

Measures for the Examination and Approval of Agricultural Genetically Modified Organisms Processing

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Order of the Ministry of Agriculture
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The Measures for the Examination and Approval of Agricultural Genetically Modified Organisms Processing, which were adopted at the 3rd executive meeting of the Ministry of Agriculture on January 16, 2006 upon deliberation, are hereby promulgated and shall come into force as of July 1, 2006.

Minister Du Qinglin
January 27, 2006

Measures for the Examination and Approval of Agricultural Genetically Modified Organisms Processing

Article 1 The present Measures are formulated according to the relevant provisions of the Regulation on the Security Administration of Agricultural genetically modified organisms for the purpose of intensifying the administration of examination and approval of agricultural genetically modified organisms processing.

Article 2 The term “agricultural genetically modified organisms processing” as mentioned in the present Measures refers to an activity of producing the relevant products of agricultural genetically modified organisms based on the raw materials of active agricultural genetically modified organisms.

The term “products of agricultural genetically modified organisms” as mentioned in the preceding paragraph refers to genetically modified animals and plants, microorganism products and the products directly processed from agricultural genetically modified products as prescribed in items (2) and (3) of the Regulation on the Security Administration of Agricultural Genetically Modified Organisms.

Article 3 An entity or individual that engages in the processing of agricultural genetically modified organisms within the territory of the People’s Republic of China shall obtain a License for Agricultural Genetically Modified Organisms Processing as issued by the administrative department of agriculture of the people’s government at the provincial level at the locality of processing (hereinafter referred to as the Processing License).

Article 4 An entity or individual that engages in the processing of agricultural genetically modified organisms shall not only meet the requirements for establishment as prescribed by the relevant laws and regulations but also meet the following requirements:

- (1) Having the relevant special production line and closed warehousing facilities in match with the processing of agricultural genetically modified organisms;
- (2) Having the relevant equipment and facilities for processing wastes and disposing of inactivation;
- (3) Adopting the relevant controlling measures for pollution disposal in the processing of and conversion between agricultural genetically modified organisms and non-genetically modified organisms that function as raw materials;
- (4) Improving the management system for the security of agricultural genetically modified organisms processing by the follows means:

- a) Establishing an archive for the management of purchase, transportation, storage, processing and sale of raw materials;
- b) Establishing a post responsibility system;
- c) Having the relevant emergency reserves for such emergencies as spread of agricultural genetically modified organisms;
- d) Establishing a group in charge of the security administration of agricultural genetically modified organisms, which is composed of the relevant management personnel and technicians who have the relevant knowledge concerning the security of agricultural genetically modified organisms;

Article 5 An entity that applies for a Processing License shall apply to the administrative department of agriculture of the people's government at the provincial level and provide the following materials:

- (1) An Application Form for Processing License (See Attachment);
- (2) A text concerning the security administration system for agricultural genetically modified organisms processing;
- (3) The name list, specialty and academic background of the members of its group in charge of the security administration of agricultural genetically modified organisms;
- (4) Record on the training of the relevant regulations on the security of agricultural genetically modified organisms and the relevant knowledge of processing security;
- (5) The specimen of the label of agricultural genetically modified organisms products; and
- (6) A photocopy of the Security Certificate of Agricultural Genetically modified Organisms for its raw materials in processing.

Article 6 The administrative department of agriculture of the people's government at the provincial level shall, within 20 workdays as of accepting an application, conclude the relevant examination. Where an application meets the relevant requirements, a Processing License shall be issued, which shall be reported to the Ministry of Agricultural for archival filing. Where any application fails to meet the relevant requirements, a written notice shall be issued to the relevant applicant, wherein an explanation shall be given.

The administrative department of agriculture of the people's government at the provincial level may, according to the real situation, organize an expert group to carry out an appraisal on the application materials. An expert group may carry out an on-the-spot inspection and submit a report on inspection within the prescribed time limit as prescribed by the administrative department of agriculture.

Article 7 The term of a Processing License is 3 years. Where any entity or individual plans to continue its/his business, it/he shall apply for a Processing License again 6 months before expiration of the original License.

Article 8 Where an entity or individual that engages in the processing of agricultural genetically modified organisms processing alters its/his name, it/he shall apply for changing its/his Processing License.

Where an entity or individual that engages in the processing of agricultural genetically modified organisms processing is under any of the following circumstances, it/he shall apply for a new Processing License:

- (1) Where the relevant business goes beyond the processing scope as prescribed in the original Processing License; or
- (2) Where the production location is altered, including such cases as production in a different place and establishment of a branch.

Article 9 An entity or individual that violates the provisions of the present Measures shall be subject to the punishment according to the relevant provisions of the Regulation on the Security Administration of Agricultural Genetically modified Organisms.

Article 10 The Processing Licenses shall be uniformly printed and formulated by the Ministry of

Agriculture.

Article 11 The present Measures shall come into force as of July 1, 2006.