

Administrative Measures for the Accreditation of Plant Nursery Qualifications for Popularized Seeds Imported from Abroad or Used for Experiments

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Administrative Measures for the Accreditation of Plant Nursery Qualifications for Popularized Seeds Imported from Abroad or Used for Experiments  
(Promulgated by Order No. 17 of the State Forestry Administration on September 23, 2005)

Article 1 These Measures are formulated according to the Administrative License Law of the People's Republic of China and the Decision of the State Council on Establishing Administrative License for the Administrative Examination and Approval Items that Really Need to Be Preserved (Order No. 412 of the State Council) with a view to prohibiting foreign forestry harmful organism from coming into China and regulating the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments.

Article 2 The administrative licensing for carrying out the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments shall be governed by these Measures.

Article 3 Any entity or individual engaging in the production or business operations of plant seeds, seedlings, or other propagation materials may apply for the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments.

Article 4 The following conditions shall be met for applying for the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments:  
(1) There is no plant of the same section or genus with those plants imported from abroad or used for experiments within a certain distance from the circumference of the nursery;  
(2) It shall have fences, epidemic prevention canals and other segregation conditions for importing seeds and planting seeds as an experiment;  
(3) It shall have facilities and equipment for quarantine and removal of plant diseases and insect pests;  
(4) It shall have sound management measures and systems for importing seeds and planting seeds as an experiment;  
(5) It shall have professional technical staff for prevention and cure of forestry harmful organism;  
and  
(6) The period of nursery use right shall not be shorter than three years.

Article 5 The following materials shall be submitted for applying for the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments:  
(1) an application form for the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments  
(2) a photocopy of the License for the Production of Plant Seeds in the case of engaging in the production of plant seeds; or a photocopy of the License for the Business Operations of Plant Seeds and a photocopy of business license in the case of engaging in the business operations of plant seeds;  
(3) the certification materials in line with the conditions as prescribed in Article 4 of these Measures;  
and

(4)the written opinions as issued by the forestry administrative department of the local province, autonomous region, or municipality directly under the Central Government.

Article 6 If the application materials are complete and consistent with the statutory form, the State Forestry Administration shall issue a Notice on Accepting the Administrative Licensing immediately upon receipt of an application for the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments; if it refuses to accept such an application, it shall immediately explain the reasons to the applicant and issue a Notice on Refusing to Accept the Administrative Licensing; if the application materials are incomplete or inconsistent with the statutory form, the State Forestry Administration shall issue a Notice on the Materials to Be Supplemented and Corrected for the Administrative Licensing within 5 days and inform the applicant of the items that need to be supplemented or corrected once and for all.

Article 7 If it is necessary to carry out the verification of material contents of application materials after the State Forestry Administration accepts an application for the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments, it shall assign two or more functionaries for the investigation and inform it to the applicant. The required time for the investigation shall not be included within the time limit for making the administrative licensing decision.

Article 8 The State Forestry Administration shall make an administrative licensing decision within 20 days from the day when it accepts the application, issue a Decision on Approving the Administrative Licensing or a Decision on Disapproving the Administrative Licensing, and notify it to the applicant.

Article 9 If the administrative licensing decision can not be made within the statutory time limit, the State Forestry Administration shall, upon approval of the person in-charge, issue a Notice on Extending the Time Limit for Administrative Licensing within five days before the expiry of the statutory time limit and notify it to the applicant.

Article 10 An administrative licensing decision on plant nursery qualifications for popularized seeds imported from abroad or used for experiments shall be publicized in a proper form, and the general public shall be entitled to consult it.

Article 11 The State Forestry Administration shall supervise and check the administrative licensing matters conducted by licensees.

Article 12 Any licensee that violates the laws or regulations and causes the widespread of foreign forestry harmful organism shall be punished according to the relevant laws and regulations.

Article 13 In case a licensee obtains its plant nursery qualification for popularized seeds imported from abroad or used for experiments by fraud, bribery or any other unjustifiable means, the State Forestry Administration shall cancel the qualification and publicize the cancellation. In the case of the cancellation of an administrative licensing decision, the State Forestry Administration shall notify it to the licensee in written form, and notify him of the right to apply for an administrative review or lodge an administrative lawsuit.

Article 14 If any relevant functionary of the State Forestry Administration misuses his authorities or seeks for private interests or resorts to cheats when carrying out the administrative licensing for the accreditation of plant nursery qualifications for popularized seeds imported from abroad or used for experiments, he shall be given administrative sanctions; where the circumstance is serious and a crime is constituted, he shall be subject to criminal liabilities.

Article 15 These Measures shall come into force as of November 1, 2005.

