of the pesticides they produce and trade, and shall consciously accept government supervision and public oversight.

Pesticide producers and dealers shall strengthen the industry's self-discipline and standardize production and dealing practices.

Article 6 The State encourages and supports the research and development, production and use of safe, high-efficacy and economical pesticides, and promotes the professional use and upgrades of the pesticide industry.

Organizations and individuals that make outstanding contributions to the research and development, promotion, supervision and management of pesticides shall be recognized and rewarded in accordance with relevant provisions of the State.

Chapter II Registration of Pesticides

Article 7 The State implements a pesticide registration system. Pesticide producers and enterprises that export pesticides to China must apply to register pesticides in accordance with the provisions of these Regulations. Developers of new pesticides may apply to register them in accordance with the provisions of these Regulations.

The institution responsible for verifying pesticides under the agricultural authority of the State Council shall be responsible for specific pesticide registration management. Institutions responsible for verifying pesticides under agricultural authorities of local people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall assist with specific pesticide registration management within their administrative area.

Article 8 The agricultural authority of the State Council shall organize the establishment of pesticide registration review committees responsible for evaluating registration applications.

Pesticide registration review committees shall consist of the following people:

1. Experts in the areas of pesticide product chemistry, efficacy, toxicology, residues, environment, quality standards, and certificate, who are recommended by State Council departments in charge of agriculture, forestry, health, environmental protection, food, industrial administration and production safety oversight and supervision, and Supply and Marketing Cooperatives etc.
2. Relevant experts from the Expert Committee of National Food Safety Risk Assessment;

3. Representatives from State Council departments in charge of agriculture, forestry, health, environmental protection, food, industrial administration and production safety oversight and supervision, as well as from Supply and Marketing Cooperatives etc.

Rules for evaluating pesticide registration shall be established by the agricultural authority of the State Council.

Article 9 Registration applicants shall conduct registration studies.

Pesticide registration studies shall be reported to local agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government for their records.

New pesticide registration studies shall be applied to the agricultural authority of the State Council for permit. The State Council agricultural authority shall, within 40 working days from the day of accepting applications, assess the safety risks of studies and their relevant preventative measures. Where the criteria are met, the registration studies shall be granted where the criteria are not met, applicants shall be notified in writing of the reasons.

Article 10 Registration studies should be carried out by registration testing units designated by the State Council agricultural authority in accordance with provisions of the State Council agricultural authority.

Pesticides with the same composition, scope of use, and method of use as pesticides already registered in China shall be exempt from residue and environmental studies; but pesticides already registered in China shall, in accordance with the provisions of Article 15 of these Regulations, receive authorization from the registration certificate holder within the protection period of the registration data.

Registration testing units shall be responsible for the authenticity of registration study reports.

Article 11 After registration studies have been finished, applicants shall submit pesticide registration applications to agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government where they are located, including the registration study reports, label sampling and pesticide product quality standards and testing methods of the product. Applications to register new pesticides should also include a standard product sample.

Agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, within 20 working days from the day of accepting applications, generate preliminary assessment and report to the State Council agricultural authority.

Companies exporting pesticides to China shall submit a pesticide registration application to the State Council agricultural authority together with the information stipulated in Paragraph 1 of this Article, a pesticide standard sample, and the proof materials of the registrations and uses in other relevant countries (or regions).

Article 12 Upon accepting an application or application dossiers sent by agricultural authorities of people's government of provinces, autonomous regions and municipalities directly under the Central Government, the State Council agricultural authority shall organize an examination and registration assessment, and make a decision within 20 working days from the day of receiving assessment. Where the criteria are met, a pesticide registration certificate shall be issued; Where the criteria are not met, applicants shall be notified in writing of the reasons.

Article 13 Pesticide registration certificates shall specify the name, formulation type, active ingredient(s), contents, toxicity, scope of use, method of use, dosage of the pesticide, and the name of certificate holder, certificate number and validity etc.

Pesticide registration certificates shall be valid for five years. If a certificate expires and it is necessary to continue producing the pesticide or to export the pesticide to China, the pesticide registration certificate holder shall apply to the State Council agricultural authority for an extension of the registration certificate 90 days prior to its expiration.

Where a change occurs to the information contained on a pesticide registration certificate, the pesticide registration certificate holder shall apply to change the pesticide registration certificate in accordance with provisions of the State Council agricultural authority.

The State Council agricultural authority shall timely announce the information of the issuance, extension or change of pesticide registration certificates and relevant pesticide product quality standard numbers, residue limits rules, testing methods and approved labels etc.

Article 14 New pesticide developers could transfer registered new pesticide registration dossier; pesticide producers may transfer registered pesticide registration dossier to other pesticide producer with corresponding production capabilities.

Article 15 The State shall protect undisclosed study data and other data generated by the applicants in pesticides that are firstly registered, and containing new compounds.

Within six years of the date of a registration, without the consent of the applicant who has already registered, any other party who uses the data outlined in the preceding paragraph to apply to register a pesticide shall be refused registration by the registration authority, except where other applicant(s) submits data obtained by their own.

The registration authority shall not disclose data stipulated in Paragraph 1 of this Article except in the following circumstances:

1. It is the need of the public interest;
2. Measures have been taken to ensure that such information shall not be in improper commercial use.

Chapter III Pesticide Production

Article 16 Pesticide production shall conform to national industrial policies. The State encourages and supports pesticide producers to adopt advanced technology and management practices to improve the safety and effectiveness of pesticides.

Article 17 The State implements a pesticide production permit system. Pesticide producers that meet the following conditions shall apply for a pesticide production permit from agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the provisions of the State Council agricultural authority:

1. Have suitable technical personnel for the pesticide production applied for;
2. Have suitable plants and facilities for the pesticide production applied for;
3. Have personnel, instruments and equipment suitable for carrying out quality management and inspection for the pesticide production applied for;
4. Have regulations for guaranteeing the quality of the pesticide production applied for.

Agricultural authorities of provinces, autonomous regions and municipalities directly under the Central Government shall, within 20 working days of accepting applications, make decisions, and carry out on-site inspections if necessary. Where criteria are met, a pesticide production permit shall be issued; where criteria are not met, applicants shall be notified in writing of the reasons.

Pesticide producers shall also comply with other provisions of production safety and environmental protection laws and regulations concerning production conditions.

Article 18 Pesticide production permit shall specify the name, address, legal representative (responsible person), scope of production and production address of the pesticide production company, as well as the validity of the permit.

Pesticide production permit is valid for five years. If a permit expires and it is necessary to continue producing the pesticide, the pesticide production company shall apply for an extension to a local agricultural authority of a people's government of a province, autonomous region or municipality directly under the Central Government 90 days prior to its expiration.

Where a change occurs to the information contained on a pesticide production permit, the pesticide production company shall apply to change the pesticide production permit in accordance with provisions of the State Council agricultural authority.

Article 19 When tolling or repack of pesticide occur, the entruster shall obtain a corresponding pesticide registration certificate, and the entrustee shall obtain a pesticide production permit.

The entruster shall be responsible for the pesticide quality of tolling and repackaging.

Article 20 Pesticide producers that purchase raw materials shall examine production quality inspection certificates and other relevant proof documents, and must not purchase or use raw materials that do not have a product quality inspection certificate in accordance with the law or do not have relevant proof documents in accordance with the law.

Pesticide producers shall keep raw material purchasing and entry records, which shall truthfully record the name, relevant permit document numbers, specifications, quantity, supplier name and contact details, and entry date. Raw material purchasing and entry records shall be kept for no less than two years.

Article 21 Pesticide production enterprises shall strictly comply with product quality standards in the course of production to ensure pesticide products are consistent with the registered pesticides. Produced pesticides to be sold must pass the quality inspections and attach the product quality inspection certificates.

Pesticide producers shall establish factory sales records, which shall truthfully record the name, specifications, quantity, production date and batch number of pesticides, as well as product quality inspection information, name and contact details of purchasers and sales dates. Pesticide factory sales records shall be kept for no less than two years.

Article 22 Pesticide packaging shall comply with relevant provisions of the State and shall have printed or stuck-on labels. The State encourages pesticide producers to use recyclable packaging materials.

Pesticide labels shall, in accordance with provisions of the State Council agricultural authority, indicate, in Chinese, the name, formulation type, active ingredient, contents, toxicity and its identification, scope of use, method of use, dosage, technical requirements, precautions, date of production of pesticides and traceable electronic information codes.

Extremely toxic and highly toxic pesticides, pesticides with strict technical requirements and other pesticides with restricted uses shall be marked with the words “Restricted Use” and indicate their particular restrictions and special requirements. Labels of pesticides used in food products shall also indicate the safety interval.

Article 23 Pesticide producers must not change the information of approved pesticide labels; neither indicate false or misleading contents on labels.

Where pesticide packaging is too small to cover all information on a label, an instruction manual shall be provided, the contents of which shall be the same as the approved label information.

Chapter IV Pesticide Business

Article 24 The State implements a pesticide business license system, which does not include public health pesticides. Pesticide business dealers that meet the following conditions shall apply for a pesticide

business license from agricultural authorities of local people's governments at or above the county level in accordance with the provisions of the State Council agricultural authority:

1. Have dealers with professional knowledge of pesticides and pest control, who are familiar with provisions on pesticide management, and who can guide the safe and rational use of pesticides;
2. Have business premises and storage areas that are effectively isolated from other commodities, drinking water sources and living areas, and are equipped with protective facilities suitable for the pesticide business applied for;
3. Have quality management, accounting records, security, emergency response and storage management systems suitable for the pesticide business applied for.

Anyone dealing in restricted used pesticides shall also have the necessary pesticides use guiding and pest control professional and technical personnel, and they shall implement designated-sites operations in accordance with the provisions of local agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Agricultural authorities of local people's governments at or above the county level shall make a decision within 20 working days from the day of accepting an application. Where the criteria are met, a pesticide business license shall be issued; where the criteria are not met, applicants shall be notified in writing of the reasons.

Article 25 Pesticide business licenses shall specify the name, address, person in charge, scope of business and validity of the pesticide dealer.

Pesticide business licenses are valid for five years. If a license expires and it is necessary to continue dealing in pesticides, the pesticide dealer shall apply to the license issuing authority for an extension 90 days prior to its expiration.

Where a change occurs to the information contained in a pesticide business license, the pesticide dealer shall apply to change the pesticide production license in accordance with provisions of the State Council agricultural authority.

Where a pesticide dealer with a pesticide business license sets up a branch operation, they shall apply to change their pesticide business license in accordance with the law, and file with the agricultural authority of a local people's government at or above the county level where the branch is located, and the branch operation shall be exempt from acquiring a pesticide business license. Pesticide dealers shall be responsible for the business activities of their branches.

Article 26 When purchasing pesticides, pesticide dealers shall check product packaging, labels, product quality certificates and relevant proof documents, and must not purchase pesticides from pesticide producers that do not have a pesticide production permit or from other pesticide dealers who do not have a pesticide business license.

Pesticide dealers shall establish procurement accounts and truthfully record details including names, relevant license and document numbers, specifications, quantities, names and contact details of producers and suppliers, and purchase dates etc. Procurement accounts shall be kept for not less than two years.

Article 27 Pesticide dealers shall establish sales accounts and truthfully record details including names, specifications, quantities, producers, purchasers and sales dates etc. Sales accounts shall be kept for not less than two years.

Pesticide dealers shall ask buyers about the occurrence of pests and scientifically recommend pesticides. Where necessary, they shall conduct on-site checks of pests and correctly explain the scope of use, method of use, dosage, technical requirements and precautions of pesticides. Pesticide dealers must not mislead buyers.

The provisions of paragraphs 1 and 2 of this Article do not apply to pesticides used in public health.

Article 28 Pesticide dealers must not process or repack pesticides, must not add any substances to pesticides, and must not purchase or sell pesticides whose packaging or labels violates provisions, or the pesticides lack of product quality inspection certificates or relevant proof documents.

Business dealers of pesticides used in public health shall sell pesticides used in public health and other commodities separately; business dealers of other pesticides must not sell foodstuffs, edible agricultural products, or fodder in the same premises as pesticides.

Article 29 Foreign enterprises must not directly sell pesticides in China. Foreign enterprises that wish to sell pesticides in China shall set up sales agencies in China or appoint qualified Chinese agencies on their behalf.

Pesticides exported to China shall have attached labels and instructions written in Chinese, comply with product quality standards and pass an inspection by an entry-exit inspection and quarantine department in accordance with the law. It is forbidden to import pesticides without registrations.

Relevant supporting certificate documents shall be presented during customs declaration for importing and exporting pesticides in accordance with provisions of the General Administration of Customs.

Chapter V Use of Pesticides

Article 30 Agricultural authorities of people's governments at or above the county level shall strengthen pesticide use guidance and service, establish systems for safe and rational use of pesticides, and, in accordance with the requirements of prevention-first and comprehensive prevention and treatment, promote scientific use of pesticides, so as to regulate the use of pesticides. Forestry, food and sanitation departments shall strengthen technical guidance for the safe and rational use of pesticides in their respective areas, and departments in charge of environmental protection shall strengthen technical

guidance on environmental protection and pollution prevention in the course of using pesticides.

Article 31 Agricultural authorities of county-level people's governments shall organize free technical trainings to pesticide users by plant protection, agricultural technology extension and other agencies, in order to improve the safe and rational use of pesticides.

The State encourages agricultural scientific research units, relevant schools, farmers' cooperatives, supply and marketing cooperatives, agricultural social service organizations and professionals to provide technical services to pesticide users.

Article 32 The State shall gradually reduce the use of pesticides by promoting biological controls, physical controls, advanced spraying devices and other measures.

County-level people's governments shall make and implement plans to reduce pesticide use in their respective administrative areas and encourage and support pesticide users who conduct pesticide reduction plans and voluntarily reduce the volume of pesticides used.

Agricultural authorities of county-level people's governments shall encourage and support the establishment of professional pest control service organizations, and guide, regulate, and manage professional pest control and dispensation and use of restricted used pesticides, in order to improve pest control.

Agricultural authorities of county-level people's governments shall guide pesticide users to plan the rotation of pesticides so as to reduce resistance among diseases, insects, weeds, rodents and other organisms harmful to agriculture and forestry.

People's governments of townships and towns shall assist with the work of guiding pesticide use and providing pesticide services.

Article 33 Pesticide users shall abide by relevant systems of the State on the safe and rational use of pesticides, store pesticides properly, and adopt the necessary protective measures in the course of dispensing and using pesticides to avoid pesticide accidents.

Restricted used pesticides dealers shall provide guidance to pesticide users and gradually provide unified pesticide application services.

Article 34 Pesticide users shall use pesticides in accordance with the scope of use, method of use, dosage, technical requirements and precautions indicated on labels, and must not use them for other purposes, increase their dosage or change the method of use.

Pesticides users must not use prohibited pesticides.

Pesticides with safety intervals indicated, according to the requirements, must not be used in the safety interval before harvesting of agricultural products.

Extremely toxic and highly toxic pesticides must not be used to prevent sanitary pests, on vegetables, fruit, tea, fungi and Chinese herbal medicines, or to control aquatic plant pests.

Article 35 Pesticide users shall protect the environment and protect beneficial organisms and rare species, and must not dispose pesticides, pesticide packages or cleaning or spraying equipment in protected drinking water areas and rivers.

It is strictly forbidden to use pesticides in protected drinking water source areas, or to use pesticides to poison fish, shrimp, birds and animals.

Article 36 Agricultural product producers, food and edible agricultural product storage companies, professional disease and pest control service organizations and farmers' cooperatives engaged in the production of agricultural products shall establish records of pesticide use to truthfully record the time, places and targets of pesticide use, as well as the names, volumes and producers of pesticides. Records of pesticide use shall be kept for not less than two years.

The State encourages other pesticide users to establish records of pesticide use.

Article 37 The State encourages pesticide users to properly collect pesticide packaging and other waste materials. Pesticide producers and pesticide dealers shall recycle pesticide waste materials and prevent pesticides from polluting the environment and the occurrence of pesticide poisoning accidents. Specific measures shall be established by the State Council environmental protection department together with the State Council agricultural and finance departments.

Article 38 In the event of a pesticide accident, the pesticide user, pesticide producer, pesticide dealer and other relevant persons shall immediately report the incident to a local agricultural authority.

Upon receiving such a report, agricultural authorities shall immediately adopt measures to contain accidents and notify relevant departments so that they may adopt corresponding measures. Where accidents resulting in pesticide poisoning occur, agricultural authorities and public security organs shall organize investigations and handle such incidents in accordance with their duties and authority, and sanitation departments shall immediately organize medical treatment for injured persons in accordance with relevant provisions of the State. Where accidents resulting in environmental pollution occur, environmental protection and other relevant departments shall organize investigations and handle such incidents in accordance with the law. Where accidents involving chemicals in grain storage or causing danger to crops occur, food and agricultural authorities, respectively, shall organize technical evaluation and investigate and deal with such incidents.

Article 39 In case of an urgent need to prevent or control the outbreak of a major disease or pest, the State Council agricultural authority may decide to temporarily produce or use prescribed quantities of

unregistered, prohibited or restricted pesticides, and, if necessary, shall decide, together with the State Council foreign trade department, to limit temporarily the export or to import temporarily a prescribed number and variety of pesticides.

The pesticides prescribed in the previous paragraph shall be used under the supervision and guidance of the agricultural authorities of county-level people's governments.

Chapter VI Supervision and Management

Article 40 Agricultural authorities of people's governments at or above the county level shall periodically conduct statistical surveys of the production, sale and use of pesticides, and shall timely notify relevant departments of people's governments at the same level of their results.

Agricultural authorities of local people's governments at or above the county level shall establish and publish credit records for pesticide production and trading. Where the authorities discover illegal pesticide production or dealing that is suspected a crime, they shall transfer the case to a public security organ in accordance with the law.

Article 41 Agricultural authorities of people's governments at or above the county level may, in the course of fulfilling their pesticide supervision and management duties, adopt the following measures in accordance with the law:

1. Enter a site of pesticide production, dealing or application to carry out an on-site inspection;
2. Carry out selective checks on the production, dealing and use of pesticides;
3. Investigate relevant circumstances from relevant personnel;
4. Check and copy contracts, bills, account books and other relevant materials;
5. Seal up and detain pesticides that have been illegally produced, dealt or used, along with any associated tools, equipment and raw materials;
6. Close down places involved in illegal pesticide production, dealing or use.

Article 42 The State shall establish a pesticide recall system. Pesticide producers who discover that their pesticides pose serious harm or a significant risk to agriculture, forestry, the safety of humans and animals, the quality and safety of agricultural products or the ecological environment, shall immediately cease production, inform relevant dealers and users, report the incident to their local agricultural authority, recall their products and keep records of notices and recalls.

Pesticide dealers who find that a pesticide they deal in match any of the circumstances prescribed in the preceding paragraph shall immediately cease the sale of the pesticide, notify relevant producers, suppliers and buyers, report the incident to their local agricultural authority and keep records of notices and stopped sales.

Pesticide users, who find that a pesticide they use matches any of the circumstances in the preceding paragraph, shall immediately stop using it, notify dealers and report the incident to their local agricultural authority.

Article 43 The State Council agricultural authority and agricultural authorities of people's government of provinces, autonomous regions and municipalities directly under the Central Government shall organize agencies responsible for verifying pesticides and plant protection agencies to monitor the safety and effectiveness of registered pesticides.

Where a registered pesticide is found to be seriously harmful or significantly risky to agriculture, forestry, the safety of humans and animals, the quality and safety of agricultural products or the ecological environment, the State Council agricultural authority shall organize a pesticide registration review committee to review the incident and to revoke or change the pesticide registration certificate accordingly based on the review results and, if necessary, make a decision to forbid or restrict the use of the pesticide and announce the decision to public.

Article 44 Any of the following shall be deemed fake pesticides:

1. Non-pesticides posing as pesticides;
2. One type of pesticide posing as another type of pesticide;
3. The types of active ingredients in a pesticide are not consistent with those indicated on the label or in the instructions.

Prohibited pesticides, produced or imported pesticides not registered, and pesticides without labels shall be treated as fake pesticides.

Article 45 Any of the following shall be deemed inferior pesticides.

1. A pesticide that does not meet product quality standards;
2. A pesticide that is mixed with an ingredient that causes harm, such as phytotoxicity.

Pesticides whose quality shelf-life has expired shall be treated as inferior pesticides.

Article 46 Fake pesticides, inferior pesticides and recycled pesticide waste shall be transferred to units with hazardous waste management capabilities for disposal, and disposal expenses shall be borne by the corresponding pesticide producer and pesticide dealer. Where it is unclear who the pesticide producer or pesticide dealer is, the cost of disposal shall be paid by the local county-level people's government.

Article 47 It is forbidden to forge, alter, transfer, lease or lend pesticide registration certificates, pesticide production permits, pesticide business licenses or other license documents.

Article 48 Agricultural authorities of people's governments at or above the county level and their staff, and agencies responsible for verifying pesticide and their staff, must not participate in pesticide production and trading activities.

Chapter VII Legal Liability

Article 49 Where agricultural authorities of people's governments at or above the county level and their workers commit one of the following acts, they shall be ordered to rectify their behavior by the people's government at the same level; responsible leaders and directly responsible persons shall be punished in accordance with the law; and where the actions of responsible leaders and directly responsible persons constitute a crime, they shall be investigated for legal liability in accordance with the law:

1. Fail to perform their duties of supervision and management, resulting in the production or dealing of illegal pesticides leading to significant losses or adverse social effects within the administrative area under their jurisdiction;
2. Grant licenses to people who do not meet the criteria for licenses or refuse to release licenses to people who meet the criteria for licenses;
3. Participate in pesticide production or trading activities;
4. Engage in favoritism, commit irregularities, misuse authority or neglect their duties.

Article 50 Where a member of a pesticide registration review committee seeks illegitimate interests in the course of pesticide registration review, the State Council agricultural authority shall remove the member from the pesticide registration review committee. If they are an employee of the State, they shall be punished in accordance with the law, and if their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

Article 51 Where registered testing units issue false registration study reports, agricultural authorities of provinces, autonomous regions and municipalities directly under the Central Government shall confiscate any illegal gains and impose a fine of not less than RMB 50,000 but not more than RMB 100,000. The State Council agricultural authority shall remove its name from the list of registration testing units and not accept an application from the unit to become a registration testing unit for a period of five years. Where its actions constitute a crime, legal liability shall be investigated in accordance with the law.

Article 52 Where units or individuals produce pesticides without a pesticide production permit or produce fake pesticides, agricultural authorities of local people's governments at or above the county level shall order them to cease production, and confiscate any illegal gains as well as any illegally produced products and tools, equipment and raw materials used in the illegal production. Where the value of the illegally produced products is less than RMB 10,000, a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be simultaneously imposed; where the value of the illegally produced products is more than RMB 10,000, a fine of not less than 10 times but not more than 20 times the value of the products shall be simultaneously imposed, and authorities shall revoke their pesticide

production permit and corresponding pesticide registration certificates. Where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

Where pesticide producers with pesticide production permits no longer meet the prescribed criteria to continue producing pesticides, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior. Where they fail or refuse to rectify their behavior, or still fail to meet the criteria after rectifying their behavior, authorities shall revoke their pesticide production permits.

Where pesticide producers produce inferior pesticides, agricultural authorities of local people's governments at or above the county level shall order them to cease production and confiscate any illegal gains as well as any illegally produced products and tools, equipment and raw materials used in the illegal production. Where the value of the illegally produced products is less than RMB 10,000, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be simultaneously imposed; where the value of the illegally produced products is more than RMB 10,000, a fine of not less than five times but not more than 10 times the value of the products shall be simultaneously imposed, and authorities shall revoke their pesticide production permits and corresponding pesticide registration certificates. Where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

Where units or individuals entrust others without pesticide production permits to process or repack pesticides, or entrust others to process or repack fake or inferior pesticides, the unit or individual who entrusts and the unit or individual who is entrusted shall both be punished in accordance with paragraphs 1 and 3 of this Article.

Article 53 Where pesticide producers commit any of the following acts, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior, confiscate any illegal gains as well as any illegally produced products and raw materials used in the illegal production; where the value of the illegally produced products is less than RMB 10,000, a fine of not less than RMB 10,000 but not more than RMB 20,000 shall be simultaneously imposed, or where the value of the illegally produced products is more than RMB 10,000, a fine of not less than two times but not more than five times the value of the products shall be simultaneously imposed; where they refuse to rectify their behavior or the circumstances are serious, authorities shall revoke their pesticide production permits and corresponding pesticide registration certificates:

1. Procure or use raw materials that do not have a product quality inspection certificate attached in accordance with the law or have not obtained relevant proof documents in accordance with the law;
2. Produced pesticides to be sold that have not undergone quality inspections and do not have product quality inspection certificates attached;
3. Produced pesticide package, labels or instructions that do not meet requirements;
4. Fail to recall pesticides that should be recalled in accordance with the law.

Article 54 Where pesticide producers fail to establish systems for recording the purchase of raw materials or sales of pesticides, or fail to fulfil their pesticide waste material recycling duties, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior and impose a fine of not less than RMB 10,000 but not more than RMB 50,000. Where they refuse to rectify their behavior or the circumstances are serious, authorities shall revoke their pesticide production permits and corresponding pesticide registration certificates.

Article 55 Where pesticide dealers commit any of the following acts, agricultural authorities of local people's governments at or above the county level shall order them to cease dealing in pesticides, confiscate any illegal gains as well as any illegally dealt pesticides and tools and equipment used in the illegal dealings; where the value of the illegally dealt pesticides is less than RMB 10,000, a fine of not less than RMB 5,000 but not more than RMB 50,000 shall be simultaneously imposed, or where the value of the illegally dealt pesticides is more than RMB 10,000, a fine of not less than five times but not more than 10 times the value of the pesticides shall be simultaneously imposed; where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law:

1. Deal in pesticides without obtaining a pesticide business license in violation of the provisions of these Regulations;
2. Deal in fake pesticides;
3. Add substances to pesticides.

Where any of the acts stipulated in items the second and the third of the preceding section are committed, and the circumstances are serious, authorities shall also revoke pesticide business licenses.

Where pesticide dealers with pesticide business licenses no longer meet the prescribed conditions to continue dealing in pesticides, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior. Where they fail or refuse to rectify their behavior, or still fail to meet the conditions after rectifying their behavior, authorities shall revoke their pesticide business licenses.

Article 56 Where pesticide dealers deal in inferior pesticides, agricultural authorities of local people's governments at or above the county level shall order them to stop dealing, confiscate any illegal gains as well as any illegally dealt pesticides and tools and equipment used in the illegal dealings. Where the value of the illegally dealt pesticides is less than RMB 10,000, a fine of not less than RMB 2,000 but not more than RMB 20,000 shall be simultaneously imposed, or where the value of the illegally dealt pesticides is more than RMB 10,000, a fine of not less than two times but not more than five times the value of the pesticides shall be simultaneously imposed; where the circumstances are serious, authorities shall revoke their pesticide business licenses, and where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

Article 57 Where pesticide dealers commit any of the following acts, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior, confiscate

any illegal gains as well as any illegally dealt pesticides, and simultaneously impose a fine of not less than RMB 5,000 but not more than RMB 50,000; where they refuse to rectify their behavior or the circumstances are serious, authorities shall revoke their pesticide business licenses:

1. Establish branches without changing their pesticide business license, or without filing with the agricultural authority of a people's government at or above the county level where the branch is located;
2. Procure pesticides from pesticide producers who do not have pesticide production permits or from other pesticide dealers who do not have pesticide business licenses;
3. Procure or sell pesticides that do not have a product quality inspection certificate attached or with package or a label that does not meet requirements;
4. Fail to stop selling pesticides when they have been recalled in accordance with the law.

Article 58 Where pesticide dealers commit any of the following acts, agricultural authorities of people's governments at or above the county level shall order them to rectify their behavior; where they refuse to rectify their behavior or the circumstances are serious, a fine of not less RMB 2,000 but not more than RMB 20,000 shall be imposed, and authorities shall revoke their pesticide business licenses:

1. Fail to implement procurement and sales accounting systems;
2. Sell foodstuffs, edible agricultural products, or fodder in the premises other than those for pesticides used in public health;
3. Fail to sell pesticides used in public health and other commodities separately;
4. Fail to fulfill their pesticide waste material recycling duties.

Article 59 Where foreign enterprises sell pesticides directly in China, agricultural authorities of people's governments at or above the county level shall order them to stop selling pesticides, confiscate any illegal gains as well as any illegally dealt pesticides and tools and equipment used in the illegal dealings. Where the value of the illegally dealt pesticides is less than RMB 50,000, a fine of not less than RMB 50,000 but not more than RMB 500,000 shall be simultaneously imposed, or where the value of the illegally dealt pesticides is more than RMB 50,000, a fine of not less than 10 times but not more than 20 times the value of the pesticides shall be simultaneously imposed, and authorities shall revoke their pesticide registration certificates.

Where foreign enterprises with pesticide business licenses export inferior pesticides to China, and the circumstances are serious, or they export fake pesticides, the State Council agricultural authorities shall revoke their corresponding pesticide registration certificates.

Article 60 Where pesticide users commit any of the following acts, agricultural authorities of county-level people's governments shall order them to rectify their behavior, and impose a fine on organizations, such as agricultural produce enterprises, foodstuff and edible agricultural produce warehousing businesses, professional pest control service organizations and specialized farmer cooperatives that produce agricultural products, of not less than RMB 50,000 but not more than RMB

100,000, and a fine on individuals of not more than RMB 10,000; where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law:

1. Fail to use pesticides in accordance with their scope of use, method of use, dosage, technical requirements and precautions, or in accordance with their safety interval on the label;
2. Use prohibited pesticides;
3. Use extremely toxic or highly toxic pesticides to prevent sanitary pests, on vegetables, fruit, tea, fungi and Chinese herbal medicines, or to control aquatic plant pests;
4. Use pesticides in protected drinking water source areas;
5. Use pesticides to poison fish, shrimp, birds or animals;
6. Dispose of pesticides, pesticide package materials or cleaning or spraying equipment in protected drinking water areas or rivers.

Where any of the acts stipulated in item 2 of the preceding section are committed, agricultural authorities of county-level people's governments shall also confiscate the prohibited pesticides.

Article 61 Where agricultural product producers, food and edible agricultural product storage companies, professional disease and pest control service organizations and farmers' cooperatives engaged in the production of agricultural products fail to establish records of pesticide use, agricultural authorities of county-level people's governments shall order them to rectify their behavior; where they refuse to rectify their behavior or the circumstances are serious, a fine of not less than RMB 2,000 but not more than RMB 20,000 shall be imposed.

Article 62 Where units or individuals forge, alter, transfer, lease or lend pesticide registration certificates, pesticide production permits, pesticide business licenses or other proof documents, authorities shall seize or revoke those certificates, confiscate any illegal gains, and simultaneously impose a fine of not less than RMB 10,000 but not more than RMB 50,000. Where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

Article 63 Where a pesticide production without permit, pesticides business without license, or where a pesticide registration certificate, pesticide production license, or pesticide business license is revoked, the directly responsible persons are not permitted to engage in pesticide production or business activities for a period of 10 years.

Where pesticide producers or dealers employ the people stipulated in the preceding paragraph to engage in pesticide production or business activities, authorities shall revoke their pesticide production permits and pesticide business licenses.

Where the pesticide registration certificate is revoked, a pesticide registration application shall not be accepted by the State Council agricultural authority for a period of five years.

Article 64 Where a produced or dealt pesticide causes harm to the physical body or property of a pesticide user, the pesticide user may request compensation from the pesticide producer as well as from the pesticide dealer. Where the responsibility belongs to the pesticide producer, a pesticide dealer is entitled, following payment of compensation to the users, to seek compensation from the pesticide producer. Where the responsibility belongs to the pesticide dealer, the pesticide producer is entitled, following payment of compensation to the users, to seek compensation from the pesticide dealer.

Chapter 8 Supplementary Provisions

Article 65 Applicants of pesticides registration shall work out the registration study fee with the registration and testing institutions in voluntary and compensatory principles.

Article 66 These Regulations shall become effective as of June 1, 2017.

END OF TRANSLATION