

Measures on the Management of the Pesticide Business License

Chapter I General

Article 1 To regulate pesticide business practices and strengthen management of the pesticide business license, the Measures on the Management of the Pesticide Business License (the Measures) is hereby developed in accordance with the Regulations on the Management of Pesticides.

Article 2 The Measures shall apply to the application, review, issuance, supervision and management of a pesticide business license.

Article 3 For any sale of pesticides in the territory of China, a pesticide business license shall be obtained.

Article 4 The Ministry of Agriculture shall be responsible for supervising and guiding the management of the pesticide business license nationwide.

The business license for restricted pesticides shall be issued by agricultural authorities under the provincial people's government (hereinafter referred to as the agricultural authorities at the provincial level); the business licenses for other pesticides may be issued respectively by agricultural authorities under local people's governments above the county level (hereinafter referred to as the agricultural authorities above the county level) based on the applications submitted by pesticide operators.

Article 5 The pesticide business license shall be managed on the principle of one license for one enterprise, and a pesticide operator will be granted only one pesticide business license.

Article 6 Agricultural authorities above the county level shall strengthen information-based management of pesticide business licenses, and upload the pesticide business license, supervision and management and other information to the pesticide management information platform specified by the Ministry of Agriculture.

Chapter II Application and Acceptance

Article 7 Pesticide operators shall be qualified as follows:

(1) persons in charge of operations with an educational background above the technical secondary school level in agriculture, plant protection, pesticide and relevant specialties, or having learning experience of more than fifty-six class hours in a professional education and training institution, and holds excellent knowledge of pesticide management regulations; the persons are equipped with professional knowledge about pesticides and pest prevention and control, and able to guide the safe and reasonable use of pesticides;

(2) having in place a business premises no less than thirty square meters and a warehouse no less than fifty square meters and effectively separated from other areas harboring goods, living areas and sources of drinking water; if other agricultural inputs are also sold, there should be a relatively separate pesticide business area;

(3) the business premises and warehouses shall be equipped with ventilation, fire control, poison prevention, and other measures, and there should be shelves, showcases and other facilities for display that are suitable for the pesticide types and categories within the business scope;

(4) having in place traceable electronic information code scanning and identification equipment, and an electronic account computer management system used to record the purchase, storage, sales, etc. of pesticides;

(5) having in place management systems to check incoming goods, account records, safety management, safety protection, emergency handling, warehousing management, pesticide wastes collection and disposal, use instructions, etc. and operation procedures specific to each post;

(6) Other conditions specified by the Ministry of Agriculture.

In case of dealing in restricted pesticides, the following conditions shall additionally be met:

(1) being equipped with special technical personnel having relevant professional knowledge about restricted pesticides and the prevention and control of diseases and pests, and having more than two years' work experience in agriculture, plants protection and pesticides;

(2) having in place special sales counters, warehouses and supportive safety protection facilities and equipment with identifiable marks;

(3) within the layout scope of specified operation, sites for restricted pesticides as established by agricultural authorities at the provincial level.

Where any pesticide operator establishes branches, the branches shall comply with the conditions In Paragraph I and Paragraph II. Where any branch of an operator dealing in restricted pesticides is engaged with restricted pesticides, the regulations on specified outlets for restricted pesticides shall be complied with.

Article 8 In the application for a pesticide business license, the applicant shall submit the following materials to local agricultural authorities above the county level:

(1) application form for Pesticide Business License;

(2) a copy of the legal representative (person in charge)'s ID Card;

(3) educational background or training certificate of operators;

(4) addresses, areas, plane graphs, and other descriptive materials and photos of the business premises and warehouses;

(5) list and photos of the computer management system, traceable electronic information code scanning equipment, safety protection and warehousing facilities;

(6) catalog and text of relevant management systems;

(7) declaration about the authenticity and legitimacy of application data;

(8) other materials specified by the Ministry of Agriculture.

The application data shall be submitted in both paper and electronic forms.

Article 9 Pertaining to the submitted application data, the agricultural authorities above the county level shall treat the data based on the following circumstances:

(1) where no pesticide business license is required, the applicant shall be promptly informed that the application is not accepted;

(2) where any error is found in the application data, the applicant shall be allowed to be corrected on site;

(3) Where the application data are not complete or consistent with legal forms, the applicant shall be informed of all the contents that should be corrected or supplemented once and for all on site or within five working days; if the applicant is not informed within the aforesaid period, the application shall be deemed as accepted upon receipt of the application data;

(4) Where the application data is complete, consistent with legal forms, or the applicant submits all supplemental or corrected data as required, the application shall be accepted.

Chapter III Review and Examination

Article 10 The agricultural authorities above the county level shall review the application data for a pesticide business license, and if necessary, investigate on the spot, or entrust subordinate agricultural authorities, to perform a field investigation.

Article 11 The agricultural authorities above the county level shall approve or disapprove the issuance of a pesticide business license within twenty working days upon acceptance. If the conditions are met, a pesticide business license shall be issued; if not, the applicant shall receive a written notice indicating the reasons.

Article 12 The license number, the operator's name, address, business premises, location of warehouse, scope of business, term of validity, legal representative (person in charge), uniform social credit code, and other information shall be specified on the pesticide business license.

Where an operator has branches, the business premises of the branches and warehousing locations shall also be specified.

The pesticide business license shall be numbered as follows: pesticide business license + provincial abbreviation + issuing authority code + business scope code + serial number (four numerals).

The business scope shall be marked respectively based on the pesticides themselves (except restricted pesticides).

The style of the pesticide business license is uniformly determined by the Ministry of Agriculture.

Chapter IV Alteration and Renewal

Article 13 The pesticide business license shall be valid for five years. Where the pesticide operator name, legal representative (person in charge), address, or any branch is changed or adjusted within the term of validity of the pesticide business license, or the business scope is narrowed, the operator shall file an application for alteration to the original issuing authority within thirty days upon occurrence of the alteration and submit the alteration application form and related supporting documents.

The original issuing authority shall handle it within twenty working days upon acceptance of the application for alteration. If the conditions are met, the business license will be re-issued; if not, a written notice indicating the reasons to the applicant will be given.

Article 14 Where any restricted pesticide is included into the business scope, or the business premises and warehousing locations are changed, a new pesticide business License shall be applied pursuant to the Measures.

Article 15 Where the business of pesticides needs to be continued upon expiration of the pesticide business license's term of validity, the pesticide operators shall apply for renewal to the original issuing authority ninety days before such expiration.

Article 16 In the application for renewal of the pesticide business license, the application form, comprehensive pesticide business report and other data shall be submitted to the original issuing authority.

Article 17 The original issuing authority shall review the application data, and if the application is not filed within the specified term, or the pesticide business conditions are not met, shall not approve renewal.

Article 18 Where the pesticide business license is lost or damaged, the operator shall explain the reasons and provide relevant supporting materials to apply for re-issuance to the original issuing authority

Chapter V Supervision and Inspection

Article 19 In the event of any of the following circumstances, a pesticide business license is not required:

- (1) specialized operation in public health pesticides;
- (2) the pesticide operator establishes a branch in the administrative area under the jurisdiction of the issuing authority;
- (3) the pesticide producer sells the pesticides produced by itself within the scope of its production site, or directly sells the pesticides produced by itself to pesticide operators.

Article 20 Pesticide operators shall place the pesticide business license in a conspicuous position on the business premises, establish purchase and sales books, and ask purchasers about the occurrence of diseases and pests; when necessary operators shall check the occurrence of diseases and pests in the field, recommend pesticides based on scientific knowledge, correctly describe the use scope, methods, dosage, technical requirements and precautions needed when using pesticides, and shall not mislead purchasers.

Restricted pesticide operators shall give application guidance for pesticide users, and gradually provide uniform application services.

Article 21 Restricted pesticides shall not be sold through the internet. For other pesticides sold through the internet, a pesticide business license shall be obtained.

Where restricted pesticides beyond the business scope are operated, or restricted pesticides are sold through the internet, it shall be treated as the absence of a pesticide business license.

Article 22 Within fifteen days upon termination of each quarter, the pesticide operator shall upload the pesticide operation data of the last quarter to the pesticide management information platform specified by the pesticide Ministry of Agriculture, or report to the issuing authority for filing through other forms.

Where the pesticide operator establishes a branch, the operator shall report to the agricultural authority at the county level where the branch is located within thirty days upon change of the pesticide business license.

Article 23 The agricultural authority above the county level shall supervise and inspect the pesticide operation situation, conduct regular surveys and statistics on the sales of pesticides, and establish credible pesticide operation files and publish them.

Article 24 In case the pesticide operator is found to be inconsistent with the specified conditions, the agricultural authority above the county level shall order it to rectify the inconsistencies; if the operator refuses to rectify or fails to meet the specified conditions even after rectification, the issuing authority shall revoke its pesticide business license.

Article 25 In the event of any of the following circumstances, the original issuing authority shall cancel its pesticide business license according to law:

- (1) the pesticide operator applies for cancellation;
- (2) the qualification of the subject is terminated according to law;

(3) the application for renewal is not filed upon expiration of the term of the pesticide business license;

(4) the pesticide business license is withdrawn, canceled or revoked according to law;

(5) other circumstances where the license shall be canceled according to law.

Article 26 Local agricultural authorities above the county level and their personnel shall perform their management duties pertaining to pesticide business licensing and consciously accept the supervision of pesticide operators and the social public.

Article 27 Superior agricultural authorities shall strengthen the supervision of business licensing management of subordinate agricultural authorities, and if any personnel is found violating rules, the personnel shall be ordered to correct such violation, and if punishment shall be imposed according to law, punishment suggestions shall be made to the personnel's appointment and removal agency or supervision agency.

Article 28 The behaviors below must be corrected on part of agricultural authorities above the county level and their personnel, and the leaders and those bearing direct responsibility shall be investigated and punished according to the law; if the behavior constitutes a crime, the individual(s) shall be held criminally liable:

(1) the individual fails to perform pesticide operation supervision and management duties, and illegal pesticide business activities in his or her administrative region caused material loss or adverse social influence;

(2) the individual grants a business license to any unqualified applicant, or withholds a business license to any qualified applicant;

(3) the individual is engaged in pesticide production and operation activities;

(4) the individual plays favoritism and commits irregularities, abuses powers and neglects duties.

Article 29 If any unit or individual finds any one engaged in pesticide business activities in violation of the law, it has the right to report to the agricultural authority, and the agricultural authority shall verify such reporting, deal with the circumstance in a timely manner, and keep confidential the information of the informer. If the case is verified to be true, plays an active role in production safety or saves great loss, a reward or award shall be given according to relevant national regulations.

Article 30 Where any pesticide operator is engaged in illegal pesticide business activities, it shall be punished pursuant to the Regulations on the Management of Pesticides; if such violation constitutes a crime, the operator shall be held criminally liable according to law.

Chapter VII Supplementary Provisions

Article 31 The Measures are enacted as from August 1, 2017.

Where any operator has been engaged in pesticide business activities before June 1, 2017, the operator shall meet the conditions specified in the Measures within one year from the day when the Measures come into effect and apply for the pesticide business license according to law.

Where any operator has obtained the pesticide business license before the Measures come into effect, it is allowed to continue such operation within the term of validity, provided that for the operation of restricted pesticides, a new pesticide business license shall be applied; where the operation of pesticides needs to continue upon expiration of the term of validity, a new pesticide business license shall be applied for ninety days before expiration in accordance with the Measures.