

Implementation Regulations on Labeling of Agricultural Genetically Modified Organisms

(Adopted at the 5th Executive Meeting of the Ministry of Agriculture on July 11, 2001,
promulgated by Decree No. 10 of the Ministry of Agriculture of the People's Republic
of China on January 5, 2002)

Article 1.. These implementation regulations are formulated in accordance with the Regulations on Safety of Agricultural Genetically Modified Organisms for the purposes of strengthening the labeling administration of agricultural genetically modified organisms (hereinafter referred to as GMOs), standardizing the marketing activities of agricultural GMOs, guiding the production and consumption of agricultural GMOs, and protecting consumers' right of full access to the information about the products.

Article 2. The State shall institute a labeling system for agricultural GMOs. The catalogue of agricultural GMOs subject to the labeling requirements shall be prepared, readjusted and published by the competent agriculture administrative department in consultation with relevant departments of the State Council.

Article 3.. The marketing of any agricultural GMOs listed in the labeling catalogue in the territories of the People's Republic of China shall comply with these implementation regulations.

All agricultural GMOs listed in this catalogue and intended for marketing shall be labeled. Any agricultural GMO that bears no label or whose label is not in conformity with the requirements of these implementation regulations shall be banned from import or marketing.

Article 4.. The Ministry of Agriculture is responsible for the nationwide examination, approval and supervision of the labeling of agricultural GMOs.

The competent agricultural administrative department of the local people's government at or above the level of county shall be responsible for the supervision and administration of the labeling of agricultural GMOs within its administrative area.

The State Administration of Quality Supervision, Inspection, and Quarantine is responsible for the labeling inspection at port.

Article 5.. The organization or person that produces or packs the agricultural GMOs listed in the above mentioned catalogue shall be responsible for the labeling. The marketing organization or person shall re-label the products if their original packages have been opened for sale

Article 6. Labeling methods:

- (1) Genetically modified animals, plants (including plant seeds, breeding livestock and poultry, and aquatic fry and seeds) and microorganisms shall be directly labeled as “genetically modified x x”.

This provision also applies to the products derived from such GMOs and plant seeds, breeding livestock and poultry, aquatic fry and seeds, pesticides, veterinary medicine and biologics, fertilizers and additives containing such GMOs or products derived from them.

- (2) The product directly processed from the agricultural GMOs shall be labeled as “genetically modified × × product (finished product)” or “ processed with genetically modified × × as raw material.”
- (3) With regard to products that are made from GMOs or products containing GMO ingredients but are found to contain no genetically modified ingredients or show no traces of such ingredients when they are finally sold, the following label shall be used: “This product is made from genetically modified X X but no longer contains genetically modified ingredients” or “The raw materials of this product contain genetically modified X X, but the product itself no longer contains genetically modified ingredients.”

Article 7. The label of agricultural GMOs should be easily noticeable, and designed and printed simultaneously with the product’s packaging and commodity label.

If it is difficult to integrate the agricultural GMO label into the original packaging or commodity label, a separate agricultural GMO label shall be attached to the original packaging or commodity label, but the attached label shall be strong and durable.

Article 8. If it is difficult to label the product as agricultural GMOs on its packaging or commodity label, the following methods may be adopted:

- (1) When it is difficult to label every single product as agricultural GMOs in the fast food industry and retail business, the label of agricultural GMOs may be put in the showcase, on the counter, on the price tag or on a sign board

especially installed for this purpose.

- (2) When agricultural GMOs without packaging or commodity label are on sale, the label of agricultural GMOs may put on a sign board especially installed for this purpose.
- (3) When unpacked agricultural GMOs are sold directly from transportation containers, the label of agricultural GMOs may be put on the containers or on a board especially installed at the sale site for this purpose.
- (4) When it is difficult to label unpacked and unlabeled agricultural GMOs for sale with a sign board, the seller shall, in an appropriate manner, make a declaration about the GMO character of the product.
- (5) When it is difficult to label unpacked and unlabeled imported agricultural GMOs with a sign board, the importer shall make a note in the bill of entry clearly indicating the imports' GMO character.

Article 9. If there are special requirements on the marketing scope of agricultural GMOs, the scope shall be clearly indicated with the expression “only for X X sale (production, processing or use).”

Article 10. The language on the label of agricultural GMOs shall be standard Chinese.

Article 11.. The labels of imported agricultural GMOs shall not be used until after the examination and approval of the Ministry of Agriculture, and the duplicate copies of the approval documents shall be sent to the State Administration of Quality Supervision, Inspection, and Quarantine, the Ministry of Foreign Trade and Economic Cooperation and other relevant government departments.

The labels of domestic agricultural GMOs shall not be used by the producer or packer until after the examination and approval of the local competent agricultural administrative department at or above the county level. The competent agricultural administrative department at the provincial level shall report the province's cases of approved labels to the Ministry of Agriculture for the record.

Article 12.. The competent agricultural administrative department responsible

for the examination and approval of the label of agricultural GMOs shall make a decision and notify the applicant of the decision within 30 days after receiving the application from the applicant.

Article 13. Any organization or person that markets agricultural GMOs shall check the label with the goods and make sure of their conformity when making procurements.

Article 14. Those who violate these implementation regulations shall be penalized in accordance with the provisions of Article 52 of the Regulations on Safety of Agricultural Genetically Modified Organisms.

Article 15. The Ministry of Agriculture is responsible for the explanation of these implementation regulations.

Article 16. These implementation regulations shall enter into force as of March 20, 2002.

Appendix

Category of the first group of agricultural GMOs included under the labeling system:

1. Soybean seeds for planting, soybeans, soybean flour, soybean oil, and soybean meal;
2. Corn seeds for planting, corn, corn oil, corn flour (including corn flour with tax codes of 11022000, 11031300 and 11042300);
3. Rape seeds for planting, rape seed, rape oil and rape meal;
4. Cotton seeds for planting;
5. Tomato seeds for planting, fresh tomatoes and tomato sauce.