

Medida sobre Administración del Etiquetado de OGMs Agrícolas

Ministerio de Agricultura

Decreto 10/2001 del MOA fija entrada en vigencia

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Measures for Agricultural GMO Labeling Administration

Article 1: In order to strength the administration of Ag GMO labeling, standardize the sale activities of Ag GMOs, guide the production and consumption of Ag GMOs, and protect consumers' right to be informed, these Measures are established in accordance with the Ag GMOs Safety Administration Regulations (hereinafter referred to as "Regulations").

Article 2: The state shall place Ag GMOs under a labeling system. The list of Ag GMOs included under the labeling system shall be published, amended, and announced by the Agricultural Administrative Department and other relevant departments of the State Council.

Article 3: The sale of listed Ag GMOs in China shall comply with the requirements of these Measures.

Any listed Ag GMO shall be labeled. Any unlabeled or mislabeled Ag GMOs shall not be imported or sold.

Article 4: The Ministry of Agriculture shall be in charge of nationwide examination and supervision of Ag GMO labeling.

The agricultural administrative department of local governments above the county level shall be in charge of the local examination and supervision of Ag GMO labeling.

The State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ) shall be in charge of label inspection at port.

Article 5: Listed Ag GMOs shall be labeled by the producer, packer, and individuals concerned. If the original packaging is opened for the purpose of sale, the seller shall re-label the Ag GMOs.

Article 6: Labeling Method:

(1) GM planting seeds, breeding livestock, poultry, fish fry and microorganisms and products with genetically modified animal, plant or microbe ingredients such as planting seeds, breeding livestock, poultry, fish fry, pesticides, veterinary medicines, fertilizer and additives shall be directly labeled "genetically modified XX".

(2) Products made directly from Ag GMOs shall be labeled "genetically modified XX products" or "with XX as raw materials".

(3) Products made from Ag GMOs or materials with GM ingredients that no longer contain GM ingredients or the GM ingredients cannot be detected in the final products for sales shall be labeled "This product is made from genetically modified XX, but the product no longer contains genetically modified ingredients" or "This product uses genetically modified XX as raw materials, but the product no longer contains genetically modified ingredients".

Article 7: Ag GMO labels shall be easy to notice. Ag GMO labels, product labels, and packaging shall be designed and printed at the same time.

If it is difficult to print Ag GMO labels on the original packaging, a separate Ag GMO label shall be attached. The attached label shall be strong and durable.

Article 8: If it is difficult to put an Ag GMO label on the packaging or tag, the following methods can be used:

(1) Ag GMOs in the snack and retail trade, where it is difficult to label every product, can put a label in front of the exhibition counter, on the price tag, or on a sign board.

(2) Ag GMOs that have no packaging or tag can use a sign board.

(3) Ag GMOs in transportation containers and intended for sale without packing can put a label on the containers at the sale site or use a sign board.

(4) The seller of Ag GMOs sold without packaging or a tag and when it is difficult to use a sign board shall make a suitable declaration.

(5) The importer of Ag GMOs imported without packaging or a tag and when it is difficult to use a sign board shall make a note in the document of application for inspection and customs clearance.

Article 9: If Ag GMOs are required to be sold with special limitations, the Ag GMOs shall be clearly indicated; e.g. "only for XX sales (production, processing, etc.)".

Article 10: Language on Ag GMO labels shall be standard Chinese.

Article 11: The labels for imported Ag GMOs shall be used only after approval by the Ministry of Agriculture. Copies of the label shall be submitted to AQSIQ, the Ministry of Trade and Economic Cooperation (MOFTEC), and other relevant government agencies. The labels for domestic Ag GMOs shall be used only after approval by the agricultural administrative department of the local people's government above the county level. The agricultural administrative department at the provincial level shall submit the label to the Ministry of Agriculture for record keeping.

Article 12: The agricultural administrative department responsible for the examination of labels shall make a decision and inform the applicant within 30 days after receiving the application from the applicant.

Article 13: Sellers of Ag GMOs shall check the goods and label when procuring the items.

Article 14: Those who violate the stipulations of these Measures shall be penalized in accordance with Article 52 of the Regulations.

Article 15: These Measures shall be interpreted by the Ministry of Agriculture.

Article 16: These Measures shall be effective from March 20, 2002.

Appendix

List of the first group of Ag GMOs included under the labeling system

1. Soybean seed for planting, soybean, soybean flour, soybean oil, and soybean meal;
2. Corn seeds for planting, corn, corn oil, and corn flour (including the corn flour with harmonized schedule codes 11022000, 11011300 and 11042300);
3. Rape seed for planting, rape seed, rape oil and rape meal;
4. Cotton seed for planting;
5. Tomato seed for planting, fresh tomato, and tomato sauce.