Regulations on the Administration of Pesticides of China (the PRC)

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Chapter I — General Provisions

Article 1 — These Regulations are formulated to strengthen the administration of pesticides, ensure pesticide quality, safeguard the quality and safety of agricultural products and the safety of humans and

livestock, and protect agricultural and forestry production and the ecological environment.

Article 2 — For the purposes of these Regulations, "pesticides" means a substance or a mixture of several substances and their preparations that are chemically synthesized or derived from organisms or other natural substances, and are used to prevent or control diseases, insects, weeds, rodents and other harmful organisms that endanger agriculture and forestry, or to purposefully regulate the growth of plants and insects.

The pesticides prescribed in the preceding paragraph include the following categories used for different purposes and at different places:

(1) preventing and controlling diseases, insects (including insects, ticks and mites), weeds, rodents, mollusks and other harmful organisms that endanger agriculture and forestry;

(2) preventing and controlling diseases, insects, rodents and other harmful organisms in storage and processing premises;

(3) regulating the growth of plants and insects;

(4) preserving or keeping fresh agricultural and forestry products;

(5) preventing and controlling mosquitoes, flies, cockroaches, rodents and other harmful organisms; and

(6) preventing and controlling harmful organisms that endanger river dikes and dams, railways, wharves, airports, buildings and other premises.

Article 3 — The agriculture competent department of the State Council is responsible for the supervision and administration of pesticides nationwide.

The agriculture competent departments of local people's governments at or above the county level are responsible for the supervision and administration of pesticides within their respective administrative regions.

Other relevant departments of people's governments at or above the county level are responsible for the relevant supervision and administration of pesticides within the scope of their respective duties.

Article 4 — Local people's governments at or above the county level shall strengthen the organization and leadership of pesticide supervision and administration work, include the funds for pesticide supervision and administration in the budgets of the governments at the corresponding level, and guarantee the development of pesticide supervision and administration work.

Article 5 — Pesticide production enterprises and pesticide operators shall be responsible for the safety and efficacy of the pesticides they produce or operate, and shall consciously accept government supervision and social supervision.

Pesticide production enterprises and pesticide operators shall strengthen industry self-discipline and standardize their production and operation activities.

Article 6 — The State encourages and supports the research, development, production and use of safe, efficient and economical pesticides, promotes the specialized use of pesticides, and facilitates the upgrading of the pesticide industry.

Units and individuals that have made outstanding contributions to the research and development, promotion, supervision and administration of pesticides shall be commended or rewarded in accordance with the relevant provisions of the State.

Chapter II — Pesticide Registration

Article 7 — The State implements a pesticide registration system. Pesticide production enterprises and enterprises exporting pesticides to China shall apply for pesticide registration in accordance with these

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Regulations, and developers of new pesticides may apply for pesticide registration in accordance with these Regulations.

The institution responsible for pesticide inspection work under the agriculture competent department of the State Council is responsible for the specific work of pesticide registration. The institutions responsible for pesticide inspection work under the agriculture competent departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall assist in the specific work of pesticide registration within their respective administrative regions.

Article 8 — The agriculture competent department of the State Council shall organize the establishment of a pesticide registration review committee responsible for the review of pesticide registration.

The pesticide registration review committee shall consist of the following personnel:

(1) experts in pesticide product chemistry, efficacy, toxicology, residues, environment, quality standards and testing, recommended by the agriculture, forestry, health, environmental protection, grain, industrial industry administration, work safety supervision and administration and other relevant departments of the State Council, and by units such as the All-China Federation of Supply and Marketing Cooperatives;

(2) relevant experts of the National Food Safety Risk Assessment Expert Committee; and

(3) representatives of the agriculture, forestry, health, environmental protection, grain, industrial industry administration, work safety supervision and administration and other relevant departments of the State Council, and of units such as the All-China Federation of Supply and Marketing Cooperatives.

The rules for pesticide registration review shall be formulated by the agriculture competent department of the State Council.

Article 9 — To apply for pesticide registration, registration testing shall be conducted.

Pesticide registration testing shall be filed with the agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government at the place where the testing is conducted.

For registration testing of a new pesticide, an application shall be submitted to the agriculture competent department of the State Council. The agriculture competent department of the State Council shall, within 40 working days from the date of acceptance of the application, review the safety risks of the testing and the precautionary measures; where the conditions are met, the registration testing shall be approved; where the conditions are not met, the applicant shall be notified in writing with the reasons stated.

Article 10 — Registration testing shall be conducted by registration testing units recognized by the agriculture competent department of the State Council in accordance with the provisions of the agriculture competent department of the State Council.

Pesticides identical in composition, scope of use and method of use to pesticides that have obtained Chinese pesticide registration shall be exempt from residue and environmental testing; however, where the pesticide that has obtained Chinese pesticide registration is within the registration data protection period in accordance with Article 15 of these Regulations, the authorization and consent of the pesticide registration certificate holder shall be obtained.

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

Article 11 — After registration testing is completed, the applicant shall submit a pesticide registration application to the agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government at the place where the applicant is located, together with application materials such as the registration testing report, label samples, and pesticide product quality standards and their inspection methods; where applying for registration of a new pesticide,

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pesticide reference standards shall also be provided.

The agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government shall, within 20 working days from the date of acceptance of the application, put forward preliminary review opinions and submit them to the agriculture competent department of the State Council.

Where an enterprise exporting pesticides to China applies for pesticide registration, it shall submit an application to the agriculture competent department of the State Council with the materials prescribed in paragraph 1 of this Article, the pesticide reference standards, and the certification materials of registration and use in the relevant countries (regions).

Article 12 — After accepting an application or receiving the application materials submitted by the agriculture competent department of the people's government of a province, autonomous region or municipality directly under the Central Government, the agriculture competent department of the State Council shall organize examination and registration review, and shall, within 20 working days from the date of receipt of the review opinions, make an examination and approval decision; where the conditions are met, a pesticide registration certificate shall be issued; where the conditions are not met, the applicant shall be notified in writing with the reasons stated.

Article 13 — A pesticide registration certificate shall state the pesticide name, formulation, active ingredients and their contents, toxicity, scope of use, method and dosage of use, registration certificate holder, registration certificate number, validity period and other matters.

The validity period of a pesticide registration certificate is five years. Where, upon expiration of the validity period, it is necessary to continue producing the pesticide or exporting the pesticide to China, the pesticide registration certificate holder shall apply for renewal to the agriculture competent department of the State Council 90 days before the expiration of the validity period.

Where the matters stated in a pesticide registration certificate change, the pesticide registration certificate holder shall apply for modification of the pesticide registration certificate in accordance with the provisions of the agriculture competent department of the State Council.

The agriculture competent department of the State Council shall promptly announce the issuance, renewal and modification of pesticide registration certificates, as well as information such as the relevant pesticide product quality standard numbers, residue limit provisions, inspection methods and approved labels.

Article 14 — A developer of a new pesticide may transfer the registration materials of a new pesticide for which it has obtained registration; a pesticide production enterprise may transfer the registration materials of a pesticide for which it has obtained registration to a pesticide production enterprise with corresponding production capacity.

Article 15 — The State protects the undisclosed test data and other data that an applicant for first registration of a pesticide containing a new compound has obtained by itself and submitted.

Within six years from the date of registration, where another applicant uses the data prescribed in the preceding paragraph to apply for pesticide registration without the consent of the applicant that has obtained registration, the registration authority shall not register it; however, this does not apply where the other applicant submits data obtained by itself.

Except under the following circumstances, the registration authority shall not disclose the data prescribed in paragraph 1 of this Article:

(1) where the public interest so requires; or

(2) where measures have been taken to ensure that such information will not be improperly used commercially.

Chapter III — Pesticide Production

Article 16 — Pesticide production shall conform to the state industrial policy. The State encourages and supports pesticide production enterprises in adopting advanced technology and advanced management standards to improve the safety and efficacy of pesticides.

Article 17 — The State implements a pesticide production licensing system. Pesticide production enterprises shall meet the following conditions and, in accordance with the provisions of the agriculture competent department of the State Council, apply to the agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government for a pesticide production license:

(1) having technical personnel commensurate with the pesticide production applied for;

(2) having factory premises and facilities commensurate with the pesticide production applied for;

(3) having personnel, instruments and equipment for quality management and quality inspection of the pesticide production applied for; and

(4) having rules and regulations to ensure the quality of the pesticide production applied for.

The agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government shall, within 20 working days from the date of acceptance of the application, make an examination and approval decision and, where necessary, conduct an on-site inspection. Where the conditions are met, a pesticide production license shall be issued; where the conditions are not met, the applicant shall be notified in writing with the reasons stated.

Where laws and administrative regulations such as those on work safety and environmental protection provide otherwise on the production conditions of enterprises, pesticide production enterprises shall also comply with such provisions.

Article 18 — A pesticide production license shall state the name, domicile and legal representative (person in charge) of the pesticide production enterprise, the scope of production, the production address, the validity period and other matters.

The validity period of a pesticide production license is five years. Where, upon expiration of the validity period, it is necessary to continue producing pesticides, the pesticide production enterprise shall apply for renewal to the agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government 90 days before the expiration of the validity period.

Where the matters stated in a pesticide production license change, the pesticide production enterprise shall apply for modification of the pesticide production license in accordance with the provisions of the agriculture competent department of the State Council.

Article 19 — For commissioned processing or repackaging of pesticides, the commissioning party shall obtain the corresponding pesticide registration certificate, and the commissioned party shall obtain a pesticide production license.

The commissioning party shall be responsible for the quality of the commissioned processed or repackaged pesticides.

Article 20 — When purchasing raw materials, a pesticide production enterprise shall examine the product quality inspection conformity certificates and relevant license certification documents, and shall not purchase or use raw materials that are not accompanied by product quality inspection conformity certificates in accordance with the law or for which relevant license certification documents have not been obtained in accordance with the law.

A pesticide production enterprise shall establish a raw material purchase record system, and truthfully record the names of raw materials, the numbers of relevant license certification documents, specifications, quantities, the names and contact information of suppliers, the dates of purchase and other contents. Raw material purchase records shall be preserved for at least two years.

Article 21 — A pesticide production enterprise shall strictly carry out production in accordance with product quality standards and ensure that pesticide products are consistent with the registered pesticides. Pesticides leaving the factory for sale shall have passed quality inspection and be accompanied by product quality inspection conformity certificates.

A pesticide production enterprise shall establish a pesticide factory sale record system, and truthfully record the names, specifications and quantities of pesticides, the production dates and batch numbers, product quality inspection information, the names and contact information of purchasers, the dates of sale and other contents. Pesticide factory sale records shall be preserved for at least two years.

Article 22 — Pesticide packaging shall conform to the relevant provisions of the State and shall be printed with or bear labels. The State encourages pesticide production enterprises to use recyclable pesticide packaging materials.

Pesticide labels shall, in accordance with the provisions of the agriculture competent department of the State Council, mark in Chinese the name, formulation, active ingredients and their contents of the pesticide, toxicity and its marking, scope of use, method and dosage of use, technical requirements and precautions for use, production date, traceable electronic information code and other contents.

Labels of restricted-use pesticides such as highly toxic and hypertoxic pesticides and other pesticides with strict technical requirements for use shall also bear the words "restricted use" and state the special restrictions and special requirements for use. Labels of pesticides used on edible agricultural products shall also state the safety interval.

Article 23 — A pesticide production enterprise shall not alter the approved label contents of a pesticide without authorization, and shall not mark false or user-misleading contents on pesticide labels.

Where pesticide packaging is too small for the label to state all contents, an instruction sheet shall be attached simultaneously, and the contents of the instruction sheet shall be consistent with the approved label contents.

Chapter IV — Pesticide Operation

Article 24 — The State implements a pesticide operation licensing system, except for the operation of pesticides for public health use. Pesticide operators shall meet the following conditions and, in accordance with the provisions of the agriculture competent department of the State Council, apply to the agriculture competent department of the local people's government at or above the county level for a pesticide operation license:

(1) having business personnel with professional knowledge of pesticides and pest and disease control, who are familiar with pesticide administration provisions and are able to guide the safe and rational use of pesticides;

(2) having business premises and storage premises effectively isolated from other goods, drinking water sources and living areas, and equipped with protective facilities commensurate with the pesticides operated; and

(3) having systems for quality management, ledger records, safety protection, emergency disposal and storage administration commensurate with the pesticides operated.

For the operation of restricted-use pesticides, corresponding medication guidance and pest and disease control professional technical personnel shall also be provided, and fixed-point operation shall be implemented in accordance with the provisions of the agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government at the place of operation.

The agriculture competent department of the local people's government at or above the county level shall, within 20 working days from the date of acceptance of the application, make an examination and approval decision. Where the conditions are met, a pesticide operation license shall be issued; where the conditions are not met, the applicant shall be notified in writing with the reasons stated.

Article 25 — A pesticide operation license shall state the name, domicile and person in charge of the pesticide operator, the scope of operation, the validity period and other matters.

The validity period of a pesticide operation license is five years. Where, upon expiration of the validity period, it is necessary to continue operating pesticides, the pesticide operator shall apply for renewal to the license-issuing authority 90 days before the expiration of the validity period.

Where the matters stated in a pesticide operation license change, the pesticide operator shall apply for modification of the pesticide operation license in accordance with the provisions of the agriculture competent department of the State Council.

Where a pesticide operator that has obtained a pesticide operation license establishes a branch, it shall apply for modification of the pesticide operation license in accordance with the law and file it with the agriculture competent department of the local people's government at or above the county level at the place of the branch; its branch is exempt from handling a pesticide operation license. The pesticide operator shall be responsible for the operation activities of its branch.

Article 26 — When purchasing pesticides, a pesticide operator shall examine the product packaging, labels, product quality inspection conformity certificates and relevant license certification documents, and shall not purchase pesticides from a pesticide production enterprise that has not obtained a pesticide production license or from another pesticide operator that has not obtained a pesticide operation license.

A pesticide operator shall establish purchase ledgers, truthfully recording the names of pesticides, the numbers of relevant license certification documents, specifications, quantities, production enterprises, the names and contact information of suppliers, the dates of purchase and other contents. Purchase ledgers shall be preserved for at least two years.

Article 27 — A pesticide operator shall establish sale ledgers, truthfully recording the names, specifications and quantities of pesticides sold, the production enterprises, purchasers, sale dates and other contents. Sale ledgers shall be preserved for at least two years.

A pesticide operator shall inquire of purchasers about the occurrence of pests and diseases and recommend pesticides scientifically; where necessary, it shall inspect the occurrence of pests and diseases on site, and correctly explain the scope of use, method and dosage of use, technical requirements and precautions for use of the pesticides, and shall not mislead purchasers.

Paragraphs 1 and 2 of this Article do not apply to the operation of pesticides for public health use.

Article 28 — A pesticide operator shall not process or repackage pesticides, shall not add any substance to pesticides, and shall not purchase or sell pesticides whose packaging and labels do not conform to the provisions, that are not accompanied by product quality inspection conformity certificates, or for which relevant license certification documents have not been obtained.

For the operation of pesticides for public health use, such pesticides shall be sold in separate cabinets from other goods; for the operation of other pesticides, food, edible agricultural products, feed and the like shall

not be operated within the pesticide operation premises.

Article 29 — Overseas enterprises shall not directly sell pesticides in China. Where an overseas enterprise sells pesticides in China, it shall, in accordance with the law, establish a sales institution in China or commission a qualified Chinese agency to sell them.

Pesticides exported to China shall be accompanied by Chinese labels and instruction sheets, conform to product quality standards, and have passed inspection by the entry-exit inspection and quarantine department in accordance with the law. The import of pesticides for which no pesticide registration certificate has been obtained is prohibited.

In handling customs declaration procedures for the import and export of pesticides, the relevant certification documents shall be presented in accordance with the provisions of the General Administration of Customs.

Chapter V — Pesticide Use

Article 30 — The agriculture competent departments of people's governments at or above the county level shall strengthen guidance and services for pesticide use, establish and improve systems for the safe and rational use of pesticides, and, in accordance with the requirements of prevention first and comprehensive control, organize the promotion of scientific pesticide use technology and standardize pesticide use behavior. Forestry, grain, health and other departments shall strengthen technical guidance on the safe and rational use of pesticides for forestry, grain storage and public health use, and the environmental protection competent department shall strengthen technical guidance on environmental protection and pollution prevention and control in the process of pesticide use.

Article 31 — The agriculture competent department of a people's government at the county level shall organize plant protection, agricultural technology extension and other institutions to provide free technical training to pesticide users, so as to raise the level of safe and rational pesticide use.

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

Article 32 — The State gradually reduces pesticide use through measures such as promoting biological control, physical control and advanced pesticide application equipment.

The people's government at the county level shall formulate and organize the implementation of a pesticide reduction plan for its administrative region, and give encouragement and support to pesticide users who implement the pesticide reduction plan and voluntarily reduce pesticide use.

The agriculture competent department of the people's government at the county level shall encourage and support the establishment of specialized pest and disease control service organizations, and guide, standardize and manage specialized pest and disease control and the preparation and application of restricted-use pesticides, so as to raise the level of pest and disease control.

The agriculture competent department of the people's government at the county level shall guide pesticide users in the planned rotation of pesticides, so as to slow the development of resistance in diseases, insects, weeds, rodents and other harmful organisms that endanger agriculture and forestry.

The people's governments of townships and towns shall assist in carrying out pesticide use guidance and service work.

Article 33 — Pesticide users shall comply with the state systems for the safe and rational use of pesticides, properly keep pesticides, and take necessary protective measures in the process of preparing and applying pesticides, so as to avoid pesticide use accidents.

Operators of restricted-use pesticides shall provide medication guidance to pesticide users and gradually provide unified medication services.

Article 34 — Pesticide users shall strictly use pesticides in accordance with the scope of use, method and dosage of use, technical requirements and precautions for use marked on the pesticide labels, and shall not expand the scope of use, increase the dosage or change the method of use.

Pesticide users shall not use prohibited pesticides.

For pesticides whose labels state a safety interval, use shall be stopped in accordance with the safety interval requirement before the harvest of agricultural products.

Highly toxic and hypertoxic pesticides shall not be used to control public health pests, shall not be used in the production of vegetables, melons and fruits, tea, fungi and Chinese herbal medicines, and shall not be used for the pest and disease control of aquatic plants.

Article 35 — Pesticide users shall protect the environment and protect beneficial organisms and rare species, and shall not discard pesticides, pesticide packaging materials or wash pesticide application equipment in drinking water source protection areas or river channels.

It is strictly prohibited to use pesticides in drinking water source protection areas, and it is strictly prohibited to use pesticides to poison fish, shrimp, birds, beasts and the like.

Article 36 — Agricultural product production enterprises, food and edible agricultural product storage enterprises, specialized pest and disease control service organizations, and specialized farmer cooperatives engaged in agricultural product production shall establish pesticide use records, truthfully recording the time, place and objects of pesticide use, as well as the pesticide names, dosages and production enterprises. Pesticide use records shall be preserved for at least two years.

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

Article 37 — The State encourages pesticide users to properly collect pesticide packaging materials and other waste; pesticide production enterprises and pesticide operators shall recover pesticide waste so as to prevent pesticide pollution of the environment and pesticide poisoning accidents. The specific measures shall be formulated by the environmental protection competent department of the State Council in conjunction with the agriculture competent department of the State Council, the finance department of the State Council and other departments.

Article 38 — Where a pesticide use accident occurs, the pesticide user, pesticide production enterprise, pesticide operator and other relevant personnel shall promptly report it to the local agriculture competent department.

The agriculture competent department receiving the report shall immediately take measures to prevent the accident from expanding, and simultaneously notify the relevant departments to take corresponding measures. Where a pesticide poisoning accident is caused, the agriculture competent department and the public security organ shall organize investigation and handling in accordance with their duties and authorities, and the health competent department shall, in accordance with the relevant provisions of the State, immediately organize medical treatment for the injured; where an environmental pollution accident is caused, the environmental protection and other relevant departments shall organize investigation and handling in accordance with the law; where a grain storage pesticide use accident or a crop phytotoxicity accident is caused, the grain and agriculture and other departments shall respectively organize technical appraisal and investigation and handling.

Article 39 — For emergency needs such as the prevention and control of sudden major pests and diseases, the agriculture competent department of the State Council may decide to temporarily produce and use a prescribed quantity of pesticides for which no registration has been obtained or that are prohibited or

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restricted in use, and, where necessary, shall, in conjunction with the foreign trade competent department of the State Council, decide to temporarily restrict the export of or temporarily import a prescribed quantity and variety of pesticides.

The pesticides prescribed in the preceding paragraph shall be used under the supervision and guidance of the agriculture competent department of the people's government at the county level at the place of use.

Chapter VI — Supervision and Administration

Article 40 — The agriculture competent departments of people's governments at or above the county level shall regularly investigate and collect statistics on the production, sale and use of pesticides, and promptly report them to the relevant departments of the people's governments at the corresponding level.

The agriculture competent departments of local people's governments at or above the county level shall establish and publish integrity archives for pesticide production and operation; where illegal pesticide production or operation discovered is suspected of constituting a crime, it shall be transferred to the public security organ for investigation and handling in accordance with the law.

Article 41 — In performing pesticide supervision and administration duties, the agriculture competent departments of people's governments at or above the county level may, in accordance with the law, take the following measures:

(1) entering pesticide production, operation and use premises to conduct on-site inspection;

(2) carrying out random inspection and testing of pesticides produced, operated and used;

(3) investigating and learning relevant circumstances from relevant personnel;

(4) consulting and copying contracts, bills, account books and other relevant materials;

(5) sealing up or seizing illegally produced, operated or used pesticides, as well as the tools, equipment, raw materials and the like used for the illegal production, operation or use of pesticides; and

(6) sealing up premises where pesticides are illegally produced, operated or used.

Article 42 — The State establishes a pesticide recall system. Where a pesticide production enterprise discovers that the pesticide it produces causes serious harm or relatively high risk to agriculture, forestry, human and livestock safety, agricultural product quality safety, the ecological environment and the like, it shall immediately stop production, notify the relevant operators and users, report to the agriculture competent department at its place of business, proactively recall the product, and record the notification and recall.

Where a pesticide operator discovers that the pesticide it operates falls under the circumstances prescribed in the preceding paragraph, it shall immediately stop sale, notify the relevant production enterprises, suppliers and purchasers, report to the agriculture competent department at its place of business, and record the suspension of sale and notification.

Where a pesticide user discovers that the pesticide it uses falls under the circumstances prescribed in paragraph 1 of this Article, it shall immediately stop use, notify the operator, and report to the agriculture competent department at its place of business.

Article 43 — The agriculture competent department of the State Council and the agriculture competent departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall organize the institutions responsible for pesticide inspection work and plant protection institutions to monitor the safety and efficacy of registered pesticides.

Where it is discovered that a registered pesticide causes serious harm or relatively high risk to agriculture, forestry, human and livestock safety, agricultural product quality safety, the ecological environment and the

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like, the agriculture competent department of the State Council shall organize the pesticide registration review committee to conduct a review and, based on the review results, revoke or modify the corresponding pesticide registration certificate, and, where necessary, decide to prohibit or restrict use and make an announcement.

Article 44 — A pesticide shall be determined to be a counterfeit pesticide under any of the following circumstances:

(1) passing off a non-pesticide as a pesticide;

(2) passing off one kind of pesticide as another kind of pesticide; or

(3) the types of active ingredients contained in the pesticide are inconsistent with the active ingredients marked on the pesticide's label or instruction sheet.

Prohibited pesticides, pesticides produced or imported without lawfully obtaining a pesticide registration certificate, and pesticides not accompanied by labels shall be handled as counterfeit pesticides.

Article 45 — A pesticide shall be determined to be an inferior pesticide under any of the following circumstances:

(1) it does not conform to pesticide product quality standards; or

(2) it is mixed with harmful ingredients that cause phytotoxicity and the like.

Pesticides beyond their quality guarantee period shall be handled as inferior pesticides.

Article 46 — Counterfeit pesticides, inferior pesticides, recovered pesticide waste and the like shall be handed over to units qualified for hazardous waste operation for centralized disposal, and the disposal costs shall be borne by the corresponding pesticide production enterprises or pesticide operators; where the pesticide production enterprise or pesticide operator is unclear, the disposal costs shall be paid from the finances of the people's government at the county level at the place of business.

Article 47 — It is prohibited to forge, alter, transfer, lease or lend pesticide registration certificates, pesticide production licenses, pesticide operation licenses and other license certification documents.

Article 48 — The agriculture competent departments of people's governments at or above the county level and their staff, and the institutions responsible for pesticide inspection work and their staff, shall not participate in pesticide production or operation activities.

Chapter VII — Legal Liability

Article 49 — Where the agriculture competent department of a people's government at or above the county level or any of its staff members commits any of the following acts, the people's government at the corresponding level shall order correction; sanctions shall be imposed on the responsible leading personnel and directly responsible personnel in accordance with the law; where the responsible leading personnel and directly responsible personnel constitute a crime, criminal liability shall be pursued in accordance with the law:

(1) failing to perform supervision and administration duties, such that illegal pesticide production or operation activities within the administrative region under its jurisdiction cause major losses or serious adverse social impact;

(2) granting licenses to applicants who do not meet the conditions or refusing to grant licenses to applicants who meet the conditions;

(3) participating in pesticide production or operation activities; or

(4) committing other acts of malpractice for personal gain, abuse of power or dereliction of duty.

Article 50 — Where a member of the pesticide registration review committee seeks improper benefits in pesticide registration review, he or she shall be removed from the pesticide registration review committee by the agriculture competent department of the State Council; where he or she is a state functionary, sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 51 — Where a registration testing unit issues a false registration testing report, the agriculture competent department of the people's government of the province, autonomous region or municipality directly under the Central Government shall confiscate its illegal gains and impose a fine of not less than 50,000 yuan and not more than 100,000 yuan; the agriculture competent department of the State Council shall remove it from the registration testing units and shall not accept its application for recognition as a registration testing unit within five years; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 52 — Where pesticides are produced without obtaining a pesticide production license, or counterfeit pesticides are produced, the agriculture competent department of the local people's government at or above the county level shall order cessation of production, confiscate the illegal gains, the illegally produced products and the tools, equipment, raw materials and the like used for illegal production; where the value of the illegally produced products is less than 10,000 yuan, a fine of not less than 50,000 yuan and not more than 100,000 yuan shall also be imposed; where the value of the illegally produced products is 10,000 yuan or more, a fine of not less than 10 times and not more than 20 times the value of the products shall also be imposed; the license-issuing authority shall revoke the pesticide production license and the corresponding pesticide registration certificate; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Where a pesticide production enterprise that has obtained a pesticide production license continues to produce pesticides without meeting the prescribed conditions, the agriculture competent department of the local people's government at or above the county level shall order rectification within a prescribed time limit; where rectification is refused after the time limit or the conditions are still not met after rectification, the license-issuing authority shall revoke the pesticide production license.

Where a pesticide production enterprise produces inferior pesticides, the agriculture competent department of the local people's government at or above the county level shall order cessation of production, confiscate the illegal gains, the illegally produced products and the tools, equipment, raw materials and the like used for illegal production; where the value of the illegally produced products is less than 10,000 yuan, a fine of not less than 10,000 yuan and not more than 50,000 yuan shall also be imposed; where the value of the illegally produced products is 10,000 yuan or more, a fine of not less than 5 times and not more than 10 times the value of the products shall also be imposed; where the circumstances are serious, the license-issuing authority shall revoke the pesticide production license and the corresponding pesticide registration certificate; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Where pesticides are commissioned to be processed or repackaged by a commissioned party that has not obtained a pesticide production license, or counterfeit or inferior pesticides are commissioned to be processed or repackaged, both the commissioning party and the commissioned party shall be penalized in accordance with paragraphs 1 and 3 of this Article.

Article 53 — Where a pesticide production enterprise commits any of the following acts, the agriculture competent department of the local people's government at or above the county level shall order correction, confiscate the illegal gains, the illegally produced products and the raw materials and the like used for illegal production; where the value of the illegally produced products is less than 10,000 yuan, a fine of not less than 10,000 yuan and not more than 20,000 yuan shall also be imposed; where the value of the illegally produced products is 10,000 yuan or more, a fine of not less than 2 times and not more than 5 times the value of the products shall also be imposed; where correction is refused or the circumstances are serious,

the license-issuing authority shall revoke the pesticide production license and the corresponding pesticide registration certificate:

(1) purchasing or using raw materials that are not accompanied by product quality inspection conformity certificates in accordance with the law or for which relevant license certification documents have not been obtained in accordance with the law;

(2) selling pesticides that have not passed quality inspection and are not accompanied by product quality inspection conformity certificates;

(3) producing pesticides whose packaging, labels or instruction sheets do not conform to the provisions; or

(4) failing to recall pesticides that should be recalled in accordance with the law.

Article 54 — Where a pesticide production enterprise fails to implement the raw material purchase and pesticide factory sale record systems, or fails to perform its obligation to recover pesticide waste, the agriculture competent department of the local people's government at or above the county level shall order correction and impose a fine of not less than 10,000 yuan and not more than 50,000 yuan; where correction is refused or the circumstances are serious, the license-issuing authority shall revoke the pesticide production license and the corresponding pesticide registration certificate.

Article 55 — Where a pesticide operator commits any of the following acts, the agriculture competent department of the local people's government at or above the county level shall order cessation of operation, confiscate the illegal gains, the illegally operated pesticides and the tools, equipment and the like used for illegal operation; where the value of the illegally operated pesticides is less than 10,000 yuan, a fine of not less than 5,000 yuan and not more than 50,000 yuan shall also be imposed; where the value of the illegally operated pesticides is 10,000 yuan or more, a fine of not less than 5 times and not more than 10 times the value of the pesticides shall also be imposed; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) operating pesticides without obtaining a pesticide operation license in violation of these Regulations;

(2) operating counterfeit pesticides; or

(3) adding substances to pesticides.

Where the acts prescribed in items (2) and (3) of the preceding paragraph are committed with serious circumstances, the license-issuing authority shall also revoke the pesticide operation license.

Where a pesticide operator that has obtained a pesticide operation license continues to operate pesticides without meeting the prescribed conditions, the agriculture competent department of the local people's government at or above the county level shall order rectification within a prescribed time limit; where rectification is refused after the time limit or the conditions are still not met after rectification, the license-issuing authority shall revoke the pesticide operation license.

Article 56 — Where a pesticide operator operates inferior pesticides, the agriculture competent department of the local people's government at or above the county level shall order cessation of operation, confiscate the illegal gains, the illegally operated pesticides and the tools, equipment and the like used for illegal operation; where the value of the illegally operated pesticides is less than 10,000 yuan, a fine of not less than 2,000 yuan and not more than 20,000 yuan shall also be imposed; where the value of the illegally operated pesticides is 10,000 yuan or more, a fine of not less than 2 times and not more than 5 times the value of the pesticides shall also be imposed; where the circumstances are serious, the license-issuing authority shall revoke the pesticide operation license; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 57 — Where a pesticide operator commits any of the following acts, the agriculture competent department of the local people's government at or above the county level shall order correction, confiscate

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the illegal gains and the illegally operated pesticides, and impose a fine of not less than 5,000 yuan and not more than 50,000 yuan; where correction is refused or the circumstances are serious, the license-issuing authority shall revoke the pesticide operation license:

(1) establishing a branch without lawfully modifying the pesticide operation license, or failing to file it with the agriculture competent department of the local people's government at or above the county level at the place of the branch;

(2) purchasing pesticides from a pesticide production enterprise that has not obtained a pesticide production license or from another pesticide operator that has not obtained a pesticide operation license;

(3) purchasing or selling pesticides that are not accompanied by product quality inspection conformity certificates or whose packaging or labels do not conform to the provisions; or

(4) failing to stop selling pesticides that should be recalled in accordance with the law.

Article 58 — Where a pesticide operator commits any of the following acts, the agriculture competent department of the local people's government at or above the county level shall order correction; where correction is refused or the circumstances are serious, a fine of not less than 2,000 yuan and not more than 20,000 yuan shall be imposed, and the license-issuing authority shall revoke the pesticide operation license:

(1) failing to implement the pesticide purchase ledger and sale ledger systems;

(2) operating food, edible agricultural products, feed and the like within pesticide operation premises other than those for pesticides for public health use;

(3) failing to sell pesticides for public health use in separate cabinets from other goods; or

(4) failing to perform the obligation to recover pesticide waste.

Article 59 — Where an overseas enterprise directly sells pesticides in China, the agriculture competent department of the local people's government at or above the county level shall order cessation of sale, confiscate the illegal gains, the illegally operated pesticides and the tools, equipment and the like used for illegal operation; where the value of the illegally operated pesticides is less than 50,000 yuan, a fine of not less than 50,000 yuan and not more than 500,000 yuan shall also be imposed; where the value of the illegally operated pesticides is 50,000 yuan or more, a fine of not less than 10 times and not more than 20 times the value of the pesticides shall also be imposed; the license-issuing authority shall revoke the pesticide registration certificate.

Where an overseas enterprise that has obtained a pesticide registration certificate exports inferior pesticides to China with serious circumstances or exports counterfeit pesticides, the agriculture competent department of the State Council shall revoke the corresponding pesticide registration certificate.

Article 60 — Where a pesticide user commits any of the following acts, the agriculture competent department of the people's government at the county level shall order correction; where the pesticide user is an agricultural product production enterprise, a food or edible agricultural product storage enterprise, a specialized pest and disease control service organization, a specialized farmer cooperative engaged in agricultural product production or other unit, a fine of not less than 50,000 yuan and not more than 100,000 yuan shall be imposed; where the pesticide user is an individual, a fine of not more than 10,000 yuan shall be imposed; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) failing to use pesticides in accordance with the scope of use, method and dosage of use, technical requirements and precautions for use, and safety interval marked on the pesticide labels;

(2) using prohibited pesticides;

(3) using highly toxic or hypertoxic pesticides to control public health pests, in the production of vegetables, melons and fruits, tea, fungi or Chinese herbal medicines, or for the pest and disease control of aquatic

plants;

(4) using pesticides in drinking water source protection areas;

(5) using pesticides to poison fish, shrimp, birds, beasts and the like; or

(6) discarding pesticides, pesticide packaging materials or washing pesticide application equipment in drinking water source protection areas or river channels.

Where the act prescribed in item (2) of the preceding paragraph is committed, the agriculture competent department of the people's government at the county level shall also confiscate the prohibited pesticides.

Article 61 — Where an agricultural product production enterprise, a food or edible agricultural product storage enterprise, a specialized pest and disease control service organization, a specialized farmer cooperative engaged in agricultural product production or other unit fails to implement the pesticide use record system, the agriculture competent department of the people's government at the county level shall order correction; where correction is refused or the circumstances are serious, a fine of not less than 2,000 yuan and not more than 20,000 yuan shall be imposed.

Article 62 — Where pesticide registration certificates, pesticide production licenses, pesticide operation licenses and other license certification documents are forged, altered, transferred, leased or lent, the license-issuing authority shall confiscate or revoke them, confiscate the illegal gains, and impose a fine of not less than 10,000 yuan and not more than 50,000 yuan; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 63 — Where pesticides are produced without obtaining a pesticide production license, pesticides are operated without obtaining a pesticide operation license, or a pesticide registration certificate, pesticide production license or pesticide operation license is revoked, the directly responsible person in charge shall not engage in pesticide production or operation activities within ten years.

Where a pesticide production enterprise or pesticide operator recruits personnel prescribed in the preceding paragraph to engage in pesticide production or operation activities, the license-issuing authority shall revoke the pesticide production license or pesticide operation license.

Where a pesticide registration certificate is revoked, the agriculture competent department of the State Council shall not accept the pesticide registration application within five years.

Article 64 — Where pesticides produced or operated cause personal or property damage to pesticide users, the pesticide user may demand compensation from the pesticide production enterprise or from the pesticide operator. Where the responsibility lies with the pesticide production enterprise, the pesticide operator, after compensating, shall have the right to recover from the pesticide production enterprise; where the responsibility lies with the pesticide operator, the pesticide production enterprise, after compensating, shall have the right to recover from the pesticide operator.

Chapter VIII — Supplementary Provisions

Article 65 — To apply for pesticide registration, the applicant shall, in accordance with the principle of voluntariness and compensation, negotiate with the registration testing unit to determine the registration testing fees.

Article 66 — These Regulations shall come into force as of June 1, 2017.

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