

MEASURES FOR MANAGEMENT OF AGRICULTURAL SEED SUBSTANCE RESOURCES  
The Ministry of Agricultural

Decree of the Ministry of Agricultural of the PRC

No. 30

The Measures for Management of Agricultural Seed substance Resources passed the review at the 17th Standing Meeting of the Ministry of Agricultural on June 23, 2003, which are hereby promulgated and will come into force as of October 1, 2003.

Minister of the Ministry of Agricultural: Du Qinglin

July 8, 2003

Measures for Management of Agricultural Seed substance Resources

Chapter I General Provisions

Article 1

In order to strengthen the protection agricultural seed substance resources and to promote the exchanges and utilization of agricultural seed substance resources, the Measures are hereby formulated according to the Seed Law of the PRC.

Article 2

The Measures are applicable to the undertakings of collection, arrangement, identification, registration, preservation, exchanges, utilizations and management of agricultural seed substance resources in the territory of the PRC.

Article 3

The agricultural seed substance resources herein refer to the basic materials for selection and cultivation of new agricultural varieties, including the reproduction materials of raised seeds of crops, wildlife and endangered rare strains, as well as various artificial genetic materials based on the above-mentioned reproduction materials, the specific forms of which cover living substances of fruits, seeds, seedlings, roots, stems, leaves, buds, flowers, organs, molecules and DNA, DNA sections and pieces and genes, etc.

Article 4

The Ministry of Agriculture shall set up the State Commission of Agricultural Seed substance Resources, which is designated to put forth the state development strategy, guidelines and policies of agricultural seed substance resources, and coordinate the nationwide management of agricultural seed substance resources. The Office of the Commission is set up in the MOA Department of Plantation Management, which shall be in charge of the routine work of the Commission.

The competent administrative departments of the provinces, autonomous regions and municipalities directly under the Central Government may determine the corresponding management unit of agricultural seed substance resources according to the specific requirements.

#### Article 5

The work of agricultural seed substance resources is a cause of public interests, and the relevant departments of the state and local government shall adopt measures for safeguard of the stability and funding sources of the work of agricultural seed substance resources.

#### Article 6

The state shall grant praise and awards to units and individual that have made outstanding achievements in the collection, arrangement, identification, registration, preservation, exchanges, utilizations and management of agricultural seed substance resources.

### Chapter II Collection of Agricultural Seed substance Resources

#### Article 7

The state shall plan on the organization of the popular survey, key investigation and collection of agricultural seed substance resources. In case of any possible extinguishing of agricultural seed substance resources due to project construction and environmental changes, timely rescue and collection should be organized.

#### Article 8

The state prohibits the collection or cutting of wildlife strains, close strains of wildlife and endangered rare varieties listed in the Catalogue of State Key Wild Plants under Protection, as well as the agricultural seed substance resources in the protection areas, protection land and seed substance gardens.

In case of collection or cutting of wildlife strains, close strains of wildlife and endangered rare varieties listed in the Catalogue of State Key Wild Plants under Protection required for special circumstances, such as scientific research, formalities for examination and approval should be went through according to the provisions of the State Council and the MOA on the management of wild plants. And in case of collection or cutting of agricultural seed substance resources required from the protection areas, protection land and seed substance gardens, approval should be obtained from the administrative agricultural department that has set up the protection areas, protection land and seed substance gardens concerned.

#### Article 9

The benchmark is that the quantity collected of the agricultural seed substance resources shall not influence the hereditary completeness of the original habitat cluster or its regular growth.

#### Article 10

Unless otherwise approved, people from outside China shall not collect the agricultural seed substance resources in the territory of China. In case of joint investigation by Chinese and foreign scientists on the agricultural seed substance resources of our country, reports should be made for approval by the MOA six months in advance.

In case the agricultural seed substance resources collected are required to be brought outside China, the formalities should be went through for examination and approval on provisions of agricultural seed substance resources outside China according to the provisions of the Measures.

#### Article 11

The collection of the seed substance resources shall adopt the original archives, with detailed records on the name of the materials, basic features and attributes, place and time of collection, quantity of collection and collectors, etc.

#### Article 12

All the agricultural seed substance resources collected and the original archives set up should be submitted for registration and preservation at the state pools of seed substance and substances.

#### Article 13

The unit and individual who applies for examination and identification of varieties shall submit proper quantity of reproduction materials (including hybrid reproduction materials of close varieties) for registration and preservation at the state pools of seed substance and substances.

#### Article 14

The unit and individual who holds seed substance resources that have not been registered for preservation by the state is obliged to submit them for preservation at the state pools of seed substance and substances.

The parties concerned may submit the seed substance resources to the local competent agricultural departments or agricultural scientific research institutions, which shall timely submit the relevant seed substance resources for preservation at the state pools of seed substance and substances.

### Chapter III Identification, Registration and Preservation of Agricultural Seed substance Resources

#### Article 15

All the agricultural seed substance resources collected should be identified by botanic categories and main agricultural process attributes.

The identification of agricultural seed substance resources shall adopt the uniform national standards, and the specific standards shall be formulated and published by the MOA according to the recommendations of the State Commission of Agricultural Seed substance Resources.

The registration of agricultural seed substance resources adopts the uniform numbering system, and no unit or individual may alter the uniform state numbering and names.

#### Article 16

The preservation of agricultural seed substance resources adopts the system by combining original habitat preservation and non-original habitat preservation.

The original habitat preservation includes the establishment of the protection area and protection land for agricultural seed substance resources and the non-original habitat preservation includes the establishment of various kinds of seed substance pools, seed substance gardens and experimental tube seedling pools.

#### Article 17

The Ministry of Agriculture shall establish the protection area and protection land for agricultural seed substance resources at the diversified agricultural plant center, the original habitat of key agricultural wild varieties and wild plants of close varieties, and the polling areas of other wild resources of agriculture.

#### Article 18

The Ministry of Agriculture shall set up the state pools of agricultural seed substances, including long-term seed substance pools and backup pools, medium-term seed substance pools, seed substance gardens and experimental tube pools.

The long-term seed substance pools are in charge of the long-term preservation of the nationwide agricultural seed substance resources, the backup pools are in charge of the backup preservation of the seed substance pools in the long-term seed substance pools; and the medium-term seed substance pools are in charge of the medium-term preservation, attribute identification, reproduction and distribution of seed substances; and the seed substance gardens and experimental tube seedling pools are in charge of the preservation, attribute identification, reproduction and distribution of the seed substances of asexual reproduction crops and perennial crops.

The state and local departments shall adopt measures for safeguarding the normal running of the state seed substance pools and the security of the seed substance resources.

#### Article 19

The provinces, autonomous regions and municipalities directly under the Central Government shall according to requirements establish their local protection areas and protection lands of agricultural seed substance resources and seed substance gardens and medium-term seed substance pools.

### Chapter IV Reproduction and Utilization of Agricultural Seed substance Resources

#### Article 20

The state encourages units and individuals to undertake research and innovation of agricultural seed substance resources.

## Article 21

The seed substance resources preserved in the long-term state seed substance pools belong to the state strategic resources which should not be used by any unit or individual unless otherwise approved by the Ministry of Agriculture.

In case of collection of seed varieties from the long-term state seed substance pools required for reproduction due to the extinguishing of the seed substance resources preserved in the medium-term state seed substance pools, a report should be submitted for examination and approval by the Ministry of Agriculture.

The long-term state seed substance pools shall regularly inspect the seed substance resources preserved, and in case the decrease of the vitality or the quantity of the preserved seed substance resources is of impacts on the security of the seed substance resources, compensation should be timely made by reproduction.

## Article 22

The medium-term state seed substance pools shall regularly replace the preserved seed substance resources for ensuring the vitality and quantity of the seed substance resources; and the state seed substance gardens shall regularly replace and recover the seed substance resources deposited in the gardens for ensuring the growth momentum of the seed substance resources of the gardens. The relevant state departments shall safeguard the expenses for the reproduction and replacement of the seed substance resources.

## Article 23

The Ministry of Agriculture shall, according to the recommendations of the State Commission of Agricultural Seed substance Resources, regularly publish the catalogue of available agricultural seed substance resources and evaluate and recommend the excellent seed substance resources.

The unit and individual in need of the agricultural seed substance resources in such catalogue for the scientific research and cultivation of varieties may apply with the medium-term state seed substance pools and the seed substance gardens. If meeting the conditions for providing the seed substance resources from the medium-term state seed substance pools and seed substance gardens, the medium-term state seed substance pools and the seed substance gardens shall immediately provide the applicant with proper quantity of the seed substance materials free of charge. If charges are required, the charges should not exceed the minimum expenses for the reproduction of such varieties.

## Article 24

In terms of the seed substance resources obtained from the state, no application may be made directly for protection of the new varieties and other intellectual property protection.

## Article 25

The unit and individual who obtains the seed substance resources from the medium-term state seed substance pools and the seed substance gardens shall timely feed back the information on use of such seed substance resources to the medium-term state seed substance pools and the seed substance gardens and for those who do not feed back the information thereof, the medium-term state seed

substance pools and the seed substance gardens are entitled not to provide them with seed substance resources.

The medium-term state seed substance pools and the seed substance gardens shall regularly report to the Office of the State Commission of Agricultural Seed Substance Resources on the distribution and utilization of the seed substance resources.

#### Article 26

The competent agricultural departments of the provinces, autonomous regions and municipalities directly under the Central Government may formulate their corresponding measures for distribution and utilization of the agricultural seed substance resources in their jurisdiction according to the Measures and actual circumstances.

### Chapter V International Exchanges of Agricultural Seed substance Resources

#### Article 27

The state holds sovereignty over the agricultural seed substance resources and any unit and individual who sends the seed substance resources out of China shall go through the examination and verification by the local competent agricultural departments of the provinces, autonomous regions and municipalities directly under the Central Government, which will be submitted for examination and approval by the Ministry of Agriculture.

#### Article 28

The provisions of the agricultural seed substance resources outside China adopts the system of management by categories, for which the Ministry of Agriculture shall regularly revise the catalogue for management by categories.

#### Article 29

Provisions of the agricultural seed substance resources outside China shall go through the following procedures:

##### (I)

The unit and individual who provides the seed substance resources out of China shall fill in the Application for Providing Agricultural Seed Substance Resources Outside China (refer to Attachment 1) according to the specified formats and requirements, provide the statements on provision of seed substance resources outside China, and submit the application to the local competent agricultural departments of the provinces, autonomous regions and municipalities directly under the Central Government.

##### (II)

The local competent agricultural departments of the provinces, autonomous regions and municipalities directly under the Central Government shall within ten days upon receipt of the application materials complete the review and verification and if passing the review and examination, shall submit the materials for examination and approval by the Ministry of Agriculture.

(III)

The Ministry of Agriculture shall within ten days upon receipt of the review opinions complete the review and approval and if passing the examination and approval, shall issue the Permits for Providing Agricultural Seed Substance Resources Outside China (refer to Attachment 2) and cover Special Stamp of the Ministry of Agriculture for Examination and Approval of Providing Agricultural Seed Substance Resources Outside China.

(IV)

The unit and individual who provides the seed substance resources out of China shall hold the Permits for Providing Agricultural Seed Substance Resources Outside China and go through the formalities for quarantine examination and approval at the competent quarantine authority.

(V)

The Permits for Providing Agricultural Seed Substance Resources Outside China and the quarantine certificate for Customs Pass are the basis for pass of the Customs.

Article 30

In case the foreign cooperation projects involves the exchanges of the agricultural seed substance resources, examination and approval formalities should be went through for providing agricultural seed substance resources outside China prior to the signature of the cooperation agreement.

Article 31

The state encourages the unit and individual to introduce agricultural seed substance resources from outside China.

Article 32

In case of introduction of new varieties from outside China, scientific demonstrations should be held and effective measures should be adopted for preventing any ecological and environmental harms possible. Prior to introduction, approval should be obtained from the Ministry of Agriculture, and distributed plantation may only be carried out after indicating that the varieties introduced are surely secure with utilities through evaluation upon isolated planting of no less than a growth cycle.

Article 33

The unit and individual who introduces the seed substance resources from outside of China shall go through the formalities for plant quarantine according to the provisions of the relevant plant quarantine laws and administrative regulations, and the seed substance resources introduced should be planted by trial and isolation, which may be distributed for planting only after passing the quarantine inspection of the plant quarantine authorities with evidence that the varieties introduced are free of dangerous diseases, insects or weeds.

Article 34

The state adopts a uniform registration system, the introducing unit and individual shall submit for filing by the Office of the State Commission of Agricultural Seed substance Resources within a year from the date of the entry of the seed substance resources, and attach proper quantity of the seed substance materials for preservation by the state seed substance pools.

The parties concerned may submit the information on introduction and the relevant seed substance resources to the local competent agricultural departments or agricultural scientific research institutions, which shall timely submit reports for filing by the Office of the State Commission of Agricultural Seed Substance Resources and submit the relevant seed substance resources received to the state pools of seed substance and substances for preservation.

#### Article 35

For introduction of seed substance resources£—the State Commission of Agricultural Seed substance Resources shall adopt the uniform numbering and translated names, which may not be altered by any unit or individual.

### Chapter VI Information Management of Agricultural Seed substance Resources

#### Article 36

The Office of the State Commission of Agricultural Seed Substance Resources shall; strengthen the information management of agricultural seed substance resources, including the dynamic information on collection, identification, preservation, utilization and international exchanges of seed substance resources, and provide the relevant department with information services and protect the information security of the state seed substance resources.

#### Article 37

The unit in charge of the collection, identification, preservation and registration of the agricultural seed substance resources is obliged to provide the Office of the State Commission of Agricultural Seed Substance Resources with the relevant information for ensuring share of information on seed substance resources.

### Chapter VII Penalty Provisions

#### Article 38

Those who collect or cut the natural seed substance resources under key state protection in violation of the provisions of the Measures without approval shall be punished according to the provision of Article 61 of the Seed Law of the PRC.

#### Article 39

In case of utilizing the seed substance resources preserved in the long-term state seed substance pools in violation of the provisions of the Measures without approval, the direct responsible executives and other direct responsible persons shall be investigated for administrative punishment.

#### Article 40

Those who provide or introduce seed substance resources outside or from outside China in violation of the provisions of the Measures without approval shall be punished according to the provision of Article 63 of the Seed Law of the PRC.

#### Article 41

In case of violation of the provisions of the Measures, when the competent agricultural departments or agricultural scientific research institutions fail to submit for preservation by the state seed substance pools the seed substance resources and the information on the introduction of such substances received from units or individuals that have not been registered by the state, the unit concerned or the superior competent department shall order them for corrections, and the direct responsible executives and other direct responsible persons shall be investigated for administrative punishment.

### Chapter VIII Supplementary Provisions

#### Article 42

For joint investigation by Chinese and foreign scientists on the agricultural seed substance resources, for providing agricultural seed substance resources outside China, and for introduction of the agricultural seed substance resources from outside China, which belong to the wildlife strains, close strains of wildlife and endangered rare varieties listed in the Catalogue of State Key Wild Plants under Protection, the formalities for examination and approval should be went through according to the Measures, as well as the provisions of the Regulations on Protection of Wild Plants and the Measures for Protection of Wild Agricultural Plants.

#### Article 43

The Measures shall come into force on October 1, 2003, when the content relating to the management of the import and export of seed substance resources in the Interim Measures for Management of the Seeds of Imported Crops (Seedlings) promulgated by the Ministry of Agriculture on March 28, 1997 will be repealed.

The Ministry of Agricultural 2003-07-08