

中华人民共和国国务院令
第 677 号

《农药管理条例》已经 2017 年 2 月 8 日国务院第 164 次常务会议修订通过，
现将修订后的《农药管理条例》公布，自 2017 年 6 月 1 日起施行。

总理 李克强
2017 年 3 月 16 日

Decree 677 of the State Council of the People's Republic of China

The Regulations on the Management of Pesticides, revised and adopted at the
164th Executive Session of the State Council on February 8, 2017, are hereby
promulgated and shall become effective on June 1, 2017.

Li Keqiang

Premier

March 16, 2017

农 药 管 理 条 例

(1997 年 5 月 8 日中华人民共和国国务院令第 216 号发布
根据 2001 年 11 月 29 日《国务院关于修改〈农药管理条例〉
的决定》修订 2017 年 2 月 8 日国务院第 164 次常务会议修订通过)

Regulations on the Management of Pesticides

*Promulgated by Decree 216 of the State Council of the People's Republic of China
on May 8, 1997, revised in accordance with the November 29, 2001 Resolution
of the State Council on Revising the Regulations on the Management of Pesticides,
and revised and adopted at the 164th Executive Session of
the State Council on February 8, 2017*

农药管理条例

Regulations on the Management of Pesticides

第一章 总 则

Chapter I General Provisions

第一条 为了加强农药管理，保证农药质量，保障农产品质量和人畜安全，保护农业、林业生产和生态环境，制定本条例。

Article 1 These Regulations are formulated for the purposes of strengthening the management of pesticides, ensuring the quality of pesticides, ensuring the quality and safety of agricultural products and the safety of human beings and animals, and protecting agricultural and forestry production and the ecological environment.

第二条 本条例所称农药，是指用于预防、控制危害农业、林业的病、虫、草、鼠和其他有害生物以及有目的地调节植物、昆虫生长的化学合成或者来源于生物、其他天然物质的一种物质或者几种物质的混合物及其制剂。

Article 2 A pesticide, as referred to in these Regulations, means a substance or mixture or other preparation of one or more substances derived from chemical synthesis, or originated from biological and other natural sources, used to prevent or control diseases, insects, weeds, rodents or other organisms harmful to agriculture and forestry, and aimed to regulate the growth of plants and insects.

前款规定的农药包括用于不同目的、场所的下列各类：

Pesticides, as stipulated in the preceding paragraph, include various types to be used for the following purposes and locations:

(一) 预防、控制危害农业、林业的病、虫（包括昆虫、蜱、螨）、草、鼠、软体动物和其他有害生物；

(1) To prevent or control diseases, insects (including insects, ticks and mites), weeds, rodents, mollusks and other organisms harmful to agriculture and forestry;

(二) 预防、控制仓储以及加工场所的病、虫、鼠和其他有害生物；

(2) To prevent or control diseases, insects, rodents and other organisms harmful to storehouses and processing sites;

(三) 调节植物、昆虫生长;

(3) To regulate the growth of plants and insects;

(四) 农业、林业产品防腐或者保鲜;

(4) To be used as preservatives in agricultural or forestry products;

(五) 预防、控制蚊、蝇、蜚蠊、鼠和其他有害生物;

(5) To prevent or control mosquitoes, flies, cockroaches, rodents and other harmful organisms;

(六) 预防、控制危害河流堤坝、铁路、码头、机场、建筑物和其他场所的有害生物。

(6) To prevent or control organisms harmful to dykes and dams, railways, ports, airports, buildings and other sites.

第三条 国务院农业主管部门负责全国的农药监督管理工作。

Article 3 The agricultural authority of the State Council shall be responsible for the supervision and management of pesticides nationwide.

县级以上地方人民政府农业主管部门负责本行政区域的农药监督管理工作。

Agricultural authorities of local people's governments at or above the county level shall be responsible for the supervision and management of pesticides within their respective administrative areas.

县级以上人民政府其他有关部门在各自职责范围内负责有关的农药监督管理工作。

Other relevant departments of people's governments at or above the county level shall be responsible for the supervision and management of pesticides within the respective scopes of their duties.

第四条 县级以上地方人民政府应当加强对农药监督管理工作的组织领导, 将农药监督管理经费列入本级政府预算, 保障农药监督管理工作的开展。

Article 4 Local people's governments at or above the county level shall enhance organizing and leading the pesticide supervision and management, budget the funds for pesticide supervision and management on their own governmental levels, and ensure pesticide supervision and management.

第五条 农药生产企业、农药经营者应当对其生产、经营的农药的安全性、有效性负责，自觉接受政府监管和社会监督。

Article 5 Pesticide producers and dealers shall be responsible for the safety and effectiveness of the pesticides they produce and trade, and shall consciously accept government supervision and public oversight.

农药生产企业、农药经营者应当加强行业自律，规范生产、经营行为。

Pesticide producers and dealers shall strengthen the industry's self-discipline and standardize production and dealing practices.

第六条 国家鼓励和支持研制、生产、使用安全、高效、经济的农药，推进农药专业化使用，促进农药产业升级。

Article 6 The State encourages and supports the research and development, production and use of safe, high-efficacy and economical pesticides, and promotes the professional use and upgrades of the pesticide industry.

对在农药研制、推广和监督管理等工作中作出突出贡献的单位和个人，按照国家有关规定予以表彰或者奖励。

Organizations and individuals that make outstanding contributions to the research and development, promotion, supervision and management of pesticides shall be recognized and rewarded in accordance with relevant provisions of the State.

第二章 农药登记

Chapter II Registration of Pesticides

第七条 国家实行农药登记制度。农药生产企业、向中国出口农药的企业应当依照本条例的规定申请农药登记，新农药研制者可以依照本条例的规定申请农药登记。

Article 7 The State implements a pesticide registration system. Pesticide producers and enterprises that export pesticides to China must apply to register pesticides in accordance with the provisions of these Regulations. Developers of new pesticides may apply to register them in accordance with the provisions of these Regulations.

国务院农业主管部门所属的负责农药检定工作的机构负责农药登记具体工作。省、自治区、直辖市人民政府农业主管部门所属的负责农药检定工作的机构协助做好本行政区域的农药登记具体工作。

The institution responsible for verifying pesticides under the agricultural authority of the State Council shall be responsible for specific pesticide registration management. Institutions responsible for verifying pesticides under agricultural authorities of local people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall assist with specific pesticide registration management within their administrative area.

第八条 国务院农业主管部门组织成立农药登记评审委员会，负责农药登记评审。

Article 8 The agricultural authority of the State Council shall organize the establishment of pesticide registration review committees responsible for evaluating registration applications.

农药登记评审委员会由下列人员组成：

Pesticide registration review committees shall consist of the following people:

(一) 国务院农业、林业、卫生、环境保护、粮食、工业行业管理、安全生产监督管理等有关部门和供销合作总社等单位推荐的农药产品化学、药效、毒理、残留、环境、质量标准和检测等方面的专家；

(1) Experts in the areas of pesticide product chemistry, efficacy, toxicology, residues, environment, quality standards, and certificate, who are recommended by State Council departments in charge of agriculture, forestry, health, environmental protection, food, industrial administration and production safety oversight and supervision, and Supply and Marketing Cooperatives etc.

(二) 国家食品安全风险评估专家委员会的有关专家；

(2) Relevant experts from the Expert Committee of National Food Safety Risk Assessment;

(三) 国务院农业、林业、卫生、环境保护、粮食、工业行业管理、安全生产监督管理等有关部门和供销合作总社等单位的代表。

(3) Representatives from State Council departments in charge of agriculture, forestry, health, environmental protection, food, industrial administration and production safety oversight and supervision, as well as from Supply and Marketing Cooperatives etc.

农药登记评审规则由国务院农业主管部门制定。

Rules for evaluating pesticide registration shall be established by the agricultural authority of the State Council.

第九条 申请农药登记的，应当进行登记试验。

Article 9 Registration applicants shall conduct registration studies.

农药的登记试验应当报所在地省、自治区、直辖市人民政府农业主管部门备案。

Pesticide registration studies shall be reported to local agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government for their records.

新农药的登记试验应当向国务院农业主管部门提出申请。国务院农业主管部门应当自受理申请之日起 40 个工作日内对试验的安全风险及其防范措施进行审查，符合条件的，准予登记试验；不符合条件的，书面通知申请人并说明理由。

New pesticide registration studies shall be applied to the agricultural authority of the State Council for permit. The State Council agricultural authority shall, within 40 working days from the day of accepting applications, assess the safety risks of studies and their relevant preventative measures. Where the criteria are met, the registration studies shall be granted where the criteria are not met, applicants shall be notified in writing of the reasons.

第十条 登记试验应当由国务院农业主管部门认定的登记试验单位按照国务院农业主管部门的规定进行。

Article 10 Registration studies should be carried out by registration testing units designated by the State Council agricultural authority in accordance with provisions of the State Council agricultural authority.

与已取得中国农药登记的农药组成成分、使用范围和使用方法相同的农药，免于残留、环境试验，但已取得中国农药登记的农药依照本条例第十五条的规定在登记资料保护期内的，应当经农药登记证持有人授权同意。

Pesticides with the same composition, scope of use, and method of use as pesticides already registered in China shall be exempt from residue and environmental studies; but pesticides already registered in China shall, in accordance with the provisions of Article 15 of these Regulations, receive authorization from the registration certificate holder within the protection period of the registration data.

登记试验单位应当对登记试验报告的真实性的负责。

Registration testing units shall be responsible for the authenticity of registration study reports.

第十一条 登记试验结束后，申请人应当向所在地省、自治区、直辖市人民政府农业主管部门提出农药登记申请，并提交登记试验报告、标签样张和农药产品质量标准及其检验方法等申请资料；申请新农药登记的，还应当提供农药标准品。

Article 11 After registration studies have been finished, applicants shall submit pesticide registration applications to agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government where they are located, including the registration study reports, label sampling and pesticide product quality standards and testing methods of the product. Applications to register new pesticides should also include a standard product sample.

省、自治区、直辖市人民政府农业主管部门应当自受理申请之日起 20 个工作日内提出初审意见，并报送国务院农业主管部门。

Agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, within 20 working days from the day of accepting applications, generate preliminary assessment and report to the State Council agricultural authority.

向中国出口农药的企业申请农药登记的，应当持本条第一款规定的资料、农药标准品以及在有关国家（地区）登记、使用的证明材料，向国务院农业主管部门提出申请。

Companies exporting pesticides to China shall submit a pesticide registration application to the State Council agricultural authority together with the information stipulated in Paragraph 1 of this Article, a pesticide standard sample, and the proof materials of the registrations and uses in other relevant countries (or regions).

第十二条 国务院农业主管部门受理申请或者收到省、自治区、直辖市人民政府农业主管部门报送的申请资料后，应当组织审查和登记评审，并自收到评审意见之日起 20 个工作日内作出审批决定，符合条件的，核发农药登记证；不符合条件的，书面通知申请人并说明理由。

Article 12 Upon accepting an application or application dossiers sent by agricultural authorities of people's government of provinces, autonomous regions and municipalities directly under the Central Government, the State Council agricultural authority shall organize an examination and registration assessment, and make a decision within 20 working days from the day of receiving assessment. Where the criteria are met, a pesticide registration certificate shall be issued; where the criteria are not met, applicants shall be notified in writing of the reasons.

第十三条 农药登记证应当载明农药名称、剂型、有效成分及其含量、毒性、使用范围、使用方法和剂量、登记证持有人、登记证号以及有效期等事项。

Article 13 Pesticide registration certificates shall specify the name, formulation type, active ingredient(s), contents, toxicity, scope of use, method of use, dosage of the pesticide, and the name of certificate holder, certificate number and validity etc.

农药登记证有效期为 5 年。有效期届满，需要继续生产农药或者向中国出口农药的，农药登记证持有人应当在有效期届满 90 日前向国务院农业主管部门申请延续。

Pesticide registration certificates shall be valid for five years. If a certificate expires and it is necessary to continue producing the pesticide or to export the pesticide to China, the pesticide registration certificate holder shall apply to the State Council agricultural authority for an extension of the registration certificate 90 days prior to its expiration.

农药登记证载明事项发生变化的，农药登记证持有人应当按照国务院农业主管部门的规定申请变更农药登记证。

Where a change occurs to the information contained on a pesticide registration certificate, the pesticide registration certificate holder shall apply to change the pesticide registration certificate in accordance with provisions of the State Council agricultural authority.

国务院农业主管部门应当及时公告农药登记证核发、延续、变更情况以及有关的农药产品质量标准号、残留限量规定、检验方法、经核准的标签等信息。

The State Council agricultural authority shall timely announce the information of the issuance, extension or change of pesticide registration certificates and relevant pesticide product quality standard numbers, residue limits rules, testing methods and approved labels etc.

第十四条 新农药研制者可以转让其已取得登记的新农药的登记资料；农药生产企业可以向具有相应生产能力的农药生产企业转让其已取得登记的农药的登记资料。

Article 14 New pesticide developers could transfer registered new pesticide registration dossier; pesticide producers may transfer registered pesticide registration dossier to other pesticide producer with corresponding production capabilities.

第十五条 国家对取得首次登记的、含有新化合物的农药的申请人提交的其自己所取得且未披露的试验数据和其他数据实施保护。

Article 15 The State shall protect undisclosed study data and other data generated by the applicants in pesticides that are firstly registered, and containing new compounds.

自登记之日起 6 年内, 对其他申请人未经已取得登记的申请人同意, 使用前款规定的数
据申请农药登记的, 登记机关不予登记; 但是, 其他申请人提交其自己所取得的数据的
除外。

Within six years of the date of a registration, without the consent of the applicant who
has already registered, any other party who uses the data outlined in the preceding
paragraph to apply to register a pesticide shall be refused registration by the registration
authority, except where other applicant(s) submits data obtained by their own.

除下列情况外, 登记机关不得披露本条第一款规定的数

The registration authority shall not disclose data stipulated in Paragraph 1 of this Article
except in the following circumstances:

(一) 公共利益需要;

(1) It is the need of the public interest;

(二) 已采取措施确保该类信息不会被不正当地进行商业使用。

(2) Measures have been taken to ensure that such information shall not be in
improper commercial use.

第三章 农药生产

Chapter III Pesticide Production

第十六条 农药生产应当符合国家产业政策。国家鼓励和支持农药生产企业采用先进技
术和先进管理规范, 提高农药的安全性、有效性。

Article 16 Pesticide production shall conform to national industrial policies. The
State encourages and supports pesticide producers to adopt advanced technology and
management practices to improve the safety and effectiveness of pesticides.

第十七条 国家实行农药生产许可制度。农药生产企业应当具备下列条件, 并按照国务
院农业主管部门的规定向省、自治区、直辖市人民政府农业主管部门申请农药生产许可
证:

Article 17 The State implements a pesticide production permit system. Pesticide producers that meet the following conditions shall apply for a pesticide production permit from agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the provisions of the State Council agricultural authority:

(一) 有与所申请生产农药相适应的技术人员;

(1) Have suitable technical personnel for the pesticide production applied for;

(二) 有与所申请生产农药相适应的厂房、设施;

(2) Have suitable plants and facilities for the pesticide production applied for;

(三) 有对所申请生产农药进行质量管理和质量检验的人员、仪器和设备;

(3) Have personnel, instruments and equipment suitable for carrying out quality management and inspection for the pesticide production applied for;

(四) 有保证所申请生产农药质量的规章制度。

(4) Have regulations for guaranteeing the quality of the pesticide production applied for.

省、自治区、直辖市人民政府农业主管部门应当自受理申请之日起 20 个工作日内作出审批决定, 必要时应当进行实地核查。符合条件的, 核发农药生产许可证; 不符合条件的, 书面通知申请人并说明理由。

Agricultural authorities of provinces, autonomous regions and municipalities directly under the Central Government shall, within 20 working days of accepting applications, make decisions, and carry out on-site inspections if necessary. Where criteria are met, a pesticide production permit shall be issued; where criteria are not met, applicants shall be notified in writing of the reasons.

安全生产、环境保护等法律、行政法规对企业生产条件有其他规定的, 农药生产企业还应当遵守其规定。

Pesticide producers shall also comply with other provisions of production safety and environmental protection laws and regulations concerning production conditions.

第十八条 农药生产许可证应当载明农药生产企业名称、住所、法定代表人(负责人)、生产范围、生产地址以及有效期等事项。

Article 18 Pesticide production permit shall specify the name, address, legal representative (responsible person), scope of production and production address of the pesticide production company, as well as the validity of the permit.

农药生产许可证有效期为 5 年。有效期届满，需要继续生产农药的，农药生产企业应当在有效期届满 90 日前向省、自治区、直辖市人民政府农业主管部门申请延续。

Pesticide production permit is valid for five years. If a permit expires and it is necessary to continue producing the pesticide, the pesticide production company shall apply for an extension to a local agricultural authority of a people's government of a province, autonomous region or municipality directly under the Central Government 90 days prior to its expiration.

农药生产许可证载明事项发生变化的，农药生产企业应当按照国务院农业主管部门的规定申请变更农药生产许可证。

Where a change occurs to the information contained on a pesticide production permit, the pesticide production company shall apply to change the pesticide production permit in accordance with provisions of the State Council agricultural authority.

第十九条 委托加工、分装农药的，委托人应当取得相应的农药登记证，受托人应当取得农药生产许可证。

Article 19 When tolling or repack of pesticide occur, the entruster shall obtain a corresponding pesticide registration certificate, and the entrustee shall obtain a pesticide production permit.

委托人应当对委托加工、分装的农药质量负责。

The entruster shall be responsible for the pesticide quality of tolling and repackaging.

第二十条 农药生产企业采购原材料，应当查验产品质量检验合格证和有关许可证明文件，不得采购、使用未依法附具产品质量检验合格证、未依法取得有关许可证明文件的原材料。

Article 20 Pesticide producers that purchase raw materials shall examine production quality inspection certificates and other relevant proof documents, and must not purchase or use raw materials that do not have a product quality inspection certificate in accordance with the law or do not have relevant proof documents in accordance with the law.

农药生产企业应当建立原材料进货记录制度，如实记录原材料的名称、有关许可证明文件编号、规格、数量、供货人名称及其联系方式、进货日期等内容。原材料进货记录应当保存 2 年以上。

Pesticide producers shall keep raw material purchasing and entry records, which shall truthfully record the name, relevant permit document numbers, specifications, quantity, supplier name and contact details, and entry date. Raw material purchasing and entry records shall be kept for no less than two years.

第二十一条 农药生产企业应当严格按照产品质量标准进行生产，确保农药产品与登记农药一致。农药出厂销售，应当经质量检验合格并附具产品质量检验合格证。

Article 21 Pesticide production enterprises shall strictly comply with product quality standards in the course of production to ensure pesticide products are consistent with the registered pesticides. Produced pesticides to be sold must pass the quality inspections and attach the product quality inspection certificates.

农药生产企业应当建立农药出厂销售记录制度，如实记录农药的名称、规格、数量、生产日期和批号、产品质量检验信息、购货人名称及其联系方式、销售日期等内容。农药出厂销售记录应当保存 2 年以上。

Pesticide producers shall establish factory sales records, which shall truthfully record the name, specifications, quantity, production date and batch number of pesticides, as well as product quality inspection information, name and contact details of purchasers and sales dates. Pesticide factory sales records shall be kept for no less than two years.

第二十二条 农药包装应当符合国家有关规定，并印制或者贴有标签。国家鼓励农药生产企业使用可回收的农药包装材料。

Article 22 Pesticide packaging shall comply with relevant provisions of the State and shall have printed or stuck-on labels. The State encourages pesticide producers to use recyclable packaging materials.

农药标签应当按照国务院农业主管部门的规定，以中文标注农药的名称、剂型、有效成分及其含量、毒性及其标识、使用范围、使用方法和剂量、使用技术要求和注意事项、生产日期、可追溯电子信息码等内容。

Pesticide labels shall, in accordance with provisions of the State Council agricultural authority, indicate, in Chinese, the name, formulation type, active ingredient, contents, toxicity and its identification, scope of use, method of use, dosage, technical requirements, precautions, date of production of pesticides and traceable electronic information codes.

剧毒、高毒农药以及使用技术要求严格的其他农药等限制使用农药的标签还应当标注“限制使用”字样，并注明使用的特别限制和特殊要求。用于食用农产品的农药的标签还应当标注安全间隔期。

Extremely toxic and highly toxic pesticides, pesticides with strict technical requirements and other pesticides with restricted uses shall be marked with the words “Restricted Use” and indicate their particular restrictions and special requirements. Labels of pesticides used in food products shall also indicate the safety interval.

第二十三条 农药生产企业不得擅自改变经核准的农药的标签内容，不得在农药的标签中标注虚假、误导使用者的内容。

Article 23 Pesticide producers must not change the information of approved pesticide labels; neither indicate false or misleading contents on labels.

农药包装过小，标签不能标注全部内容的，应当同时附具说明书，说明书的内容应当与经核准的标签内容一致。

Where pesticide packaging is too small to cover all information on a label, an instruction manual shall be provided, the contents of which shall be the same as the approved label information.

第四章 农药经营

Chapter IV Pesticide Business

第二十四条 国家实行农药经营许可制度，但经营卫生用农药的除外。农药经营者应当具备下列条件，并按照国务院农业主管部门的规定向县级以上地方人民政府农业主管部门申请农药经营许可证：

Article 24 The State implements a pesticide business license system, which does not include public health pesticides. Pesticide business dealers that meet the following conditions shall apply for a pesticide business license from agricultural authorities of local people’s governments at or above the county level in accordance with the provisions of the State Council agricultural authority:

（一）有具备农药和病虫害防治专业知识，熟悉农药管理规定，能够指导安全合理使用农药的经营人员；

(1) Have dealers with professional knowledge of pesticides and pest control, who are familiar with provisions on pesticide management, and who can guide the safe and rational use of pesticides;

(二) 有与其他商品以及饮用水水源、生活区域等有效隔离的营业场所和仓储场所，并配备与所申请经营农药相适应的防护设施；

(2) Have business premises and storage areas that are effectively isolated from other commodities, drinking water sources and living areas, and are equipped with protective facilities suitable for the pesticide business applied for;

(三) 有与所申请经营农药相适应的质量管理、台账记录、安全防护、应急处置、仓储管理等制度。

(3) Have quality management, accounting records, security, emergency response and storage management systems suitable for the pesticide business applied for.

经营限制使用农药的，还应当配备相应的用药指导和病虫害防治专业技术人员，并按照所在地省、自治区、直辖市人民政府农业主管部门的规定实行定点经营。

Anyone dealing in restricted used pesticides shall also have the necessary pesticides use guiding and pest control professional and technical personnel, and they shall implement designated-sites operations in accordance with the provisions of local agricultural authorities of people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

县级以上地方人民政府农业主管部门应当自受理申请之日起 20 个工作日内作出审批决定。符合条件的，核发农药经营许可证；不符合条件的，书面通知申请人并说明理由。

Agricultural authorities of local people's governments at or above the county level shall make a decision within 20 working days from the day of accepting an application. Where the criteria are met, a pesticide business license shall be issued; where the criteria are not met, applicants shall be notified in writing of the reasons.

第二十五条 农药经营许可证应当载明农药经营者名称、住所、负责人、经营范围以及有效期等事项。

Article 25 Pesticide business licenses shall specify the name, address, person in charge, scope of business and validity of the pesticide dealer.

农药经营许可证有效期为 5 年。有效期届满，需要继续经营农药的，农药经营者应当在有效期届满 90 日前向发证机关申请延续。

Pesticide business licenses are valid for five years. If a license expires and it is necessary to continue dealing in pesticides, the pesticide dealer shall apply to the license issuing authority for an extension 90 days prior to its expiration.

农药经营许可证载明事项发生变化的，农药经营者应当按照国务院农业主管部门的规定申请变更农药经营许可证。

Where a change occurs to the information contained in a pesticide business license, the pesticide dealer shall apply to change the pesticide production license in accordance with provisions of the State Council agricultural authority.

取得农药经营许可证的农药经营者设立分支机构的，应当依法申请变更农药经营许可证，并向分支机构所在地县级以上地方人民政府农业主管部门备案，其分支机构免予办理农药经营许可证。农药经营者应当对其分支机构的经营活动负责。

Where a pesticide dealer with a pesticide business license sets up a branch operation, they shall apply to change their pesticide business license in accordance with the law, and file with the agricultural authority of a local people's government at or above the county level where the branch is located, and the branch operation shall be exempt from acquiring a pesticide business license. Pesticide dealers shall be responsible for the business activities of their branches.

第二十六条 农药经营者采购农药应当查验产品包装、标签、产品质量检验合格证以及有关许可证明文件，不得向未取得农药生产许可证的农药生产企业或者未取得农药经营许可证的其他农药经营者采购农药。

Article 26 When purchasing pesticides, pesticide dealers shall check product packaging, labels, product quality certificates and relevant proof documents, and must not purchase pesticides from pesticide producers that do not have a pesticide production permit or from other pesticide dealers who do not have a pesticide business license.

农药经营者应当建立采购台账，如实记录农药的名称、有关许可证明文件编号、规格、数量、生产企业和供货人名称及其联系方式、进货日期等内容。采购台账应当保存 2 年以上。

Pesticide dealers shall establish procurement accounts and truthfully record details including names, relevant license and document numbers, specifications, quantities, names and contact details of producers and suppliers, and purchase dates etc. Procurement accounts shall be kept for not less than two years.

第二十七条 农药经营者应当建立销售台账，如实记录销售农药的名称、规格、数量、生产企业、购买人、销售日期等内容。销售台账应当保存 2 年以上。

Article 27 Pesticide dealers shall establish sales accounts and truthfully record details including names, specifications, quantities, producers, purchasers and sales dates etc. Sales accounts shall be kept for not less than two years.

农药经营者应当向购买人询问病虫害发生情况并科学推荐农药，必要时应当实地查看病虫害发生情况，并正确说明农药的使用范围、使用方法和剂量、使用技术要求和注意事项，不得误导购买人。

Pesticide dealers shall ask buyers about the occurrence of pests and scientifically recommend pesticides. Where necessary, they shall conduct on-site checks of pests and correctly explain the scope of use, method of use, dosage, technical requirements and precautions of pesticides. Pesticide dealers must not mislead buyers.

经营卫生用农药的，不适用本条第一款、第二款的规定。

The provisions of paragraphs 1 and 2 of this Article do not apply to pesticides used in public health.

第二十八条 农药经营者不得加工、分装农药，不得在农药中添加任何物质，不得采购、销售包装和标签不符合规定，未附具产品质量检验合格证，未取得有关许可证明文件的农药。

Article 28 Pesticide dealers must not process or repack pesticides, must not add any substances to pesticides, and must not purchase or sell pesticides whose packaging or labels violates provisions, or the pesticides lack of product quality inspection certificates or relevant proof documents.

经营卫生用农药的，应当将卫生用农药与其他商品分柜销售；经营其他农药的，不得在农药经营场所内经营食品、食用农产品、饲料等。

Business dealers of pesticides used in public health shall sell pesticides used in public health and other commodities separately; business dealers of other pesticides must not sell foodstuffs, edible agricultural products, or fodder in the same premises as pesticides.

第二十九条 境外企业不得直接在中国销售农药。境外企业在中国销售农药的，应当依法在中国设立销售机构或者委托符合条件的中国代理机构销售。

Article 29 Foreign enterprises must not directly sell pesticides in China. Foreign enterprises that wish to sell pesticides in China shall set up sales agencies in China or appoint qualified Chinese agencies on their behalf.

向中国出口的农药应当附具中文标签、说明书，符合产品质量标准，并经出入境检验检疫部门依法检验合格。禁止进口未取得农药登记证的农药。

Pesticides exported to China shall have attached labels and instructions written in Chinese, comply with product quality standards and pass an inspection by an entry-exit inspection and quarantine department in accordance with the law. It is forbidden to import pesticides without registrations.

办理农药进出口海关申报手续，应当按照海关总署的规定出示相关证明文件。

Relevant supporting certificate documents shall be presented during customs declaration for importing and exporting pesticides in accordance with provisions of the General Administration of Customs.

第五章 农药使用

Chapter V Use of Pesticides

第三十条 县级以上人民政府农业主管部门应当加强农药使用指导、服务工作，建立健全农药安全、合理使用制度，并按照预防为主、综合防治的要求，组织推广农药科学使用技术，规范农药使用行为。林业、粮食、卫生等部门应当加强对林业、储粮、卫生用农药安全、合理使用的技术指导，环境保护主管部门应当加强对农药使用过程中环境保护和污染防治的技术指导。

Article 30 Agricultural authorities of people's governments at or above the county level shall strengthen pesticide use guidance and service, establish systems for safe and rational use of pesticides, and, in accordance with the requirements of prevention-first and comprehensive prevention and treatment, promote scientific use of pesticides, so as to regulate the use of pesticides. Forestry, food and sanitation departments shall strengthen technical guidance for the safe and rational use of pesticides in their respective areas, and departments in charge of environmental protection shall strengthen technical guidance on environmental protection and pollution prevention in the course of using pesticides.

第三十一条 县级人民政府农业主管部门应当组织植物保护、农业技术推广等机构向农药使用者提供免费技术培训，提高农药安全、合理使用水平。

Article 31 Agricultural authorities of county-level people's governments shall organize free technical trainings to pesticide users by plant protection, agricultural technology extension and other agencies, in order to improve the safe and rational use of pesticides.

国家鼓励农业科研单位、有关学校、农民专业合作社、供销合作社、农业社会化服务组织和专业人员为农药使用者提供技术服务。

The State encourages agricultural scientific research units, relevant schools, farmers' cooperatives, supply and marketing cooperatives, agricultural social service organizations and professionals to provide technical services to pesticide users.

第三十二条 国家通过推广生物防治、物理防治、先进施药器械等措施，逐步减少农药使用量。

Article 32 The State shall gradually reduce the use of pesticides by promoting biological controls, physical controls, advanced spraying devices and other measures.

县级人民政府应当制定并组织实施本行政区域的农药减量计划；对实施农药减量计划、自愿减少农药使用量的农药使用者，给予鼓励和扶持。

County-level people's governments shall make and implement plans to reduce pesticide use in their respective administrative areas and encourage and support pesticide users who conduct pesticide reduction plans and voluntarily reduce the volume of pesticides used.

县级人民政府农业主管部门应当鼓励和扶持设立专业化病虫害防治服务组织，并对专业化病虫害防治和限制使用农药的配药、用药进行指导、规范和管理，提高病虫害防治水平。

Agricultural authorities of county-level people's governments shall encourage and support the establishment of professional pest control service organizations, and guide, regulate, and manage professional pest control and dispensation and use of restricted used pesticides, in order to improve pest control.

县级人民政府农业主管部门应当指导农药使用者有计划地轮换使用农药，减缓危害农业、林业的病、虫、草、鼠和其他有害生物的抗药性。

Agricultural authorities of county-level people's governments shall guide pesticide users to plan the rotation of pesticides so as to reduce resistance among diseases, insects, weeds, rodents and other organisms harmful to agriculture and forestry.

乡、镇人民政府应当协助开展农药使用指导、服务工作。

People's governments of townships and towns shall assist with the work of guiding pesticide use and providing pesticide services.

第三十三条 农药使用者应当遵守国家有关农药安全、合理使用制度，妥善保管农药，并在配药、用药过程中采取必要的防护措施，避免发生农药使用事故。

Article 33 Pesticide users shall abide by relevant systems of the State on the safe and rational use of pesticides, store pesticides properly, and adopt the necessary protective measures in the course of dispensing and using pesticides to avoid pesticide accidents.

限制使用农药的经营者应当为农药使用者提供用药指导，并逐步提供统一用药服务。

Restricted used pesticides dealers shall provide guidance to pesticide users and gradually provide unified pesticide application services.

第三十四条 农药使用者应当严格按照农药的标签标注的使用范围、使用方法和剂量、使用技术要求和注意事项使用农药，不得扩大使用范围、加大用药剂量或者改变使用方法。

Article 34 Pesticide users shall use pesticides in accordance with the scope of use, method of use, dosage, technical requirements and precautions indicated on labels, and must not use them for other purposes, increase their dosage or change the method of use.

农药使用者不得使用禁用的农药。

Pesticides users must not use prohibited pesticides.

标签标注安全间隔期的农药，在农产品收获前应当按照安全间隔期的要求停止使用。

Pesticides with safety intervals indicated, according to the requirements, must not be used in the safety interval before harvesting of agricultural products.

剧毒、高毒农药不得用于防治卫生害虫，不得用于蔬菜、瓜果、茶叶、菌类、中草药材的生产，不得用于水生植物的病虫害防治。

Extremely toxic and highly toxic pesticides must not be used to prevent sanitary pests, on vegetables, fruit, tea, fungi and Chinese herbal medicines, or to control aquatic plant pests.

第三十五条 农药使用者应当保护环境，保护有益生物和珍稀物种，不得在饮用水水源保护区、河道内丢弃农药、农药包装物或者清洗施药器械。

Article 35 Pesticide users shall protect the environment and protect beneficial organisms and rare species, and must not dispose pesticides, pesticide packages or cleaning or spraying equipment in protected drinking water areas and rivers.

严禁在饮用水水源保护区内使用农药，严禁使用农药毒鱼、虾、鸟、兽等。

It is strictly forbidden to use pesticides in protected drinking water source areas, or to use pesticides to poison fish, shrimp, birds and animals.

第三十六条 农产品生产企业、食品和食用农产品仓储企业、专业化病虫害防治服务组织和从事农产品生产的农民专业合作社等应当建立农药使用记录，如实记录使用农药的时间、地点、对象以及农药名称、用量、生产企业等。农药使用记录应当保存 2 年以上。

Article 36 Agricultural product producers, food and edible agricultural product storage companies, professional disease and pest control service organizations and famers' cooperatives engaged in the production of agricultural products shall establish records of pesticide use to truthfully record the time, places and targets of pesticide use, as well as the names, volumes and producers of pesticides. Records of pesticide use shall be kept for not less than two years.

国家鼓励其他农药使用者建立农药使用记录。

The State encourages other pesticide users to establish records of pesticide use.

第三十七条 国家鼓励农药使用者妥善收集农药包装物等废弃物；农药生产企业、农药经营者应当回收农药废弃物，防止农药污染环境和农药中毒事故的发生。具体办法由国务院环境保护主管部门会同国务院农业主管部门、国务院财政部门等部门制定。

Article 37 The State encourages pesticide users to properly collect pesticide packaging and other waste materials. Pesticide producers and pesticide dealers shall recycle pesticide waste materials and prevent pesticides from polluting the environment and the occurrence of pesticide poisoning accidents. Specific measures shall be established by the State Council environmental protection department together with the State Council agricultural and finance departments.

第三十八条 发生农药使用事故，农药使用者、农药生产企业、农药经营者和其他有关人员应当及时报告当地农业主管部门。

Article 38 In the event of a pesticide accident, the pesticide user, pesticide producer, pesticide dealer and other relevant persons shall immediately report the incident to a local agricultural authority.

接到报告的农业主管部门应当立即采取措施，防止事故扩大，同时通知有关部门采取相应措施。造成农药中毒事故的，由农业主管部门和公安机关依照职责权限组织调查处理，卫生主管部门应当按照国家有关规定立即对受到伤害的人员组织医疗救治；造成环境污染事故的，由环境保护等有关部门依法组织调查处理；造成储粮药剂使用事故和农作物药害事故的，分别由粮食、农业等部门组织技术鉴定和调查处理。

Upon receiving such a report, agricultural authorities shall immediately adopt measures to contain accidents and notify relevant departments so that they may adopt corresponding measures. Where accidents resulting in pesticide poisoning occur, agricultural authorities and public security organs shall organize investigations and handle such incidents in accordance with their duties and authority, and sanitation departments shall immediately organize medical treatment for injured persons in accordance with relevant provisions of the State. Where accidents resulting in environmental pollution occur, environmental protection and other relevant departments shall organize investigations and handle such incidents in accordance with the law. Where accidents involving chemicals in grain storage or causing danger to crops occur, food and agricultural authorities, respectively, shall organize technical evaluation and investigate and deal with such incidents.

第三十九条 因防治突发重大病虫害等紧急需要，国务院农业主管部门可以决定临时生产、使用规定数量的未取得登记或者禁用、限制使用的农药，必要时应当会同国务院对外贸易主管部门决定临时限制出口或者临时进口规定数量、品种的农药。

Article 39 In case of an urgent need to prevent or control the outbreak of a major disease or pest, the State Council agricultural authority may decide to temporarily produce or use prescribed quantities of unregistered, prohibited or restricted pesticides, and, if necessary, shall decide, together with the State Council foreign trade department, to limit temporarily the export or to import temporarily a prescribed number and variety of pesticides.

前款规定的农药，应当在使用地县级人民政府农业主管部门的监督和指导下使用。

The pesticides prescribed in the previous paragraph shall be used under the supervision and guidance of the agricultural authorities of county-level people's governments.

第六章 监督管理

Chapter VI Supervision and Management

第四十条 县级以上人民政府农业主管部门应当定期调查统计农药生产、销售、使用情况，并及时通报本级人民政府有关部门。

Article 40 Agricultural authorities of people's governments at or above the county level shall periodically conduct statistical surveys of the production, sale and use of pesticides, and shall timely notify relevant departments of people's governments at the same level of their results.

县级以上地方人民政府农业主管部门应当建立农药生产、经营诚信档案并予以公布；发现违法生产、经营农药的行为涉嫌犯罪的，应当依法移送公安机关查处。

Agricultural authorities of local people's governments at or above the county level shall establish and publish credit records for pesticide production and trading. Where the authorities discover illegal pesticide production or dealing that is suspected a crime, they shall transfer the case to a public security organ in accordance with the law.

第四十一条 县级以上人民政府农业主管部门履行农药监督管理职责，可以依法采取下列措施：

Article 41 Agricultural authorities of people's governments at or above the county level may, in the course of fulfilling their pesticide supervision and management duties, adopt the following measures in accordance with the law:

(一) 进入农药生产、经营、使用场所实施现场检查；

(1) Enter a site of pesticide production, dealing or application to carry out an on-site inspection;

(二) 对生产、经营、使用的农药实施抽查检测；

(2) Carry out selective checks on the production, dealing and use of pesticides;

(三) 向有关人员调查了解有关情况；

(3) Investigate relevant circumstances from relevant personnel;

(四) 查阅、复制合同、票据、账簿以及其他有关资料；

(4) Check and copy contracts, bills, account books and other relevant materials;

(五) 查封、扣押违法生产、经营、使用的农药，以及用于违法生产、经营、使用农药的工具、设备、原材料等；

(5) Seal up and detain pesticides that have been illegally produced, dealt or used, along with any associated tools, equipment and raw materials;

(六) 查封违法生产、经营、使用农药的场所。

(6) Close down places involved in illegal pesticide production, dealing or use.

第四十二条 国家建立农药召回制度。农药生产企业发现其生产的农药对农业、林业、人畜安全、农产品质量安全、生态环境等有严重危害或者较大风险的，应当立即停止生产，通知有关经营者和使用者，向所在地农业主管部门报告，主动召回产品，并记录通知和召回情况。

Article 42 The State shall establish a pesticide recall system. Pesticide producers who discover that their pesticides pose serious harm or a significant risk to agriculture, forestry, the safety of humans and animals, the quality and safety of agricultural products or the ecological environment, shall immediately cease production, inform relevant dealers and users, report the incident to their local agricultural authority, recall their products and keep records of notices and recalls.

农药经营者发现其经营的农药有前款规定的情形的，应当立即停止销售，通知有关生产企业、供货人和购买人，向所在地农业主管部门报告，并记录停止销售和通知情况。

Pesticide dealers who find that a pesticide they deal in match any of the circumstances prescribed in the preceding paragraph shall immediately cease the sale of the pesticide, notify relevant producers, suppliers and buyers, report the incident to their local agricultural authority and keep records of notices and stopped sales.

农药使用者发现其使用的农药有本条第一款规定的情形的，应当立即停止使用，通知经营者，并向所在地农业主管部门报告。

Pesticide users, who find that a pesticide they use matches any of the circumstances in the preceding paragraph, shall immediately stop using it, notify dealers and report the incident to their local agricultural authority.

第四十三条 国务院农业主管部门和省、自治区、直辖市人民政府农业主管部门应当组织负责农药检定工作的机构、植物保护机构对已登记农药的安全性和有效性进行监测。

Article 43 The State Council agricultural authority and agricultural authorities of people's government of provinces, autonomous regions and municipalities directly under the Central Government shall organize agencies responsible for verifying pesticides and plant protection agencies to monitor the safety and effectiveness of registered pesticides.

发现已登记农药对农业、林业、人畜安全、农产品质量安全、生态环境等有严重危害或者较大风险的，国务院农业主管部门应当组织农药登记评审委员会进行评审，根据评审结果撤销、变更相应的农药登记证，必要时应当决定禁用或者限制使用并予以公告。

Where a registered pesticide is found to be seriously harmful or significantly risky to agriculture, forestry, the safety of humans and animals, the quality and safety of agricultural products or the ecological environment, the State Council agricultural authority shall organize a pesticide registration review committee to review the incident and to revoke or change the pesticide registration certificate accordingly based on the review results and, if necessary, make a decision to forbid or restrict the use of the pesticide and announce the decision to public.

第四十四条 有下列情形之一的，认定为假农药：

Any of the following shall be deemed fake pesticides:

(一) 以非农药冒充农药；

(1) Non-pesticides posing as pesticides;

(二) 以此种农药冒充他种农药；

(2) One type of pesticide posing as another type of pesticide;

(三) 农药所含有效成分种类与农药的标签、说明书标注的有效成分不符。

(3) The types of active ingredients in a pesticide are not consistent with those indicated on the label or in the instructions.

禁用的农药，未依法取得农药登记证而生产、进口的农药，以及未附具标签的农药，按照假农药处理。

Prohibited pesticides, produced or imported pesticides not registered, and pesticides without labels shall be treated as fake pesticides.

第四十五条 有下列情形之一的，认定为劣质农药：

Any of the following shall be deemed inferior pesticides.

(一) 不符合农药产品质量标准；

(1) A pesticide that does not meet product quality standards;

(二) 混有导致药害等有害成分。

(2) A pesticide that is mixed with an ingredient that causes harm, such as phytotoxicity.

超过农药质量保证期的农药，按照劣质农药处理。

Pesticides whose quality shelf-life has expired shall be treated as inferior pesticides.

第四十六条 假农药、劣质农药和回收的农药废弃物等应当交由具有危险废物经营资质的单位集中处置，处置费用由相应的农药生产企业、农药经营者承担；农药生产企业、农药经营者不明确的，处置费用由所在地县级人民政府财政列支。

Article 46 Fake pesticides, inferior pesticides and recycled pesticide waste shall be transferred to units with hazardous waste management capabilities for disposal, and disposal expenses shall be borne by the corresponding pesticide producer and pesticide dealer. Where it is unclear who the pesticide producer or pesticide dealer is, the cost of disposal shall be paid by the local county-level people's government.

第四十七条 禁止伪造、变造、转让、出租、出借农药登记证、农药生产许可证、农药经营许可证等许可证明文件。

Article 47 It is forbidden to forge, alter, transfer, lease or lend pesticide registration certificates, pesticide production permits, pesticide business licenses or other license documents.

第四十八条 县级以上人民政府农业主管部门及其工作人员和负责农药检定工作的机构及其工作人员，不得参与农药生产、经营活动。

Article 48 Agricultural authorities of people's governments at or above the county level and their staff, and agencies responsible for verifying pesticide and their staff, must not participate in pesticide production and trading activities.

第七章 法律责任

Chapter VII Legal Liability

第四十九条 县级以上人民政府农业主管部门及其工作人员有下列行为之一的，由本级人民政府责令改正；对负有责任的领导人员和直接责任人员，依法给予处分；负有责任的领导人员和直接责任人员构成犯罪的，依法追究刑事责任：

Article 49 Where agricultural authorities of people's governments at or above the county level and their workers commit one of the following acts, they shall be ordered to rectify their behavior by the people's government at the same level; responsible leaders and directly responsible persons shall be punished in accordance with the law; and where the actions of responsible leaders and directly responsible persons constitute a crime, they shall be investigated for legal liability in accordance with the law:

(一) 不履行监督管理职责，所辖行政区域的违法农药生产、经营活动造成重大损失或者恶劣社会影响；

(1) Fail to perform their duties of supervision and management, resulting in the production or dealing of illegal pesticides leading to significant losses or adverse social effects within the administrative area under their jurisdiction;

(二) 对不符合条件的申请人准予许可或者对符合条件的申请人拒不准予许可；

(2) Grant licenses to people who do not meet the criteria for licenses or refuse to release licenses to people who meet the criteria for licenses;

(三) 参与农药生产、经营活动；

(3) Participate in pesticide production or trading activities;

(四) 有其他徇私舞弊、滥用职权、玩忽职守行为。

(4) Engage in favoritism, commit irregularities, misuse authority or neglect their duties.

第五十条 农药登记评审委员会组成人员在农药登记评审中谋取不正当利益的，由国务院农业主管部门从农药登记评审委员会除名；属于国家工作人员的，依法给予处分；构成犯罪的，依法追究刑事责任。

Article 50 Where a member of a pesticide registration review committee seeks illegitimate interests in the course of pesticide registration review, the State Council agricultural authority shall remove the member from the pesticide registration review committee. If they are an employee of the State, they shall be punished in accordance with the law, and if their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

第五十一条 登记试验单位出具虚假登记试验报告的，由省、自治区、直辖市人民政府农业主管部门没收违法所得，并处 5 万元以上 10 万元以下罚款；由国务院农业主管部门从登记试验单位除名，5 年内不再受理其登记试验单位认定申请；构成犯罪的，依法追究刑事责任。

Article 51 Where registered testing units issue false registration study reports, agricultural authorities of provinces, autonomous regions and municipalities directly under the Central Government shall confiscate any illegal gains and impose a fine of not less than RMB 50,000 but not more than RMB 100,000. The State Council agricultural authority shall remove its name from the list of registration testing units and not accept an application from

the unit to become a registration testing unit for a period of five years. Where its actions constitute a crime, legal liability shall be investigated in accordance with the law.

第五十二条 未取得农药生产许可证生产农药或者生产假农药的，由县级以上地方人民政府农业主管部门责令停止生产，没收违法所得、违法生产的产品和用于违法生产的工具、设备、原材料等，违法生产的产品货值金额不足 1 万元的，并处 5 万元以上 10 万元以下罚款，货值金额 1 万元以上的，并处货值金额 10 倍以上 20 倍以下罚款，由发证机关吊销农药生产许可证和相应的农药登记证；构成犯罪的，依法追究刑事责任。

Article 52 Where units or individuals produce pesticides without a pesticide production permit or produce fake pesticides, agricultural authorities of local people's governments at or above the county level shall order them to cease production, and confiscate any illegal gains as well as any illegally produced products and tools, equipment and raw materials used in the illegal production. Where the value of the illegally produced products is less than RMB 10,000, a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be simultaneously imposed; where the value of the illegally produced products is more than RMB 10,000, a fine of not less than 10 times but not more than 20 times the value of the products shall be simultaneously imposed, and authorities shall revoke their pesticide production permit and corresponding pesticide registration certificates. Where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

取得农药生产许可证的农药生产企业不再符合规定条件继续生产农药的，由县级以上地方人民政府农业主管部门责令限期整改；逾期拒不整改或者整改后仍不符合规定条件的，由发证机关吊销农药生产许可证。

Where pesticide producers with pesticide production permits no longer meet the prescribed criteria to continue producing pesticides, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior. Where they fail or refuse to rectify their behavior, or still fail to meet the criteria after rectifying their behavior, authorities shall revoke their pesticide production permits.

农药生产企业生产劣质农药的，由县级以上地方人民政府农业主管部门责令停止生产，没收违法所得、违法生产的产品和用于违法生产的工具、设备、原材料等，违法生产的产品货值金额不足 1 万元的，并处 1 万元以上 5 万元以下罚款，货值金额 1 万元以上的，并处货值金额 5 倍以上 10 倍以下罚款；情节严重的，由发证机关吊销农药生产许可证和相应的农药登记证；构成犯罪的，依法追究刑事责任。

Where pesticide producers produce inferior pesticides, agricultural authorities of local people's governments at or above the county level shall order them to cease

production and confiscate any illegal gains as well as any illegally produced products and tools, equipment and raw materials used in the illegal production. Where the value of the illegally produced products is less than RMB 10,000, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be simultaneously imposed; where the value of the illegally produced products is more than RMB 10,000, a fine of not less than five times but not more than 10 times the value of the products shall be simultaneously imposed, and authorities shall revoke their pesticide production permits and corresponding pesticide registration certificates. Where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

委托未取得农药生产许可证的受托人加工、分装农药，或者委托加工、分装假农药、劣质农药的，对委托人和受托人均依照本条第一款、第三款的规定处罚。

Where units or individuals entrust others without pesticide production permits to process or repack pesticides, or entrust others to process or repack fake or inferior pesticides, the unit or individual who entrusts and the unit or individual who is entrusted shall both be punished in accordance with paragraphs 1 and 3 of this Article.

第五十三条 农药生产企业有下列行为之一的，由县级以上地方人民政府农业主管部门责令改正，没收违法所得、违法生产的产品和用于违法生产的原材料等，违法生产的产品货值金额不足1万元的，并处1万元以上2万元以下罚款，货值金额1万元以上的，并处货值金额2倍以上5倍以下罚款；拒不改正或者情节严重的，由发证机关吊销农药生产许可证和相应的农药登记证：

Article 53 Where pesticide producers commit any of the following acts, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior, confiscate any illegal gains as well as any illegally produced products and raw materials used in the illegal production; where the value of the illegally produced products is less than RMB 10,000, a fine of not less than RMB 10,000 but not more than RMB 20,000 shall be simultaneously imposed, or where the value of the illegally produced products is more than RMB 10,000, a fine of not less than two times but not more than five times the value of the products shall be simultaneously imposed; where they refuse to rectify their behavior or the circumstances are serious, authorities shall revoke their pesticide production permits and corresponding pesticide registration certificates:

(一) 采购、使用未依法附具产品质量检验合格证、未依法取得有关许可证明文件的原材料；

(1) Procure or use raw materials that do not have a product quality inspection certificate attached in accordance with the law or have not obtained relevant proof documents in accordance with the law;

(二) 出厂销售未经质量检验合格并附具产品质量检验合格证的农药;

(2) Produced pesticides to be sold that have not undergone quality inspections and do not have product quality inspection certificates attached;

(三) 生产的农药包装、标签、说明书不符合规定;

(3) Produced pesticide package, labels or instructions that do not meet requirements;

(四) 不召回依法应当召回的农药。

(4) Fail to recall pesticides that should be recalled in accordance with the law.

第五十四条 农药生产企业不执行原材料进货、农药出厂销售记录制度,或者不履行农药废弃物回收义务的,由县级以上地方人民政府农业主管部门责令改正,处1万元以上5万元以下罚款;拒不改正或者情节严重的,由发证机关吊销农药生产许可证和相应的农药登记证。

Article 54 Where pesticide producers fail to establish systems for recording the purchase of raw materials or sales of pesticides, or fail to fulfil their pesticide waste material recycling duties, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior and impose a fine of not less than RMB 10,000 but not more than RMB 50,000. Where they refuse to rectify their behavior or the circumstances are serious, authorities shall revoke their pesticide production permits and corresponding pesticide registration certificates.

第五十五条 农药经营者有下列行为之一的,由县级以上地方人民政府农业主管部门责令停止经营,没收违法所得、违法经营的农药和用于违法经营的工具、设备等,违法经营的农药货值金额不足1万元的,并处5000元以上5万元以下罚款,货值金额1万元以上的,并处货值金额5倍以上10倍以下罚款;构成犯罪的,依法追究刑事责任:

Article 55 Where pesticide dealers commit any of the following acts, agricultural authorities of local people's governments at or above the county level shall order them to cease dealing in pesticides, confiscate any illegal gains as well as any illegally dealt pesticides and tools and equipment used in the illegal dealings; where the value of the illegally dealt pesticides is less than RMB 10,000, a fine of not less than RMB 5,000 but not more than RMB 50,000 shall be simultaneously imposed, or where the value of the illegally dealt pesticides is more than RMB 10,000, a fine of not less than five times but not more than 10 times the

value of the pesticides shall be simultaneously imposed; where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law:

(一) 违反本条例规定，未取得农药经营许可证经营农药；

(1) Deal in pesticides without obtaining a pesticide business license in violation of the provisions of these Regulations;

(二) 经营假农药；

(2) Deal in fake pesticides;

(三) 在农药中添加物质。

(3) Add substances to pesticides.

有前款第二项、第三项规定的行为，情节严重的，还应当由发证机关吊销农药经营许可证。

Where any of the acts stipulated in items the second and the third of the preceding section are committed, and the circumstances are serious, authorities shall also revoke pesticide business licenses.

取得农药经营许可证的农药经营者不再符合规定条件继续经营农药的，由县级以上地方人民政府农业主管部门责令限期整改；逾期拒不整改或者整改后仍不符合规定条件的，由发证机关吊销农药经营许可证。

Where pesticide dealers with pesticide business licenses no longer meet the prescribed conditions to continue dealing in pesticides, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior. Where they fail or refuse to rectify their behavior, or still fail to meet the conditions after rectifying their behavior, authorities shall revoke their pesticide business licenses.

第五十六条 农药经营者经营劣质农药的，由县级以上地方人民政府农业主管部门责令停止经营，没收违法所得、违法经营的农药和用于违法经营的工具、设备等，违法经营的农药货值金额不足 1 万元的，并处 2000 元以上 2 万元以下罚款，货值金额 1 万元以上的，并处货值金额 2 倍以上 5 倍以下罚款；情节严重的，由发证机关吊销农药经营许可证；构成犯罪的，依法追究刑事责任。

Article 56 Where pesticide dealers deal in inferior pesticides, agricultural authorities of local people's governments at or above the county level shall order them to stop dealing, confiscate any illegal gains as well as any illegally dealt pesticides and tools and equipment used in the illegal dealings. Where the value of the illegally dealt pesticides is less than RMB

10,000, a fine of not less than RMB 2,000 but not more than RMB 20,000 shall be simultaneously imposed, or where the value of the illegally dealt pesticides is more than RMB 10,000, a fine of not less than two times but not more than five times the value of the pesticides shall be simultaneously imposed; where the circumstances are serious, authorities shall revoke their pesticide business licenses, and where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

第五十七条 农药经营者有下列行为之一的，由县级以上地方人民政府农业主管部门责令改正，没收违法所得和违法经营的农药，并处 5000 元以上 5 万元以下罚款；拒不改正或者情节严重的，由发证机关吊销农药经营许可证：

Article 57 Where pesticide dealers commit any of the following acts, agricultural authorities of local people's governments at or above the county level shall order them to rectify their behavior, confiscate any illegal gains as well as any illegally dealt pesticides, and simultaneously impose a fine of not less than RMB 5,000 but not more than RMB 50,000; where they refuse to rectify their behavior or the circumstances are serious, authorities shall revoke their pesticide business licenses:

(一) 设立分支机构未依法变更农药经营许可证，或者未向分支机构所在地县级以上地方人民政府农业主管部门备案；

(1) Establish branches without changing their pesticide business license, or without filing with the agricultural authority of a people's government at or above the county level where the branch is located;

(二) 向未取得农药生产许可证的农药生产企业或者未取得农药经营许可证的其他农药经营者采购农药；

(2) Procure pesticides from pesticide producers who do not have pesticide production permits or from other pesticide dealers who do not have pesticide business licenses;

(三) 采购、销售未附具产品质量检验合格证或者包装、标签不符合规定的农药；

(3) Procure or sell pesticides that do not have a product quality inspection certificate attached or with package or a label that does not meet requirements;

(四) 不停止销售依法应当召回的农药。

(4) Fail to stop selling pesticides when they have been recalled in accordance with the law.

第五十八条 农药经营者有下列行为之一的，由县级以上地方人民政府农业主管部门责令改正；拒不改正或者情节严重的，处 2000 元以上 2 万元以下罚款，并由发证机关吊销农药经营许可证：

Article 58 Where pesticide dealers commit any of the following acts, agricultural authorities of people's governments at or above the county level shall order them to rectify their behavior; where they refuse to rectify their behavior or the circumstances are serious, a fine of not less RMB 2,000 but not more than RMB 20,000 shall be imposed, and authorities shall revoke their pesticide business licenses:

(一) 不执行农药采购台账、销售台账制度；

(1) Fail to implement procurement and sales accounting systems;

(二) 在卫生用农药以外的农药经营场所内经营食品、食用农产品、饲料等；

(2) Sell foodstuffs, edible agricultural products, or fodder in the premises other than those for pesticides used in public health;

(三) 未将卫生用农药与其他商品分柜销售；

(3) Fail to sell pesticides used in public health and other commodities separately;

(四) 不履行农药废弃物回收义务。

(4) Fail to fulfill their pesticide waste material recycling duties.

第五十九条 境外企业直接在中国销售农药的，由县级以上地方人民政府农业主管部门责令停止销售，没收违法所得、违法经营的农药和用于违法经营的工具、设备等，违法经营的农药货值金额不足 5 万元的，并处 5 万元以上 50 万元以下罚款，货值金额 5 万元以上的，并处货值金额 10 倍以上 20 倍以下罚款，由发证机关吊销农药登记证。

Article 59 Where foreign enterprises sell pesticides directly in China, agricultural authorities of people's governments at or above the county level shall order them to stop selling pesticides, confiscate any illegal gains as well as any illegally dealt pesticides and tools and equipment used in the illegal dealings. Where the value of the illegally dealt pesticides is less than RMB 50,000, a fine of not less than RMB 50,000 but not more than RMB 500,000 shall be simultaneously imposed, or where the value of the illegally dealt pesticides is more than RMB 50,000, a fine of not less than 10 times but not more than 20 times the value of the pesticides shall be simultaneously imposed, and authorities shall revoke their pesticide registration certificates.

取得农药登记证的境外企业向中国出口劣质农药情节严重或者出口假农药的，由国务院农业主管部门吊销相应的农药登记证。

Where foreign enterprises with pesticide business licenses export inferior pesticides to China, and the circumstances are serious, or they export fake pesticides, the State Council agricultural authorities shall revoke their corresponding pesticide registration certificates.

第六十条 农药使用者有下列行为之一的，由县级人民政府农业主管部门责令改正，农药使用者为农产品生产企业、食品和食用农产品仓储企业、专业化病虫害防治服务组织和从事农产品生产的农民专业合作社等单位的，处5万元以上10万元以下罚款，农药使用者为个人的，处1万元以下罚款；构成犯罪的，依法追究刑事责任：

Article 60 Where pesticide users commit any of the following acts, agricultural authorities of county-level people's governments shall order them to rectify their behavior, and impose a fine on organizations, such as agricultural produce enterprises, foodstuff and edible agricultural produce warehousing businesses, professional pest control service organizations and specialized farmer cooperatives that produce agricultural products, of not less than RMB 50,000 but not more than RMB 100,000, and a fine on individuals of not more than RMB 10,000; where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law:

(一) 不按照农药的标签标注的使用范围、使用方法和剂量、使用技术要求和注意事项、安全间隔期使用农药；

(1) Fail to use pesticides in accordance with their scope of use, method of use, dosage, technical requirements and precautions, or in accordance with their safety interval on the label;

(二) 使用禁用的农药；

(2) Use prohibited pesticides;

(三) 将剧毒、高毒农药用于防治卫生害虫，用于蔬菜、瓜果、茶叶、菌类、中草药材生产或者用于水生植物的病虫害防治；

(3) Use extremely toxic or highly toxic pesticides to prevent sanitary pests, on vegetables, fruit, tea, fungi and Chinese herbal medicines, or to control aquatic plant pests;

(四) 在饮用水水源保护区内使用农药；

(4) Use pesticides in protected drinking water source areas;

(五) 使用农药毒鱼、虾、鸟、兽等；

(5) Use pesticides to poison fish, shrimp, birds or animals;

(六) 在饮用水水源保护区、河道内丢弃农药、农药包装物或者清洗施药器械。

(6) Dispose of pesticides, pesticide package materials or cleaning or spraying equipment in protected drinking water areas or rivers.

有前款第二项规定的行为的，县级人民政府农业主管部门还应当没收禁用的农药。

Where any of the acts stipulated in item 2 of the preceding section are committed, agricultural authorities of county-level people's governments shall also confiscate the prohibited pesticides.

第六十一条 农产品生产企业、食品和食用农产品仓储企业、专业化病虫害防治服务组织和从事农产品生产的农民专业合作社等不执行农药使用记录制度的，由县级人民政府农业主管部门责令改正；拒不改正或者情节严重的，处 2000 元以上 2 万元以下罚款。

Article 61 Where agricultural product producers, food and edible agricultural product storage companies, professional disease and pest control service organizations and famers' cooperatives engaged in the production of agricultural products fail to establish records of pesticide use, agricultural authorities of county-level people's governments shall order them to rectify their behavior; where they refuse to rectify their behavior or the circumstances are serious, a fine of not less than RMB 2,000 but not more than RMB 20,000 shall be imposed.

第六十二条 伪造、变造、转让、出租、出借农药登记证、农药生产许可证、农药经营许可证等许可证明文件的，由发证机关收缴或者予以吊销，没收违法所得，并处 1 万元以上 5 万元以下罚款；构成犯罪的，依法追究刑事责任。

Article 62 Where units or individuals forge, alter, transfer, lease or lend pesticide registration certificates, pesticide production permits, pesticide business licenses or other proof documents, authorities shall seize or revoke those certificates, confiscate any illegal gains, and simultaneously impose a fine of not less than RMB 10,000 but not more than RMB 50,000. Where their actions constitute a crime, they shall be investigated for legal liability in accordance with the law.

第六十三条 未取得农药生产许可证生产农药，未取得农药经营许可证经营农药，或者被吊销农药登记证、农药生产许可证、农药经营许可证的，其直接负责的主管人员 10 年内不得从事农药生产、经营活动。

Article 63 Where a pesticide production without permit, pesticides business without license, or where a pesticide registration certificate, pesticide production license, or pesticide business license is revoked, the directly responsible persons are not permitted to engage in pesticide production or business activities for a period of 10 years.

农药生产企业、农药经营者招用前款规定的人员从事农药生产、经营活动的，由发证机关吊销农药生产许可证、农药经营许可证。

Where pesticide producers or dealers employ the people stipulated in the preceding paragraph to engage in pesticide production or business activities, authorities shall revoke their pesticide production permits and pesticide business licenses.

被吊销农药登记证的，国务院农业主管部门 5 年内不再受理其农药登记申请。

Where the pesticide registration certificate is revoked, a pesticide registration application shall not be accepted by the State Council agricultural authority for a period of five years.

第六十四条 生产、经营的农药造成农药使用者人身、财产损害的，农药使用者可以向农药生产企业要求赔偿，也可以向农药经营者要求赔偿。属于农药生产企业责任的，农药经营者赔偿后有权向农药生产企业追偿；属于农药经营者责任的，农药生产企业赔偿后有权向农药经营者追偿。

Article 64 Where a produced or dealt pesticide causes harm to the physical body or property of a pesticide user, the pesticide user may request compensation from the pesticide producer as well as from the pesticide dealer. Where the responsibility belongs to the pesticide producer, a pesticide dealer is entitled, following payment of compensation to the users, to seek compensation from the pesticide producer. Where the responsibility belongs to the pesticide dealer, the pesticide producer is entitled, following payment of compensation to the users, to seek compensation from the pesticide dealer.

第八章 附 则

Chapter 8 Supplementary Provisions

第六十五条 申请农药登记的，申请人应当按照自愿有偿的原则，与登记试验单位协商确定登记试验费用。

Article 65 Applicants of pesticides registration shall work out the registration study fee with the registration and testing institutions in voluntary and compensatory principles.

第六十六条 本条例自 2017 年 6 月 1 日起施行。

Article 66 These Regulations shall become effective as of June 1, 2017.