

Regulations on Restoring Farmland to Forest

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LAND

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The Regulations on Restoring Farmland to Forest, which were adopted at the 66th executive meeting of the State Council on December 6, 2002, are hereby promulgated and shall come into force on January 20, 2003.

Prime Minister: Zhu Rongji
December 14, 2002

Regulations on Restoring Farmland to Forest

Article 1 These Regulations are enacted in order to regulate the activities of restoring farmland to forest, to protect the legitimate rights and interests of the parties restoring farmland to forest, to consolidate the achievements of restoring farmland to forest, to optimize the industrial structures of rural areas and to improve the environment.

Article 2 The activities of restoring farmland to forest within the range approved by the State Council shall be governed by these Regulations.

Article 3 The people's governments at various levels shall strictly carry out the policy of "restoring farmland to forest, closing hillsides for afforestation, replacing aid by food and implementing individual contracting".

Article 4 Priority must be given to ecology in restoring farmland to forest. Restoring farmland to forest shall be combined with adjusting the industrial structure of rural areas, developing rural economy, preventing soil erosion, protecting and building basic farmland, increasing per unit area yield of food, strengthening energy construction in rural areas and implementing ecological immigration.

Article 5 The following principles shall be observed in restoring farmland to forest:

- 1) Planning and arranging as a whole, implementing step-by-step, highlighting the focuses and laying emphasis on actual effects;
- 2) Combining policy direction with free will of the farmers on restoring the farmland, those restoring farmland and planting trees will operate the forest and get benefits therefrom;
- 3) Observing natural laws, adjusting measures to local conditions, planting trees or grass where the conditions are suitable, and carrying out comprehensive treatment;
- 4) Attaching same importance to construction and protection, preventing destroy in treatment;
- 5) Gradually improving the living conditions for those restoring farmland to forest.

Article 6 The agency of western development under the State Council shall be responsible for the

comprehensive coordination of the work of restoring farmland to forest, organizing the relevant departments to study and formulate the policies and measures relating to restoring farmland to forest, and organizing and coordinating the implementation of the overall plans on restoring farmland to forest. The administrative department of forestry under the State Council shall be responsible for drawing up the overall planning and annual planning on restoring farmland to forest, be in charge of the implementation of restoring farmland to forest of the whole nation, and be responsible for the direction, supervision and check of the work of restoring farmland to forest. The department of development planning under the State Council shall, in conjunction with the relevant departments, be responsible for examining the overall planning, gathering the plans on restoring farmland to forest, and formulating and comprehensively balancing the annual plan on infrastructure construction. The department in charge of finance under the State Council shall be responsible for the arrangement, supervision and administration of the central subsidies for restoring farmland to forest. The administrative department of agriculture under the State Council shall be responsible for drawing up the relevant planning and programs on restoring cultivated grassland and on recovery and construction of natural grassland, as well as the technical guidance, supervision and inspection thereof. The administrative department of water under the State Council shall be responsible for the technical guidance, supervision and inspection of the treatment of small drainage areas, and the conservation of soil and water of the forest and grass areas restored from farmland. The administrative department of food under the State Council shall be responsible for the coordination and adjustment of food resources.

The departments of forestry, planning, finance, agriculture, water conservancy, and food, etc. of the local people's governments at the level of county and above shall, under the guidance of the people's governments at the corresponding level, be responsible for the relevant work of restoring farmland to forest according to the division of duties as provided in these Regulations and provisions.

Article 7 The state applies a system of responsibility of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government in respect of restoring farmland to forest. The people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall organize the relevant departments to take measures to ensure the central subsidies for restoring farmland to forest are used for the proper purposes, organize and implement the transfer and supply of subsidized food, strengthen the re-examination of restoring farmland to forest, complete the tasks of restoring farmland to forest set forth by the state, and bear the objective responsibility level-by-level, sign the letter of responsibility and achieve the objectives on restoring farmland to forest.

Article 8 The system of objective responsibility is applied in restoring farmland to forest. The relevant departments of the local people's governments at the level of county and above shall sign the letter of responsibility with the personnel in charge of the projects of restoring farmland to forest and the technical personnel of those projects, to define their responsibilities.

Article 9 The state supports the research and spreading of the application technology of restoring farmland to forest, to improve the level of science and technology on restoring farmland to forest.

Article 10 The relevant departments under the State Council and the local people's governments shall organize publicity on restoring farmland to forest to enhance the citizens' sense of ecological construction and protection.

The entities and individuals with outstanding achievements in the work of restoring farmland to forest shall be praised and awarded by the relevant departments under the State Council and the local people's governments.

Article 11 Any entity and individual is entitled to report and charge the act of undermining restoring farmland to forest.

The relevant people's governments and the relevant departments thereof shall deal with the report and charge in a timely manner upon receipt.

Article 12 The auditing departments at various levels shall strengthen the auditing supervision of the use of the fund and food subsidies for restoring farmland to forest.

Chapter 2 Planning and Programs

Article 13 Restoring farmland to forest shall be planned as a whole.

The overall plan on restoring farmland to forest shall be drawn up by the administrative department of forestry under the State Council, and after coordination by the agency of western development under the State Council and examination by the department of development planning under the State Council, and be implemented upon approval of the State Council.

The administrative departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the overall planning on restoring farmland to forest and in conjunction with the relevant departments, draw up the plans on restoring farmland to forest of their respective administrative areas, which shall be submitted to the relevant departments under the State Council for record upon approval of the people's governments at the corresponding level.

Article 14 The plans on restoring farmland to forest shall mainly include:

- 1) Range, layout and emphasis;
- 2) Period, objective and tasks;
- 3) Investment estimation and fund sources;
- 4) Effect analysis and evaluation;
- 5) Guarantee measures.

Article 15 The following farmland shall be included in the plan on restoring farmland to forest, and shall be restored to forest in a planned way according to the needs of ecological construction and financial resources of the state:

- 1) Where soil erosion is serious;
- 2) Where desertification, salinization or stone desertification is serious;
- 3) With ecological importance or with low and unstable yield.

When making plans on restoring farmland to forest, priority shall be given to the farmland at river source areas and the areas along the rivers, the slope farmland around lakes and reservoirs, as well as the areas of ecological importance where soil erosion and sand wind problem are serious.

Article 16 The farmland within the scope of basic farmland protection and the farmland that has good production conditions and has actual food yields higher than the standards of the state on subsidized food for restoring farmland to forest, and where erosion of soil will not be caused, shall not be brought into the plans on restoring farmland to forest; however, such farmland may be included in the plans on restoring farmland to forest for special needs of ecological construction, upon the approval of the State Council and after the scope of basic farmland protection is adjusted in accordance with the procedures provided for by the relevant laws and administrative regulations. In the formulation of plans on restoring farmland to forest, the long-term living needs of the farmers whose farmland is restored shall be taken into consideration.

Article 17 The planning on restoring farmland to forest shall be connected with the overall planning on the state economic and social development, on rural economic development and on land use, and shall be coordinated with the planning on environment protection, conservation of water and soil and prevention and treatment of sand, etc..

Article 18 Restoring farmland to forest must be carried out in accordance with the approved plans. The plans on restoring farmland to forest may not be adjusted without consent of the department that approved it.

Article 19 The administrative departments of forestry of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, according to the planning on restoring farmland to forest and in conjunction with the relevant departments, draw up proposals on restoring farmland to forest for the next year of their respective administrative areas, and shall, after examination by the department of development planning of the people's government at the corresponding level and upon approval of the people's government at the corresponding level, submit such proposal to the agency of western development, and the relevant departments of forestry and development planning under the State Council before August 31 of each year. The administrative department of forestry under the State Council shall gather and draw up the annual proposal on restoring farmland to forest of the whole nation, which shall be, after examination by the agency of western development under the State Council and examination and comprehensive balancing by the department of development planning under the State Council, distributed to the localities by the department of development planning under the State Council in conjunction with the relevant departments before October 31 upon approval of the State Council.

The departments of development planning of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, in conjunction with the relevant departments and according to the annual program on restoring farmland to forest of the whole nation, disintegrate and distribute the program on restoring farmland to forest of the next year of their respective administrative area to the people's governments of the relevant counties (cities) before November 30, and shall report the disintegration and distribution to the relevant departments under the State Council for record.

Article 20 The administrative departments of forestry of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the program on restoring farmland to forest of the next year distributed by the state and in conjunction with the relevant departments, draw up the annual scheme on implementation of restoring farmland to forest of their respective administrative areas, which shall be, after examination by the administrative department of forestry under the State Council, submitted to the people's governments at the corresponding level for approval before implementation.

The administrative departments of forestry of the people's governments at the county level may, in accordance with the approved annual implementation scheme on restoring farmland to forest at provincial level, draw up the annual implementation scheme on of their respective administrative areas, which shall be submitted to the people's government at the corresponding level for approval before implementation, and be submitted to the administrative departments of forestry of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government for record.

Article 21 The annual implementation scheme on restoring farmland to forest shall include:

- 1) Specific range of farmland to be restored to forest;
- 2) Proportion between ecological forest and economic forest;
- 3) Selection of seeds and allocation methods of vegetation;
- 4) Model of afforesting;
- 5) Supply methods of seeds and saplings;
- 6) Administration and protection of vegetation and the accessory guarantee measures; and
- 7) Personnel in charge of the projects and technology.

Article 22 The administrative departments of forestry of the people's governments at the county level shall, according to the annual implementation scheme on restoring farmland to forest, organize professionals or qualified design entities to draw up the design for village and township operations, and hand down the matters determined by the scheme to the specific areas and the personnel with the right to contracted management of land.

When drawing up the operation design, the focus of drought and half-drought areas shall be placed on the planting of drought tolerable shrubbery (grass) and restoring the original vegetation; perennial plants shall be planted where the method of intercrop is applied, the density of the major

tress firstly planted shall meet the standards provided for by the state.

Article 23 Acreage of the ecological forest restored from farmland shall be assessed on a basis of county, and may not be less than 80% of the acreage of forest restored from farmland. Ecological forest restored from farmland shall be recognized by the administrative departments of forestry of the local people's governments at the level of county and above in accordance with the standards set by the administrative departments of forestry under the State Council.

Chapter 3 Forestation, Administration and Protection, & Check and Acceptance

Article 24 The people's governments at the county level or the people's governments at the village level authorized thereby shall sign the contracts on restoring farmland to forest with the persons with the right to contracted management of land who bear the tasks of restoring farmland to forest.

A contract on restoring farmland to forest shall mainly include:

- 1) Range and acreage of the farmland to be restored to forest, and range and acreage of the barren hills and land suitable for planting trees to be concerted to forest;
- 2) Methods of restoring farmland to forest determined according to the operation design;
- 3) Rate of survival and conservation of the trees planted;
- 4) Responsibilities for administration and protection;
- 5) Subsidy standards, period and methods of delivery of fund and food;
- 6) Methods and contents of technical guidance and services;
- 7) Source and supply methods of seeds and saplings;
- 8) Liabilities for breach of contract;
- 9) Period for performance of the contract.

The contents of a contract on restoring farmland to forest may not conflict with these Regulations or any other provisions of the state on restoring farmland to forest.

Article 25 The seeds and saplings needed for restoring farmland to forest may be purchased by the people's governments at the county level in a centralized way according to the actual situations of their respective areas, either may they be purchased by the parties restoring farmland to forest themselves. In case of centralized purchase, opinions shall be sought from the parties restoring farmland to forest, the method of open outcry shall be employed and a written contract shall be signed, where the standards of the state for subsidies for seeds and saplings are exceeded, no fees for the exceeding part may be collected by force from the parties restoring farmland to forest. No entity or individual may designate suppliers of seeds or saplings for the parties restoring farmland to forest.

It is prohibited to sell seeds and saplings by monopoly and to drive up the prices thereof.

Article 26 The seeds and saplings used in restoring farmland to forest shall be fostered and allocated nearby, and the seeds of native trees and the good seeds and samplings of the trees with strong resistance capacity shall be selected by priority.

Article 27 The administrative departments of forestry and agriculture shall strengthen the administration of technical guidance and services for caring of seeds and saplings, thus to guarantee the quality of the seeds and saplings.

The seeds and saplings sold and supplied for restoring farmland to forest shall pass the inspection by the administrative departments of forestry and agriculture of the people's governments at the county level, and be attached the labels and certificates of quality inspection; those transferred from other counties shall have the certificates of quarantine pursuant to law.

Article 28 The people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the planning on restoring farmland to forest of their respective areas, strengthen the construction of the bases of construction and collection of seeds and saplings.

The state encourages enterprises and individuals to adopt various kinds of methods to foster seeds and saplings, and to undertake industrialized operation.

Article 29 The parties restoring farmland to forest shall plant trees and grass according to the operation design and the contract.

It is prohibited to plant trees between crop rows or to undermine the original vegetation.

Article 30 The parties restoring farmland to forest shall, during the period they enjoy the subsidies of fund and food, plant trees at the barren hills and land suitable for forestation according to the requirements of the operation design and the contract.

Article 31 The people's governments at the county level shall establish the system of administration and protection of vegetation restored from farmland, and be responsible for administration and protection.

The parties restoring farmland to forest shall perform the obligations of administration and protection.

It is prohibited to, within the scope of projects of restoring farmland to forest, cultivate the land again, or carry out activities undermining the vegetations such as excessive cutting and digging, etc..

Article 32 The local people's governments at various levels, as well as the relevant departments thereof, shall organize the technology spreading entities or technical personnel to provide technical guidance and services for restoring farmland to forest.

Article 33 The administrative departments of forestry of the people's governments at the county level shall, according to the standards and measures for examination and acceptance set forth by the administrative department of forestry under the State Council, make examination before acceptance of the projects of restoring farmland to forest, and the certificates of examination before acceptance may only be issued to those qualified.

Article 34 The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall re-examine the results of examination before acceptance of the projects of restoring farmland to forest at the county level, and shall award or punish the people's governments at the county level and the relevant responsible personnel according to the results of re-examination.

The administrative department of forestry under the State Council shall check the results of the re-examination at the provincial level, and submit the check results to the State Council.

Chapter 4 Fund and Food Subsidies

Article 35 The state will, according to the assessed actual acreage of forest restored from farmland, provide subsidized food, subsidies for seeds and saplings and living subsidies to the persons with the right to contracted management of the land. The specific subsidy standards and period shall conform to the relevant provisions of the State Council.

Article 36 Those restoring the slope farmland that haven't been contracted to households and that are fallow, as well as those planting trees on the barren hills and lands suitable for forestation that are included in the planning on restoring farmland to forest, are only entitled to the subsidies for seeds and saplings.

Article 37 The subsidies for seeds and saplings and the living subsidies shall be distributed and allocated by the departments of planning, finance and forestry under the State Council in a timely manner pursuant to the relevant provisions.

Article 38 The subsidized food shall be transferred from the nearest place if possible, thus to reduce

supply links and to lower the cost. The subsidies for food shall be handled pursuant to the relevant policies of the state.

The cost for transfer of foods shall be borne by the local finance, and may not be apportioned to the enterprises supplying the subsidized food and the parties restoring farmland to forest.

Article 39 The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall rationally determine the categories of subsidized food according to the local food consumption habits, crop planting habits and the actual storage of food. The subsidized food must meet the quality standards fixed by the state. Food not in conformity with the state quality standards may not be supplied to the parties restoring farmland to forest.

Article 40 In the first year of restoring farmland to forest, the subsidized food of that year may be delivered by two installments, and the quantity delivered for each installment shall be determined by the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government.

From the second year of restoring farmland to forest, the people's governments at the county level shall organize the relevant departments and entities to, within the prescribed period of subsidy, deliver the subsidized food of that year in a lump in a timely manner to the parties restoring farmland to forest who have the certificates of examination and acceptance.

Article 41 The subsidized food delivered may not be converted to cash or vouchers functioning as money. The enterprises supplying the subsidized food may not buy back the subsidized food for restoring farmland to forest.

Article 42 The subsidies for seeds and saplings shall be used to purchase seeds and saplings, the surplus may be used as subsidies for forestation, caring, administration and protection.

Where the parties restoring farmland to forest purchase the seeds or saplings by themselves, the people's governments at the county level or the people's governments authorized thereby shall payoff the subsidies for seeds and saplings in a lump when the contract on restoring farmland to forest comes into effect.

In case of centralized purchase of seeds and saplings, the purchasing entities shall, after the restored forest pass the examination before acceptance, settle the subsidies for seeds and saplings with the parties restoring farmland to forest.

Article 43 After the farmland are restored to forest, the people's governments at the county level shall organize the relevant departments to, within the prescribed period of subsidy, pay off the living subsidies of that year in a timely manner to the parties restoring farmland to forest who have the certificates of examination before acceptance.

Article 44 The fund for restoring farmland to forest shall be deposited in a special account and may only be used for the proper purpose, no entity or individual may seize, withhold, appropriate or embezzle it.

No entity or individual may practice fraud to or falsely draw the subsidy fund and food in other's name.

Article 45 For the expenses for the preparation work and scientific and technical support needed for restoring farmland to forest, the state will grant subsidies at a certain proportion of the infrastructure investment for restoring farmland to forest, and the subsidies will be arranged in the annual program by the department of development planning under the State Council according to the status of the projects.

The expenses for the examination before acceptance, and for delivery at the localities for restoring farmland to forest shall be borne by the local finance. The expenses for inspection, etc., needed by the relevant central departments shall be borne by the central finance.

Article 46 The villages (townships) restoring farmland to forest shall establish the system of proclamation to proclaim the acreage of farmland restored and the trees planted by the parties restoring farmland to forest, the rate of survival of trees, as well as the distribution of fund and food subsidies.

Chapter 5 Other Guarantee Measures

Article 47 The state shall protect the ownership to the trees (grass) of the parties restoring farmland to forest. In respect of those restoring farmland to forest by themselves, the persons with the right to contracted management of land shall enjoy the ownership to the trees (grass) on the land restored. In respect of restoring farmland to forest by entrusting others or cooperating with others, the ownership to the trees (grass) on the land restored shall be agreed upon in the contract.

After the farmland is restored to forest, the people's governments at the level of county and above shall issue the certificate of ownership to the trees (grass) according to the relevant provisions of the forest law and grassland law to confirm the ownership and use right, and shall process the formalities for registration of land alteration pursuant to law. The contract on management of land shall be adjusted accordingly.

Article 48 The period of contracted management may be extended to 70 years after the farmland is restored to forest. Upon expiry of that period, the person with the right to contracted management of land may continue to contract the land according to the relevant laws and regulations.

The right to contracted management of the land restored to forest and of the barren hills and land converted to forest may be inherited or transferred according to law.

Article 49 The parties restoring farmland to forest are entitled to tax preferential according to the relevant provisions of the state, and their agriculture specialty income acquired from the forest (grass) restored may be exempted from agriculture specialty tax pursuant to the provisions of the state.

For the decrease of agriculture tax of the counties (cities) restoring farmland to forest due to disasters, the finance at the higher level shall grant appropriate subsidies by the form of transfer payment; and in case of practical difficulty, the central finance will grant appropriate subsidies by the form of transfer payment upon approval of the State Council.

Article 50 Upon expiry of the period of fund and food subsidies, the parties restoring farmland to forest may, provided that the overall ecological functions will not be undermined, cut the trees they own pursuant to law upon the approval of the relevant authorities.

Article 51 The local people's governments at various levels shall strengthen the construction of basic farmland and agriculture infrastructure, increase the input, improve the soil, restructure the slope farmland, enhance the land capacity and unit food yield, and solve the long-term food needs of the parties restoring farmland to forest.

Article 52 The local people's governments at various levels shall, according to the actual situations, strengthen the rural energy construction such as marsh gas, small-scale hydropower, solar energy and wind energy, etc., to solve the energy needs of the parties restoring farmland to forest.

Article 53 The local people's governments at various levels shall adjust the rural industrial structure, support the leading enterprises, develop the mainstay industries, create employment opportunities, increase the farmers' income, accelerate construction of small towns, and promote the rural population to transfer to towns step by step.

Article 54 The state encourages ecological immigration during the process of restoring farmland to forest, and will grant appropriate subsidies to the production and living facilities of the peasant households immigrating for ecological purpose.

Article 55 After the farmland is restored to forest, the relevant local people's governments shall take measures such as sealing the hill, prohibit herding, and raise animals in pens, etc., so as to protect the achievements of restoring farmland to forest.

Article 56 Restoring farmland to forest shall be combined with the policies and measures such as development for poverty relief, agriculture comprehensive development, and conservation of water and soil, etc., the fund of projects of different natures shall be arranged as a whole provided that they are used for the fixed purposes, thus to increase the effect of fund use.

Chapter 6 Legal Responsibilities

Article 57 If any state functionary violates the provisions of these Regulations in the activities of restoring farmland to forest and commits any of the following acts, he shall be subject to criminal liabilities in accordance with the provisions of the criminal law on the crime of corruption, the crime of bribery, the crime of embezzlement or other crimes; and administrative sanctions shall be given if the circumstances are not serious enough for criminal punishment:

- 1) Seizing, withholding, embezzling the fund for restoring farmland to forest or appropriating the subsidized food;
- 2) Practicing fraud, making false reports or drawing the subsidy fund and food in other's name;
- 3) Taking advantage of the post to accept money and goods or other benefits from others.

Where any person other than state functionary commits the act provided in Item 2) of the preceding paragraph, he shall be subject to criminal liabilities according to the provisions of the criminal law on the crime of fraud or other crimes; where the circumstances are not serious enough for criminal punishment, the administrative department of forestry of the people's government at the county level or above shall order the offender to return the subsidy fund and food drawn in other's name, and impose on the offender a fine ranging from 2 times to 5 times of the amount falsely drawn.

Article 58 If any state functionary violates the provisions of these Regulations in the restoration of farmland to forest and commits any of the following acts, the entity where he/she works or the authority at the next higher level shall order the offender to get right within a prescribed time limit, and to return the charges apportioned or additionally collected, the persons directly in charge and other directly responsible personnel shall be prosecuted for criminal responsibilities according to the provisions of the criminal law on the crime of abuse of authority, the crime of neglect of duty or other crimes; administrative sanctions shall be given if the circumstances are not serious enough for criminal punishment:

- 1) Failing to deal with the report or charge against activities undermining restoring farmland to forest in a timely manner;
- 2) Apportion the expenses for food transfer to the enterprises supplying the subsidized food and the parties restoring farmland to forest;
- 3) Failing to grant the subsidized food and living subsidies in a timely manner to the parties restoring farmland to forest that hold the certificates of examination and acceptance;
- 4) When the contract on restoring farmland to forest comes into effect, failing to payoff the subsidies for seeds and saplings in a lump to the parties restoring farmland to forest that purchase the seeds and saplings by themselves;
- 5) In case of centralized purchase of seeds and saplings, failing to settle the subsidies for seeds and saplings with the parties restoring farmland to forest after the forest restored passes the examination and is accepted;
- 6) The seeds and saplings purchased in a centralized way are unqualified;
- 7) In case of centralized purchase of seeds and saplings, collecting fees higher than the subsidy standards for seeds and saplings set forth by the state;
- 8) Designating suppliers of seeds and saplings to the parties restoring farmland to forest;
- 9) Approving food enterprises to supply subsidized food not in conformity with the state quality standard to the parties restoring farmland to forest, or converting the subsidized food into cash or

vouchers functioning as money;

10) Other failure to perform the duties in accordance with these Regulations.

Article 59 Those monopolizing the seed and sapling market or driving up the price by wrongful means shall be prosecuted for criminal responsibilities according to the provisions of the criminal law on the crime of illegal operation, the crime of forcible transaction or other crimes, if the circumstances are not serious enough for criminal punishment, the departments of commerce and industry administration shall treat the offenders according to the provisions of the law against unfair competition; where there are no corresponding provisions in the law against unfair competition, the departments of commerce and industry administration shall impose on the offender a fine ranging from 2 times to 5 times of the illegal business income.

Article 60 Those selling or supplying seeds or saplings failing the examination or without labels, certificates of quality examination, or certificates of quarantine shall be prosecuted for criminal responsibilities according to the provisions of the criminal law on the crime of production and sale of unqualified seeds, or other crimes; if the circumstances are not serious enough for criminal punishment, the administrative departments of forestry and agricultures of the people's governments at the county level and above or the departments of industry and commerce administration shall treat the offender according to the seeds law; if there are no corresponding provisions in the seeds law, the administrative departments of forestry and agricultures of the people's governments at the county level and above shall, according to their authorities, impose on the offender a fine ranging from 2 times to 5 times of the illegal business income.

Article 61 If an enterprise supplies subsidized food not in conformity with the state quality standards to parties restoring farmland to forest, the administrative department of food of the people's government at the county level and above shall order it to get right within a prescribed time limit, and may impose on it a fine of less than 1 time the standard unit price of food multiplied by the quantity of the subsidized food illegally supplied.

If the enterprise supplying subsidized food convert the subsidized food into cash or vouchers functioning as money, or purchases back the subsidized food, the administrative department of food of the people's government at the county level and above shall order it to get right within a prescribed time limit, and may impose on it a fine of less than 1 time the value of cash or vouchers converted or the amount paid for the food purchased back.

Article 62 If any party restoring farmland to forest re-cultivates the restored land without permission, or grows crop in the rows of trees, or engages in activities undermining the vegetation such as excessive cutting or digging, etc., within the range of the projects of restoring farmland to forest, he shall be subject to criminal liabilities according to the provisions of the criminal law on the crime of illegal occupation of farmland, the crime of excessive cutting and felling of trees or other crimes; if the circumstances are not serious enough, the administrative departments of forestry, agriculture, water irrigation of the people's governments at the county level and above shall punish the offender pursuant to the provisions of the forest law, grassland law and law on conservation of soil and water.

Chapter 7 Supplementary Provisions

Article 63 The concrete restoring of cultivated grassland and the recovery and construction of natural grassland shall be carried out in accordance with the grassland law and the relevant provisions of the State Council.

The concrete treatment of drainage areas and the conservation of water and soil in the forest and grass areas restored from farmland shall be carried out in accordance with the law on conservation of water and soil and the relevant provisions of the State Council.

Article 64 If the local people's governments at various levels decide to restore the land not included

in the planning approved by the State Council to forest, they will not be entitled to the central policy subsidies provided in these Regulations.

Article 65 These Regulations shall come into force on January 20, 2003.