Agricultural Products Quality Safety Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Quality and Safety Standards 2

Chapter III — Place of Origin 2

Chapter IV — Agricultural Production 2

Chapter V — Packaging and Labeling 3

Chapter VI — Supervision and Inspection 3

Chapter VII — Legal Liability 3

Chapter VIII — Supplementary Provisions 4

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Effective: November 1, 2006

Table of Contents

- Chapter I — General Provisions
- Chapter II — Quality and Safety Standards
- Chapter III — Place of Origin
- Chapter IV — Agricultural Production
- Chapter V — Packaging and Labeling
- Chapter VI — Supervision and Inspection
- Chapter VII — Legal Liability
- Chapter VIII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of ensuring the quality and safety of agricultural products, safeguarding public health, and promoting the development of agriculture and the rural economy.

Article 2 — For the purposes of this Law, agricultural products refer to primary products obtained from agricultural activities, including plants, animals, microorganisms, and the products derived from them. This Law shall apply to the quality and safety of agricultural products.

Article 3 — The department of agriculture and rural affairs of the people's government at or above the county level shall be responsible for the supervision and administration of the quality and safety of agricultural products. Other relevant departments shall be responsible for the quality and safety of agricultural products within their respective functions and duties.

Article 4 — The State shall guide and promote the standardized production of agricultural products, encourage and support the production of high-quality agricultural products, and prohibit the production and sale of agricultural products that do not meet the quality and safety standards prescribed by the State.

Article 5 — The State shall implement an agricultural product quality and safety monitoring system. The department of agriculture and rural affairs of the State Council shall formulate and organize the implementation of agricultural product quality and safety monitoring plans.

Chapter II — Quality and Safety Standards

Article 6 — The State shall establish and improve the agricultural product quality and safety standard system. Agricultural product quality and safety standards shall be compulsory technical specifications.

Article 7 — Agricultural product quality and safety standards shall be formulated in accordance with relevant laws and administrative regulations, based on scientific and technological developments, and with reference to relevant international standards.

Article 8 — The use of chemical substances such as pesticides, veterinary drugs, feed and feed additives in the production of agricultural products shall comply with the relevant standards and provisions prescribed by the State.

Chapter III — Place of Origin

Article 9 — The department of agriculture and rural affairs of the people's government at or above the county level shall, in accordance with the requirements for ensuring the quality and safety of agricultural products, propose areas where the production of specific agricultural products is prohibited based on the environmental conditions of the place of origin.

Article 10 — Areas where the production of specific agricultural products is prohibited shall be subject to the approval of the people's government at the corresponding level and shall be announced to the public. No entity or individual may produce the specific agricultural products in the prohibited areas.

Article 11 — Agricultural production bases, large-scale farms, and specialized farmer cooperatives shall establish agricultural product production records and keep such records for a period of not less than two years.

Chapter IV — Agricultural Production

Article 12 — Chemical substances such as pesticides, veterinary drugs, and feed and feed additives used in the production of agricultural products shall comply with the provisions of the State. It is prohibited to use agricultural inputs that have been expressly banned by the State during the production of agricultural products.

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Article 13 — Producers of agricultural products shall use agricultural inputs in accordance with the provisions of laws, administrative regulations, and rules of the departments of the State Council, strictly observe the safe interval and withdrawal period for the use of agricultural inputs, and prevent agricultural products from being contaminated.

Article 14 — Enterprises and specialized farmer cooperatives engaged in agricultural production shall establish a self-inspection system for the quality and safety of agricultural products and conduct testing themselves or entrust testing institutions to conduct testing.

Article 15 — The State shall encourage and support entities and individuals engaged in agricultural production to apply for certification of pollution-free agricultural products, green food, and organic agricultural products.

Chapter V — Packaging and Labeling

Article 16 — Agricultural products sold on the market shall meet the compulsory requirements of agricultural product quality and safety standards. Where agricultural products are required to be packaged or labeled in accordance with provisions, such packaging or labeling shall be applied before sale.

Article 17 — The packaging of agricultural products shall comply with the requirements for storage, transportation, and preservation of agricultural products and prevent mechanical damage and secondary pollution.

Article 18 — Agricultural products shall be labeled with their product name, place of origin, producer, date of production, shelf life, quality grade, and other information in accordance with relevant provisions.

Article 19 — Genetically modified agricultural products shall be labeled in accordance with the relevant provisions on the safety administration of agricultural genetically modified organisms.

Chapter VI — Supervision and Inspection

Article 20 — The department of agriculture and rural affairs of the people's government at or above the county level shall, in accordance with the agricultural product quality and safety monitoring plan, conduct supervision and inspection of agricultural products produced or sold on the market.

Article 21 — Supervisors and inspectors may, when performing their duties, take the following measures:

(1) To enter the place of origin and the place of sale of agricultural products for on-site inspection;

(2) To investigate and obtain information relating to the quality and safety of agricultural products from relevant parties;

(3) To consult or duplicate documents and records relating to the quality and safety of agricultural products; and

(4) To sample agricultural products produced or sold on the market for testing.

Article 22 — Where the quality and safety of agricultural products may be hazardous to human health, the competent department shall promptly verify, notify the public of the results, and take corresponding measures.

Chapter VII — Legal Liability

Article 23 — Where an agricultural product quality and safety testing institution forges test results, the competent department shall revoke its testing qualification, confiscate its illegal gains, and impose a fine.

Article 24 — Where agricultural products produced or sold by an entity or individual do not meet the agricultural product quality and safety standards, the competent department shall order a stop to the

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production or sale, trace the products, provide harmless treatment or supervision for destruction, confiscate illegal gains, and impose a fine.

Article 25 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with law; where damage is caused to consumers, civil liability for compensation shall be borne in accordance with law.

Chapter VIII — Supplementary Provisions

Article 26 — This Law shall be effective as of November 1, 2006.

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