

# **China Agricultural Legal System Building**

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Since 2012, in accordance with the CPC Central Committee and the State Council's deployment, agricultural authorities at various levels have carried forward the agricultural legal system building in a deep way. New progress was made in agricultural administration in accordance with laws through further optimizing agricultural laws and regulations, improving their enforcement, and enhancing popularization of agricultural laws.

## **Agricultural legislation**

The Amendment I to the Law on the Popularization of Agricultural L Technology was passed and released by the Standing Committee of the National People's Congress at the end of Aug. 2012 and will be executed on Jan. 1, 2013.

The amendment positioned national agro-tech popularization institutions as public service agencies clearly. It defined that county-, township- and state-level agro-tech popularization institutions would be funded jointly by finances at various levels and the central finances would provide subsidy for popularization of key agricultural technologies. The problems nagging the workforce for agro-tech popularization for years, like unclear status of popularization institutions and weak guarantee for them, were solved and the state's support and guarantee was enhanced. Therefore, the amendment was of great significance to strengthening agro-tech popularization.

The Agricultural Insurance Regulations was approved and released by a State Council executive meeting on Oct. 24. 2012 and will be executed on Jan. 1, 2013. It classified mutual-aid cooperative insurance organization as agricultural insurance institution and defined that agriculture-related insurances, like insurances for farm machinery and fishing boat, would be handled with reference to applicable regulations. It was of profound importance to strengthen the support to agricultural insurance, develop mutual-aid cooperative insurance organizations, and improve the agricultural insurance system.

Formulation and revision of regulations on administration of pesticides, prevention and control of pollution from livestock and poultry farming, protection of new vegetable species, prevention and control of crop diseases and pests, and administration of fishing boats and ports were carried forward actively.

Centered on carrying forward agricultural administration according to laws, strengthening the regulation of quality safety of agro-products, and ensuring industrial security of agriculture, the MoA released 9 regulatory documents on provisions on the administration of regulatory documents, designation of agricultural plant species, measures for the management of production licenses for feeds and feed additives, measures for the administration of new feeds and new feed additives, measures for the management of product approval document numbers for feed additives and feed additive premixes, measures for the monitoring and management of quality safety of agro-products, measures for the administration of green food logos, and measures of the PRC on the registration of fishing vessels.

Agricultural authorities of all regions carried forward agricultural legislation in a deep way in combination with local conditions. Over 10 local laws and regulatory documents were released on specialized farmers, cooperatives, rural land contracts, farm mechanization, treatment and utilization of agricultural wastes, breeding of animals and poultry, grassland-livestock equilibrium, and development of the tea industry in Beijing, Hebei, Hubei, Jiangxi, Zhejiang, Fujian, Ningxia, Gansu, Xinjiang, Jilin and other provinces (autonomous regions and municipalities).

### **Comprehensive enforcement of agricultural laws**

As of the end of 2012, comprehensive enforcement of agricultural laws was carried out in 2,295 counties (cities, districts) in 259 cities (prefectures, states) all over the country with 99% of the counties expected to carry out this activity covered. It was carried out in all cities and counties in 10 provinces (autonomous regions) including Hebei, Shanxi, Jiangsu, Zhejiang, Hubei, Hunan, Guangxi, Sichuan, Guizhou and Gansu. Generally, comprehensive enforcement of agricultural laws in 2012 had the following characteristics,

1) Standardization of comprehensive law enforcement was carried forward in a down-to-earth manner. First, comprehensive law enforcement was enhanced at city (prefecture, state) level. In 2012 it was carried out in 79.4% of cities that should have done so, rising nearly 7% points from the previous year. While investigating and prosecuting major cases directly, the city-level comprehensive law enforcement agencies made more efforts to guide comprehensive law enforcement in counties and settle matters like nature of agency and enforcement officer's uniform, serving as a role model for demonstration and stimulation.

Second, first demonstration windows for comprehensive enforcement of agricultural laws were built. The MoA chosen 10 national demonstration windows for comprehensive enforcement of agricultural laws; and province-level demonstration windows were built in Zhejiang, Hunan, Sichuan, Shanxi, Heilong Jiang and other provinces to promote the activity of "contending for excellence" in the area of comprehensive enforcement of agricultural laws.

Third, a unified logo was released for comprehensive enforcement of agricultural laws. In order to improve the image of agricultural law enforcement and provide convenience or the general public's supervision, the MoA designed and released the logo of agricultural law enforcement. The logo was put into use by all comprehensive agricultural law enforcement agencies from Oct.1, 2012. Unified logo, name tag, certificate and uniform for agricultural law enforcement were put into use in all regions of Jiangsu province so that an image of agricultural law enforcement featuring strictness, standard, justice, honesty, civilization and efficiency was erected.

Fourth, the institutional guarantee for comprehensive enforcement of agricultural laws was strengthened. Demonstration activities was carried out in Shanxi and overlapped law enforcement and inspection was carried out in Guizhou, Jiangxi, Chongqing, Hunan and other provinces to promote the implementation of grassroots-level comprehensive law enforcement.

2) Development of the capability for law enforcement was enhanced. In 2012, a total of 345 million yuan was set aside from the fund of comprehensive agricultural law enforcement agencies at various levels and the finances at ministry and province levels, up 7.9% from the

previous year. The funds for all comprehensive agricultural law enforcement agencies were included in the fiscal budget in Zhejiang. The funds allocated to comprehensive agricultural law enforcement agencies at various levels rose by 31.87% on year-on-year basis.

In order to improve the quality of law enforcement officers, comprehensive agricultural law enforcement officers were trained at ministry and province levels for 10,119 person-times\*, rising 24.3% from the previous year. A provincial team of talents specialized in handling cases related to agricultural law enforcement was created in Jiangsu; a province-level library of teachers for training on law enforcement was built in Hebei; activities, like contests on law knowledge and skills in law enforcement, were carried out to motivate law enforcement officers, enthusiasm for learning and improve their quality effectively in Hunan, Shanxi, Ningxia, Inner Mongolia and other provinces or autonomous regions.

3) Dudes of comprehensive law enforcement in agriculture were expanded. As of the end of 2012, apart from seeds, pesticides and fertilizers, 74% of comprehensive agricultural law enforcement agencies at various levels all over the country had expended their duties to farm product quality and safety; 34% expended their duties to animal husbandry MD veterinarian; 15.8% expended their duties to farm machinery.

In addition, 33.7% of grassroots-level comprehensive law enforcement agencies were merged with plant quarantine agencies authorized according to laws and regulations; 10.4% were merged with agencies responsible for regulation of animal epidemic prevention; 16.5% were merged with agencies responsible for fishery administration.

4) Comprehensive law enforcement was continuously strengthened. In 2012, comprehensive agricultural law enforcement agencies at various levels all over the country conducted 1.4997 million person-times\* of law enforcement to inspect various stores numbering 1.015 million and handled 63,791 cases, up 24% from 2011, with economic losses of 1.284 billion yuan recovered for farmers.

Among them, there were 22,877 cases involving pesticides, accounting for 35.9%, 16,452 cases involving seeds, accounting for 25.8%, 9,044 cases involving fertilizers, accounting for 14.2%, 2,971 cases involving animal remedies, accounting for 4.7%, 1,766 cases involving feeds, accounting for 2.8%, and 1,684 cases involving farm product quality and safety, accounting for 2.6%. Cases involving quality safety of agricultural inputs and products accounted for 83.3% of all cases.

Among handled cases, the proportion of major cases increased with 304 licenses revoked, 23 times more than that of the previous year; 301 cases were transferred to juridical authorities, rising by 89% from the previous year; fined or confiscated money amounting to 140 million yuan, rising by 25% from the previous year. While investigating and prosecuting illegal cases energetically, comprehensive agricultural law enforcement agencies strengthened services for the people through mediating 16,503 agriculture-related disputes, with the agreed compensation reaching 203 million yuan. Farmers' lawful rights and interests were protected effectively.

### **Popularization and education on agricultural laws**

In 2012, agricultural authorities at various levels vigorously put into practice the sixth five-year program for popularizing agricultural laws through organizing various activities with rich contents on agricultural laws.

Five departments, including the Ministry of justice, the Publicity Department of the Central Committee of the CPC and the MoA, jointly released a document on further strengthening farmers' learning and use of laws, making an overall deployment for this work for a new period.

An activity of "bringing agricultural laws to 1,000 enterprises and 1,000 agricultural cooperatives" was implemented in Zhejiang; a number of villages were chosen to open night schools of agricultural legislation for farmers in Hunan; a contest of comprehensive enforcement of agricultural laws was carried out in Ningxia; contests of knowledge on agricultural laws were carried out in Shandong, Shanxi, Inner Mongolia and other provinces; publicists went to agricultural managers on their own initiative to distribute leaflets on agricultural laws and publicize laws to farmers in Beijing and a good effect was achieved.

\*: "Person-time" means 1 person 1 time, if the same person is trained for twice or 2 persons are trained for 1 time, both are called 2 person-times.

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