

## **Stock-breeding Law of the People's Republic of China**

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The Stock-breeding Law of the People's Republic of China was adopted at the 19th Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on December 29, 2005. It is hereby promulgated and shall come into force as of July 1, 2006.

President Hu Jintao

December 29, 2005

Stock-breeding Law of the People's Republic of China

(Adopted at the 19th Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on December 29, 2005)

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### Chapter I General Provisions

Article 1 This Law is enacted for the purpose of regulating the production and business operations of stockbreeding, ensuring the quality and safety of livestock and poultry products, protecting and reasonably utilizing the genetic resources of livestock and poultry, protecting the legitimate rights and interests of the stockbreeding producers and business operators, and promoting the sustainable and sound development of stockbreeding.

Article 2 This Law shall apply to the protection, utilization, breeding, rearing, business operations and transport of the genetic resources of livestock and poultry within the People's Republic of China.

The "livestock and poultry" as mentioned in this Law refers to those included in the list of genetic resources of livestock and poultry that shall be announced in accordance with Article 11 of this Law.

The protection, utilization, production, and business operation of bee and silkworm resources shall be governed by this Law.

Article 3 The state shall support the development of livestock and give full play to the role of the livestock in the development of agriculture, rural economy, and increase of farmers' income. The people's governments at or above the county level shall take measures to strengthen the construction of the basic facilities for stockbreeding, encourage and support the development of breeding on a large-scale basis, push forward the industrialized operations of stockbreeding, promote the comprehensive production capacity and develop stockbreeding into a high-quality, highly efficient, ecological, and safe industry.

The state shall help and support the development of the stockbreeding industry in areas of ethnic minorities and poverty-stricken areas, protect and reasonably utilize the pastures and improving the production conditions for stockbreeding.

Article 4 The state shall take measures to foster professional stockbreeding and veterinary talents, develop the research and popularization of the science and technology of stockbreeding and veterinary, carry out the education and publicity of scientific and technological knowledge of stockbreeding and veterinary as well as services of stockbreeding and veterinary information, and push forward the scientific and technological progress of the stockbreeding industry.

Article 5 The producers and business operators of stockbreeding may establish industrial associations on their own initiatives so as to provide the members with information, technology, marketing and training services, to intensify the industrial self-discipline and to protect the interests of the members and the whole sector.

Article 6 The producers and business operators of stockbreeding shall perform the obligations to prevent animal diseases and to protect the environment, and shall accept the supervision and inspection conducted by the relevant competent organs in accordance with the law.

Article 7 The stockbreeding and veterinary administrative department of the State Council shall be responsible for the stockbreeding supervision and administration throughout the country. The stockbreeding and veterinary administrative departments of the people's governments at or above the county level shall be responsible for the stockbreeding supervision and administration within their respective administrative area.

The relevant competent departments of the people's governments at or above the county level shall, according to their respective functions, be responsible for promoting the development of stockbreeding.

Article 8 The stockbreeding and veterinary administrative department of the State Council shall offer guidance to the producers and business operators of stockbreeding to improve the conditions and environment for the breeding, rearing, and transport of livestock and poultry.

## Chapter II Protection of Genetic Resources of Livestock and Poultry

Article 9 The state shall establish a system for the protection of the genetic resources of livestock and poultry. The people's governments at all levels shall take measures to intensify the protection of the genetic resources of livestock and poultry, and shall incorporate the relevant expenses in the fiscal budget.

For the protection of the genetic resources of livestock and poultry, the emphasis shall be laid on the state while the pertinent entities and individuals shall be encouraged and supported to develop cause of protecting the genetic resources of livestock and poultry pursuant to law.

Article 10 The stockbreeding and veterinary administrative department of the State Council shall

establish the National Commission for the Livestock and Poultry Genetic Resources, which shall consist of professionals, and shall be responsible for the appraisal and evaluation of genetic resources of livestock and poultry as well as the examination and approval of new species and genetic improvement system, and shall carry out the demonstration of the plan on the protection and utilization of livestock and poultry genetic resources, as well as the consultation regarding the protection of livestock and poultry genetic resources.

Article 11 The stockbreeding and veterinary administrative department of the State Council shall be responsible for organizing the investigation of livestock and poultry genetic resources, releasing national reports about the status of livestock and poultry genetic resources and publishing the list of livestock and poultry genetic resources approved by the State Council.

Article 12 The stockbreeding and veterinary administrative department of the State Council shall, according to the distribution of the livestock and poultry genetic resources, formulate and announce the national protection list of livestock and poultry genetic resources, and lay the emphasis on the protection of the valuable, rare and endangered livestock and poultry genetic resources originated from China.

The stockbreeding and veterinary administrative departments of the provincial people's governments shall, according to the plan on the protection and utilization of livestock and poultry genetic resources as well as the status of the livestock and poultry genetic resources within their respective administrative area, set forth and publish the provincial protection list of the livestock and poultry genetic resources, and submit it to the stockbreeding and veterinary administrative department of the State Council for archival purposes.

Article 13 The stockbreeding and veterinary administrative department of the State Council shall, according to the national plan on the protection and utilization of livestock and poultry genetic resources as well as the protection list of livestock and poultry genetic resources at the state level, the provincial people's governments shall, according to the provincial protection list of livestock and poultry genetic resources, respectively establish or determine breeding protection places, areas and gene databases of livestock and poultry genetic resources, and shall undertake the task of protection of the livestock and poultry genetic resources.

Without approval of the stockbreeding and veterinary administrative department of the State Council or the stockbreeding or veterinary administrative department of the provincial people's government, no breeding protection place, protection area or gene database of livestock and poultry genetic resources funded by the Central Finance and provincial finance may dispose of any livestock or poultry genetic resource under protection.

A gene database of livestock and poultry genetic resources shall, according to the provisions of the stockbreeding and veterinary administrative department of the State Council or the stockbreeding and veterinary administrative department of the provincial people's government, regularly gather and update the livestock and poultry genetic materials. The relevant entities and individuals shall offer assistance in the building of the gene databases of livestock and poultry genetic resources by gathering livestock and poultry genetic materials and may be entitled to obtain reasonable economic compensation.

The administrative measures for the breeding protection places, protection areas and gene databases shall be formulated by the stockbreeding and veterinary administrative department of the State Council.

Article 14 Before a newly found livestock or poultry genetic resource is appraised by the National Commission for Livestock and Poultry Genetic Resources, the stockbreeding and veterinary administrative department of the provincial people's government shall formulate a protection plan,

take temporary protection measures and report it to the stockbreeding and veterinary administrative department of the State Council for archival purposes.

Article 15 Where a livestock or poultry genetic resource is to be imported from abroad, an application shall be filed with the stockbreeding and veterinary administrative department of the provincial people's government. The stockbreeding and veterinary administrative department that accepts this application shall, upon examination, report it to the stockbreeding and veterinary administrative department of the State Council for evaluation, argumentation and approval. If the application is approved, the relevant formalities shall be gone through and the livestock and poultry genetic resource shall be quarantined in pursuance of the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine.

Where it is found that a livestock or poultry genetic resource imported from abroad is harmful to or is likely to be harmful to the livestock or poultry resources or to the ecological environment within China, the stockbreeding and veterinary administrative department of the State Council shall, in consultation with the relevant competent organ, take corresponding safety control measures.

Article 16 Where any livestock or poultry genetic resource included in the protection list is to be exported from China or is to be researched and utilized within China in cooperation with any foreign institution or individual, the applicant shall file an application with the stockbreeding and veterinary administrative department of the provincial people's government and shall simultaneously put forward a plan on sharing the benefits with the state. The stockbreeding and veterinary administrative department that accepts the application shall, upon examination, submit them to the stockbreeding and veterinary administrative department of the State Council for approval.

Where any livestock or poultry genetic resource is to be exported from China, the relevant formalities shall be completed and the livestock or poultry genetic resource shall be quarantined in accordance with the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine.

Before a newly found livestock or poultry genetic resource is appraised by the National Commission for Livestock and Poultry Genetic Resources, it shall not be exported from China nor be researched and utilized within China in cooperation with any foreign institution or individual.

Article 17 The measures for the examination and approval of the entry and exit as well as the foreign-related cooperative research and utilization of livestock and poultry genetic resources shall be formulated by the State Council.

### Chapter III Selection, Production and Business Operation of Species of Breeding Livestock and Poultry

Article 18 In order to establish a system for breeding improved species of livestock and poultry, the state shall support the selection of species of livestock and poultry as well as the popularization and use of fine breeds and shall back the enterprise, colleges and universities, scientific and research institutions and technology popularization entities to carry out joint breeding .

Article 19 Before any newly bred species of livestock or poultry, genetic improvement system, or newly found livestock or poultry genetic resource is popularized, it shall be subject to examination and approval or appraisal by the National Commission for Livestock and Poultry Genetic Resources, and it shall be announced by the stockbreeding and veterinary administrative department of the State Council. The measures for the examination and approval of newly bred species, the genetic improvement system of livestock and poultry, and the measures for the appraisal of livestock and poultry genetic resources shall be formulated by the stockbreeding and veterinary administrative department of the State Council. The fees for the experiment or testing necessary for examination

and approval or appraisal shall be paid by the applicant. The relevant fee charging measures shall be formulated by the public finance and price departments of the State Council jointly with the stockbreeding and veterinary administrative department of the State Council.

The intermediate experiments for breeding any new species or genetic improvement system of livestock or poultry shall be subject to the approval of the stockbreeding and veterinary administrative department of the provincial people's government where the experiment is carried out.

The legitimate rights and interests of the breeders of new species and genetic improvement system of livestock and poultry shall be protected by law.

Article 20 The breeding, experiment, examination, approval and popularization of species of genetic-modified livestock and poultry shall be in line with the provisions of the state on the administration of agricultural genetic-modified organisms.

Article 21 A stockbreeding and veterinary technology popularization institution at the province level or above may register the fine breeding livestock and recommend fine breeding livestock to the general public. The rules on the register of breeding livestock shall be formulated by the stockbreeding and veterinary administrative department of the State Council.

Article 22 To engage in the production and business operation of breeding livestock and poultry or in the production of young commercial livestock and poultry, an entity or individual shall obtain a permit for the production and business operation of breeding livestock and poultry. An applicant shall, upon the strength of the permit for the production and business operation of breeding livestock and poultry, go through the formalities for industrial and commercial registration. It (he) shall not engage in the relevant production and business operation activities before it obtains a business license.

To apply for a permit for the production and business operation of breeding livestock and poultry, an applicant shall meet the following conditions:

- (1)The breeding livestock and poultry for production and business operations shall fall within the species or genetic improvement system as examined and approved or appraised by the National Commission for Livestock and Poultry Genetic Resources, or shall fall within the species or genetic improvement system as imported from abroad upon approval;
- (2)Having the stockbreeding and veterinary technicians that can meet the needs of production and business operations;
- (3)Having the breeding facilities and equipment that can meet the needs of production and business operations;
- (4)Satisfying the livestock and poultry disease prevention conditions as described in the laws, administrative regulations, as well as the provisions of the stockbreeding and veterinary administrative department of the State Council;
- (5)Having a sound quality management and breeding record system; and
- (6)Satisfying other conditions as described in the laws and administrative regulations.

Article 23 To obtain a permit for the production and business operation of ova, frozen sperms, embryos and other genetic materials, an applicant shall not only meet the conditions as mentioned in Paragraph 2 of Article 22 of this Law, but also satisfy the following requirements:

- (1)Meeting the requirements for laboratory, preservation and transport as provided for by the stockbreeding and veterinary administrative department of the State Council;
- (2)Meeting the number and quality requirements as provided for by the stockbreeding and veterinary administrative department of the State Council;
- (3)The sources of the embryos obtained by external insemination as well as the available ova are clear, and the supplying livestock comply with the national health standards and quality

requirements for the breeding livestock;

(4) Satisfying other technical requirements as provided for by the stockbreeding and veterinary administrative department of the State Council.

Article 24 To obtain a permit for the production and business operations of ova, frozen sperms, embryos and other genetic materials of livestock, an applicant shall file an application with the stockbreeding and veterinary administrative department of the provincial people's government. The stockbreeding and veterinary administrative department that accepts the application shall complete the examination within 30 working days after it receives the application and shall submit it to the stockbreeding and veterinary administrative department of the State Council for examination and approval. The stockbreeding and veterinary administrative department of the State Council shall, in accordance with the law, decide whether or not to issue to the applicant a permit for the production and business operation thereof within 60 working days after it receives the application.

The permits for the production and business operation of other breeding livestock and poultry shall be issued by the stockbreeding and veterinary administrative departments of the people's governments at the county level or above upon examination and approval. The concrete examination, approval and issuance measures shall be provided for by the provincial people's governments.

The specimen of the permit for the production and business operation of breeding livestock and poultry shall be formulated by the stockbreeding and veterinary administrative department of the State Council. A permit shall be valid for 3 years. A production fee may be charged for the issuance of permits for the production and business operation of breeding livestock and poultry. The concrete fee-charging measures shall be formulated by the public finance or price department of the State Council.

Article 25 A license for the production and business operation of breeding livestock and poultry shall state the name of the producer/business operator, farm (factory) site, production and business scope as well as the beginning date and ending date of the valid period of the permit.

It is forbidden for any entity or individual to engage in the production or business operation of any breeding livestock or poultry without a permit for the production and business operation of breeding livestock and poultry or by violating the permit for the production and business operation of breeding livestock and poultry. It is forbidden to counterfeit, alter, transfer or rent any permit for the production and business operation of breeding livestock and poultry.

Article 26 A farmer, who raises breeding livestock or poultry by himself and has a small number of young livestock or poultry for sale or who raises male breeding livestock and carries out the mating on a mutual help basis is not required to obtain a permit for the production and business operation of breeding livestock and poultry.

Article 27 A person who specially engages in the external insemination, embryo transport and breeding jobs of livestock shall have obtained the corresponding professional qualification certificate.

Article 28 To release any livestock or poultry advertisement, the owner of the advertisement shall provide the permit and license for the production and business operation of breeding livestock and poultry. The contents of the advertisement shall be in line with the provisions of the relevant laws and administrative regulations and shall contain the approved or appraised name of species or genetic improvement system of the livestock or poultry. The descriptions of the main characters in the advertisement shall conform to the standards on such species or genetic improvement system.

Article 29 The breeding livestock and poultry for sale, and the available male breeding livestock of

the livestock mating stations (places) shall comply with the standards on the breeders. When any breeding livestock or poultry are sold, they shall be accompanied by a conformity certificate issued by the breeding livestock or poultry farm and a quarantine certificate issued by the animal quarantine and supervisory institution. Moreover, any breeding livestock for sale shall be accompanied by the livestock genealogy issued by the breeding livestock or poultry farm.

A producer of ova, frozen sperms, embryos and other genetic materials of livestock shall have complete gathering, sale and transplant records and shall preserve these records for two years.

Article 30 No seller of livestock and poultry may sell:

- (1) any species or genetic improvement system of the livestock or poultry as other species or genetic improvement system of livestock or poultry;
- (2) any inferior generation of livestock or poultry as superior one;
- (3) any livestock or poultry that don't meet the standards on the breeding livestock or poultry as breeding livestock or poultry;
- (4) any breeding livestock or poultry imported without approval;
- (5) any livestock or poultry without attaching to the breeding livestock or poultry a conformity certificate and quarantine certificate or without attaching to the breeding livestock their genealogy as required by Article 29 of this Law; or
- (6) any species of livestock or poultry, or genetic improvement system that has not been approved or appraised.

Article 31 To apply for the import of any breeding livestock or poultry, an applicant shall hold a permit for the production and business operation of breeding livestock and poultry. The approval documents for the import of breeding livestock and poultry shall be valid for 6 months.

The imported breeding livestock and poultry shall meet the technical requirements of the stockbreeding and veterinary administrative department of the State Council. Moreover, the initially imported breeding livestock or poultry shall be subject to the breeding performance assessment by the National Commission for Livestock and Poultry Genetic Resources.

Besides the preceding paragraphs applicable to the administration of the import and export of breeding livestock and poultry, the relevant provisions of Articles 15 and 16 shall apply to it.

The state encourages the livestock and poultry breeders to conduct selective breeding of new species and genetic improvement system for the imported livestock and poultry. Before any selectively bred new species or genetic improvement system is popularized, it shall be subject to the examination and approval of the National Commission for Livestock and Poultry Genetic Resources.

Article 32 Where a breeding livestock or poultry farm or incubation farm (factory) sells young commercial livestock and poultry, it shall offer to the buyers the main indicators of their performances, disease immunity information, breeding technical requirements and relevant consultation services, and shall attach to it a quarantine certificate issued by the animal disease prevention and supervisory institution.

For any seller of breeding livestock, breeding poultry, young commercial livestock or young commercial poultry, if he causes any losses to any breeder of livestock or poultry for quality problem, he shall make compensations in accordance with the law.

Article 33 The stockbreeding and veterinary administrative departments of the people's governments at the county level or above shall be responsible for the supervision and administration over the quality and safety of breeding livestock and poultry. The supervision and inspection of the quality and safety of breeding livestock and poultry shall be conducted by the entrusted breeding livestock and poultry quality inspection institutions with statutory qualifications. The necessary inspection

costs shall be listed as expenses according to the provisions of the State Council, which shall not be paid by the inspected parties.

Article 34 The relevant provisions of this Law apply to the resource protection, selective breeding of new species, production, business operation and popularization of breeding silkworms. The specific administrative measures shall be formulated by the agriculture administrative department of the State Council.

#### Chapter IV Breeding of Livestock and Poultry

Article 35 A stockbreeding and veterinary administrative department of the people's government at the county level or above shall, according to the stockbreeding development plan and market demands, direct and support the structural adjustment of stockbreeding, develop strong livestock and poultry production and enhance the market competitiveness of livestock and poultry products.

The state shall support the grassland pasturing areas to carry out basic construction of pasture fencing, water conservancy, pasture improvement, and forage and feed bases, improve the structure of livestock flocks, improve the species of livestock, change the production form, develop penned animal feeding and rotational grazing, gradually realize the balance between the livestock and forage and improve the ecological environment of the pastures.

Article 36 The State Council and the provincial people's governments shall, within their respective financial budget, arrange the fine breed subsidies, interest discount subsidies and other fund for supporting the stockbreeding development, shall encourage the pertinent financial institutions, by way of providing loans, insurance services, etc., to support the livestock and poultry breeders to buy fine breeds of livestock and poultry, breeding fine breeds, improve the production facilities, expand the breeding scale and promote breeding benefits.

Article 37 The state shall support the rural collective economic organizations, farmers and stockbreeding cooperative economic organizations to establish livestock and poultry farms or areas, develop scale and standardized breeding. The overall plan of a town (township) on land utilization shall, in light of the local actual circumstances, arrange for the land available for livestock and poultry breeding. The livestock and poultry farms and areas established by the rural collective economic organizations and farmer according to the overall plan of a town (township) on land utilization shall be managed according to agricultural land. When the land use period of a livestock or poultry farm or raising community expires, if it is necessary to restore the original purpose of the land, the holder of the right to use the land of the livestock or poultry farm or raising community shall be responsible for restoring it to its original use. If it is necessary to establish any permanent building (fixture) which involves the change of the purpose of the agricultural land, the relevant provisions of the Land Administrative Law of the People's Republic China.

Article 38 The stockbreeding and veterinary technology popularization institutions established by the state shall offer to farmers livestock and poultry breeding technology training, extension of fine breeds, disease prevention and control, and other services. The people's government at or above the county level shall ensure the fund for the stockbreeding and veterinary technology popularization institutions established by the state to engage in the technical services for public interest.

The state encourages the livestock and poultry processing enterprises and other relevant producers and business operators to offer to the livestock and poultry breeding services they need.

Article 39 A livestock, poultry farm or raising community shall meet the following conditions:

- (1) Having a production site and supporting production facilities that can meet the needs of the raising scale;
- (2) Having stockbreeding and veterinary technicians who are working for it;

- (3) Meeting the disease prevention conditions as mentioned in the laws, administrative regulations, as well as the provisions of the stockbreeding and veterinary administrative department of the State Council;
- (4) Having facilities such as firedamp pool for the comprehensive utilization of the livestock or poultry dung, waste water and other solid wastes, or having other innocuous disposal facilities;
- (5) Other conditions as provided for by the laws and administrative regulations.

The owner of the aforesaid farm or raising community shall report the name and address of the farm or raising community, species of the livestock or poultry as well as the raising scale to the stockbreeding and veterinary administrative department of the people's government at the county level where the farm or raising community is located for archival purposes so as to obtain the code of livestock or poultry mark.

Each provincial people's government shall, according to the development of stockbreeding within its administrative area formulate standards on the scales of livestock and poultry farms or raising communities as well as the archival filing procedures.

Article 40 It is forbidden to build any livestock or poultry farm or raising community in any of the following areas:

- (1) The water source protection areas of drinking water, scenic spots and historic sites, as well as the core areas and buffer area of natural protection areas;
- (2) The areas of urban residents, culture, education and scientific research, and other population intensive areas; or
- (3) Other areas as banned by any law or regulation.

Article 41 A livestock or poultry farm shall establish raising archives, which shall contain:

- (1) the species, number, reproduction records, mark information, sources, and dates of entering and exiting the farm;
- (2) the source, name, object, time, quantity of the feed, feed additives, animal drugs, etc.;
- (3) the information about the quarantine, disease immunity and sanitization;
- (4) the information about the diseases that attacked the livestock or poultry, the death and innocuous disposal of the livestock or poultry after the attack of the diseases;
- (5) other contents as required by the stockbreeding and veterinary administrative department of the State Council.

Article 42 A livestock or poultry farm shall provide its livestock or poultry with a proper reproduction, living and growth environment.

Article 43 No breeder of livestock or poultry may:

- (1) use any fee, feed additive or animal drug by violating any law, administrative regulation, or mandatory requirement of the national technical norms;
- (2) feed any restaurant or eatery swill untreated by high temperature to the livestock;
- (3) raise the livestock or poultry in a refuse dump or feed the substances of refuse dump to the livestock or poultry;
- (4) commit other acts of damage the health of human, livestock and poultry as provided in the laws, administrative regulations, and provisions of the stockbreeding and veterinary administrative department of the State Council.

Article 44 A breeder of livestock and poultry shall, under the Animal Disease Prevention Law of the People's Republic of China, do well in the prevention and control of livestock and poultry diseases.

Article 45 A breeder of livestock or poultry shall, pursuant to the provisions of the state on the management of livestock and poultry marks, put a mark at the designated part of the livestock or poultry. No stockbreeding and veterinary administrative department may charge any fee for

provision of such marks. The necessary expenses for such marks shall be listed into the fiscal budget of the provincial people's government.

No livestock or poultry mark may be used repeatedly.

Article 46 A livestock or poultry farm or raising community shall ensure the normal running of the comprehensive utilization or other innocuous disposal facilities of the livestock or poultry dung, waste water and other solid wastes so as to make the dumped pollutants reach the relevant standards and prevent them from polluting the environment.

Where a livestock or poultry farm or raising community illegally dumps any livestock or poultry dung, waste water and other solid wastes, if it causes any environment pollution, it shall eliminate the pollution and compensate the losses according to law.

If the state supports the livestock or poultry farm or raising community to build comprehensive facilities of utilization of livestock or poultry dung, waste water and other solid wastes.

Article 47 The state shall encourage the development of apiculture industry and shall protect the legitimate rights and interests of the apiculture producers.

The relevant departments shall, on their initiatives, publicize and popularize the agricultural techniques of bee pollination.

Article 48 During the course of production, no apiculture producer may use any drug or container that may affect the quality and safety of bee-related products so as to ensure quality of the bee-related products. The beekeeping containers and tools shall meet the mandatory requirements of the national technical norms.

Article 49 When an apiculture producer transports the bees to another suitable beekeeping place, the local public security, traffic and transport, and stock breeding and veterinary departments shall provide him with necessary assistance.

Where an apiculture producer carries the bees to another suitable beekeeping place within China, he shall, upon the quarantine certificate printed and produced by the stockbreeding and veterinary administrative department of the State Council under the uniform format, transport the bee flocks, which shall not be quarantined repeatedly within the valid period of the quarantine certificate.

## Chapter V Chapter V Transactions and Transport of Livestock and Poultry

Article 50 The people's governments at the county level or above shall promote the construction of open, uniform, competitive and orderly livestock and poultry transaction markets.

The stockbreeding and veterinary administrative departments and other relevant competent departments of the people's governments at or above the county level shall organize to collect, arrange and release the livestock and poultry production and sale information so as to provide the producers with information services.

Article 51 The local people's governments at the county level or above shall, according to their respective plan on the development of wholesale markets of agricultural products, support the establishment of livestock and poultry markets at the livestock and poultry distribution places.

The selected location of a livestock and poultry wholesale market shall meet the animal disease prevention conditions as described in the laws, administrative regulations, and the provisions of the stockbreeding and veterinary administrative department of the State Council and there shall be a

distance of 3 kilometers or more from any breeding livestock and poultry farm and large livestock and poultry farm.

Article 52 The livestock and poultry for transaction shall meet the mandatory requirements of the national technical norms.

No one may sell or buy any livestock or poultry which have not been given a mark as required by the stockbreeding and veterinary administrative department of the State Council.

Article 53 The transport of livestock and poultry shall meet the animal disease prevention requirements as described in the laws, administrative regulations, and provisions of the stockbreeding and veterinary administrative department of the State Council, take measures to protect the safety of livestock and poultry and shall provide necessary room and feeding and drinking conditions for the transported livestock and poultry.

To inspect the livestock and poultry during the course of transport, the relevant departments shall base on any law or administrative regulation.

#### Chapter VI Quality and Safety Guarantee

Article 54 The people's government at or above the county level shall organize the stockbreeding and veterinary administrative department and other relevant competent departments to strengthen the supervision and management of the livestock and poultry raising environment, breeding livestock and poultry quality, use of feed, animal drug and other substances, as well as the livestock and poultry transactions and transport in accordance with this Law and other relevant laws and administrative regulations.

Article 55 The stockbreeding and veterinary administrative department of the State Council shall formulate measures for the management of livestock and poultry marks and raising archives and take measures to carry out the livestock and poultry product quality responsibility system.

Article 56 A stockbreeding and veterinary administrative department of the people's government at or above the county level shall make a plan on the supervision and inspection over the quality and safety of livestock and poultry, and shall carry out the planed supervision and spot-checking tasks.

Article 57 A stockbreeding and veterinary administrative department of the people's government at the province level or above shall formulate livestock and poultry production norms to guide the safe production of livestock and poultry.

#### Chapter VII Legal Liabilities

Article 58 Where anyone disposes any livestock or poultry genetic resource under protection by violating Paragraph 2 of Article 13 of this Law, if it (he) causes any loss to the livestock or poultry genetic resource, it (he) shall be fined not less than 50, 000 yuan but not more than 500, 000 yuan by the stockbreeding and veterinary administrative department of the people's government at the province level or above.

Article 59 Where anyone who commits any of the following acts by violating the relevant provisions of this Law, the stockbreeding and veterinary administrative department of the people's government at the province level or above shall order it (him) to stop the violation, shall confiscate the livestock or poultry genetic resource and the illegal gains and shall fine it (him) not less than 10, 000 yuan but not more than 500, 000 yuan:

- (1) Importing any unexamined and unapproved livestock or poultry resource from abroad;
- (2) Cooperating with any foreign institution or individual in the China-based research or utilization

of any of livestock and poultry genetic resources included in the protection list;  
(3) Cooperating with any foreign institution or individual in the China-based research or utilization of any newly found livestock or poultry genetic resource that has not been appraised by the National Commission for Livestock and Poultry Genetic Resources.

Article 60 Without approval of the stockbreeding and veterinary administrative department of the State Council, anyone who exports any livestock or poultry genetic resource from China shall bear the legal liabilities according to the relevant provisions of the Customs Law of the People's Republic of China. The customs office shall transfer the detained livestock or poultry resource to the stockbreeding and veterinary administrative department of the provincial people's government for disposal.

Article 61 Where anyone sells or extends any unapproved or un-appraised livestock or poultry species by violating the relevant provisions of this Law, the stockbreeding and veterinary administrative department of the people's government at the county level or above shall order it (him) to stop the violation and confiscate the livestock or poultry as well as the illegal gains. If the amount of illegal gains is more than 50, 000 yuan, it shall fine it (him) not less than 1 time but not more than 3 times the amount of illegal gains. If there are no illegal gains or if the amount of illegal gains is less than 50, 000 yuan, it shall fine it (him) not less than 5, 000 yuan but not more than 50, 000 yuan.

Article 62 Where anyone, in violation of this Law, engages in the production and business operation of breeding livestock or poultry without a permit for the production and business operation of breeding livestock and poultry or by violating the provisions of the permit for the production and business operation of breeding livestock and poultry, or transfers or renting any permit for the production and business operation of livestock and poultry, the stockbreeding and veterinary administrative department of the people's government at the county level or above shall order it (him) to stop the violation and shall confiscate the illegal gains. If the amount of illegal gains is more than 30, 000 yuan, it shall fine it (him) not less than 1 time but not more than 3 times the amount of illegal gains. If there are no illegal gains or if the amount of illegal gains is less than 30, 000 yuan, it shall fine it (him) not less than 3, 000 yuan but not more than 30, 000 yuan. In the case of engaging in the production and business operation of breeding livestock or poultry by violating provisions of the permit for the production and business operation of breeding livestock and poultry, or transferring or renting the permit for the production and business operation of breeding livestock and poultry, if the circumstance is severe, the permit for the production and business operation of breeding livestock and poultry shall be revoked.

Article 63 Anyone who violates Article 28 of this Law shall bear the legal liabilities in accordance with the Advertising Law of the People's Republic of China.

Article 64 Where anyone, in violation of the relevant provisions of this Law, uses any breeding livestock or poultry that don't meet the standards on breeding livestock or poultry, the stockbreeding and veterinary administrative department of the local people's government at the county level or above shall order it to stop the violation and confiscate the illegal gains. If the amount of illegal gains is more than 50, 00 yuan, it shall fine it (him) not less than 1 time but not more than 2 times the amount of illegal gains. If there are no illegal gains or if the amount of illegal gains is less than 5, 000 yuan, it shall fine it (him) not less than 1, 000 yuan but not more than 5, 000 yuan.

Article 65 Where anyone who commits any of the violations as mentioned in Items (1) through (4) of Article 30 of this Law in selling breeding livestock or poultry, the stockbreeding and veterinary administrative department or the administrative department for industry and commerce of the people's government at the county level or above shall order it (him) to stop selling the breeding livestock or poultry and shall confiscate the livestock or poultry for illegal selling as well as the illegal gains. If the amount of illegal gains is more than 50, 000 yuan, it shall fine it (him) not less

than 1 time but not more than 5 times the illegal gains. If there are no illegal gains or if the amount of illegal gains is less than 50, 000 yuan, it shall fine it (him) not less than 5, 000 yuan but not more than 50, 000 yuan. If the circumstance is serious, its (his) permit for the production and business operation of breeding livestock and poultry or business license shall be revoked.

Article 66 Where livestock or poultry farm, in violation of Article 41 of this Law, fails to establish raising archives or fails to preserve the raising archives according to the relevant provisions, the stockbreeding and veterinary administrative department of the people's government at the county level or above shall order it to make corrections within a time limit and may fine it 10, 000 yuan or less.

Article 67 Anyone who raises any livestock or poultry by violating Article 43 of this Law shall be punished pursuant to the relevant laws and administrative regulations.

Article 68 Where anyone who, in violation of this law, sells any breeding livestock or poultry without attaching to them the breeding livestock or poultry conformity certificates, quarantine certificates and livestock genealogy, or sells or buys any livestock or poultry which shall bear marks as required by the stockbreeding and veterinary administrative department of the State Council, or uses any livestock or poultry mark repeatedly, it (he) shall be ordered to make corrections and may be fined 2, 000 yuan or less by the stockbreeding and veterinary administrative department or administrative department for industry and commerce of the local people's government at the county level or above.

Where anyone who, in violation of this Law, uses any counterfeit or altered livestock or poultry marks, the stockbreeding and veterinary administrative department of the local people's government at the county level or above shall confiscate the counterfeit or altered livestock or poultry marks as well as the illegal gains and shall fine the violator not less than 3, 000 but not more than 30, 000 yuan.

Article 69 Where anyone sells any livestock or poultry that do not meet the mandatory requirements of the national technical norms, the stockbreeding and veterinary administrative department or administrative department for industry and commerce of the local people's government at the county level or above shall order it (him) to stop the violation, confiscate the livestock and poultry under illegal sale as well as the illegal gains and fine it (him) not less than 1 time but not more than 3 times the amount of the illegal gains. If the circumstance is gross, the administrative department for industry and commerce shall revoke the business license.

Article 70 If any of the functionaries of a stockbreeding and veterinary administrative department accepts property of others or seeks other benefits by taking the advantage of his position, or issues a license or relevant approval documents to any entity or individual who does not meet the statutory conditions, or fails to perform his supervisory duties, or fails to punish any illicit act he finds, he shall be given an administrative sanction.

Article 71 Where the permit for the production and business operation of breeding livestock and poultry of a breeding livestock or poultry producer or business operator is revoked, the stockbreeding and veterinary administrative department shall, within 10 days as of the revocation of the aforesaid permit, make a notification to the administrative department for industry and commerce. The livestock or poultry breeding producer or business operator shall, in accordance with the law, go through the modification registration or cancellation registration.

Article 72 Where anyone who violates the Law, if any crime is constituted, he shall be subject to criminal liabilities.

## Chapter VIII Supplementary Provisions

Article 73 The genetic resources of livestock and poultry as mentioned in this Law refers to genetic materials such as the livestock and poultry and their ova (eggs), embryos and sperms.

The term “breeding livestock and poultry” as mentioned in this Law refers to the selected livestock and poultry and their ova (eggs), embryos and sperms that are valuable and suitable to produce posterities.

Article 74 This Law shall come into force as of July 1, 2006.