

[Law of the People's Republic of China on Promotion of Agricultural Mechanization](#)

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Chapter I General Provisions

Article 1 This Law is enacted with a view to encouraging and supporting peasants and agricultural production and operation organizations to use advanced and applicable agricultural machines, promoting the mechanization of agriculture and developing modern agriculture.

Article 2 For purposes of this Law, mechanization of agriculture means the process of improving the conditions of agricultural production and operation and continually raising the technological level of agricultural production and increasing the economic and ecological benefits of agriculture by equipping agriculture with advanced and applicable agricultural machines.

For purposes of this Law, agricultural machines mean the machines and equipment used for agricultural production, primary processing of agricultural products and other activities relating to farming.

Article 3 People's governments at or above the county level shall incorporate the promotion of agricultural mechanization into their plans of national economic and social development, and take such measures as financial support, preferential taxation policy as prescribed by the State and financial aid, in order to gradually increase capital input into the mechanization of agriculture, give full play to the role of market mechanism, and promote the development of agricultural mechanization in compliance with the principles of adapting to local conditions, ensuring economic results, guaranteeing safety and protecting the environment.

Article 4 The State provides guidance and support to peasants and agricultural production and operation organizations in their efforts to select advanced and applicable agricultural machines on their own. No units or individuals shall compel peasants and agricultural production and operation organizations to purchase agricultural machines they designate.

Article 5 The State takes measures to publicize and disseminate scientific and technological knowledge about agricultural mechanization, to train people in professional skills needed for such mechanization, to promote information services for and to raise the level of such mechanization.

Article 6 The administrative departments for agriculture under the State Council and other departments in charge of the work of agricultural mechanization shall, in accordance with the division of their respective duties, closely cooperate with each other, joining the efforts in successfully promoting agricultural mechanization.

The departments in charge of the work of agricultural mechanization under the local people's governments at or above the county level and other departments concerned shall, in accordance with the division of their respective duties, closely cooperate with each other, joining efforts in successfully promoting agricultural mechanization within their own administrative areas.

Chapter II Scientific Research and Development

Article 7 People's governments at or above the provincial level and the relevant departments under them shall make arrangements for the units concerned to take such measures as tackling key technical problems and making experiments and demonstrations for the purpose of promoting basic and key scientific researches in agricultural machinery for the public good and the wide use of advanced and applicable agricultural machines.

Article 8 The State supports the scientific research institutions, colleges and universities concerned to redouble their efforts in scientific and technological research in agricultural mechanization and, based on the different conditions of agricultural production and different needs of peasants, to make research and develop advanced and applicable agricultural machines; and it supports the efforts made to combine scientific research and teaching of agricultural machinery with their manufacturing and the promotion of their wide use in order that agricultural machinery will be geared to the needs of the technological development of agricultural production.

Article 9 The State supports the manufactures of agricultural machines in their efforts to develop advanced and applicable agricultural machines and, by adopting advanced technologies, techniques and materials, to enhance the quality and raise the technological level of their products, reduce their costs of production and provide serialized and standardized agricultural machines characterized by multifunction, high quality, energy saving and reasonable price.

Article 10 The State supports the introduction and use of advanced agricultural machines, their key spare parts and technology, and encourages the efforts to absorb foreign funds for purpose of conducting research in, developing, manufacturing and dealing in agricultural machines.

Chapter III Quality Safeguards

Article 11 The State strengthens the establishment of a standard system for agricultural mechanization, formulates and improves the standards for the quality of the agricultural machines manufactured, the quality of their repairs and maintenance and the quality of their operation. In respect of the technical requirements for the agricultural machines manufactured relating to personal safety, quality and safety of agricultural products and protection of the environment, mandatory technological standards shall be formulated in accordance with the provisions of relevant laws and administrative regulations.

Article 12 Supervisory departments for product quality shall, according to law, be in charge of supervision over and spotcheck of the quality of the agricultural machines manufactured.

Administrative departments for industry and commerce shall, according to law, tighten supervision and control over the markets of the agricultural machines manufactured.

The administrative departments for agriculture under the State Council and the departments in charge of the work of agricultural mechanization under the people's governments at the provincial level may, based on the complaints by the users of agricultural machines and on the actual need of agricultural production, arrange surveys of the applicability, safety, reliability and after-sale services of a particular type of the manufactured agricultural machines that are in use, and publish the results of the surveys.

Article 13 Manufacturers and sellers of agricultural machines shall be responsible for the quality of the machines manufactured or sold by them, and shall, in accordance with relevant State regulations, be responsible for such after-sale services as the supply of spare parts and training.

Manufacturers of agricultural machines shall, in accordance with State standards, industrial standards and the requirements of ensuring personal safety, install safety and protection devices on, and attach warning signs and warning in Chinese to, the agricultural machines manufactured by them.

Articles 14 Where agricultural machines manufactured do not meet the quality requirements, the manufacturers or sellers of the machines shall be responsible for their repairs, replacement or return; and where losses in agricultural output or other losses are caused to the users of the agricultural machines, they shall compensate the users for the losses according to law. The users of the machines shall have the right to demand that the sellers of the machines make the compensation first. After the compensation is made by the sellers of the machines, if the responsibility rests with the manufacturers of the machines, the said sellers shall have the right to demand recovery from the said manufacturers.

Where personal injuries or property losses are caused due to defects in agricultural machines, the manufacturers and sellers of machineries shall make compensations according to law.

Article 15 Manufactured agricultural machines included in the catalogue of the products the certification of which is required by law but which are not certified or attached with the signs of certification are prohibited from leaving the factory, being sold or imported.

Agricultural machines which do not meet the mandatory requirements of the technological standards of the State are prohibited from being manufactured and sold.

Assembling of agricultural machines with defective or substandard spare parts or with spare parts of scrapped machines are prohibited.

Chapter IV Widespread Use

Article 16 The State supports efforts to promote the wide use of advanced and applicable agricultural machines among peasants and agricultural production and operation organizations. The agricultural machines the wide use of which is promoted shall meet the need of local agricultural development and, according to the provisions of the Law on Popularization of Agricultural Technology, the machines shall have to be proved to be advanced and applicable through experiment in the areas where their wide use is promoted.

Manufacturers or sellers of agricultural machines may entrust institutions for experiment and verification of agricultural machines to test the applicability, safety and reliability of the agricultural machines of a finalized design manufactured or sold by them, and to make a technical appraisal. The said institutions shall publish the testing results of the agricultural machines in respect of their applicability, safety and reliability, providing information to peasants and agricultural production and operation organizations in their purchase of advanced and applicable agricultural machines.

Article 17 People's governments at or above the county level may, based on actual conditions, set up demonstration bases for agricultural mechanization in different agricultural areas, and encourage manufacturers of, dealers in agricultural machines, etc. to set up demonstration points for agricultural machines and guide peasants and agricultural production and operation organizations in their use of advanced and applicable agricultural machines.

Article 18 The administrative department for agriculture under the State Council together with the department of finance and the department for comprehensive macro-economic control under the State Council shall, on the principles of promoting agricultural restructuring, protecting the natural resources and ecological environment, promoting the wide use of new agricultural technologies and speeding up the updating of agricultural machines and tools, determine and publish the catalogue of the advanced and applicable agricultural machines the wide use of which is supported by that the State, and make adjustment to the catalogue regularly. The departments in charge of the work of agricultural mechanization under the people's governments at the provincial level together with the department of finance and the department for comprehensive macro-economic control at the corresponding level shall, on the principles mentioned above, determine and publish the catalogue of the advanced, applicable agricultural machines the wide use of which is supported by the people's governments at the provincial level, and make adjustment to the catalogue regularly.

To have their products included in the catalogue mentioned in the preceding paragraph, the manufacturers of agricultural machines shall, on a voluntary basis, submit an application and their products shall be subject to verification, by institutions for experiment and verification of agricultural machines in respect of their advancedness, applicability, safety and reliability.

Article 19 The State encourages and supports peasants to cooperate in the use of agricultural machines, in order to raise the utilization ratio and operational efficiency of agricultural machines and to reduce operational cost.

The State supports and protects peasants, while adhering to household contractual management, to engage in regional and standardized planting on a voluntary basis in order to raise the operational level of agricultural machines. No units or individuals shall, on the pretext of regional or standardized planting, encroach upon the peasants' right of contractual management of land.

Article 20 The administrative department for agriculture under the State Council and the departments in charge of the work of agricultural mechanization under the local people's governments at or above the county level shall, upholding the principles of safe production and putting prevention first, improving the publicity of and education in the safe use of agricultural machines and control of such machines.

When users of agricultural machines operate the machines, they shall do so in accordance with the safe operation regulations, and shall put up the protective devices or warning signs at the dangerous parts of the machines and at the place of operation.

Chapter V Commercialized Services

Article 21 Peasants and agricultural machines operation organizations may, on the principles of mutual voluntariness and consultation on an equal footing, provide local or nonlocal peasants and agricultural production and operation organizations with various kinds of compensated services of agricultural machinery operation. Compensated agricultural machinery operation shall be in conformity with the State and local standards for the quality of such operation.

The State encourages the provision of agricultural machinery operation among different administrative regions. People's governments at various levels and the relevant departments under them shall support such inter-regional agricultural machinery operation, maintain the order of such operation, provide conveniences and services, and exercise supervision over safety according to law.

Article 22 People's governments at various levels shall take measures to encourage and assist the development of multiforms of agricultural machinery service organizations, to facilitate the establishment of an information network for agricultural mechanization and improve the service system of agricultural mechanization. Agricultural machinery service organizations shall, based on the needs of peasants and agricultural production and operation organizations, provide such commercialized services as demonstration and promotion of the use of agricultural machines, training in practicable technologies, maintenance and repairs, information, and intermediary service.

Article 23 Institutions for promotion of agricultural machinery technologies at the grassroots level established by the State shall rely on the experiment and demonstration bases in providing, without compensation, peasants and agricultural production and operation organizations with such public welfare services as promotion of and training in agricultural machinery technologies.

Article 24 Any unit or individual engaged in agricultural machinery maintenance and repairs shall have the instruments and equipment needed for maintenance and repairs as well as the technicians with the professional skills for agricultural machinery maintenance and repairs, in order to guarantee quality. If the quality of repair is not up to standards, the repairer shall do the repairs again free of charge; and if personal injuries or property losses are caused, the repairer shall bear the responsibility for compensation according to law.

Article 25 Manufacturers, dealers in and repairers of agricultural machines may, in accordance with the provisions of laws and administrative regulations and on a voluntary basis, establish industrial associations, practice self-discipline within the industry, provide services to the members of their associations and preserve lawful rights and interests of their members.

Chapter VI Support Measures

Article 26 The State takes measures to encourage and support the manufacturers of agricultural machines to increase their input in research and development of new products, new technologies and new techniques, and executes a preferential tax policy for scientific research in, and development and manufacture of agricultural machines.

A certain amount of the funds for scientific and technological development arranged in the central or local budgets shall be used in support of technical innovation of the agricultural machinery industry.

Article 27 The central and the provincial governments shall respectively allocate special funds to subsidize the peasants and agricultural production and operation organizations for their purchase of the advanced and applicable agricultural machines supported and promoted by the State. The funds for subsidies shall be used in accordance with the principles of openness, impartiality, timeliness and effectiveness. Such funds may be distributed to the peasants and agricultural production and operation organizations, and may also be used as a discount for the loans provided by banking institutions in support of the peasants and agricultural production and operation organizations that purchase advanced and applicable agricultural machines. The specific measures in this regard shall be formulated by the State Council.

Article 28 Incomes from providing services in production with agricultural machines shall enjoy preferential taxation policy in accordance with State regulations.

The State, based on the needs of agricultural and rural economic development, appropriates financial subsidies for the fuel oil used in agricultural production with agricultural machines. Such subsidies shall be given directly to the peasants and agricultural production and operation organizations that are engaged in operations with agricultural machines. The specific measures in this regard shall be formulated by the State Council.

Article 29 Local people's governments at various levels shall take measures to make greater efforts in the construction and maintenance of the infrastructure in respect of agricultural mechanization, such as rural roads for farm machines, in order to create the conditions for agricultural mechanization.

Departments in charge of the work of agricultural mechanization under the local people's governments at or above the county level shall establish the system of information gathering, sorting and issuing for agricultural mechanization, in order to provide peasants and agricultural production and operation organizations with information services free of charge.

Chapter VII Legal Responsibility

Article 30 Violations of the provisions in Article 15 of this Law shall be penalized in accordance with the relevant provisions in the Law on Product Quality; and if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 31 Where the driver or operator of agricultural machine violates the State procedures for safe operation and relevant regulations in his work, he shall be instructed to rectify and be penalized in accordance with the provisions of relevant laws and administrative regulations; and if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 32 When an institution for experiment and verification of agricultural machines fails to make verification for the manufacturers or sellers of agricultural machines in accordance with relevant regulations, forges the results of verification, or produces false certificates, thus causing losses to the users of agricultural machines, it shall bear the responsibility for compensation according to law.

Article 33 Where the administrative department for agriculture under the State Council or the department in charge of the work of agricultural mechanization under a local people's government at or above the county level, in violation of the provisions of this Law, compels, or does so in disguised form, the manufacturers or sellers of agricultural machines to have the agricultural machines they manufacture or sell verified, the competent department at the higher

level or the supervisory organ shall instruct it to rectify within a time limit, and give administrative sanctions to the persons who are directly in charge and the other persons who are directly responsible.

Article 34 Any unit or individuals that, in violation of the provisions in Articles 27 and 28 of this Law, withholds or misappropriates the funds for subsidies, shall be instructed by the competent organ at the higher level to return the funds withheld or misappropriated within a time limit, its/ his unlawful gains shall be confiscated; and the competent organ at the higher level, the supervisory organ or the entity it/ he belongs to shall give administrative sanctions to the persons who are directly in charge and the other persons who are directly responsible. If a crime is constituted, criminal responsibility shall be investigated according to law.

Chapter VIII Supplementary Provisions

Article 35 This Law shall go into effect as of November 1, 2004.