



中华人民共和国种子法

Seed Law of the People's Republic of China

中华人民共和国农村土地承包法

Law of the People's Republic of China
on Land Contract in Rural Areas

中华人民共和国农业法

Agriculture Law of
the People's Republic of China

(中英对照)

(Chinese-English)

法律出版社
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中华人民共和国主席令

第三十四号

《中华人民共和国种子法》已由中华人民共和国第九届全国人民代表大会常务委员会第十六次会议于 2000 年 7 月 8 日通过,现予公布,自 2000 年 12 月 1 日起施行。

中华人民共和国主席 江泽民

2000 年 7 月 8 日

Order of the President of the People's Republic of China

会大表外男八国全品式華日8月7年0005

(批發對會大) No.34 会員委各常

The Seed Law of the People's Republic of China, adopted at the 16th Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on July 8, 2000, is hereby promulgated and shall go into effect as of December 1, 2000.

Jiang Zemin

President of the People's Republic of China

July 8, 2000

項 總 章一第

出時品苗數,應資與轉用除與合時地署工代 章一第

中华人民共和国种子法

(2000年7月8日第九届全国人民代表大会
常务委员会第十六次会议通过)

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第一章 总 则

第一条 为了保护 and 合理利用种质资源,规范品种选

Seed Law of the People's Republic of China

(Adopted at the 16th Meeting of the Standing
Committee of the Ninth National People's
Congress on July 8, 2000)

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Chapter I General Provisions

Article 1 This Law is enacted for the purpose of protecting and

育和种子生产、经营、使用行为,维护品种选育者和种子生产者、经营者、使用者的合法权益,提高种子质量水平,推动种子产业化,促进种植业和林业的发展,制定本法。

第二条 在中华人民共和国境内从事品种选育和种子生产、经营、使用、管理等活动,适用本法。

本法所称种子,是指农作物和林木的种植材料或者繁殖材料,包括籽粒、果实和根、茎、苗、芽、叶等。

第三条 国务院农业、林业行政主管部门分别主管全国农作物种子和林木种子工作;县级以上地方人民政府农业、林业行政主管部门分别主管本行政区域内农作物种子和林木种子工作。

第四条 国家扶持种质资源保护工作和选育、生产、更新、推广使用良种,鼓励品种选育和种子生产、经营相结合,奖励在种质资源保护工作和良种选育、推广等工作中成绩显著的单位和个人。

第五条 县级以上人民政府应当根据科教兴农方针和种植业、林业发展的需要制定种子发展规划,并按照国家有

making rational use of germ plasm resources, standardizing the variety selection and the production of, trading in and use of seeds, safeguarding the lawful rights and interests of variety breeders and seed producers, traders in seeds and seed users, operators and users, improving the quality of seeds, pushing forward the industrial management of seeds and promoting the development of crop cultivation and the forestry industry.

Article 2 This Law shall apply to the activities such as variety selection and production of, trading in, use and management of seeds engaged in within the territory of the People's Republic of China.

For purposes of this Law, seeds mean the materials for planting or propagating crops and forest trees, including grains, fruits, roots, stems, seedlings, sprouts and leaves.

Article 3 The administrative departments for agriculture and for forestry under the State Council shall be respectively in charge of the work related to crop seeds and forest tree seeds throughout the country. The administrative departments for agriculture and for forestry under the local people's governments at or above the county level shall be in charge of the work related to crop seeds and forest tree seeds within their respective administrative regions.

Article 4 The State supports the efforts to protect germ plasm resources and to select, produce, replace and popularize improved varieties, encourages the combination of variety selection with seed production and trading in seeds, and rewards the units and individuals that achieve outstanding successes in the protection of germ plasm resources and in the selection and popularization of improved varieties.

Article 5 People's governments at or above the county level shall make plans for seed development in accordance with the guidelines of developing agriculture with the help of science and education and in light of the need for the development of crop cultivation and the

关规定在财政、信贷和税收等方面采取措施保证规划的实施。

第六条 国务院和省、自治区、直辖市人民政府设立专项资金,用于扶持良种选育和推广。具体办法由国务院规定。

第七条 国家建立种子贮备制度,主要用于发生灾害时的生产需要,保障农业生产安全。对贮备的种子应当定期检验和更新。种子贮备的具体办法由国务院规定。

第二章 种质资源保护

第八条 国家依法保护种质资源,任何单位和个人不得侵占和破坏种质资源。

禁止采集或者采伐国家重点保护的天然种质资源。因科研等特殊情况需要采集或者采伐的,应当经国务院或者省、自治区、直辖市人民政府的农业、林业行政主管部门批准。

第九条 国家有计划地收集、整理、鉴定、登记、保存、

forestry industry, and ensure implementation of the plans by taking measures in the fields of finance, loans and taxation in accordance with the relevant regulations of the State.

Article 6 The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall establish special funds to support the selection and popularization of improved varieties. Specific measures in this regard shall be formulated by the State Council.

Article 7 The State shall establish a system for storing seeds, mainly to meet the need of production in times of calamities and to ensure the security of agricultural production. The seeds kept in reserve shall be regularly inspected and replaced with new seeds. Specific measures for seed storage shall be formulated by the State Council.

Chapter II Protection of Germ Plasm Resources

Article 8 The State protects germ plasm resources in accordance with law, and no units or individuals may seize or impair germ plasm resources.

Collecting and cutting natural germ plasm resources that are under special protection of the State are prohibited. Where such collecting or cutting is required for scientific research or other special purposes, the matter shall be subject to approval by the administrative department for agriculture or for forestry under the State Council or under the people's government of a province, autonomous region or municipality directly under the Central Government.

Article 9 The State, in a planned way, collects, sorts out, verifies, registers, stores, exchanges and utilizes germ plasm

交流和利用种质资源,定期公布可供利用的种质资源目录。
具体办法由国务院农业、林业行政主管部门规定。

国务院农业、林业行政主管部门应当建立国家种质资源库,省、自治区、直辖市人民政府农业、林业行政主管部门可以根据需要建立种质资源库、种质资源保护区或者种质资源保护地。

第十条 国家对种质资源享有主权,任何单位和个人向境外提供种质资源的,应当经国务院农业、林业行政主管部门批准;从境外引进种质资源的,依照国务院农业、林业行政主管部门的有关规定办理。

第三章 品种选育与审定

第十一条 国务院农业、林业、科技、教育等行政主管部门和省、自治区、直辖市人民政府应当组织有关单位进行品种选育理论、技术和方法的研究。

国家鼓励和支持单位和个人从事良种选育和开发。

resources, and regularly issues the catalogue of available germ plasm resources. Specific measures in this respect shall be formulated by the administrative departments for agriculture and for forestry under the State Council.

The administrative departments for agriculture and for forestry under the State Council shall establish a national bank of germ plasm resources, and the administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government may, in light of their need, establish germ plasm resources banks and protection zones or germ plasm resources reserves.

Article 10 The State has the sovereign right over germ plasm resources. Any units or individuals that wish to provide germ plasm resources to people outside China shall apply to the administrative department for agriculture or for forestry under the State Council for approval; Any introduction of germ plasm resources from abroad shall be handled in accordance with the relevant regulations laid down by the administrative department for agriculture or for forestry under the State Council.

Chapter III Selection and Verification of Varieties

Article 11 The administrative departments for agriculture, forestry, science and technology, education, etc. under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall make arrangements for relevant units to carry out research on the theory, technology and methods for variety selection.

The State encourages and supports units and individuals in their

第十二条 国家实行植物新品种保护制度,对经过人工培育的或者发现的野生植物加以开发的植物品种,具备新颖性、特异性、一致性和稳定性的,授予植物新品种权,保护植物新品种权所有人的合法权益。具体办法按照国家有关规定执行。选育的品种得到推广应用的,育种者依法获得相应的经济利益。

第十三条 单位和个人因林业行政主管部门为选育林木良种建立测定林、试验林、优树收集区、基因库而减少经济收入的,批准建立的林业行政主管部门应当按照国家有关规定给予经济补偿。

第十四条 转基因植物品种的选育、试验、审定和推广应当进行安全性评价,并采取严格的安全控制措施。具体办法由国务院规定。

第十五条 主要农作物品种和主要林木品种在推广应用前应当通过国家级或者省级审定,申请者可以直接申请省级审定或者国家级审定。由省、自治区、直辖市人民政府

efforts to select and develop improved varieties.

Article 12 The State applies the system of protecting new plant varieties, whereby the plant varieties cultivated by artificial means or developed from wild plants discovered, which possess the characteristics of novelty, uniqueness, conformity and stability, shall be given the title of new plant varieties and the lawful rights and interests of the owners of such plant varieties shall be protected. The specific measures therefor shall be applied in accordance with the relevant regulations of the State. Where the varieties selected and bred are popularized, the breeders shall be given appropriate economic benefits in accordance with law.

Article 13 Where the earnings of units or individuals are reduced because the administrative departments for forestry establish testing stands, experimental stands, fine tree collection areas or gene banks for selection of improved varieties of forest trees, the administrative departments for forestry that give the approval shall make economic compensation to the units or individuals in accordance with the relevant regulations of the State.

Article 14 The selection, experiment, verification and popularization of transgenic plant varieties shall be subject to security assessment, and strict security control measures shall be taken. Specific measures in this respect shall be formulated by the State Council.

Article 15 Main crop and forest tree varieties shall be subject to verification at the national or provincial level prior to their popularization. Applicants may directly apply for verification at the provincial or national level. Main crop and forest tree varieties determined by the administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall

农业、林业行政主管部门确定的主要农作物品种和主要林木品种实行省级审定。

主要农作物品种和主要林木品种的审定办法应当体现公正、公开、科学、效率的原则,由国务院农业、林业行政主管部门规定。

国务院和省、自治区、直辖市人民政府的农业、林业行政主管部门分别设立由专业人员组成的农作物品种和林木品种审定委员会,承担主要农作物品种和主要林木品种的审定工作。

在具有生态多样性的地区,省、自治区、直辖市人民政府农业、林业行政主管部门可以委托设区的市、自治州承担适宜于在特定生态区域内推广应用的主要农作物品种和主要林木品种的审定工作。

第十六条 通过国家级审定的主要农作物品种和主要林木良种由国务院农业、林业行政主管部门公告,可以在全国适宜的生态区域推广。通过省级审定的主要农作物品种