

## **Measures for the Administration of Aquatic Fingerlings**

Promulgation date: 01-05-2005  
Effective date: 04-01-2005  
Department: MINISTRY OF AGRICULTURE  
Subject: AGRICULTURE, ANIMAL HUSBANDRY & FISHERY

Order of the Ministry of Agriculture  
(No. 46)

The Measures for the Administration of Aquatic Fingerlings have been amended and adopted at the 37th executive meeting of the Ministry of Agriculture on December 21, 2004, and the amended Measures for the Administration of Aquatic Fingerlings are hereby promulgated and shall come into force as of April 1, 2005.  
January 5, 2005

Measures for the Administration of Aquatic Fingerlings

### **Chapter I General Provisions**

**Article 1** With a view to protecting and reasonably utilizing aquatic germ plasm resources, strengthening the administration of selection and breeding of aquatic varieties and the production, operation, import and export of fingerlings, improving the quality of aquatic fingerlings, maintaining the legitimate rights and interests of those who produce, deal in and make use of aquatic fingerlings and promoting the steady and sound development of the aquaculture, these Measures are formulated pursuant to the Fisheries Law of the People's Republic of China and other relevant laws and regulations.

**Article 2** The aquatic fingerlings as mentioned in these Measures refer to the parents, pedomorphism, larvae, zygotes, spores and heredity breeding materials of aquatic animals and plants used for breeding, multiplication and cultivation (planting) production, scientific research and experiments as well as for appreciation.

**Article 3** Any entity or individual that engages in the exploration and exploitation of aquatic germ plasm resources, selection and breeding and cultivation of species, and the production, operation, management, import and export of aquatic fingerlings within the territory of the People's Republic of China shall abide by these Measures.  
The administration on rare and endangered aquatic wild animals and plants and their fingerlings shall be implemented in accordance with the relevant laws and regulations.

**Article 4** The Ministry of Agriculture shall be responsible for the administrative work of aquatic germ plasm resources and aquatic fingerlings of the whole country.  
The fishery administrative departments of the local people's governments at or above the county level shall be responsible for the administrative work of aquatic germ plasm resources and aquatic fingerlings of their respective administrative regions.

### **Chapter II Protection of Germ Plasm Resources and Selection and Breeding of Species**

**Article 5** The State shall, in a planned manner, collect, sort out, appraise, protect, preserve and reasonably utilize aquatic germ plasm resources. No entity or individual may encroach or spoil aquatic germ plasm resources.

**Article 6** The State protects aquatic germ plasm resources and their surviving environments, and establishes preservation areas of aquatic germ plasm resources in the main regions where aquatic

germ plasm resources with high economic values and heredity and breeding values grow and breed. No entity or individual may engage in fishing activities in a preservation area of aquatic germ plasm resources without the approval of the Ministry of Agriculture.

Any construction project that causes unfavorable influences to the aquatic germ plasm resources shall be dealt with pursuant to Article 35 of the Fisheries Law of the People's Republic of China.

Article 7 A fishery administrative department of the people's government at the provincial level shall make a reasonable arrangement and construction of seed stock stations and seed multiplication farms pursuant to the requirements for developing the aquatic multiplication and cultivation, natural conditions and characteristics of germ plasm resources.

The national or provincial seed stock station and seed multiplication farm shall be responsible for keeping or selecting and breeding or using heredity materials and parents, and provide parents to the entities that propagate aquatic fingerlings.

Article 8 The parents used for crossbreeding commercial fingerlings shall be pure line colonies. No reproductive hybrid may be used for parent propagation.

Strict measures for the segregation and against the escape shall be established at the sites for breeding reproductive hybrid individuals and modifying heredity features of individuals and offspring through such technologies as the biological engineering, and it is prohibited to throw them into the river, lake, reservoir, sea areas or any other natural water area.

Article 9 The State encourages and supports the selection and breeding, cultivation and popularization of good aquatic breeds. The fishery administrative departments of the people's governments at or above the county level shall organize the scientific research, teaching and production entities to select, breed, and cultivate good aquatic breeds in a planned manner.

Article 10 The Ministry of Agriculture establishes the national appraisal committee of aquatic protospecies and improved varieties to appraise new aquatic varieties. Those new aquatic varieties that are appraised to be qualified may be popularized upon the announcement of the Ministry of Agriculture.

### Chapter III Production, Operation and Management

Article 11 In case an entity or individual plans to engage in the production of aquatic fingerlings, it shall be approved by the fishery administrative department of the people's government at or above the county level, and obtain a license for producing aquatic fingerlings, but with the exception of those aquatic fingerlings that are self-bred and self-used by the fishery producer.

The fishery administrative department of the people's government at the provincial level shall be responsible for the issuance of licenses for producing aquatic fingerlings of seed stock stations and seed multiplication farms. The power to issue licenses for producing other aquatic fingerlings shall be prescribed by the fishery administrative department of the people's government at the provincial level.

The licenses for producing aquatic fingerlings shall be uniformly printed by the fishery administrative department of the people's government at the provincial level.

Article 12 An entity or individual that engages in the production of aquatic fingerlings shall meet the following requirements:

- (1) It/he has fixed production sites, abundant water sources and water quality in line with the fishery water using standards;
- (2) The parents used for breeding shall come from seed stock stations and seed multiplication farms and the quality thereof shall comply with the germ plasm standards;
- (3) The production conditions and facilities shall comply with the requirements of production and technical operational rules and procedures of aquatic fingerlings; and
- (4) It/he has the corresponding professional technical personnel suitable for the production of

aquatic fingerlings and the quality inspection.

In case an application entity is a seed stock station or seed multiplication farm, it shall additionally satisfy the requirements of the Rules on the Production and Management of Seed Stock Stations and Seed Multiplication Farms as promulgated by the Ministry of Agriculture.

Article 13 Any entity or individual that applies for engaging in the production of aquatic fingerlings shall fill out an application form for producing aquatic fingerlings and submit the materials proving that it meets the requirements as prescribed by Article 12 of these Measures.

The format of an application form for producing aquatic fingerlings shall be uniformly formulated by the fishery administrative department of the people's government at the provincial level.

Article 14 A fishery administrative department of the people's government at or above the county level shall, pursuant to the examination and approval power as prescribed by Paragraph 2 of Article 11 of these Measures, conduct examination on the materials as submitted by the applicant within 20 days upon receipt of the application, and decide on whether to issue the license for producing aquatic fingerlings after on-the-spot assessment.

Article 15 A production entity or individual of aquatic fingerlings shall carry out the production on the basis of scopes and varieties as prescribed by the license. Where it is necessary to alter production scopes and varieties, it/he shall go through the alteration formalities at the original license issuing organ.

The valid period of licenses for producing aquatic fingerlings shall be three years. If the period needs to be prolonged after the expiration, it/he shall apply to the original license issuing organ 30 days prior to the expiration, and go through the extension formalities.

Article 16 The production of aquatic fingerlings shall follow the production and technical operational rules and procedures as provided for by the Ministry of Agriculture. And the quality of aquatic fingerlings shall be ensured.

Article 17 The fishery administrative departments of the people's governments at or above the county level shall organize the relevant quality inspection organs to inspect the quality of parents, pedomorphism and larvae of fingerling bases within their respective administrative areas. If they are inspected to be unqualified, it is necessary to give warnings and order that rectification be made within the time limit. If they are still unqualified after the expiration of the said time limit, the licenses for producing aquatic fingerlings shall be revoked and cancelled by the license issuing organs.

Article 18 The fishery administrative department of the local people's government at or above the county level shall reinforce the quarantine of the origins of aquatic fingerlings.

In the case of aquatic fingerlings introduced from other areas of our country, the quarantine formalities shall be handled at the local fishery administrative department first, and the said aquatic fingerlings may not be transported or sold until they are quarantined to be qualified.

The quarantine personnel shall carry out the quarantine pursuant to the quarantine rules and procedures, and issue certificates for those aquatic fingerlings that are quarantined as up to the standards.

Article 19 It is prohibited to excavate mines or ores, blast or discharge sewage or carry out other activities destroying the ecological environment of water areas at the propagation and habitation areas of aquatic fingerlings. In the case of pollution to the environment of water areas, it shall be dealt with pursuant to the relevant provisions in the Law of the People's Republic of China on Prevention and Control of Water Pollution and the Marine Environment Protection Law of the People's Republic of China.

Measures shall be taken to protect fingerlings when channeling or using water from the water areas that specialize in producing aquatic animal fingerlings.

## Chapter IV Import and Export Administration

Article 20 Any entity or individual that intends to engage in the import and export of aquatic fingerlings shall be approved by the Ministry of Agriculture or the fishery administrative department of the people's government at the provincial level.

Article 21 The Ministry of Agriculture shall, together with the relevant departments of the State Council, formulate the import directory and the export directory of aquatic fingerlings, and promulgate them on a regular basis.

The import directory and the export directory of aquatic fingerlings shall be categorized as I, II and III. Those aquatic fingerlings as listed in category I of the import directory may not be imported, and those aquatic fingerlings as listed in category I of the export directory may not be exported. The import and export of aquatic fingerlings as listed in category II and those aquatic fingerlings that have not been listed in the directory shall be examined and approved by the Ministry of Agriculture. The import and export of aquatic fingerlings as listed in category III shall be examined and approved by the fishery administrative departments of the people's governments at the provincial level.

Article 22 An entity or individual that applies for importing aquatic fingerlings shall submit the following materials:

- (1) An application form for importing aquatic fingerlings;
- (2) A safety impact report of the import of aquatic fingerlings (including the impacts to the ecological environment and biological species of water areas where aquatic fingerlings are imported into, plant diseases and insect pests possibly carried by the imported aquatic fingerlings and their harms, etc.);
- (3) The photocopies of the letter of intent and donation agreement signed with foreign parties;
- (4) A certificate of origin as issued by the administrative department of the country (region) where the imported aquatic fingerlings are; and
- (5) A photocopy of the business license.

Article 23 The following conditions shall be met for the import of aquatic fingerlings not being included in the import directory of aquatic fingerlings;

- (1) Having complete facilities against the escape and for the segregation, and an experimental pool with its areas being not less than three hectares;
- (2) Having certain scientific research manpower and intermediate and senior technical staff who undertake the germ plasm, diseases and ecological study; and
- (3) Having basic instruments and facilities for carrying out the germ plasm inspection, the quarantine of epidemic diseases and the inspection work of water quality.

In addition to those materials as provided for in Article 22, an entity that imports aquatic fingerlings not included in the import directory of aquatic fingerlings shall still provide the following materials:

- (1) Materials regarding the country or region where the imported aquatic fingerlings are, including the imported aquatic fingerlings' categories, biological features, heredity characters, economic features and the status quo of exploration and exploitation, inhabitant water areas and climatic features of the said areas, as well as the ecological conditions of water areas;
- (2) Conditions regarding the artificial propagation and cultivation of imported aquatic fingerlings; and
- (3) Conditions regarding the occurrence of epidemic diseases where the aquatic fingerlings are exported.

Article 24 An entity or individual that applies for exporting aquatic fingerlings shall submit an application for export.

Article 25 An entity or individual importing and exporting aquatic fingerlings shall file an application to the fishery administrative department of the people's government at the provincial

level. The fishery administrative department of the people's government at the provincial level shall examine and verify the application materials concerning the import and export of aquatic fingerlings within 15 days upon receipt of the application, and pursuant to the limit of examination and approval authorities, directly examine and approve the application, or carry out the preliminary examination and then submit the examination opinions and all materials to the Ministry of Agriculture for examination and approval.

A fishery administrative department of the people's government at the provincial level shall, prior to the end of every year, submit the information on the import and export of aquatic fingerlings as examined and approved thereby to the Ministry of Agriculture for archival purposes.

Article 26 The Ministry of Agriculture shall entrust the national appraisal committee of aquatic protospecies and improved varieties to organize experts to conduct safety impact assessment on the aquatic fingerlings under application for import within five days after receiving the materials submitted by the fishery administrative department of the people's government at the provincial level, and make a decision on whether to approve the import within 15 days after receiving the safety impact assessment; and make a decision on whether to approve the export within 10 days after receiving an application for the export of aquatic fingerlings.

Article 27 An entity or individual that applies for importing and exporting aquatic fingerlings shall go through formalities for import or export upon the strength of the examination and approval form of the import or export of aquatic fingerlings as ratified by the Ministry of Agriculture or by the fishery administrative department of the people's government at the provincial level. The formats of the application form for and the examination and approval form of the import or export of aquatic fingerlings shall be uniformly formulated by the Ministry of Agriculture.

Article 28 The quarantine shall be implemented to the aquatic fingerlings to be imported or exported so as to prevent plant diseases and insect pests passing into or out of the territory. The specific quarantine work shall be carried out in accordance with the provisions in the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine and other laws and regulations.

Article 29 The territorial jurisdiction shall be executed for the import of aquatic fingerlings. After the aquatic fingerlings have been quarantined to be qualified by the exit and entry inspection and quarantine department, the exporting entity or individual shall promptly report it to the fishery administrative department of the people's government at the provincial level at its/his locality. The fishery administrative department of the people's government at the provincial level at its/his locality or the fishery administrative department of the people's government at or above the county level entrusted thereby shall be specifically responsible for the supervision and inspection after the entry into the territory.

Article 30 In the case of the import of aquatic fingerlings not included in the importing directory, the importing entity or individual shall, after the said aquatic fingerlings are quarantined to be qualified by the exit and entry inspection and quarantine department, set up a special site for trial cultivation, or cultivate them in a site as designated by the Ministry of Agriculture under special circumstances. The trial cultivation period shall be a propagation cycle of the imported aquatic fingerlings in general. During the trial cultivation period, the Ministry of Agriculture will not approve the import of the said aquatic fingerlings, and the said importing entity may not spread the said fingerlings being cultivated out of the trial cultivation site. Upon the assessment of the national appraisal committee of aquatic protospecies and improved varieties and the announcement of the Ministry of Agriculture, the aquatic fingerlings may be popularized after the expiration of the trial cultivation period.

Article 31 The provisions on the administration of foreign species shall be strictly abided by for the throwing of imported aquatic fingerlings into the river, lake, reservoir, sea area or any other natural

water areas.

## Chapter V Supplementary Provisions

Article 32 The following terms shall have the following meanings when they are used in these Measures:

(1) Protospecies refer to those proto-parents that are taken from species collecting water areas or from wild aquatic animal and plant species in other natural water areas and used for selection and breeding.

(2) Improved varieties refer to those aquatic animal and plant species that grow fast, have good characters, strong resistance and stable properties, and are accommodated to natural conditions within certain areas and the multiplication and cultivation (planting).

(3) Hybrids refer to the offspring that are produced by the crossbreeding between different breeds, subspecies or varieties.

(4) Varieties refer to those aquatic animals and plants that undergo the artificial selection and cultivation, have stable hereditary features, are different from parents or other colonies within the same species and have good economic characters.

(5) Pedomorphism and larvae refer to those individuals that are in a stage of being hatched out up to the sexual maturity.

(6) Parents refer to those individuals that have reached the age of sexual maturity.

Article 33 Punishments incurred from the violation of these Measures shall be imposed pursuant to the relevant provisions in the Fisheries Law of the People's Republic of China and other laws and regulations.

Article 34 The Regulation on the Administration of the Safety of Agricultural Transgenic Organism and other state provisions shall be abided by for the selection, breeding, cultivation, production, operation, import and export administration of transgenic aquatic fingerlings.

Article 35 These Measures shall come into force as of April 1, 2005.