Seed Law of the People’s Republic of China

Dan Young Business Consultancy — www.danyoungcpa.com

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

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Protection of Seed Resources 2

Chapter III — Seed Variety Selection, Approval and Registration 2

Chapter IV — Seed Production 3

Chapter V — Seed Trade 3

Chapter VI — Seed Quality 4

Chapter VII — Seed Import and Export 4

Chapter VIII — Support Measures 5

Chapter IX — Legal Liability 5

Chapter X — Supplementary Provisions 6

Table of Contents

- Chapter I — General Provisions
- Chapter II — Protection of Seed Resources
- Chapter III — Seed Variety Selection, Approval and Registration
- Chapter IV — Seed Production
- Chapter V — Seed Trade
- Chapter VI — Seed Quality
- Chapter VII — Seed Import and Export
- Chapter VIII — Support Measures
- Chapter IX — Legal Liability
- Chapter X — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting and rationally utilizing seed resources, standardizing seed variety selection and seed production, trade and management activities, protecting the lawful rights and interests of seed breeders, producers, traders and users, improving seed quality, promoting

the popularization and application of improved seed varieties, and developing the seed industry.

Article 2 — This Law shall apply to the selection and breeding of seed varieties, seed production, trade, management, and other related activities within the territory of the People's Republic of China. Seeds referred to in this Law include the planting and seeding materials of crops and forest trees, including grains, fruits, roots, stems, seedlings, buds, leaves, and flowers.

Article 3 — The competent departments of agriculture and forestry under the State Council shall be responsible for the administration of crop seeds and forest tree seeds, respectively. The competent departments of agriculture and forestry of local people's governments at or above the county level shall be responsible for the administration of seeds within their respective administrative regions.

Article 4 — The State shall support the development of the seed industry. People's governments at or above the county level shall incorporate seed administration and the development of the seed industry into their national economic and social development plans.

Article 5 — The State shall establish a seed reserve system to ensure the supply of seeds for agricultural and forestry production in the event of natural disasters.

Article 6 — People's governments at or above the county level shall commend and reward entities and individuals that have made outstanding contributions to the protection of seed resources, the selection and breeding of improved varieties, and the popularization and application of improved seed varieties.

Article 7 — The seed industry shall adhere to the principles of resource protection, scientific breeding, standardized production, and market-oriented operation.

Article 8 — No entity or individual may produce, trade, or use seeds in violation of laws and regulations. Any entity or individual shall have the right to report illegal acts in seed production, trade, and management.

Chapter II — Protection of Seed Resources

Article 9 — The State shall protect seed resources. The competent departments of agriculture and forestry under the State Council shall establish a system of repositories for preserving seed resources.

Article 10 — The competent departments of agriculture and forestry under the State Council shall organize a general survey, collection, sorting, identification, registration, preservation, exchange, and utilization of seed resources.

Article 11 — Entities and individuals that provide seed resources for the national seed resource repository shall be entitled to preferential access to the resources.

Article 12 — The export of seed resources that are classified as rare, endangered, or of special value by the State shall be subject to approval by the competent departments of agriculture and forestry under the State Council.

Chapter III — Seed Variety Selection, Approval and Registration

Article 13 — The State shall implement a seed variety approval system for the main crop varieties and main forest tree varieties. Main crop varieties and main forest tree varieties shall be subject to national or provincial approval before they may be promoted.

Article 14 — An applicant for variety approval shall submit an application and relevant technical data that meets the requirements. The variety approval committee shall conduct the approval within the prescribed time limit.

Article 15 — Varieties that have passed the national approval may be promoted in appropriate ecological regions nationwide. Varieties that have passed provincial approval may be promoted in appropriate ecological regions within the respective province.

Source: https://www.danyoungcpa.com/seed-law-prc-2015-revision-english-translation/

Article 16 — The State shall implement a registration system for non-main crop varieties. Varieties that are subject to registration may be marketed and promoted only after registration.

Article 17 — The introduction of crop and forest tree varieties from other provinces, autonomous regions, or municipalities directly under the Central Government within the same appropriate ecological region shall be subject to filing with the relevant department.

Article 18 — New plant varieties cultivated by entities or individuals shall be protected in accordance with the relevant laws and regulations of the State on the protection of new plant varieties.

Article 19 — Variety approval and registration shall be conducted openly, fairly, and scientifically. The approval and registration standards, procedures, and results shall be made public.

Article 20 — Varieties that have been approved or registered shall not be promoted if they are found, during promotion, to have insurmountable defects.

Article 21 — Varieties whose approval has been revoked shall not be promoted, nor shall they be produced or traded as seeds.

Article 22 — Seed import and export shall be subject to review and approval by the competent departments of agriculture and forestry in conjunction with the foreign trade department.

Article 23 — Genetically modified plant varieties shall also comply with the relevant State regulations on the safety management of agricultural genetically modified organisms.

Chapter IV — Seed Production

Article 24 — Commercial seed production shall be subject to a seed production and operation license system. The main crop and forest tree varieties used for commercial seed production shall be approved or registered varieties.

Article 25 — An entity or individual applying for a seed production and operation license shall meet the conditions for seed production and operation, including facilities, equipment, professional and technical personnel, and capital.

Article 26 — Seed producers shall establish and maintain seed production records indicating the production location, production environment, preceding crop, seed source and quality, and technical personnel.

Article 27 — Seed producers shall produce seeds in accordance with seed production technical regulations and seed inspection and quarantine regulations.

Article 28 — Seed production shall be conducted in isolation or with protective measures to ensure seed purity and prevent mechanical or biological mixing.

Chapter V — Seed Trade

Article 29 — Seed trade shall be subject to a seed production and operation license system, except for farmers selling their own remaining conventional seeds in the market.

Article 30 — Seeds traded shall comply with national or industry seed quality standards. Seeds that do not meet quality standards shall not be traded.

Article 31 — Seed traders shall establish a simple seed operation file indicating the source of seeds, processing and storage conditions, quality test results, and the direction of seed sales.

Article 32 — Seed traders shall provide the seed label, seed use instructions, and relevant technical information to seed buyers.

Source: https://www.danyoungcpa.com/seed-law-prc-2015-revision-english-translation/

Article 33 — Seed advertisements shall be truthful and lawful, and shall not contain false or exaggerated content. Seed advertisements shall not make unscientific assertions or guarantees about yield or quality.

Article 34 — Seed business operators offering seeds online shall obtain a seed production and operation license and disclose information about the license.

Article 35 — Seeds sold shall be processed and packaged, except for those that cannot be processed or packaged. Seed packages shall be labeled with detailed information.

Chapter VI — Seed Quality

Article 36 — The competent departments of agriculture and forestry under the State Council shall formulate seed quality standards. Seed quality inspection institutions shall conduct inspections in accordance with seed inspection technical regulations.

Article 37 — Seed producers and traders shall inspect the quality of seeds. Seeds sold shall have a quality certificate and a quarantine certificate in accordance with law.

Article 38 — Where seeds are found to not comply with quality standards or quarantine requirements during inspection, the sale of such seeds shall be prohibited and appropriate measures shall be taken.

Article 39 — The competent departments of agriculture and forestry shall strengthen seed quality supervision and inspection and publish the supervision and inspection results to the public.

Article 40 — Seed quality inspectors shall have professional qualifications. Seed quality inspection institutions shall be certified by the relevant department.

Article 41 — Where a dispute arises over seed quality, a statutory seed quality inspection institution may be entrusted to conduct the inspection.

Article 42 — Where crop or forest tree seeds cause economic loss to seed users due to quality problems, the seed trader shall compensate and may then recover from the seed producer or other liable parties.

Article 43 — It is prohibited to produce or trade fake or inferior seeds. Fake seeds include seeds that are not of the stated variety and seeds whose type or variety does not match the label. Inferior seeds include seeds with quality below national standards or label claims.

Article 44 — The competent departments of agriculture and forestry shall establish a credit file system for seed producers and traders and disclose their credit standing.

Article 45 — The competent departments of agriculture and forestry shall organize seed quality supervision and random inspections and publish the inspection results.

Chapter VII — Seed Import and Export

Article 46 — An entity or individual importing seeds shall submit an application to the competent department of agriculture or forestry and obtain approval before completing the import procedures.

Article 47 — Seeds exported by entities or individuals shall comply with the requirements of the importing country and shall be subject to quarantine in accordance with law.

Article 48 — Imported seeds shall be subject to quarantine and isolated trial planting. Trial planting shall demonstrate that there is no risk of dangerous diseases, pests, or weeds before the seeds may be promoted.

Article 49 — Seed resources classified as first-class protected resources by the State shall not be exported. The exchange and donation of seed resources with foreign countries shall be subject to approval.

Article 50 — For the purpose of introducing new foreign technologies or varieties, the introduction of a small quantity of seed samples shall be handled in accordance with relevant State regulations.

Article 51 — Where imported seeds are used for commercial seed production, the seed import approval documents shall be presented when applying for the seed production and operation license.

Chapter VIII — Support Measures

Article 52 — People's governments at or above the county level shall increase investment in the seed industry and support variety selection and breeding, seed production, and the popularization and application of improved varieties.

Article 53 — The State shall establish a seed industry development fund to support the research and development of improved seed varieties, the construction of seed production bases, and seed reserve programs.

Article 54 — The State shall encourage financial institutions to provide credit support to seed enterprises and improve financial services for the seed industry.

Article 55 — The State shall establish a seed production risk diversification mechanism and encourage insurance institutions to develop seed production insurance products.

Article 56 — The State shall support scientific research and teaching institutions in carrying out seed science research and training seed industry professionals.

Article 57 — The State shall protect the lawful rights and interests of seed breeders, encourage the development of the seed industry through science and education, and promote the integration of industry, education, and research.

Article 58 — People's governments at or above the county level shall take measures to strengthen the construction of improved seed variety demonstration and promotion bases.

Chapter IX — Legal Liability

Article 59 — Where seeds are produced or traded without a seed production and operation license, the competent department of agriculture or forestry shall order cessation of the illegal act, confiscate the seeds and illegal gains, and impose a fine.

Article 60 — Where a seed production and operation license is obtained through fraud, bribery, or other improper means, the license shall be revoked and the entity shall not be allowed to reapply within three years.

Article 61 — Where approved or registered varieties are promoted in violation of the prescribed region or scope, the competent department shall order cessation of the promotion and impose a fine.

Article 62 — Where varieties whose approval has been revoked are produced or traded, the competent department shall order cessation of production or trade and impose a fine.

Article 63 — Where genetically modified plant varieties are promoted without complying with State safety management regulations, penalties shall be imposed in accordance with relevant laws and regulations.

Article 64 — Where seeds are produced or traded in violation of seed inspection and quarantine regulations, the competent department shall order correction and impose a fine.

Article 65 — Where seeds are traded without a seed label or with a label that does not comply with regulations, the competent department shall order correction and impose a fine.

Article 66 — Where seed operation files are not maintained or are incomplete, the competent department shall order correction and impose a fine.

Source: https://www.danyoungcpa.com/seed-law-prc-2015-revision-english-translation/

Article 67 — Where fake or inferior seeds are produced or traded, the competent department shall order cessation of production or trade, confiscate the seeds and illegal gains, revoke the seed production and operation license, and impose a fine.

Article 68 — Where seeds without a quality certificate are traded, the competent department shall order cessation of the trade, confiscate the seeds and illegal gains, and impose a fine.

Article 69 — Where imported seeds do not undergo trial planting before promotion, the competent department shall order correction and impose a fine.

Article 70 — Where seeds are imported or exported without approval, the relevant laws and regulations on foreign trade shall apply.

Article 71 — Where false advertising of seeds is conducted, penalties shall be imposed in accordance with the Advertising Law.

Article 72 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 73 — Where seed quality problems cause damage to seed users, the seed producer or trader shall bear civil liability for compensation in accordance with law.

Article 74 — Where grass seeds, tobacco seeds, Chinese herbal medicine seeds, edible fungus strains, and the like are covered by separate laws and regulations, the provisions of such laws and regulations shall apply.

Article 75 — Where a competent department or its staff member neglects his duties, abuses his power, or engages in malpractice, disciplinary action shall be taken; where a crime is constituted, criminal liability shall be pursued.

Chapter X — Supplementary Provisions

Article 76 — The competent departments of agriculture and forestry under the State Council may formulate management measures for the approval and registration of specific varieties based on actual needs.

Article 77 — The term ‘main crops’ referred to in this Law means rice, wheat, corn, cotton, and soybeans. The competent departments of agriculture and forestry under the State Council may determine other main crops and main forest trees.

Article 78 — This Law shall come into force as of December 1, 2000. The revised version shall come into force as of January 1, 2016.

Disclaimer: This English translation is provided for informational and reference purposes only. It is not an official translation and has no legal effect. In the event of any discrepancy between this translation and the official Chinese text, the Chinese version shall prevail. Dan Young Business Consultancy makes no warranties, express or implied, regarding the accuracy, completeness, or currency of this translation. Readers should consult qualified legal professionals for advice on specific legal matters. The official Chinese text is available from the National People’s Congress of the People’s Republic of China.