

Seed Law of the People's Republic of China

China.org.cn, February 14, 2011

(Adopted at the 16th Meeting of the Standing Committee of the Ninth National People's Congress on July 8, 2000, promulgated by Order No. 34 of the President of the People's Republic of China on July 8, 2000, and amended in accordance with the Decision on Amending the Seed Law of the People's Republic of China, adopted at the 11th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2004)

Contents

Chapter I General Provisions

Chapter II Protection of Germ Plasm Resources

Chapter III Selection and Verification of Varieties

Chapter IV Production of Seeds

Chapter V Trading in Seeds

Chapter VI Use of Seeds

Chapter VII Seed Quality

Chapter VIII Import and Export of Seeds and Cooperation with Foreign Countries

Chapter IX Administrative Management of Seeds

Chapter X Legal Responsibility

Chapter XI Supplementary Provisions

Chapter I General Provisions

Article 1 This Law is enacted for the purpose of protecting and making rational use of germ plasm resources, standardizing the variety selection and the production of, trading in and use of seeds, safeguarding the lawful rights and interests of variety breeders and seed producers, traders in seeds and seed users, operators and users, improving the quality of seeds, pushing forward the industrial management of seeds and promoting the development of crop cultivation and the forestry industry.

Article 2 This Law shall apply to the activities such as variety selection and production of, trading in, use and management of seeds engaged in within the territory of the People's Republic of China.

For purposes of this Law, seeds mean the materials for planting or propagating crops and forest trees, including grains, fruits, roots, stems, seedlings, sprouts and leaves.

Article 3 The administrative departments for agriculture and for forestry under the State Council shall be respectively in charge of the work related to crop seeds and forest tree seeds throughout the country. The administrative departments for agriculture and for forestry under the local people's governments at or above the county level shall be in charge of the work related to crop seeds and forest tree seeds within their respective administrative regions.

Article 4 The State supports the efforts to protect germ plasm resources and to select, produce, replace and popularize improved varieties, encourages the combination of variety selection with seed production and trading in seeds, and rewards the units and individuals that achieve outstanding successes in the protection of germ plasm resources and in the selection and popularization of improved varieties.

Article 5 People's governments at or above the county level shall make plans for seed development in accordance with the guidelines of developing agriculture with the help of science and education and in light of the need for the development of crop cultivation and the forestry industry, and ensure implementation of the plans by taking measures in the fields of finance, loans and taxation in accordance with the relevant regulations of the State.

Article 6 The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall establish special funds to support the selection and popularization of improved varieties. Specific measures in this regard shall be formulated by the State Council.

Article 7 The State shall establish a system for storing seeds, mainly to meet the need of production in times of calamities and to ensure the security of agricultural production. The seeds kept in reserve shall be regularly inspected and replaced with new seeds. Specific measures for seed storage shall be formulated by the State Council.

Chapter II Protection of Germ Plasm Resources

Article 8 The State protects germ plasm resources in accordance with law, and no units or individuals may seize or impair germ plasm resources.

Collecting and cutting natural germ plasm resources that are under special protection of the State are prohibited. Where such collecting or cutting is required for scientific research or other special purposes, the matter shall be subject to approval by the administrative department for agriculture or for forestry under the State Council or under the people's government of a province, autonomous region or municipality directly under the Central Government.

Article 9 The State, in a planned way, collects, sorts out, verifies, registers, stores, exchanges and utilizes germ plasm resources, and regularly issues the catalogue of available germ plasm resources. Specific measures in this respect shall be formulated by the administrative departments for agriculture and for forestry under the State Council.

The administrative departments for agriculture and for forestry under the State Council shall establish a national bank of germ plasm resources, and the administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government may, in light of their need, establish germ plasm resources banks and protection zones or germ plasm resources reserves.

Article 10 The State has the sovereign right over germ plasm resources. Any units or individuals that wish to provide germ plasm resources to people outside China shall apply to the administrative department for agriculture or for forestry under the

State Council for approval; Any introduction of germ plasm resources from abroad shall be handled in accordance with the relevant regulations laid down by the administrative department for agriculture or for forestry under the State Council.

Chapter III Selection and Verification of Varieties

Article 11 The administrative departments for agriculture, forestry, science and technology, education, etc. under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall make arrangements for relevant units to carry out research on the theory, technology and methods for variety selection.

The State encourages and supports units and individuals in their efforts to select and develop improved varieties.

Article 12 The State applies the system of protecting new plant varieties, whereby the plant varieties cultivated by artificial means or developed from wild plants discovered, which possess the characteristics of novelty, uniqueness, conformity and stability, shall be given the title of new plant varieties and the lawful rights and interests of the owners of such plant varieties shall be protected. The specific measures therefor shall be applied in accordance with the relevant regulations of the State. Where the varieties selected and bred are popularized, the breeders shall be given appropriate economic benefits in accordance with law.

Article 13 Where the earnings of units or individuals are reduced because the administrative departments for forestry establish testing stands, experimental stands, fine tree collection areas or gene banks for selection of improved varieties of forest trees, the administrative departments for forestry that give the approval shall make economic compensation to the units or individuals in accordance with the relevant regulations of the State.

Article 14 The selection, experiment, verification and popularization of transgenic plant varieties shall be subject to security assessment, and strict security control measures shall be taken. Specific measures in this respect shall be formulated by the State Council.

Article 15 Main crop and forest tree varieties shall be subject to verification at the national or provincial level prior to their popularization. Applicants may directly apply for verification at the provincial or national level. Main crop and forest tree varieties determined by the administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be subject to verification at the provincial level.

The measures for verifying main crop and forest tree varieties shall embody the principles of fairness, openness, scientificity and efficiency and shall be formulated by the administrative departments for agriculture and for forestry under the State Council.

The administrative departments for agriculture and for forestry under the State Council and those under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall respectively set up crop and forest tree varieties verification committees composed of professionals, which shall be in charge of the verification of main crop and forest tree varieties.

With respect to regions with a diversified ecology, the administrative departments for agriculture and for forestry under the

people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may entrust cities divided into districts and autonomous prefectures with the verification of the main crop and forest tree varieties, which are suitable for popularization in regions with special ecology.

Article 16 The main crop varieties and improved varieties of forest trees verified at the national level shall be announced by the administrative departments for agriculture and for forestry under the State Council, and they may be popularized in regions with suitable ecology throughout the country. The main crop varieties and improved varieties of forest trees verified at the provincial level shall be announced by the administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and they may be popularized in regions with suitable ecology in their own administrative areas; with respect to regions of neighboring provinces, autonomous regions or municipalities directly under the Central Government that have the same suitable ecology, the said varieties may be introduced upon the approval of the administrative departments for agriculture and for forestry under the said people's governments concerned.

Article 17 No crop varieties that are subject to verification but fail to pass the verification may be announced, traded in or popularized.

No forest tree varieties that are subject to verification but fail to pass the verification may be traded in or popularized as improved varieties. However, where such varieties are really needed for production, the matter shall be submitted to the forest tree varieties verification committee for confirmation.

Article 18 Where applicants have objections to the decision that their crop or forest tree varieties fail to pass the verification, they may apply for review to the original verification committee or to the committee at the next higher level.

Article 19 Where foreigners, foreign enterprises or other foreign organizations that have no regular domiciles or business places in China apply for verification of their varieties in China, they shall ask Chinese institutes for scientific research in seeds or for production of or trading in seeds with the status of legal person to serve as their agents.

Chapter IV Production of Seeds

Article 20 A license system for the production of commodity seeds of main crops and forest trees shall be applied.

The licenses for producing hybrid seeds and parent seeds of the main crops, original seeds of conventional varieties and seeds of improved varieties of main forest trees shall be subject to approval after examination by the administrative department for agriculture or for forestry under the people's government at the county level where such seeds are produced, and shall be issued after examination by the administrative department of agriculture or for forestry under the people's government of a province, autonomous region or municipality directly under the Central Government. The licenses for producing other seeds shall be issued after examination by the administrative department for agriculture for forestry under the local people's government at or above the county level where the seeds are produced.

Article 21 Units or individuals that apply for seed production licenses shall meet the following requirements:

- (1) having the isolating and breeding facilities for propagating seeds;
- (2) having seed production sites free of epidemic diseases and insect pests or nurse-crop stands designated as such by the

administrative department for forestry under the people's government at or above the county level;

(3) having funds and facilities for production and inspection commensurate with seed production;

(4) having the necessary professionals specialized in seed production and inspection; and

(5) meeting the other requirements laid down in laws, and rules and regulations.

Anyone who applies for a license for producing seeds of a plant that has the title of a new plant variety shall be subject to written consent by the owner of such variety.

Article 22 In a seed production license the varieties of the seeds, the sites for producing such seeds, the effective period and other matters shall be stated clearly.

Forging, altering, trading in and leasing seed production licenses are prohibited. No unit or individual without such a license may produce seeds, and no unit or individual with such a license may do so at variance with the provisions stated in the license.

Article 23 Commodity seeds shall be produced in compliance with technical regulations on seed production and the rules on seed inspection and quarantine.

Article 24 Collection of seeds within forest seed production bases shall be arranged by the operators of the seed production bases, and the seeds shall be collected in conformity with the relevant standards of the State.

Plundering of unripe seeds and doing damage to mother trees are prohibited, and no seeds may be collected in inferior forest stands or from inferior mother trees.

Article 25 Producers of commodity seeds shall keep files of seed production, in which shall be clearly recorded the production sites, environments of the plots, preceding crops, source and quality of parent seeds, responsible technicians, inspections conducted in the fields, meteorological notes of the origins, distribution of seeds, etc.

Chapter V Trading in Seeds

Article 26 A license system for trading in seeds shall be applied. Only after a seed trading license is obtained may a trader in seeds apply to the administrative department for industry and commerce for a business license or for altering a business license on the strength of the seed trading license.

A system for examination and approval and issue of seed trading licenses at different levels shall be practised. A seed trading license shall be issued after examination by the administrative department for agriculture or for forestry under the people's government at or above the county level where the seed trader is located. The application for a seed trading license for hybrid seeds and parent seeds of main crops, original seeds of conventional varieties or improved varieties of main forest trees shall be subject to examination by the administrative department for agriculture or for forestry under the people's government at the county level where the seed trader is located, and the license shall be issued after examination by the administrative department for agriculture or for forestry under the people's government of a province, autonomous region or municipality directly under the Central Government. The application for a seed trading license submitted by a seed company which combines the selection

breeding, and production of seeds and trading in seeds and the registered capital of which reaches the amount specified by the administrative department for agriculture or for forestry under the State Council or submitted by a company that is engaged in import and export of seeds shall be examined by the administrative department for agriculture or for forestry under the people's government of a province, autonomous region or municipality directly under the Central Government and the license shall be issued after examination by the administrative department for agriculture or for forestry under the State Council.

Article 27 The remainder of conventional seeds propagated by peasants themselves for their own use may be sold and exchanged at rural fairs without seed trading licenses, and measures in this respect shall be formulated by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Article 28 The State encourages and supports scientific research institutes, schools, and scientists and technologists in their efforts to research in and develop new crop varieties and improved forest tree varieties, and to trade in them and spread their use in accordance with law.

Article 29 Units or individuals that apply for seed trading licenses shall meet the following requirements:

- (1) having funds commensurate with the seed varieties and quantities traded in and the capability of bearing civil liabilities independently;
- (2) having the personnel who are able to correctly distinguish the seeds traded in and examine seed quality and are skilled in storing seeds and keeping them in good condition;
- (3) having business sites appropriate to the seed varieties and quantities traded in, the facilities for processing, packing and storing the seeds and keeping them in good condition, and the instruments for examining seed quality; and
- (4) meeting the other requirements laid down in laws, rules and regulations.

People who trade specially in packed seeds that are not to be divided into smaller packages, or sell seeds on the basis of written commission as agents of the seed traders that have seed trading licenses, may go without seed trading licenses.

Article 30 The effective areas of a seed trading license shall be determined by the authority that issues the license within its jurisdiction. Where seed traders wish to establish branch offices within the effective areas specified in the trading licenses, they may dispense with extra licenses; however, they shall, within 15 days from the date they obtain or alter the business licenses, report for the record to the local administrative departments for agriculture or for forestry and the authority that issues the license.

Article 31 In a seed trading license shall be clearly stated the scope of seed trading, the mode of business, the effective term and areas, etc.

Forging, altering, trading in and leasing of seed trading licenses are prohibited. No unit or individual without such a license may trade in seeds, and no unit or individual with such a license may do so at variance with the provisions stated in the license.

Article 32 Seed traders shall observe the provisions in relevant laws, rules and regulations, provide seed users with such information as the brief properties of seeds, principal measures for planting, instructions for use of the seeds and relevant advisory services, and they shall be responsible for the quality of the seeds.

No unit or individual may illegally interfere in the seed traders' exercise of their right to independent operations.

Article 33 Without the approval of the administrative department for forestry under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, no seeds of rare trees or forest tree seeds the purchase of which is restricted in accordance with the regulations of the people's government at the same level may be purchased.

Article 34 Seeds for sale shall be processed, graded and packed, except those that cannot be processed or packed.

Seeds in large package or imported may be divided and repacked; in such cases, the repackaging units shall be clearly stated and they shall be responsible for the quality of such seeds.

Article 35 A label shall be attached to the package of the seeds for sale. In such a label shall be clearly stated the seed family, variety name, origin, quality index, serial number of quarantine certificate, serial number of the seed production or trading license, or document number of examination and approval for import, etc. What is stated in the label shall be in conformity with the seeds for sale.

For the sale of imported seeds, a label in Chinese is needed.

For the sale of the seeds of transgenic plant varieties, readily readable characters are essential, and safety control measures shall be indicated for their use.

Article 36 Seed traders shall keep seed trading files, which shall contain brief information about the seed source, processing, storage, transportation, the various links of quality test and the responsible persons the places where the seeds are sold to, etc.

Trading files for annual crop seeds shall be kept for two years after the seeds are sold; the length of time for keeping the trading files for perennial crop seeds and forest tree seeds shall be specified by the administrative departments for agriculture and for forestry under the State Council.

Article 37 The contents of seed advertisements shall be conform to the provisions of this Law and laws, rules and regulations on advertisements, and the descriptions of the main properties shall agree with what is in the verification announced.

Article 38 A quarantine certificate shall be attached to the seeds allocated or transported or mailed out of a county.

Chapter VI Use of Seeds

Article 39 Seed users shall have the right to purchase the seeds of their own free will. No units or individuals may illegally interfere in such purchases.

Article 40 For the afforestation projects invested by the State or invested mainly by the State and for afforestation by State-owned forestry units, improved forest tree varieties shall be used in accordance with the plans worked out by the administrative departments for forestry.

The State provides support and assistance in the wide use of improved forest tree varieties to plant shelter forests and forests for special use.

Article 41 Where seed users suffer losses due to seed quality problems, the sellers of the seeds shall make compensation, and the amount of such compensation shall include the amount of money spent on the purchase of the seeds, relevant expenses and losses of potential profits.

Where the liability rests on the seed producers or other traders, the sellers who have paid the compensation shall have the right to claim compensation from the producers or other sellers.

Article 42 Where a civil dispute arises over the use of seeds, the parties may have it settled through consultation or mediation. Where the parties are not willing to do so, or consultation or mediation fails, they may apply to an arbitration institute for arbitration in accordance with the agreement reached between them. The parties may also directly file a suit to the People's Court.

Chapter VII Seed Quality

Article 43 The administrative measures for the quality of seeds in respect of seed production, processing, packaging, inspection and storage as well as standards of the trade shall be formulated by the administrative departments for agriculture and for forestry under the State Council.

The administrative departments for agriculture and for forestry shall be in charge of supervision over seed quality.

Article 44 The administrative departments for agriculture and for forestry may entrust seed quality inspection authorities with the inspection of seed quality.

The authorities for inspection of seed quality shall have the necessary testing facilities and capabilities, and shall be ones that are regarded as qualified for the job through assessment by the competent departments under the people's government at or above the provincial level.

Article 45 Seed quality examination inspection authorities shall be manned with inspectors. Seed inspectors shall meet the following requirements:

- (1) having graduated from the secondary vocational or technical schools related to the profession or having received such education at a higher level;
- (2) having been engaged in the technical work of seed inspection for three years at least; and
- (3) having passed the examination conducted by the administrative department for agriculture or for forestry under the people's government at or above the provincial level.

Article 46 Production and trading in false and inferior seeds are prohibited.

The following are false seeds:

- (1) non-seeds passed off as seeds, and the seeds of one variety passed off as the seeds of another variety; and
- (2) the family, variety or origin of seeds is not in agreement with what is stated in the label.

The following are inferior seeds:

- (1) the quality is lower than the standards of seeds for use set by the State;
- (2) the quality is lower than the index indicated in the label;
- (3) the seeds have deteriorated and cannot be used as such;
- (4) the proportion of weed seeds exceeds the specified level; and
- (5) the seeds carry the harmful organisms under quarantine specified by the State.

Article 47 Where, due to force majeure, it is necessary to use the crop seeds that are lower than the standards of seeds for use set by the State or by the local authorities, the matter shall be subject to approval by the local people's government at or above the county level where the seeds are to be used; where forest tree seeds are concerned, the matter shall be subject to approval by the people's government of the province, autonomous region or municipality directly under the Central Government where the seeds are to be used.

Article 48 Units or individuals engaged in variety selection, in seed production or trade, or in seed management shall observe the provisions of the laws, rules and regulations on plant quarantine in order to prevent dangerous plant diseases, insect pests, weeds and other harmful organisms from spreading.

No units or individuals may conduct vaccinal experiments against diseases and insect pests at seed production bases.

Chapter VIII Import and Export of Seeds and Cooperation with Foreign Countries

Article 49 Any seeds imported or exported shall be subject to inspection and quarantine for the purpose of preventing dangerous plant diseases, insect pests, weeds and other harmful organisms from spreading into or out of China, and inspection and quarantine shall be carried out in accordance with the provisions of the laws, rules and regulations on entry or exit plant inspection and quarantine.

Article 50 Legal persons or other organizations engaged in the import or export of commodity seeds shall, in addition to the seed trading license, obtain the license for the import and export trade of seeds in accordance with the provisions of the laws, rules and regulations on foreign trade.

The State Council shall fix the limits of authority for examining and approving the introduction of the seeds of crops and forest trees from abroad, and formulate measures for examination and approval of the import and export of such seeds and administrative measures for the introduction of transgenic plant varieties.

Article 51 The quality of the commodity seeds imported shall reach the standards of the State or of the trade. Where there are no such standards to go by, the standards agreed upon in a contract may be applied.

Article 52 Where seeds are imported for producing hybrid seeds for other countries, such imports may be exempt from the restriction laid down in the provision of the first paragraph of Article 50 of this Law, provided that a contract is signed for the production of hybrid seeds for foreign countries, the imported seeds are only to be used for the production of hybrid seeds, and the products are not to be sold at domestic markets.

The crop seeds introduced from abroad for experiment shall be planted in isolation, and no cuttings therefrom may be sold as

commodity seeds.

Article 53 The import and export of false and inferior seeds and of the seeds the import and export of which are prohibited by State regulations are prohibited.

Article 54 The examination and approval procedures and administrative measures with regard to foreign enterprises, other economic organizations or individuals that wish to invest in seed production and trading in China shall be formulated by the relevant departments under the State Council in accordance with the provisions of relevant laws, rules and regulations.

Chapter IX Administrative Management of Seeds

Article 55 The administrative departments for agriculture and for forestry are the administrative organs for enforcement of the seed law. When seed law enforcement officials perform their duties in accordance with law, they shall show their administrative law-enforcement papers.

For enforcing this Law, the administrative departments for agriculture and for forestry may conduct on-the-spot inspection.

Article 56 No administrative departments for agriculture or for forestry or their staff members may take part in or engage in seed production or trading; no seed production or trading businesses may take part in or engage in administrative management of seeds. The administrative department for seeds and the seed production and trading businesses shall be separated from each other in respect of personnel and finance.

Article 57 The administrative departments for agriculture and for forestry under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government where seeds are propagated in different soil shall improve management and coordination in this regard, and the transportation departments shall give priority to the transport of such seeds.

Article 58 When issuing after examination relevant certificates or licenses in accordance with this Law, the administrative departments for agriculture and for forestry shall charge no other fees than the fees for the costs of the certificates or licenses issued by them.

Chapter X Legal Responsibility

Article 59 Anyone who, in violation of the provisions of this Law, produces or trades in false or inferior seeds shall be ordered by the administrative department for agriculture or for forestry under the people's government at or above the county level or by the administrative department for industry and commerce, the seeds and the illegal gains therefrom shall be confiscated, the seed production or trading license or the business license shall be revoked, and a fine shall be imposed; if there are illegal gains, a fine not less than five times but not more than ten times the amount of the illegal gains shall be imposed; if there are no illegal gains, a fine not less than RMB2,000 yuan but not more than 50,000 yuan shall be imposed; if a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 60 Anyone who, in violation of the provisions of this Law, commits one of the following acts shall be ordered by the administrative department for agriculture or for forestry under the people's government at or above the county level to put it right, the seeds and the illegal gains therefrom shall be confiscated, and a fine not less than the amount of the illegal gains but not more than three times that amount shall be imposed; if there are no illegal gains, a fine not less than 1,000 yuan but not

more than 30,000 yuan shall be imposed; the seed production or trading license of the lawbreaker may be revoked; if a crime is constituted, criminal responsibility shall be investigated in accordance with law:

(1) producing seeds without a seed production license, forging, altering, trading in or leasing seed production licenses, or producing seeds at variance with the provisions stated in the seed production license; or

(2) trading in seeds without a seed trading license, forging, altering, trading in or leasing seed trading licenses or trading in seeds at variance with the provisions stated in the seed trading license.

Article 61 Anyone who, in violation of the provisions of this Law, commits one of the following acts shall be ordered by the administrative department for agriculture or for forestry under the people's government at or above the county level to put it right, the seeds and the illegal gains therefrom shall be confiscated, and a fine not less than the amount of illegal gains but not more than three times that amount shall be imposed; if there no illegal gains, a fine not less than 1,000 yuan but not more than 20,000 yuan shall be imposed; if a crime is constituted, criminal responsibility shall be investigated in accordance with law:

(1) selling at domestic markets the seeds of hybrid seeds produced for other countries;

(2) selling the yields from crop seeds, which are introduced from abroad for introduction experiment, as commodity seeds at domestic markets; or

(3) collecting or cutting, without authorization, the natural germ plasm resources under special protection of the State.

Article 62 Anyone who, in violation of the provisions of this Law, commits one of the following acts shall be ordered by the administrative department for agriculture or for forestry under the people's government at or above the county level or by the administrative department for industry and commerce to put it right and shall be fined not less than 1,00 yuan but not more than 10,000 yuan:

(1) trading in seeds that are not packed as they should be;

(2) trading in seeds with no labels attached or the contents of the label do not conform to the provisions of this Law;

(3) forging or altering labels or the data of experiments and examination;

(4) failing to prepare and preserve files regarding seed production and trading as required; or

(5) failing to report for the record when a seed trader establishes branch offices in other areas.

Article 63 Where, in violation of the provisions of this Law, germ plasm resources are provided or introduced from abroad, the administrative department for agriculture or for forestry under the State Council or under the people's government of a province, autonomous g autonomous region or municipality directly under the Central Government shall confiscate the germ plasm resources and the illegal gains therefrom, and impose a fine not less than 10,000 yuan but not more than 50,000 yuan

Where germ plasm resources are being brought or transported out of China without the approval documents of the administrative departments for agriculture or for forestry, the Customs shall seize the said resources and transfer them to the administrative department for agriculture or for forestry under the people's government of a province, autonomous region or municipality directly under the Central Government for disposition.

Article 64 Anyone who, in violation of the provisions of this Law, trades in or popularizes the seeds that are subject to verification but fail to pass the verification shall be ordered by the administrative department for agriculture or for industry under the people's government at or above the county level to discontinue such trading or popularization, the seeds and illegal gains therefrom shall be confiscated, and a fine not less than 10,000 yuan but not more than 50,000 yuan shall also be imposed.

Article 65 Anyone who, in violation of the provisions of this Law, plunders unripe seeds, damages mother trees or collects in inferior forest stands or from inferior mother trees shall be ordered by the administrative department for forestry under the people's government at or above the county level to discontinue such acts, the seeds collected shall be confiscated, and a fine not less than the value of the collected seeds but not more than three times that value shall be imposed; if a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 66 Where tree seeds are purchased in violation of the provisions of Article 33 of this Law, the competent administrative department for forestry under the people's government at or above the county level shall confiscate the seeds purchased, and impose a fine not more than two times the purchase price of the tree seeds.

Article 67 Anyone who, in violation of the provisions of this Law, conducts vaccinal experiment against diseases and insect pests at seed production bases shall be ordered to discontinue such experiment and shall be fined not more than 50,000 yuan.

Article 68 Where a seed quality inspection authority issues false inspection certificates, it shall bear joint and several liability with the seed producers or sellers; and the seed quality inspection authority and the persons who are responsible shall be investigated for administrative liability in accordance with law; if a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 69 Anyone who compels seed users to purchase and use the seeds against their own free will and thus causes losses to the seed users shall bear the liability to pay compensation.

Article 70 Where, in violation of the provisions of this Law, administrative departments for agriculture or for forestry issue production licenses or seed trading licenses to seed producers or traders that do not meet the requirements, the persons who are directly in charge and the other persons who are directly responsible shall be given administrative sanctions in accordance with law; if a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 71 Administrative officials for the management of seeds who engage in malpractices for personal, abuse their power or neglect their duty, or, in violation of the provisions of this Law, engage in seed production or trading shall be given administrative sanctions in accordance with law; if a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 72 Where a party believes that the specific administrative acts conducted by a relevant administrative organ infringes upon his lawful rights and interests, he may apply for administrative reconsideration according to law or may directly bring a suit to the People's Court in accordance with law.

Article 73 After the administrative department for agriculture or for forestry revokes the seed trading license of a lawbreaker in accordance with law, it shall notify the administrative department for industry and commerce to cancel or alter his business license in accordance with law.

Chapter XI Supplementary Provisions

Article 74 The following terms used in this Law mean:

- (1) Germ plasm resources refer to the basic materials for breeding new varieties, including the propagating materials for the cultigens and wild species of various plants as well as the hereditary materials of the various plants artificially created with the above-mentioned propagating materials.
- (2) Varieties mean the flora artificially bred or discovered and improved, and their morphological characteristics are in conformity with their biological characteristics and their hereditary properties are relatively stable.
- (3) The main crops refer to rice, wheat, maize, cotton, soybean and one or two other crops determined respectively by the administrative department for agriculture under the State Council or under the people's government of a province, autonomous region or municipality directly under the Central Government.
- (4) The improved varieties of forest trees refer to the verified tree seeds which, in a given area, are obviously better than those of the propagating and planting materials mainly planted at the time in terms of output, adaptability and resistance.
- (5) Labels mean the specific patterns and written directions fixed to the surface of seed packages and inside or outside such packages.

Article 75 The main forest trees mentioned in this Law are determined and announced by the administrative department for forestry under the State Council; the administrative department for forestry under the people's government of a province, autonomous region or municipality directly under the Central Government may determine no more than eight other varieties in addition to the ones determined by the said department under the State Council.

Article 76 The germ plasm resources of weed seeds and edible fungi shall be controlled and the weed seeds and edible fungi shall be bred, produced, traded in, used and managed by applying this Law *mutatis mutandis*.

Article 77 Where the provisions of the international treaties on seeds concluded or acceded to by the People's Republic of China are different from those of this Law, the provisions of the international treaties shall prevail, except where the People's Republic of China has declared reservation.

Article 78 This Law shall go into effect as of December 1, 2000. The "Seed Control Regulations of the People's Republic of China" promulgated by the State Council on March 13, 1989 shall be abolished at the same time.

(Source:npc.gov.cn)

[Back Print](#)