China's Planting Seeds Market Continues to Grow

Report Highlights:
China is the second largest seed market in the world, annually planting 12.5 million tons of seed, with a market value at $17.2 billion. MOA reported that as of September 1, 2016, its Plant Variety Protection (PVP) Office had accepted 17,108 PVP applications and approved 7,824 applications. Increases in PVP applications indicate improving breeding capacity (more varieties) and improved awareness of plant variety protection.

In October 2016, MOA also released a draft of Administrative Measures on Non-Major Crop Variety Record for public comments. Chinese officials announced that China has initiated work to revise PVP regulation. There are two options for PVP regulation revisions: revise existing PVP regulations or codify PVP regulations into law. There are disputes on the two options at this moment, but consensus has been reached to provide stronger protection to new plant varieties.
**POLICY ISSUES**

**Revised Implementing Regulations of the Seed Law**

In November 2015, China revised its Seed Law to support domestic seed industry development. Accordingly, the Ministry of Agriculture (MOA) revised implementing regulations in 2016 to comply with various aspects of the Seed Law, such as “Administrative Measures for Major Crops Variety Registration”; “Administrative Measures for Crop Seed Production and Operation Licensing”; and “Administrative Measures for Labels and Use Instructions of Crop Seeds.” In October 2016, MOA also released a draft of “Administrative Measures on Non-Major Crop Variety Record” for public comment. Please refer to the annexes for unofficial translations of the four documents.

Chinese officials announced that China has initiated work to revise China’s Plant Variety Protection (PVP) regulation. There are two options for PVP regulation revisions: revise existing PVP regulations or codify PVP regulations into law. There are disputes on the two options at this moment, but consensus has been reached to provide stronger protection to new plant varieties.

**Intellectual Property Rights (IPR)**

The seed industry is technology and research intensive, making effective IPR protection critical to its success. Weak IPR protection has been a major barrier to the development of China’s seed industry. Variety violation and counterfeit seeds are common problems for both imported and domestic seeds. The structure of China’s seed industry makes it difficult to protect IPR. While the number of Chinese seed enterprises declined 46 percent between 2011 and 2015 due to industry consolidation, there are still 4,660 registered seed companies as of the end of 2015. Many of these companies have little or no research and development capacity, creating little incentive for them to focus on protecting IPR.

The Chinese government is working to create a favorable environment for innovation in the seed sector by strengthening IPR legal protections, reducing the number of seed companies, and encouraging the private sector to be more involved in variety breeding. Chinese government agencies, such as MOA, the Ministry of Public Security, and the State Administration for Industry and Commerce, play an important role in combating seed IPR violations. Campaigns to combat plant variety violations and counterfeit seeds never stop. Specially, MOA significantly strengthens supervision and monitoring in major seed production and breeding areas, such as Gansu and Hainan provinces.

**Plant Variety Protection (PVP) Applications and Approvals**

MOA reported that as of September 1, 2016, its PVP Office had accepted 17,108 PVP applications and approved 7,824 applications. Almost two thirds of the applications were for rice and corn (table 1). The approval process generally takes 3-5 years, but can take longer. Both PVP applications and approvals increased significantly in 2014 and 2015 (see figure 1). Increases in PVP applications indicate improved
breeding capacity and improved awareness of plant variety protection. From 2011 to 2013, the PVP approval process was slowed by a change in the competent authority. In 2014, the PVP authority became fully operational and approvals rebounded to normal levels.

Table 1. PVP Applications and Approvals

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Applications</th>
<th>Approvals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice</td>
<td>418</td>
<td>360</td>
</tr>
<tr>
<td>Corn</td>
<td>399</td>
<td>419</td>
</tr>
<tr>
<td>Wheat</td>
<td>94</td>
<td>84</td>
</tr>
<tr>
<td>Cotton</td>
<td>39</td>
<td>60</td>
</tr>
<tr>
<td>Soybean</td>
<td>61</td>
<td>37</td>
</tr>
<tr>
<td>Other major crops</td>
<td>82</td>
<td>119</td>
</tr>
<tr>
<td>Vegetable</td>
<td>95</td>
<td>74</td>
</tr>
<tr>
<td>Flower</td>
<td>105</td>
<td>117</td>
</tr>
<tr>
<td>Fruit</td>
<td>63</td>
<td>47</td>
</tr>
<tr>
<td>Others (pasture and tea)</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td>1,316</td>
<td>1,333</td>
</tr>
</tbody>
</table>

Source: 2016 Crop Seed Industry Development Report in China by MOA

**Figure 1: China’s Annual PVP Application and Approval (1999-2015)**
Patents

Seed related patent applications increased by 29 percent in 2015 to 6,428, of which, invention patents amounted to 4,015, and utility model patents amounted to 2,413. China does not allow plants to be patented. Therefore, unlike the United States where patents play an important role in variety protection, Chinese breeders mostly use PVP to protect their varieties.

Biotechnology and Planting Seeds

Domestically developed varieties of genetically engineered (GE) rice and corn received biosafety certificates in 2009 and these were renewed in December 2014. None of these varieties were granted variety registration, the last step needed for commercialization. To date, China has not approved any foreign biotechnology food or feed crops for domestic commercial production.

The approval for cultivation of GE corn would be a major breakthrough for China’s biotechnology industry. The lack of a clear path to commercialize major biotechnology crop varieties (other than cotton) has limited incentives for local seed companies to invest in biotechnology. It has also encouraged public labs to focus on basic research rather than develop commercially viable seeds. Inconsistent protection of intellectual property and the fragmented nature of China’s seed industry further discourage private sector investment in biotechnology. Please refer to CH16065 (Agricultural Biotechnology Annual) for detailed information on China’s biotechnology.

VAT Free Policy on Seed Imports

China’s value-added tax (VAT) exemption policy on seed imports has been implemented since 2006. It will continue during the 13th Five-Year Plan (2016-2020). The Administrative Measures of Taxation Policy on Imported Seeds was jointly released by the Ministry of Finance (MOF) and State Administration of Taxation (SAT) in November 2016. Accordingly, imports of seeds, seedlings, breeding stock, wild animals, and plants for reproduction continue to be exempt from the VAT from
2016 to 2020. The measure requests importers to submit import plans to MOA and the State Forestry Administration (SFA). MOA and SFA collect and analyze import plans and provide suggestions to MOF. Next, MOF, the General Administration of Customs, and SAT approve varieties for import and volumes of VAT-exempt products for any given year.

**SEED MARKET**

**General situation**

China is the second largest seed market in the world, annually planting 12.5 million tons of seed, with a market value at $17.2 billion\(^1\). MOA estimates that 10.1 million tons of corn, rice, wheat, soybean, potato, cotton, and rapeseeds were used in 2015. Commercially produced seeds accounted for approximately 70 percent of seed use for these crops. China is self-sufficient in rice, corn, wheat, cotton, and soybean seeds, and produces 80 percent of the vegetable and fruit seeds that it uses.

According to MOA, the number of China’s registered seed companies declined to 4,660 by the end of 2015 down 1,096 from 2014. The number of China’s seed companies will continue to decline as the mergers and acquisitions in the industry continue.

<table>
<thead>
<tr>
<th>Table 2. China’s Seed Market in 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seed</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td>Corn</td>
</tr>
<tr>
<td>Hybrid rice</td>
</tr>
<tr>
<td>Conventional rice</td>
</tr>
<tr>
<td>Wheat</td>
</tr>
<tr>
<td>Soybean</td>
</tr>
<tr>
<td>Potato</td>
</tr>
<tr>
<td>Cotton</td>
</tr>
<tr>
<td>Rape</td>
</tr>
</tbody>
</table>

Source: 2016 Crop Seed Industry Development Report in China by MOA

China’s 2016 corn and hybrid rice seed production increased 34 percent and 17 percent, respectively due to acreage expansion and relatively good weather conditions. MOA announced that a significant rise in seed production and stable (even decreasing) seed usage would generate high stocks.

**Corn**

Hybrid corn seed production is estimated at 1.47 million tons in 2016, a 34 percent increase from 2015 as a result of bigger acreage and better weather conditions. According to MOA statistics, hybrid corn seed acreage increased 20 percent to 273,000 ha in 2016. The newly registered varieties are major

\(^1\) The exchange rate in this report is $1 = RMB 6.8
contributors to acreage expansion. Six hundred corn varieties were registered in 2015 while only 472 varieties were registered in 2014. Weather conditions in major corn seed producing provinces, such as Gansu and Xinjiang, were reported favorable in 2016, which resulted in record high yield at 5,380 kg per ha, about 6 percent higher than the average for the last 5 years (2011-2015). Total supply in MY 2016/17 is estimated at around 2.1 million tons, including 600,000 tons of carry-in stocks. MOA estimates MY2016/17 hybrid corn seed usage at 1.15 million tons, causing stocks to increase to 950,000 tons.

Rice

Hybrid rice seed production is estimated at 280,000 tons in 2016, a 17 percent increase from 2015 because of acreage expansion. Hybrid corn seed acreage increased 12 percent to 108,000 ha in 2016. Hunan, Jiangxi, Jiangsu, Hainan, and Sichuan provinces are major hybrid rice seed producers. Total supply in MY 2016/17 is estimated at 360,000 tons, including 80,000 tons in carry-in stocks. MOA estimates MY2016/17 hybrid rice seed demand (domestic usage and exports) at 240,000 tons, causing stocks to increase to 120,000 tons.

Cotton

Hybrid cotton seed production is estimated at 1,090 tons in 2016, while conventional cotton seed production is estimated at 73,530 tons. Cotton seed production is nearly unchanged from 2015. Cotton seed supply in MY2016/17 is estimated at 4,350 tons for hybrid seeds and 103,000 tons for conventional seeds. MOA estimates MY2016/17 hybrid cotton seed demand at 4,000 tons and conventional cotton seed demand at 78,000 tons.

Prices

Seed prices remained stable relatively stable in 2015. According to MOA, average seed retail prices in 2015 were as follows:

<table>
<thead>
<tr>
<th>Crops</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hybrid corn</td>
<td>1.53</td>
<td>1.55</td>
</tr>
<tr>
<td>Hybrid rice</td>
<td>3.24</td>
<td>3.22</td>
</tr>
<tr>
<td>Conventional rice</td>
<td>0.48</td>
<td>0.48</td>
</tr>
<tr>
<td>Wheat</td>
<td>0.31</td>
<td>0.30</td>
</tr>
<tr>
<td>Soybean</td>
<td>0.51</td>
<td>0.51</td>
</tr>
<tr>
<td>Hybrid cotton</td>
<td>8.50</td>
<td>7.20</td>
</tr>
</tbody>
</table>

Source: 2015 Crop Seed Industry Development Report in China by MOA

TRADE

Imports

China imported 55,148 tons of planting seeds in MY 2015/16 valued at $297 million, decreasing 14
percent and 9 percent, respectively in volume and value, due to a significant decline of sunflower seed imports. Grasses such as rye grass, Kentucky grass and fescue were the most imported seeds by value, followed by fruit and melon seeds. The United States continues to be the largest seed supplier to China, and has a large market share in grass, sunflower, and fruit seeds.

**Grass Seed Imports**

Post forecasts that grass seed (alfalfa, rye, fescue, clover, and Kentucky) imports will remain stable in MY2016/17 at around 37,000 tons. China imported 35,279 tons of grass seeds in MY2015/16. The United States continues to be the largest grass seed exporter to China, accounting for about 77 percent of China’s total grass seed imports in MY2016/17.

According to industry sources, China’s forage seed imports are expected to remain at high levels because of China’s strong demand for forage. According to MOA, China’s fresh grass production will reach 1,050 million tons by 2020 and vegetation coverage of grassland will reach 56 percent, with forecasts of 1,028 million tons and 54 percent, respectively in 2015. Also, MOA released “National Structure Adjustment Plan for Crop Farming (2016-2020)” in early 2016, which listed forage as one of the substitute crops for corn.

Industry sources report landscape grass seed imports will decrease in coming years because of economic and policy reasons. China is experiencing a downturn in its property market and provincial government budgets have become strained. As a result, fewer public garden and landscaping projects are supported. Furthermore, government bans on golf course construction continue and, more recently some existing courses have been closed.

**Table 4. Global Seed Imports to China**

<table>
<thead>
<tr>
<th>HS Code</th>
<th>Planting Seeds</th>
<th>MY(July-June)</th>
<th>Volume (MT)</th>
<th>Value ($1,000s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>MY13/14</td>
<td>MY14/15</td>
<td>MY15/16</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MY13/14</td>
<td>MY14/15</td>
</tr>
<tr>
<td>100510</td>
<td>Corn</td>
<td>168</td>
<td>350</td>
<td>366</td>
</tr>
<tr>
<td>120600</td>
<td>Sunflower</td>
<td>1,788</td>
<td>1,248</td>
<td>174</td>
</tr>
<tr>
<td>120910</td>
<td>Sugar beet</td>
<td>279</td>
<td>409</td>
<td>491</td>
</tr>
<tr>
<td>120921</td>
<td>Alfalfa</td>
<td>2,481</td>
<td>2,235</td>
<td>1,807</td>
</tr>
<tr>
<td>120922</td>
<td>Clover</td>
<td>2,300</td>
<td>2,946</td>
<td>1,961</td>
</tr>
<tr>
<td>120923</td>
<td>Fescue</td>
<td>14,636</td>
<td>10,740</td>
<td>8,391</td>
</tr>
<tr>
<td>120924</td>
<td>Kentucky</td>
<td>5,907</td>
<td>4,596</td>
<td>2,354</td>
</tr>
<tr>
<td>120925</td>
<td>Rye grass</td>
<td>21,227</td>
<td>22,183</td>
<td>20,766</td>
</tr>
<tr>
<td>120930</td>
<td>Herbaceous</td>
<td>27</td>
<td>50</td>
<td>54</td>
</tr>
<tr>
<td>120999</td>
<td>Fruit, Melon, and Other</td>
<td>5933</td>
<td>10,891</td>
<td>10,791</td>
</tr>
</tbody>
</table>
MY2015/16 sunflower planting seed imports declined to 174 MT, down 1,074 MT from MY2014/15. In China, the domestic sunflower planting seed market has diminished for several years (see figure 2). The market for domestic sunflower seeds has been displaced by growing imports of sunflower seeds for confectionary and crushing use (see figure 3) as well as sunflower seed oil (see figure 4). Furthermore, industry sources report that greater IPR enforcement has encouraged an expansion in domestic production of sunflower planting seeds, substituting demand for imported planting seed supplies.
Vegetable Seed Imports

MY2016/17 vegetable seed imports are forecast flat at approximately 9,000 tons, about a 13 percent increase from the 7,993 MT in MY2015/16 driven by the strong demand for high quality seeds. As a major cash crop, vegetable seeds generate higher returns than major field crops, such as corn, rice and wheat. As a result, vegetable farmers prefer to invest in better seeds for better yields. Italy, Denmark, and Thailand supplied 73 percent of China’s vegetable seed imports in MY 2015/16.

Exports

China exported 35,089 tons of planting seeds in MY 2015/16 valued at $219 million, a 29 percent increase in volume and 16 percent decrease in value from MY2014/15 because of the significant volume increase and value decrease of vegetable seed exports (see table 5 below).

China exported 2,787 MT of vegetable seeds to Spain in MY2015/16, up 2,721 MT from MY2014/15 on higher demand for conventional bean seeds. Average unit prices for hybrid vegetable seeds are around $20,000 per ton. However, trade data indicate that the average unit prices of seed exports to Spain were relatively lower at $1,524 per ton. Industry sources report that seeds exports to Spain may be relatively lower priced, conventional vegetable seeds, such as bean seeds. China’s MY 2016/17 rice seed exports are forecast to rise slightly to 23,500 tons, compared to 22,454 tons in MY2015/16. Chinese seed companies have expressed concern that the government’s tight restrictions on the movement of germplasm have hurt China’s international competitiveness in hybrid rice seeds. China does not allow exports of hybrid parent rice seeds, and two-line hybrid rice seed exports are not allowed within five years after registration.

<table>
<thead>
<tr>
<th>Table 5. Seed Imports from the World in Volume &amp; Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>HS Code</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>100510</td>
</tr>
<tr>
<td>100610</td>
</tr>
<tr>
<td>100610</td>
</tr>
<tr>
<td>120110</td>
</tr>
<tr>
<td>120600</td>
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<tr>
<td>120721</td>
</tr>
</tbody>
</table>

Source: Global Trade Atlas
<table>
<thead>
<tr>
<th>00</th>
<th>120921</th>
<th>Alfalfa</th>
<th>333</th>
<th>105</th>
<th>155</th>
<th>1,014</th>
<th>461</th>
<th>592</th>
</tr>
</thead>
<tbody>
<tr>
<td>120930</td>
<td>Herbaceous</td>
<td>514</td>
<td>419</td>
<td>497</td>
<td>9,952</td>
<td>11,211</td>
<td>14,114</td>
<td></td>
</tr>
<tr>
<td>1209</td>
<td>920</td>
<td>Other Forage</td>
<td>460</td>
<td>455</td>
<td>461</td>
<td>1,278</td>
<td>1,879</td>
<td>1,625</td>
</tr>
<tr>
<td>120991</td>
<td>Vegetable</td>
<td>4,848</td>
<td>4,014</td>
<td>8,883</td>
<td>174,870</td>
<td>176,346</td>
<td>123,324</td>
<td></td>
</tr>
<tr>
<td>120999</td>
<td>Fruit, Melon and Other</td>
<td>735</td>
<td>571</td>
<td>1,024</td>
<td>5,035</td>
<td>4,612</td>
<td>5,166</td>
<td></td>
</tr>
</tbody>
</table>

UNOFFICIAL TRANSLATION

Appendix I

Administrative Measures for Major Crops Variety Registration

Chapter I General Provisions

Article 1 These measures are enacted in accordance with the Seed Law of the People's Republic of China (hereinafter referred to as “Seed Law”) for the purpose of scientifically, impartially and timely approval of major crop varieties.

Article 2 These measures apply to the registration of major crop varieties within the territory of the People’s Republic of China.

Article 3 The term “major crop” used herein refers to rice, wheat, corn, cotton, and soybean.

Article 4 The competent agricultural departments of the people’s government at the provincial level or above shall take measures to strengthen the supervision and administration on variety registration work. The competent agricultural departments of the people’s government at the provincial level shall improve the regional coordination mechanism for the selective breeding, and the registration of the varieties, promoting the selective breeding and marketing of the good varieties.
Chapter II Variety Registration Committees

**Article 5** The Ministry of Agriculture establishes a National Variety Registration Committee responsible for the registration of national crop varieties, and the provincial variety registration committees in charge of the registration of the provincial crop varieties.

The variety registration committees shall establish registration archives including application documents, test data of variety registration, seed samples, opinions and conclusions on registration, and other content so as to guarantee their traceability.

**Article 6** The variety registration committees consist of professionals specialized in science and research, teaching, production, marketing, management, application and so forth. The members shall have senior professional titles or positions at division level or above, and typically at an age below 55. Each term of office of the members shall be five years, and may not serve more than two consecutive terms.

A variety registration committee is supposed to have a director and two to five deputy directors.

**Article 7** The variety registration committees shall set up offices in charge of daily work of the committees, of which an office is supposed to have a director, and one to two deputy directors.

**Article 8** Special committees shall be established under the variety registration committees according to crop species. A special committee consists of an odd number of 9-23 members with one director and one to two deputy directors.

The provincial variety registration committees may together establish a special committee for major crops with small acreage.

**Article 9** The variety registration committees shall set up director committees, consisting of the directors and deputy directors of the variety registration committees, directors of each special committees and the director of the office.

Chapter III Application and Acceptance

**Article 10** Any institutions and individuals (hereinafter refers to as the applicants), who apply for variety registration, may file the application directly with the National Variety Registration Committee or the provincial variety registration committees.

Where any foreign applicant institutions and individuals without habitual residence or place of business in China apply for registration of their varieties, a domestic seed enterprise with the status of a legal person shall be entrusted.

**Article 11** The applicants may apply for national and/or provincial registration, or apply to several provinces (autonomous regions and municipalities directly under the central government) for variety registration.

**Article 12** The varieties applying for registration shall meet the following requirements:
(1) artificially bred/discovered and improved;

(2) distinct from existing varieties (varieties registered by the variety registration committees or varieties whose application have been accepted by any peer Committees);

(3) consistent morphological and biological characteristics;

(4) stable genetic traits;

(5) a name complying with the Rules on Naming Agricultural Plant Varieties; and

(6) at least two production cycles of variety comparison trials at multiple test sites shall be completed in the same type of ecological zones. For rice, wheat and corn varieties applying for national variety registration, it requires no less than 20 test sites per year for comparison trials; for cotton and soybean varieties applying for national variety registration, it requires no less than 10 test sites per year for comparison trials, or provincial variety registration test reports. For varieties applying for provincial variety registration, it requires no less than 5 test sites per year for comparison trials.

Article 13 Applicants applying for variety registration shall submit the following materials to the office of the variety registration committee:

(1) Application Form. The Application Form includes crop species and variety name; applicant name, address, post code, contact person, phone number, fax, nationality; selective breeding institutions or individuals (hereinafter referred to as the “breeders”);

(2) Variety Breeding Report. The report includes parental combination, relationship between hybrids and their parents, breeding method, characterization of generations; trait characterization of the variety (including the parent lines of hybrids), standard images, recommended testing area and key points of cultivation; main defects of the variety and the problems needed to be noticed;

(3) Variety Comparison Trial Report. The report includes test varieties, implementation institutions, resistance performance, quality, yield, as well as the data of each test site and summarized results and so forth;

(4) Test Report of GMO Detection;

(5) for GM cotton variety, the Agricultural GMO Safety Certificate shall be provided; and

(6) Letter of Commitment for the Authenticity of Variety and Application Material.

Article 14 The offices of the variety registration committees shall, within 45 days after receiving the application, make the decision to accept the application or not, and inform the applicants in written.

For the application consistent with Articles 12 and 13 provided for herein, it shall be accepted and the applicants shall be informed to provide test seeds within thirty (30) days. For those who provide test seeds in time, the office shall arrange variety testing; otherwise the application shall be deemed as withdraw.
Where the application is inconsistent with Article 12 or 13 provided for herein, it shall not be accepted, and the applicants shall, within thirty (30) after receiving the notice, present opinions on or amend to the application materials; or the office shall deem the application as withdraw. Where the amendment fails to comply with the provisions all the same, the application shall be rejected.

**Article 15** The offices of the variety registration committees shall reserve the reference samples from the test seeds provided by the applicants, and submit to the Plant Variety Standard Sample Bank of the Ministry of Agriculture for storage.

**Chapter IV Variety Test**

**Article 16** Variety test include:

(1) regional test;

(2) production test; and

(3) tests for distinctness, uniformity and stability (hereafter referred to as “DUS testing”).

**Article 17** The regional test and production test at national level shall be implemented by the National Agricultural Technology Extension and Service Center, and the regional and production tests at the provincial level shall be implemented by the provincial seed administration departments.

The test implementation agencies shall listen carefully to the opinions of applicants and experts, rationally set up test groups, optimize the layout of test sites, scientifically develop test implementation plan, and release them to the public.

**Article 18** The regional test is supposed to identify the variety traits such as high yield ability, yield stability, adaptability, stress tolerance, as well as quality analysis, DNA fingerprint testing, GMO detection, etc.

The regional test of each variety shall be not less than two production cycles, and field testing design shall be arranged by random blocks or interval contrast. The test sites in the same type of ecological zone shall be not less than 10 for the national level and no less than 5 sites for the provincial level.

**Article 19** The production test shall be carried out in the same type of ecological zone after the regional test. The production test is supposed to further validate the high yield ability, yield stability, adaptability and stress tolerance and so forth of the variety following the local major production practice under the condition close to field production.

For each variety, the production test sites shall be not less than the sites for the regional test. The planting area of each test site for a variety shall be not less than 300 m2, and not more than 3000 m2; and the test time shall be not less than one production cycle.

For those varieties with outstanding characters in the first production cycle, their production tests may be conducted synchronously with the second production cycle of regional test.

**Article 20** The check variety for regional and production tests shall be a representative variety which is
approved to be disseminated and applied at the same production period in the same type of ecological zone.

The check varieties shall be proposed by the test implementation agencies and approved by relevant special committees of the variety registration committee. The check variety shall be changed timely based on the agriculture development requirements.

The provincial variety registration committees shall file the check varieties for the regional test and production test at the provincial level with the National Variety Registration Committee.

**Article 21** The institutions undertaking regional test, production test or DUS test shall be an independent legal person and have corresponding test sites, instruments and equipment, and technical personnel.

The technicians for variety test shall have a college degree or above in relevant specialties or an intermediate professional and technical title or above, and relevant experience in variety test, and regularly receive related technical trainings.

Stress resistance identification shall be made by an institution specified by the variety registration committee; and the quality analysis, DNA fingerprint test and GMO test shall be carried out by an eligible institution.

The institutions and individuals conducting the trials, tests and identification of the variety shall be responsible for the authenticity of the data.

**Article 22** The variety test implementation agencies shall, in conjunction with the offices of the variety registration committees, carry out survey on the variety trials, inspect the test quality, and identify and evaluate the variety performance regularly, and produce an investigation report. For varieties in presence of severe defects in the fields, site pictures shall be kept for reference.

**Article 23** The test implementation agencies shall organize the applicants’ representatives to join in the estimation of yield in the regional and production tests at the harvest time. The data collected from yield estimation shall be confirmed by signature of the test technicians, the responsible person of the testing institute, and the representatives of the applicants.

**Article 24** The test implementation agencies shall convene a wrap-up meeting for the variety trials within 45 days by the end of each production cycle. The special committees of the variety registration committees will, in accordance with the summarized and investigation results, make a decision to terminate or continue the trials, or summit the variety for registration, and a notice of the outcomes of the variety registration will be issued timely by the institutions.

**Article 25** Where the applicants have the test capability as well as a self-owned variety as the tested one, the test on their own varieties may be carried out by themselves in accordance with the following requirements:

1. the applicants may carry out production test on the basis of the regional variety tests at the national or provincial level;
2. for the self-owned special purpose varieties, the applicants may conduct the regional and production
tests by themselves, and the production test may be combined with the second production cycle of the regional test. The variety scope of the special purpose use and the test requirements shall be defined by the variety registration committees at the same level.

(3) where the applicants are the union of enterprises, the union of research institutes and enterprises, and the union of research institutes, appropriate regional/group test for the varieties shall be carried out under their organization. The members of a union shall not be less than five; relevant cooperation agreements shall be signed to define responsibility and obligation in accordance with the principle of same rights and same responsibilities. One legal entity can only join one test union in the same testing region/group.

The implementation plan for variety trials that are carried out by the applicants themselves and set forth in preceding paragraph shall be reported to national or provincial variety testing departments within thirty (3) days before sowing; the eligible testing shall be incorporated into national or provincial variety trials for unified management.

**Article 26** DUS testing may be either conducted by the applicants or entrusted to testing institutes authorized by the Ministry of Agriculture, and shall be guided by the Science and Technology Development Center of the Ministry of Agriculture.

For applicants conducting the tests by themselves, the test plan shall be reported, according to the registration level within thirty (30) days before sowing, to the Science and Technology Development Center of the Ministry of Agriculture or the provincial seed administration institution. The Science and Technology Development Center of the Ministry of Agriculture and the provincial seed administration institutions shall carry out inspection and supervision over the national or provincial registration procedures of the DUS testing and the authenticity verification of the samples and the test report by selective examination.

The similar variety selected for DUS test shall be the most similar variety in characters and traits. DUS test shall be conducted in accordance with relevant major crop DUS test guidelines. The test report shall be signed by legal person or authorized representative by legal person.

**Article 27** The seed enterprises eligible for MOA’s conditions and having the Breeding, Production and Operation Permit (hereafter referred to as “breeding, production and marketing integrated seed enterprises”) may test their own-developed varieties in relevant ecological zones, and submit application materials after the completion of the test.

The test plan shall be filed with the national or provincial test implementation agencies within thirty (30) days prior to sowing.

The breeding, production and marketing integrated seed enterprises shall establish relevant archives including variety selection and breeding procedures, test implementation plans, original data of the test, and other information; take responsibility for the authenticity of test data to guarantee their traceability traceable, and accept supervision from the competent agriculture departments of the people’s government at the provincial level or above and the society.

**Chapter V Registration and Announcement**
**Article 28** For the variety completing the procedures of tests, the applicants, the variety test implementation agencies and the breeding, production and marketing integrated seed enterprises shall submit the data, summarized results and DUS test reports of rice, corn, cotton, soybean and wheat at all test sites to the variety registration committee offices separately by the end of February and September.

The variety registration committee offices shall submit the data, the summarized results and the DUS test reports within thirty (30) days to relevant special committees under the variety registration committee for preliminary registration, and the special committees shall complete preliminary registration within thirty (30) days.

**Article 29** For preliminary examination, each special committee shall convene a plenary meeting. The meeting is considered as valid if more than two thirds of the total members attend the meeting. According to registration criterion, the preliminary examination meeting adopts secret ballot. The variety is considered as passed if approval votes achieve one second or above of the total number of members.

The special committees shall review the test data and other materials submitted by the breeding, production and marketing integrated seed enterprises, those varieties up to the criterion shall pass the preliminary examination.

**Article 30** The preliminary examination adopts avoidance system. The decision on withdrawal of the directors of the special committees shall be made by the offices of the variety registration committees, and the other members shall be by the directors of the special committees.

**Article 31** Where the variety passes its preliminary examination, the offices of variety registration committees shall, within thirty (30) days, make public the output of the preliminary examination, and the test data and summarized results at each site on the official websites of the competent agricultural departments at the same level at least for thirty (30) days.

**Article 32** After the period for public comments expires, the offices of the variety registration committees shall submit the output of the preliminary examination and the results of the public comments to the director committees of the variety registration committees for registration. The director committees shall complete it within thirty (30) days, and in case of passing the examination, the variety obtains the registration.

For the self-developed varieties which are tested by the breeding, production and marketing integrated seed enterprises themselves, the variety standard samples, after registration, shall be submitted to the Variety Standard Sample Bank of the Ministry of Agriculture for storage.

**Article 33** For the registered varieties, the variety registration committees shall designate an identifier and issue a certificate, and the competent agricultural departments at the same level shall publish the notice thereof.

For the varieties with provincial registration, the competent agricultural departments of the people’s government at the provincial level shall submit the information such as variety name to the Ministry of Agriculture before the public notice and the Ministry of Agriculture will release the information for public comments, and the period of the public comments shall be fifteen (15) working days.
Article 34 The registration number consists of the abbreviation of registration committee, the abbreviation of crop species, and a four-digit series number.

Article 35 The public notice for variety registration includes registration number, variety name, applicants, breeders, variety sources, morphological characteristics, growth period, yield, quality, resistance to stress, key points of cultivation techniques, suitable planting area and notes.

The provincial notice shall be submitted to the National Variety Registration Committee for filing within thirty (30) days.

The variety name published in the public notice shall be a generic name of the variety, and any unauthorized alterations during the process of production, operation and marketing shall be prohibited.

Article 36 The registration certificate includes registration number, variety name, applicants, breeder, variety sources, registration comments, public notice number and certificate number.

Article 37 Where the varieties fail the registration, the offices of variety registration committees shall inform the applicants within thirty (30) days in written, and in case of an objection against the results, the applicants shall apply to previous committees in charge of the registration of the variety or the National Variety Registration Committee for reexamination within thirty (30) days upon receipt of the written notice. The variety registration committees which accept the application before shall review the reexamination reasons, previous registration documents and procedures at the forthcoming registration meeting. Where there is dissent on the evaluation results of pest and disease, or the variety registration committees deem it necessary, other institutions may be arranged to make a reexamination.

The offices of the variety registration committees shall inform the applicants of the review result within thirty (30) days of reexamination in written.

Article 38 The variety registration criterion shall be stipulated by the variety registration committees at the same level. The variety registration criterion shall be favorable to the improvement and coordination of yield, quality, and resistance, and to the marketing of the varieties adaptive to market and living consumption needs.

Provincial variety registration criterion shall be filed with the National Variety Registration Committee within thirty (30) days after its release.

The variety registration criterion shall be published for public comments.

Chapter VI Variety Introduction Record

Article 39 The competent agricultural departments of the people’s government at the provincial level shall establish a mutual sharing and recognition mechanism for inter-provincial variety test data in the same suitable ecological zone so as to file the introduced varieties on record.

Article 40 Where the varieties approved at provincial level are introduced to other provinces, autonomous regions and municipalities in the same suitable ecological zone, the introducer shall file the introduced variety with the competent agricultural departments of the people’s government at the province, autonomous regions or municipality directly under central government where the introducer
When putting the introduced variety on file, the introducer shall fill out crop species, name of the variety, name of the introducer, contacts, suitable planting regions of the registered variety, regions planning to introduce the variety and other information in the Variety Introduction Registration Form.

**Article 41** The introducer shall carry out adaptability and disease resistance tests in the regions planning to introduce the variety for at least one year, and be responsible for the authenticity, safety and adaptability of the varieties. For those varieties with New Plant Variety Right, it shall obtain the consent of the right holder.

**Article 42** The competent agricultural departments of the people’s government of the province, autonomous region and municipality directly under the central government shall release variety introduction record notice timely. The notice shall include the name, introducer, breeder, registration number, and suitable planting regions of the introduced variety and others. Its format shall be (X) variety introduction (X) Number X, of which, the first X refers to abbreviation of the province, autonomous region and municipality directly under the central government; the second X refers to the year; and the third X refers to series number.

**Article 43** The same suitable ecological zone for national registered varieties shall be determined by the National Variety Registration Committee. The same suitable ecological zone for provincially registered varieties shall be determined by the provincial variety registration committee based on the same suitable ecological zones determined by the National Variety Registration Committee.

**Chapter VII Registration Revocation**

**Article 44** The registration shall be revoked if any of the following circumstances occur in the registered variety:

1. serious defect in the application;
2. severe degradation of variety characters or loss of production and utilization value.
3. failing to provide variety standard sample as required or provide inauthentic standard sample; and
4. obtaining registration by fraudulent and fake data of test and other means.

**Article 45** For the varieties to be revoked for registration, the offices of variety registration committees shall, after asking the applicants for opinions, put forward a proposal, and upon the preliminary examination of the special committees, make public it on the official website of the competent agricultural departments at the same level for at least thirty (30) days.

After the period for public comments expires, the offices of variety registration committees shall submit the output of the preliminary examination and the results of the public comments to the director committees of the variety registration committees for registration. The director committees shall complete it within thirty (30) days, and if the application is approved upon examination, the result shall be published by the competent agricultural departments of the same level.
Article 46 Where the variety is published to revoke registration, its production and advertisement shall be ceased from the date of publication, and the sales and marketing shall be stopped within one production cycle from the date of publication. Where the variety registration committees deem it necessary, the sales and marketing of the variety shall be stopped from date of publication.

The notice of provincial registration revocation shall be filed with the National Variety Registration Committee within thirty (30) days after its publication.

Chapter VIII Supervision and Administration

Article 47 The Ministry of the Agriculture shall establish a national crop variety registration data and information system to achieve online application and acceptance of national and provincial variety registration, internet sharing of information such as variety test data, registered varieties, varieties with registration revoked, introduced and filed varieties, and standard samples, and to uniformly print out variety registration certificate online. The format of the variety registration certificate shall be designed by the National Variety Registration Committee.

The competent agricultural departments of the people’s government at the provincial level or above shall release information such as variety registration, registration revocation, variety introduction and filing, supervision and administration on a unified government information platform to receive supervision.

Article 48 The variety test, and registration institutions and their personnel shall keep in confidential the applicants’ trade secrets which are learnt about during the testing, and the registration, and shall not provide the seed applying for variety registration out of the purpose use or for seeking illegal interests.

Article 49 The variety registration committees and their personnel shall be devoted to their duties, and be impartial and honest. In case of failing to perform the functions and duties by law, or practicing fraud or favoritism, punishment shall be given in accordance with the law, and from the date when the decision on the punishment is made, they shall not be allowed to engage in variety registration work in five (5) years.

Article 50 Where an applicant has fraudulent or bribery acts or other misconducts the variety registration procedure; his or her application shall not be accepted within three (3) years.

Where there is any member enterprises of the union practiced fraud, the procedures for the testing, and registration of the variety shall be terminated. The member enterprise practicing fraud shall not be allowed to apply for variety registration within three (3) years, and not to attend union test. Other members shall undertake joint liability, and not attend other unions’ test within three (3) years.

Article 51 The variety test and identification institutions which issue false test and inspection data or certificates shall be punished in accordance with Article 72 of the Seed Law of the People’s Republic of China, and relevant laws and regulations.

Article 52 Where there are fraudulent acts in variety testing carried out by the breeding, production and marketing integrated seed enterprise itself and in variety application for registration, penalty of between RMB one million and RMB five million shall be imposed on the enterprise by the competent agricultural departments of the people’s government at the provincial level or above, and no more variety tests shall be carried out by the enterprise itself; and in case of causing a loss to the seed users or
other seed production and operation entities, the enterprise shall assume compensation liability in accordance with the law.

**Article 53** The Ministry of Agriculture shall carry out supervision and inspection over the variety registration work of the competent agricultural departments of the people’s government at the provincial level. In case of failing to carry out the work on registration of the variety, filing of the introduced variety or revoking of the registration in accordance with the law, an order for correction in a time limit shall be issued, and punishment shall be legally given.

**Article 54** In case of violating the provisions herein and constituting a crime, criminal liability shall be legally investigated.

**Chapter IX Supplementary Provisions**

**Article 55** The expenditure for the testing, registration of the crop varieties shall be included in the special fiscal budget of the competent agricultural department of the same level.

**Article 56** The GM Crop Variety (except for GM cotton) Registration Measures shall be formulated separately.

**Article 57** The varieties tested by the breeding, production and marketing integrated seed enterprises themselves or tested under the organization of the unions shall not attend corresponding region/group tests organized by the national and provincial test implementation agencies.

**Article 58** These measures shall come into effect on August 15, 2016. The Administrative Measures for Major Crops Varieties Registration (the Ministry of Agriculture Decree [2013] No. 4) promulgated on December 27, 2013, and the Provisions on the Scope of Major Crops promulgated by Decree No. 51 of the Ministry of Agriculture on February 26, 2001 shall be simultaneously repealed.

**Appendix II**

**Administrative Measures for Labels and Use Instructions of Crop Seeds**

**Chapter I General Provisions**

**Article 1** These measures are enacted in accordance with the Seed Law of the People’s Republic of China for the purpose of regulating the administration of crop seed labels and use instructions, protecting the legitimate rights and interests of seed production and operation entity and users, and ensuring seed quality and agricultural production security.

**Article 2** The crop seeds sold within the territory of the People’s Republic of China shall be attached with seed labels and use instructions.
The content in the seed labels and use instructions shall be consistent with the seeds for sale and the provisions herein, without any false or misleading publicity.

**Article 3** Seed production and operation entity shall be responsible for the manufacture of labels and use instructions, and the authenticity of its label content and the seed quality.

**Article 4** The competent agricultural departments of the people’s governments at the county level or above shall be in charge of the supervision and administration over crop seed labels and use instructions.

**Chapter II Seed Labels**

**Article 5** Seed label refers to the specific pattern and the literal statement printed on, pasted, fixed or attached to the seeds or the surface of seeds package.

**Article 6** The seed label shall indicate the following content:

1. the crop species, type of seed and variety name;
2. the information of seed production and operation entity, including its name, seed production and operation permit number, registered address and contacts;
3. the quality index and net content;
4. the inspection date and warranty period;
5. suitable planting area and planting season for such variety;
6. the quarantine certificate number; and
7. the information code.

**Article 7** Under any of the following circumstances, in addition to the content provided for in Article 6 of the Measures, the seed label shall indicate the followings respectively:

1. for the main crop variety, indicating the variety approval number; in case of two or more provincial approvals, at least indicating the provincial variety approval number of the place where the seeds are sold; for introduced main crop variety, indicating the introduction filing notice number;
2. for authorized variety, indicating the variety right number;
3. for registered crop variety, indicating variety registration number;
4. for imported seeds, indicating approval number, and name, registered address and contact information of the importer;
5. for seeds with pesticide treatment, indicating the name of the pesticide and its active ingredient and content, and the solutions for human and animals after eating by mistake; and according to the toxicity degree, respectively indicating “high-toxic” and attaching skull mark, “middle-toxic” and attaching cross crotch mark or “low-toxic”; and
(6) for genetically modified seeds, indicating “genetically modified” and the agricultural genetically modified biosafety certificate number.

**Article 8** The crop species shall specify the species of the plant taxonomy.

The type of seed shall indicate normal seeds or hybrid seeds. For normal seeds, indicating breeder seeds, basic seeds, and qualified seeds is required.

**Article 9** The variety name shall conform to the Regulations of Naming of Agricultural Plant Varieties, and a variety shall indicate a variety name only. Certified and registered varieties or protected varieties by authorization shall only use the variety name approved.

**Article 10** The name of seed production and operation entity, seed production and operation permit number, registered address shall be consistent with the content stated in the crop seed production and operation permit; and the contact information shall be telephone or fax, or else network contacts or others may be indicated.

**Article 11** The quality index refers to a quality standard committed by the production and operation entity, which shall not be lower than the national or industrial standards; where there are no national or industrial standards, indication shall be made per the enterprise standards or the quality standards as committed by the seed production and operation entity.

**Article 12** The quality index shall be indicated in accordance with the quality characteristic and characteristic value.

The indication of the quality characteristic shall follow the provisions below:

(1) indicating purity, cleanliness, germination rate and moisture content of variety, excluding clonal materials, seedlings and so forth which are inappropriate to indicate moisture content, germination rate, purity and other indexes;

(2) for virus-free propagating materials, indicating purity, virus status and virus-free propagation generation numbers of variety; and

(3) where there is other quality characteristic required by the national standards, industrial standards or the Ministry of Agriculture to some crop seeds, such characteristic shall be indicated.

The characteristic value shall indicate specific values, among which, the percentage of purity, cleanliness and moisture content of variety shall keep a decimal fraction, and the germination rate shall keep an integer.

**Article 13** Net content refers to the actual weight or the number of the seeds, and indication shall be composed of three parts, namely, “Net Content”, figures, and statutory measurement unit (kg or g) or quantity unit (grain or plant).

**Article 14** Inspection date refers to the month and year when the production and operation entity inspects the quality characteristic value. The month and year shall be fully indicated by two and four figures respectively, for example, inspection date: 2016/05.
Warranty period refers to the period as committed by the seed production and operation entity to guarantee the quality characteristic value under specified storage conditions. Indication shall use month as unit and the maximum duration of such period shall not exceed 6 months as from the inspection date, for example, six months of warranty period.

**Article 15** The suitable planting area for a variety shall not go beyond the areas published in the introduction filing notice announced by the competent agricultural departments at provincial level, and the approval and registration notices. The suitable areas for crops without approval and registration shall be determined by the seed production and operation entity upon experiment.

The planting season refers to a time period suitable for sowing. It shall be determined by the seed production and operation entity upon experiment, and specific to the day, for example, May 1 to May 20.

**Article 16** The quarantine certificate number shall indicate the origin quarantine certificate number or the phytosanitary certificate number.

The importation seed quarantine certificate number shall indicate the approval document number of the introduction of seeds and seedlings quarantine.

**Article 17** Information code shall be indicated by a two-dimensional code, and include the variety name, the name of the production and operation entity or the importer, the unit identification code, the website of the traceability system, etc.

The format and generation requirements of the two-dimensional code shall be formulated by the Ministry of Agriculture separately.

**Chapter III Use Instructions**

**Article 18** The use instructions refer to the description of use conditions of seeds in main characters, main cultivation measures, adaptability, etc., and the risk warning, technical service and others.

**Article 19** The use instructions shall include the following content:

1. the main characters of variety;
2. the main cultivation measures;
3. the adaptability;
4. the risk warning; and
5. the consulting service information.

Under any of the following circumstances, in addition to the content provided for in the preceding paragraph, appropriate content shall be added:

1. for the genetically modified seeds, the safety control measures shall be given; and
(2) where the use instructions and labels are printed separately, the name of variety and the information of the seed production and operation entity shall be included.

**Article 20** The main characters and the main cultivation measures of a variety shall truthfully reflect the real condition of the variety, and the main content of which shall be consistent with the approval or registration notice.

For the main crop variety with more than two provincial approvals, the indication content shall be consistent with the provincial approval notice where such variety is sold and the introduction indication content shall be consistent with the introduction filing information.

**Article 21** Adaptability refers to the production stability, high yield, disease resistance, stress resistance, and other characteristics of the variety in suitable planting areas in different years, and the indicated value shall not be higher than the value stated in the variety approval or registration notice.

The adaptability of the crops without approval or registration may be described in reference to the relevant requirements for registering crops.

**Article 22** The risk warning shall include seed storage conditions, and the risk warning caused by and precautions for main plant diseases and insect pests, high and low temperature, lodging and other factors.

**Chapter IV Manufacture Requirements**

**Article 23** The seeds labels and the use instructions may be printed on together, and where the labels have already covered all the content of use instructions, it is not required to print out the use instructions separately.

**Article 24** For the seed necessary for packing, the label shall be printed directly on the surface of seed package; and for the seed unnecessary for packing, the label may be printed into presswork to be pasted, fixed or attached on the seed, or to be provided to seed users when selling the seeds.

**Article 25** The labeling text shall use the current standardized Chinese characters published by the State Language Commission in addition to registered trademark. The font height of the indicated characters, symbols and figures shall not be less than 1.8 mm, and the Chinese pinyin or foreign font shall be smaller than or equal to the corresponding Chinese characters font. The information code shall not be smaller than 2 square centimeters.

The variety name shall be put in an outstanding position with its font not less than other characters indicated on the label.

**Article 26** The printing content shall be clear, eye-catching and durable, easy to recognize and read. The indication font, background and underpainting shall form sharp contrast with the base, and be easy to identify; the warning indication and instructions shall be eye-catching and “high-toxic” shall be printed in red font.

**Article 27** The quarantine certificate number, the inspection date and the warranty period may adopt jet printing, emboss printing and other printing methods.
Article 28 The crop species and type of seed, variety name, variety approval or registration number, net content, name of seed production and operation entity, seed production and operation permit number, registered address and contact information, “genetically modified” characters, warning marks and other information shall be indicated on the same layout.

Article 29 The presswork provided for in Article 24 herein shall be rectangular, with length and width not less than 11 cm × 7 cm. The making of presswork shall be of sufficient strength and be made sure it is not vulnerable to be damaged or to become blurred and even fall off.

Article 30 The imported seed shall be attached on its original label with the Chinese label and use instructions in conformity with the provisions herein, and adopt the Chinese and English names of the variety and the production and operation entity specified in the Import and Export Approval Form.

Chapter V Supervision and Administration

Article 31 In absence of special provisions set forth in the laws and administrative regulations, neither of following content shall be included in the seed labels and the use instructions:

1. the addition of the modifying words before or after the variety name;
2. the names of other organizations except for the names of the seed production and operation entity and the seed importer;
3. the description in not conforming to the provisions of the Advertisement Law, the Trademark Law and other laws and regulations;
4. the use of certification mark without conformity certification; and
5. other information with exaggerated promotion, misleading or false text and patterns.

Article 32 The label lack of variety name shall be deemed as no seed label.

The use instructions lack of main characteristic, adaptability or risk warning of the variety shall be deemed as no use instructions.

Where the content of the label is modified or supplemented by cutting, pasting and other means, the label shall be investigated and treated as an obliterated label.

Article 33 The competent agricultural departments of the people’s governments at the county level or above shall strengthen the supervision and inspection over the labels and use instructions of the seeds, and in case of discovering any nonconformity with the provisions herein, give punishment in accordance with relevant provisions of the Seed Law of the People's Republic of China.

Chapter VI Supplementary Provisions

Article 34 These measures shall enter into force as of January 1, 2017. The Administrative Measures for Crop Seed Labels promulgated by the Ministry of Agriculture on February 26, 2001 shall be repealed simultaneously.
Appendix III

Administrative Measures for Labels and Use Instructions of Crop Seeds

Chapter I General Provisions

Article 1 These measures are enacted in accordance with the Seed Law of the People’s Republic of China for the purpose of regulating the administration of crop seed labels and use instructions, protecting the legitimate rights and interests of seed production and operation entity and users, and ensuring seed quality and agricultural production security.

Article 2 The crop seeds sold within the territory of the People’s Republic of China shall be attached with seed labels and use instructions.

The content in the seed labels and use instructions shall be consistent with the seeds for sale and the provisions herein, without any false or misleading publicity.

Article 3 Seed production and operation entity shall be responsible for the manufacture of labels and use instructions, and the authenticity of its label content and the seed quality.

Article 4 The competent agricultural departments of the people’s governments at the county level or above shall be in charge of the supervision and administration over crop seed labels and use instructions.

Chapter II Seed Labels

Article 5 Seed label refers to the specific pattern and the literal statement printed on, pasted, fixed or attached to the seeds or the surface of seeds package.

Article 6 The seed label shall indicate the following content:

(1) the crop species, type of seed and variety name;

(2) the information of seed production and operation entity, including its name, seed production and operation permit number, registered address and contacts;

(3) the quality index and net content;

(4) the inspection date and warranty period;

(5) suitable planting area and planting season for such variety;

(6) the quarantine certificate number; and

(7) the information code.
Article 7 Under any of the following circumstances, in addition to the content provided for in Article 6 of the Measures, the seed label shall indicate the followings respectively:

(1) for the main crop variety, indicating the variety approval number; in case of two or more provincial approvals, at least indicating the provincial variety approval number of the place where the seeds are sold; for introduced main crop variety, indicating the introduction filing notice number;

(2) for authorized variety, indicating the variety right number;

(3) for registered crop variety, indicating variety registration number;

(4) for imported seeds, indicating approval number, and name, registered address and contact information of the importer;

(5) for seeds with pesticide treatment, indicating the name of the pesticide and its active ingredient and content, and the solutions for human and animals after eating by mistake; and according to the toxicity degree, respectively indicating “high-toxic” and attaching skull mark, “middle-toxic” and attaching cross crotch mark or “low-toxic”; and

(6) for genetically modified seeds, indicating “genetically modified” and the agricultural genetically modified biosafety certificate number.

Article 8 The crop species shall specify the species of the plant taxonomy.

The type of seed shall indicate normal seeds or hybrid seeds. For normal seeds, indicating breeder seeds, basic seeds, and qualified seeds is required.

Article 9 The variety name shall conform to the Regulations of Naming of Agricultural Plant Varieties, and a variety shall indicate a variety name only. Certified and registered varieties or protected varieties by authorization shall only use the variety name approved.

Article 10 The name of seed production and operation entity, seed production and operation permit number, registered address shall be consistent with the content stated in the crop seed production and operation permit; and the contact information shall be telephone or fax, or else network contacts or others may be indicated.

Article 11 The quality index refers to a quality standard committed by the production and operation entity, which shall not be lower than the national or industrial standards; where there are no national or industrial standards, indication shall be made per the enterprise standards or the quality standards as committed by the seed production and operation entity.

Article 12 The quality index shall be indicated in accordance with the quality characteristic and characteristic value.

The indication of the quality characteristic shall follow the provisions below:

(1) indicating purity, cleanliness, germination rate and moisture content of variety, excluding clonal materials, seedlings and so forth which are inappropriate to indicate moisture content, germination rate,
purity and other indexes;

(2) for virus-free propagating materials, indicating purity, virus status and virus-free propagation generation numbers of variety; and

(3) where there is other quality characteristic required by the national standards, industrial standards or the Ministry of Agriculture to some crop seeds, such characteristic shall be indicated.

The characteristic value shall indicate specific values, among which, the percentage of purity, cleanliness and moisture content of variety shall keep a decimal fraction, and the germination rate shall keep an integer.

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Warranty period refers to the period as committed by the seed production and operation entity to guarantee the quality characteristic value under specified storage conditions. Indication shall use month as unit and the maximum duration of such period shall not exceed 6 months as from the inspection date, for example, six months of warranty period.

Article 15 The suitable planting area for a variety shall not go beyond the areas published in the introduction filing notice announced by the competent agricultural departments at provincial level, and the approval and registration notices. The suitable areas for crops without approval and registration shall be determined by the seed production and operation entity upon experiment.

The planting season refers to a time period suitable for sowing. It shall be determined by the seed production and operation entity upon experiment, and specific to the day, for example, May 1 to May 20.

Article 16 The quarantine certificate number shall indicate the origin quarantine certificate number or the phytosanitary certificate number.

The importation seed quarantine certificate number shall indicate the approval document number of the introduction of seeds and seedlings quarantine.

Article 17 Information code shall be indicated by a two-dimensional code, and include the variety name, the name of the production and operation entity or the importer, the unit identification code, the website of the traceability system, etc.

The format and generation requirements of the two-dimensional code shall be formulated by the Ministry of Agriculture separately.

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Article 18 The use instructions refer to the description of use conditions of seeds in main characters, main cultivation measures, adaptability, etc., and the risk warning, technical service and others.

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(5) the consulting service information.

Under any of the following circumstances, in addition to the content provided for in the preceding paragraph, appropriate content shall be added:

(1) for the genetically modified seeds, the safety control measures shall be given; and
(2) where the use instructions and labels are printed separately, the name of variety and the information of the seed production and operation entity shall be included.

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For the main crop variety with more than two provincial approvals, the indication content shall be consistent with the provincial approval notice where such variety is sold and the introduction indication content shall be consistent with the introduction filing information.

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The adaptability of the crops without approval or registration may be described in reference to the relevant requirements for registering crops.

Article 22 The risk warning shall include seed storage conditions, and the risk warning caused by and precautions for main plant diseases and insect pests, high and low temperature, lodging and other factors.

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The variety name shall be put in an outstanding position with its font not less than other characters indicated on the label.

**Article 26** The printing content shall be clear, eye-catching and durable, easy to recognize and read. The indication font, background and underpainting shall form sharp contrast with the base, and be easy to identify; the warning indication and instructions shall be eye-catching and “high-toxic” shall be printed in red font.

**Article 27** The quarantine certificate number, the inspection date and the warranty period may adopt jet printing, emboss printing and other printing methods.

**Article 28** The crop species and type of seed, variety name, variety approval or registration number, net content, name of seed production and operation entity, seed production and operation permit number, registered address and contact information, “genetically modified” characters, warning marks and other information shall be indicated on the same layout.

**Article 29** The presswork provided for in Article 24 herein shall be rectangular, with length and width not less than 11 cm × 7 cm. The making of presswork shall be of sufficient strength and be made sure it is not vulnerable to be damaged or to become blurred and even fall off.

**Article 30** The imported seed shall be attached on its original label with the Chinese label and use instructions in conformity with the provisions herein, and adopt the Chinese and English names of the variety and the production and operation entity specified in the Import and Export Approval Form.

**Chapter V Supervision and Administration**

**Article 31** In absence of special provisions set forth in the laws and administrative regulations, neither of following content shall be included in the seed labels and the use instructions:

(1) the addition of the modifying words before or after the variety name;

(2) the names of other organizations except for the names of the seed production and operation entity and the seed importer;

(3) the description in not conforming to the provisions of the Advertisement Law, the Trademark Law and other laws and regulations;

(4) the use of certification mark without conformity certification; and
Article 32 The label lack of variety name shall be deemed as no seed label.

The use instructions lack of main characteristic, adaptability or risk warning of the variety shall be deemed as no use instructions.

Where the content of the label is modified or supplemented by cutting, pasting and other means, the label shall be investigated and treated as an obliterated label.

Article 33 The competent agricultural departments of the people’s governments at the county level or above shall strengthen the supervision and inspection over the labels and use instructions of the seeds, and in case of discovering any nonconformity with the provisions herein, give punishment in accordance with relevant provisions of the Seed Law of the People's Republic of China.

Chapter VI Supplementary Provisions

Article 34 These measures shall enter into force as of January 1, 2017. The Administrative Measures for Crop Seed Labels promulgated by the Ministry of Agriculture on February 26, 2001 shall be repealed simultaneously.

Appendix IV

Administrative Measures on Non-Major Crop Variety Record

(Draft for Comments)

Chapter I - General Provisions

Article 1 The Measures are made according to the Seed Law of the Republic of China (hereinafter referred to the Seed Law) to record non-major crop varieties, standardize management of non-major crop varieties, protect biodiversity and ensure safety of consumers and safety of seed use.

Article 2 Non-major crops mentioned in the Measures refer to crops except the five major crops (rice, wheat, corn, cotton and soybean).

Article 3 China implements the variety record system for a part of non-major crops. The Measures apply to varieties listed in the Non-Major Crop Record Catalogue.

Article 4 The Ministry of Agriculture (MOA) prepares and adjusts the Non-Major Crop Record Catalogue, releases the application form for non-major crop variety record and establishes the National Data Platform for Non-Major Crop Variety Record (hereinafter referred to as Variety Record Platform).

Article 5 MOA is responsible for national non-major crop variety record, and the National Agricultural...
Technical Promotion Service Center is responsible for the specific work. Agricultural administrative departments of provincial-level governments are responsible for accepting applications for variety record and examining application documents, and seed regulatory agencies at the provincial level are responsible for the specific work.

Chapter II – Application, Acceptance and Examination

Article 6 Application for variety record is subject to local management. A unit or an individual makes an application for variety record to agricultural administrative departments of the people’s governments of province, autonomous region or municipality directly under the Central Government; the unit makes the application in the place where its registered office is located, and the individual makes the application in the place where his/her registered residence is located. Agencies or individuals apply for variety record (hereinafter referred to as applicants) shall register their real names in the Variety Record Platform. The application for record of a non-major crop variety shall be made in only one place.

Article 7 Where two or more applicants apply for record for the same variety separately, the one who makes the application first will be the applicant; where two or more applicants apply for record for the same variety at the same time, the one who completes breeding of the variety first will be the applicant; for a variety with the new plant variety right, the right owner’s approval shall be obtained.

Article 8 Foreign agents and individuals which have no habitual residence or place of business in China and intend to apply for variety record shall entrust application for variety record to domestic seed enterprises with corporate capacity.

Article 9 A variety for record shall meet following requirements:

(i) Artificially selected and bred/discovered and improved;
(ii) With specificity, uniformity and stability;
(iii) With a name complying with “Rules on Naming Agricultural Plant Varieties”.

Article 10 Applicants applying for variety record shall submit following documents to agricultural administrative departments of the governments of provinces, autonomous regions or municipalities directly under the Central Government:

i) Application form for non-major crop varieties, including crop species, variety name, applicant, units or individuals responsible for variety breeding (hereinafter referred to as “breeders”), contact and contact information;

ii) Report of variety comparative test which is conducted for one or more production cycles,
including morphological characteristics, biological characteristics, yield, quality, key points of cultivation techniques and suitable planting areas and seasons.

iii) Resistance authentication report;

iv) Breeding procedure and testing report for specificity, uniformity and stability;

(v) Photos of seeds, plants, fruits, and etc.

**Article 11** Agricultural administrative departments of the people’s governments of provinces, autonomous regions or municipalities directly under the Central Government shall handle applications for variety record according to following requirements:

(i) Where there are errors in the documents, the applicant shall be permitted to make corrections;

(ii) Where the application documents are incomplete or don’t conform to the legal form, the applicant shall be notified of all items to be supplemented and corrected at once within 5 days; where the applicant is not notified of it before the deadline, it is deemed that the application is accepted upon receiving the application documents.

**Article 12** Agricultural administrative departments of the people’s governments of provinces, autonomous regions or municipalities directly under the Central Government examine the submitted application documents within 20 days after accepting the application for variety record, report the compliant record to MOA and notify the compliant applicant of submitting seed samples to the MOA Plant Variety Standard Sample Bank for storage within 30 days. Where seed samples are not submitted before the deadline, it is deemed that the application is withdrawn.

Where a decision cannot be made within 20 days, the period may be extended by 10 days with the approval of person in charge of the agricultural administrative departments at the same level, and the applicant shall be notified of the reason for period extension.

For applications which don’t meet relevant requirements, the applicants will be notified of the incompliance and the reason in writing.

**Chapter III Record and Announcement**

**Article 13** MOA reviews applications for variety record which comply with relevant requirements in document examination conducted by agricultural administrative departments of the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government, makes record announcements and issues certificates periodically.

**Article 14** The announcement includes: record number, crop species, variety name, applicant, breeder,
variety source, yield, quality, resistance, key points of cultivation techniques, and suitable planting areas and seasons.

A variety name published in the record announcement shall be the generic name of the variety. One shall not change the generic name of a variety without authorization during production, marketing and promotion.

**Article 15** A record certificate includes: record number, crop species, variety name, applicant, breeder, variety source, key points of cultivation techniques, announcement number and certificate number.

**Article 16** Record No. Form: GPD + crop species + (year No.) + 2-digit province code + 4-digit sequence No.

**Article 17** For a recorded variety, where the application documents or seed samples are false or there is serious default which cannot be overcome, MOA revokes the record and makes an announcement.

**Article 18** For a recorded variety, the applicant who asks to change the announcement content shall apply for change to the original agricultural administrative department of the people’s government of province, autonomous region or municipality directly under the Central Government and provide application documents including supporting materials.

The original agricultural administrative department of the people’s government of province, autonomous region or municipality directly under the Central Government conducts document examination on the application documents submitted by the applicant, and reports the compliant application to MOA for an announcement; the applicant doesn’t need to submit seed samples again.

**Chapter IV Supervision and Administration**

**Article 19** MOA establishes the Variety Record and Seed Sample Data System, and takes advantage of the Variety Record Platform to handle and accept application for record and make announcements on recorded varieties and announcements on revoking recorded varieties on internet.

**Article 20** The variety record agencies and their staff are liable for confidentiality of business secret obtained during the procedure of record, and shall not provide outsiders with the seed samples for variety record or seek illegal interests.

**Article 21** Applicants are responsible for authenticity of application documents and seed samples, ensure traceability and are subject to supervision and examination.

**Article 22** Where an applicant behaves improperly (such as cheating or bribery) during variety record procedure, his/her application would not be accepted within three years, and his/her illegal information will be recorded in the social credibility and integrity archives and will be released to the public; when it
leads to loss to seed users or other seed producers or operators, the applicant shall be liable for compensation lawfully.

**Article 23** Crop varieties whose records have been revoked and crop varieties which should have been recorded shall not be sold in the name of recorded varieties, and advertising and promotion shall be prohibited in this case. One who obeys the rules will be subject to punishment according to provisions in Article 78 of the Seed Law.

**Chapter V Supplementary Provisions**

**Article 24** For varieties which are listed in the Non-Major Crop Record Catalogue and have been registered at the state level or provincial level before enforcement of the new Seed Law and whose registrations have not been withdrawn, the breeders or owners of variety rights shall make an application for record to agricultural administrative departments of the people’s governments of provinces, autonomous regions or municipalities directly under the Central Government, submit application forms for variety record and breeding procedures, announcements on registration, copies of registration certificates and seed samples, and MOA makes the record announcements.

For varieties for which 2 production cycles of regional variety trials at state level or provincial level have been completed and which have not been registered, variety trial reports and resistance authentication reports shall be submitted.

**Article 25** For varieties which are listed in the Non-Major Crop Record Catalogue and have been sold continuously for many years outside the provinces where the varieties are classified as major crops according to the original Seed Law and also have greater planting scale, and for varieties which have not been classified as registered crops, have been sold continuously for many years and have greater planting scale, the breeders or owners of variety rights shall make an application for record to agricultural administrative departments of the people’s governments of provinces, autonomous regions or municipalities directly under the Central Government and submit application documents (including application forms for variety record and breeding procedures), copies of sales invoices and seed samples within 2 years after publication of the Measures, and MOA makes record announcements.

**Article 26** With regard to local varieties or native varieties, seed regulatory agencies at the county level or seed operators may apply for record, submit application forms for record and seed samples, and carry out purification and rejuvenation, breed conservation and promotion for the recorded varieties after the record announcement is made.
**Article 27** Authentication of such agronomic characteristics as yield ability, yield stability, adaptability, resistance and quality, as well as testing for specificity, uniformity and stability are carried out by breeders or applicants or commissioned to others by breeders or applicants.

**Article 28** Submission of standard samples for variety record of asexually propagated crops including potatoes and sweet potatoes and perennial plants including fruit trees, tea plants and rubber are provided otherwise.

**Article 29** The Measures go into effect on // 2016.