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# 中华人民共和国农产品质量安全法（2018修正）

# Agricultural Product Quality Safety Law of the People’s Republic of China (2018 Revision)

中华人民共和国农产品质量安全法

Agricultural Product Quality Safety Law of the PRC

（2006年4月29日第十届全国人民代表大会常务委员会第二十一次会议通过　根据2018年10月26日第十三届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国野生动物保护法〉等十五部法律的决定》修正）

(Adopted at the 21st Session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on April 29, 2006, and revised according to the Decision on Revising Fifteen Laws including the Law of the People's Republic of China on the Protection of Wildlife adopted at the Sixth Session of the Standing Committee of the 13th National People's Congress on October 26, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为保障农产品质量安全，维护公众健康，促进农业和农村经济发展，制定本法。

Article 1 This Law is enacted in order to ensure the quality and safety of agricultural products, maintain the health of the general public, and promote the development of agriculture and the rural economy.

第二条   本法所称农产品，是指来源于农业的初级产品，即在农业活动中获得的植物、动物、微生物及其产品。

Article 2 For the purposes of this Law, agricultural products mean the primary products from agriculture, that is, the plants, animals, microorganisms and their products, which are obtained from agricultural activities.

本法所称农产品质量安全，是指农产品质量符合保障人的健康、安全的要求。

For the purposes of this Law, the quality and safety of agricultural products mean that the quality of agricultural products meet the requirements for ensuring human health and safety.

第三条   县级以上人民政府农业行政主管部门负责农产品质量安全的监督管理工作；县级以上人民政府有关部门按照职责分工，负责农产品质量安全的有关工作。

Article 3 The administrative departments for agriculture under the people's governments at or above the county level shall be responsible for supervision and control of the quality and safety of agricultural products; and the relevant departments of the people's governments at or above the county level shall, in compliance with the division of their duties, be responsible for the work related to the quality and safety of agricultural products.

第四条   县级以上人民政府应当将农产品质量安全管理工作纳入本级国民经济和社会发展规划，并安排农产品质量安全经费，用于开展农产品质量安全工作。

Article 4 The agricultural product quality safety administration shall be included into the national economic and social development planning at the present level by the people's government at the county level or above, and offered funds of agricultural product quality safety for carrying out the work of agricultural product quality safety.

第五条   县级以上地方人民政府统一领导、协调本行政区域内的农产品质量安全工作，并采取措施，建立健全农产品质量安全服务体系，提高农产品质量安全水平。

Article 5 The local people's government at the county level or above shall exercise the unified leadership over and coordinate the work of agricultural product quality safety under its own jurisdiction, take measures to set up and perfect an agricultural product quality safety service system, and improve the level of agricultural product quality safety.

第六条   国务院农业行政主管部门应当设立由有关方面专家组成的农产品质量安全风险评估专家委员会，对可能影响农产品质量安全的潜在危害进行风险分析和评估。

Article 6 The administrative department for agriculture under the State Council shall establish a commission of specialists for risk assessment of the quality and safety of agricultural products, which shall be composed of specialists in this field, in order to analyze and assess the potential risks that may impair the quality and safety of agricultural products.

国务院农业行政主管部门应当根据农产品质量安全风险评估结果采取相应的管理措施，并将农产品质量安全风险评估结果及时通报国务院有关部门。

The administrative department for agriculture under the State Council shall take appropriate administrative measures on the basis of the results of the risk assessment of the quality and safety of agricultural products and notify the relevant departments under the State Council of such results in a timely manner.

第七条   国务院农业行政主管部门和省、自治区、直辖市人民政府农业行政主管部门应当按照职责权限，发布有关农产品质量安全状况信息。

Article 7 The administrative department for agriculture under the State Council and the administrative departments for agriculture under the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall, in compliance with their duties and within the limits of their powers, publish information about the quality and safety of agricultural products.

第八条   国家引导、推广农产品标准化生产，鼓励和支持生产优质农产品，禁止生产、销售不符合国家规定的农产品质量安全标准的农产品。

Article 8 The state guides and popularizes standardized production of agricultural products, encourages and supports the production of high-quality agricultural products, and prohibits the production and sale of agricultural products which do not meet the agricultural product quality safety criteria prescribed by the state.

第九条   国家支持农产品质量安全科学技术研究，推行科学的质量安全管理方法，推广先进安全的生产技术。

Article 9 The state supports the scientific and technological research on agricultural product quality safety, implements scientific quality safety administration methods, and popularizes advanced and safe production technologies.

第十条   各级人民政府及有关部门应当加强农产品质量安全知识的宣传，提高公众的农产品质量安全意识，引导农产品生产者、销售者加强质量安全管理，保障农产品消费安全。

Article 10 The people's government at any level and the relevant departments shall strengthen the propaganda of the knowledge on agricultural product quality safety, enhance the consciousness on agricultural product quality safety of the general public, guide producers or sellers of agricultural products to intensify quality safety management, and guarantee the safety of agricultural products for consumption.

第二章 农产品质量安全标准

Chapter 2 Quality and Safety Standards of Agricultural Products

第十一条   国家建立健全农产品质量安全标准体系。农产品质量安全标准是强制性的技术规范。

Article 11 The state establishes and improves the system of agricultural product quality safety criteria. The quality safety standard of agricultural products is a compulsory technical standard.

农产品质量安全标准的制定和发布，依照有关法律、行政法规的规定执行。

The agricultural product quality safety criteria shall be formulated and promulgated in the light of relative laws and administrative regulations.

第十二条   制定农产品质量安全标准应当充分考虑农产品质量安全风险评估结果，并听取农产品生产者、销售者和消费者的意见，保障消费安全。

Article 12 When formulating the agricultural product quality safety criteria, the relevant departments shall take into full consideration the results of agricultural product quality safety risk evaluation, and listen to the opinions of producers, sellers and consumers of agricultural products, in order to guarantee the consumption safety.

第十三条   农产品质量安全标准应当根据科学技术发展水平以及农产品质量安全的需要，及时修订。

Article 13 The agricultural product quality safety criteria shall be revised in a timely manner based on the scientific and technological development level and the requirements of agricultural product quality safety.

第十四条   农产品质量安全标准由农业行政主管部门商有关部门组织实施。

Article 14 The agricultural product quality safety criteria shall be organized to implement by the administrative department of agriculture together with other relevant departments.

第三章 农产品产地

Chapter 3 Places of Origin of Agricultural Products

第十五条   县级以上地方人民政府农业行政主管部门按照保障农产品质量安全的要求，根据农产品品种特性和生产区域大气、土壤、水体中有毒有害物质状况等因素，认为不适宜特定农产品生产的，提出禁止生产的区域，报本级人民政府批准后公布。具体办法由国务院农业行政主管部门商国务院生态环境主管部门制定。

Article 15 Where the administrative department for agriculture under a local people's government at or above the county level considers that certain agricultural products are not suitable for production, on the basis of the requirements for ensuring quality and safety of agricultural products, in accordance with such factors as the properties of the varieties, and the toxic and harmful substances in the atmosphere, soil and water body of the producing areas, it shall propose prohibiting production of certain agricultural products and publish the fact after reporting it to the people's government at the same level for approval. The specific measures shall be formulated by the administrative department for agriculture under the State Council after consultation with the department in charge of ecology and environment under the State Council.

农产品禁止生产区域的调整，依照前款规定的程序办理。

The adjustment of areas banned from production of agricultural products shall be made in the light of the procedures prescribed in the preceding paragraph.

第十六条   县级以上人民政府应当采取措施，加强农产品基地建设，改善农产品的生产条件。

Article 16 People's governments at or above the county level shall take measures to strengthen the construction of agricultural production bases and improve production conditions.

县级以上人民政府农业行政主管部门应当采取措施，推进保障农产品质量安全的标准化生产综合示范区、示范农场、养殖小区和无规定动植物疫病区的建设。

The administrative departments for agriculture under the people's governments at or above the county level shall take measures to push forward the development of comprehensive demonstration zones and farms for standardized production, breeding areas and areas free from specified animal or plant diseases, so as to ensure the quality and safety of agricultural products.

第十七条   禁止在有毒有害物质超过规定标准的区域生产、捕捞、采集食用农产品和建立农产品生产基地。

Article 17 It is prohibited to produce, fish or collect edible agricultural products or to establish production bases of agricultural products in the areas where the amount of the toxic and harmful substances exceeds the prescribed standards.

第十八条   禁止违反法律、法规的规定向农产品产地排放或者倾倒废水、废气、固体废物或者其他有毒有害物质。

Article 18 It is prohibited to discharge or dump waste water, waste gas, solid wastes or other poisonous and harmful substances to a place of origin of agricultural products in the violation of any law or regulation.

农业生产用水和用作肥料的固体废物，应当符合国家规定的标准。

Water used for agricultural production and solid waste used as fertilizers shall be in conformity with the standards set by the State.

第十九条   农产品生产者应当合理使用化肥、农药、兽药、农用薄膜等化工产品，防止对农产品产地造成污染。

Article 19 Agricultural producers shall rationally use chemical products, such as chemical fertilizers, pesticides, veterinary drugs and agricultural films, in order to prevent such chemical products from polluting the producing areas of agricultural products.

第四章 农产品生产

Chapter IV Production of Agricultural Products

第二十条   国务院农业行政主管部门和省、自治区、直辖市人民政府农业行政主管部门应当制定保障农产品质量安全的生产技术要求和操作规程。县级以上人民政府农业行政主管部门应当加强对农产品生产的指导。

Article 20 The requirements on production technologies and operational rules shall be constituted by the administrative department of agriculture of the State Council and the administrative department of agriculture of the people's government of each province, autonomous region, or municipality directly under the Central Government so as to guarantee the agricultural product quality safety. The administrative department of agriculture of the people's government at the county level or above shall strengthen its guidance to the production of agricultural products.

第二十一条   对可能影响农产品质量安全的农药、兽药、饲料和饲料添加剂、肥料、兽医器械，依照有关法律、行政法规的规定实行许可制度。

Article 21 For the pesticides, veterinary drugs, feeds and feed additives, fertilizers, and veterinary devices, which might affect the agricultural product quality safety, a licensing system shall be carried out in the light of relative laws and administrative regulations.

国务院农业行政主管部门和省、自治区、直辖市人民政府农业行政主管部门应当定期对可能危及农产品质量安全的农药、兽药、饲料和饲料添加剂、肥料等农业投入品进行监督抽查，并公布抽查结果。

The administrative department for agriculture under the State Council and the administrative departments for agriculture under the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall conduct regular supervision and make spot-checks of such agricultural inputs as pesticides, veterinary medicines, feed and feed additives and fertilizers, which may endanger the quality and safety of agricultural products, and shall publish the results of such spot-checks.

第二十二条   县级以上人民政府农业行政主管部门应当加强对农业投入品使用的管理和指导，建立健全农业投入品的安全使用制度。

Article 22 The administrative departments for agriculture under the people's governments at or above the county level shall improve control and guidance in respect of the use of agricultural inputs and establish a sound system for safe use of such inputs.

第二十三条   农业科研教育机构和农业技术推广机构应当加强对农产品生产者质量安全知识和技能的培训。

Article 23 Agricultural research and education institutions, and agricultural technology extension institutions shall strengthen the training on quality safety knowledge and skills for producers of agricultural products.

第二十四条   农产品生产企业和农民专业合作经济组织应当建立农产品生产记录，如实记载下列事项：

Article 24 An enterprise engaging in agricultural production or a professional peasant cooperative economic organization shall set up records on production of agricultural products, and the particulars as follows shall be included:

（一）使用农业投入品的名称、来源、用法、用量和使用、停用的日期；

1. The name, source, usage, dosage of the agricultural input product in use, the date of using it, and the date disusing it;

（二）动物疫病、植物病虫草害的发生和防治情况；

(II) The information on occurrence, prevention and control of animal epidemic diseases, plant diseases, pests and disasters; and

（三）收获、屠宰或者捕捞的日期。

(III) The date of harvest, slaughter or fishing.

农产品生产记录应当保存二年。禁止伪造农产品生产记录。

Production records of agricultural products shall be preserved for two years. Forgery of records on agricultural production is prohibited.

国家鼓励其他农产品生产者建立农产品生产记录。

The state encourages other producers engaging in agricultural production to set up records on agricultural production.

第二十五条   农产品生产者应当按照法律、行政法规和国务院农业行政主管部门的规定，合理使用农业投入品，严格执行农业投入品使用安全间隔期或者休药期的规定，防止危及农产品质量安全。

Article 25 A producer engaging in agricultural production shall, in the light of the laws, administrative regulations, and provisions of the administrative department of agriculture of the State Council, make use of the agricultural inputs in a reasonable way, strictly carry out the provisions on safe intervals or withdrawal period for using agricultural inputs, so as to prevent the agricultural product quality safety from being endangered.

禁止在农产品生产过程中使用国家明令禁止使用的农业投入品。

It is prohibited to use in the process of production of agricultural products any agricultural input product that is explicitly prohibited by the State.

第二十六条   农产品生产企业和农民专业合作经济组织，应当自行或者委托检测机构对农产品质量安全状况进行检测；经检测不符合农产品质量安全标准的农产品，不得销售。

Article 26 Agricultural production enterprises and specialized cooperative economic organizations of farmers shall test the quality and safety of their products themselves or entrust the test to a test agency. No agricultural products that fail to pass the quality and safety criteria for agricultural products upon test may be marketed.

第二十七条   农民专业合作经济组织和农产品行业协会对其成员应当及时提供生产技术服务，建立农产品质量安全管理制度，健全农产品质量安全控制体系，加强自律管理。

Article 27 A professional peasant cooperative economic organization or an agricultural products industry association shall offer its members production technology services in a timely manner, set up agricultural product quality safety management system, perfect the agricultural product quality safety control system, and strengthen self-disciplinary management.

第五章 农产品包装和标识

Chapter 5 Agricultural Product Packaging and Labeling

第二十八条   农产品生产企业、农民专业合作经济组织以及从事农产品收购的单位或者个人销售的农产品，按照规定应当包装或者附加标识的，须经包装或者附加标识后方可销售。包装物或者标识上应当按照规定标明产品的品名、产地、生产者、生产日期、保质期、产品质量等级等内容；使用添加剂的，还应当按照规定标明添加剂的名称。具体办法由国务院农业行政主管部门制定。

Article 28 Where the agricultural products sold by an enterprise engaging in production of agricultural products, by a professional peasant cooperative economic organization, by an entity engaging in purchase of agricultural products or by an individual are required in accordance with relevant provisions to be packed or be attached with marks, they may not be sold until they have been packed or attached with marks. Such contents as the product name, place of origin, producer, date of production, quality guaranty period, product quality grade, shall be indicated on the packages or labels in accordance with the provisions; where any additive is used, the name of the additive shall also be indicated in accordance with the provisions. The specific measures shall be formulated by the administrative department of agriculture of the State Council.

第二十九条   农产品在包装、保鲜、贮存、运输中所使用的保鲜剂、防腐剂、添加剂等材料，应当符合国家有关强制性的技术规范。

Article 29 The materials used in package, preservation, storage and transport of agricultural products, such as preservatives, antiseptics and additives, etc. shall comply with the relevant compulsory technical norms of the state.

第三十条   属于农业转基因生物的农产品，应当按照农业转基因生物安全管理的有关规定进行标识。

Article 30 Agricultural products belonging to agricultural genetically modified organisms should be labeled according to the relevant regulations on safety control of such organisms.

第三十一条   依法需要实施检疫的动植物及其产品，应当附具检疫合格标志、检疫合格证明。

Article 31 Animals, plants and their products that need be quarantined according to law shall be attached with quarantine marks of conformity and quarantine certificates of conformity.

第三十二条   销售的农产品必须符合农产品质量安全标准，生产者可以申请使用无公害农产品标志。农产品质量符合国家规定的有关优质农产品标准的，生产者可以申请使用相应的农产品质量标志。

Article 32 The on-sale agricultural products must comply for the agricultural product quality safety criteria, and the producer may submit an application for using nuisance-free marks on agricultural products. For agricultural products the quality of which meets the standards for quality agricultural products set by the State, producers may apply for use of the appropriate quality label for such products.

禁止冒用前款规定的农产品质量标志。

It is prohibited to imitate the quality marks on agricultural products as prescribed in the preceding paragraph.

第六章 监督检查

Chapter 6 Supervision and Inspection

第三十三条   有下列情形之一的农产品，不得销售：

Article 33 An agricultural product under any of the circumstances as follows shall not be sold:

（一）含有国家禁止使用的农药、兽药或者其他化学物质的；

1. It contains any pesticide, veterinary drug or other chemical substance prohibited by the state from being used;

（二）农药、兽药等化学物质残留或者含有的重金属等有毒有害物质不符合农产品质量安全标准的；

(II) The poisonous and harmful substance such as the residue of the pesticide, veterinary drug or other chemical substance, or the contained heavy metal, etc. does not comply with the agricultural product quality safety criteria;

（三）含有的致病性寄生虫、微生物或者生物毒素不符合农产品质量安全标准的；

(III) The contained pathogenic parasites, microorganisms or biological toxin does not comply with the agricultural product quality safety criteria;

（四）使用的保鲜剂、防腐剂、添加剂等材料不符合国家有关强制性的技术规范的；

(IV) The material in use such as the preservative, antiseptic or additive, etc. does not comply with the relevant compulsory technical regulations of the state; or

（五）其他不符合农产品质量安全标准的。

(V) Other circumstances under which it does not comply with the agricultural product quality safety criteria.

第三十四条   国家建立农产品质量安全监测制度。县级以上人民政府农业行政主管部门应当按照保障农产品质量安全的要求，制定并组织实施农产品质量安全监测计划，对生产中或者市场上销售的农产品进行监督抽查。监督抽查结果由国务院农业行政主管部门或者省、自治区、直辖市人民政府农业行政主管部门按照权限予以公布。

Article 34 The State establishes a system for monitoring the quality and safety of agricultural products. The administrative departments for agriculture under the people's governments at or above the county level shall, in compliance with the requirements for ensuring the quality and safety of agricultural products, draw up plans for monitoring the quality and safety of agricultural products and organize implementation of the plans, and supervise by random inspection of the agricultural products under production or on the market. The results of such supervision and spot checks shall be published by the administrative department for agriculture under the State Council, or by such department of the people's government of a province, autonomous region, or municipality directly under the Central Government within the limits of its powers.

监督抽查检测应当委托符合本法第三十五条规定条件的农产品质量安全检测机构进行，不得向被抽查人收取费用，抽取的样品不得超过国务院农业行政主管部门规定的数量。上级农业行政主管部门监督抽查的农产品，下级农业行政主管部门不得另行重复抽查。

Supervision, and spot-check, and test shall be entrusted to the agencies for testing the quality and safety of agricultural products that meet the conditions prescribed in Article 35 of this Law. No fees may be charged to the entity under spot-check and the number of selected samples shall not exceed the number prescribed by the administrative department for agriculture under the State Council. No administrative department for agriculture at a lower level may repeat spot-check of the agricultural products that are already spot-checked by the administrative department for agriculture at a higher level by way of supervision.

第三十五条   农产品质量安全检测应当充分利用现有的符合条件的检测机构。

Article 35 For the sake of an agricultural product quality safety test, the existing qualified test institutions shall be given full consideration of.

从事农产品质量安全检测的机构，必须具备相应的检测条件和能力，由省级以上人民政府农业行政主管部门或者其授权的部门考核合格。具体办法由国务院农业行政主管部门制定。

An institution engaging in agricultural product quality safety test must possess appropriate conditions and capacities for test, and shall be qualified and pass the examination of the administrative department of agriculture of the people's government at the provincial level or above or its authorized department. The specific measures shall be formulated by the administrative department of agriculture of the State Council.

农产品质量安全检测机构应当依法经计量认证合格。

An agricultural product quality safety test institution shall be found qualified from metrological accreditation in accordance with law.

第三十六条   农产品生产者、销售者对监督抽查检测结果有异议的，可以自收到检测结果之日起五日内，向组织实施农产品质量安全监督抽查的农业行政主管部门或者其上级农业行政主管部门申请复检。

Article 36 Where a producer or seller of agricultural products has any objection to the result of a supervisory test on a random inspection, it may, within 5 days as of receipt of the test result, submit an application to the administrative department of agriculture that organizes the implementation of the agricultural product quality safety supervision on a random inspection or to the administrative department of agriculture at the higher level for a re-test.

采用国务院农业行政主管部门会同有关部门认定的快速检测方法进行农产品质量安全监督抽查检测，被抽查人对检测结果有异议的，可以自收到检测结果时起四小时内申请复检。复检不得采用快速检测方法。

When the speedy test method ascertained by the administrative department of agriculture of the State Council together with the relevant department is adopted for supervisory test by a random inspection of the agricultural product quality safety by sampling, if the party to be tested has any objection to the test result, it may, within four hours as of the receipt of the test result, submit an application for a re-test. Re-inspection shall not adopt the rapid inspection method.

因检测结果错误给当事人造成损害的，依法承担赔偿责任。

If damages are caused to the party concerned due to the wrong detection results, liability for compensation shall be assumed in accordance with the law.

第三十七条   农产品批发市场应当设立或者委托农产品质量安全检测机构，对进场销售的农产品质量安全状况进行抽查检测；发现不符合农产品质量安全标准的，应当要求销售者立即停止销售，并向农业行政主管部门报告。

Article 37 An agricultural product wholesale market shall establish or entrust an agricultural product quality safety test institution to test the quality safety of the inward agricultural products for sale by a random inspection; when found any inconformity with the agricultural product quality safety criteria, the seller shall be required to immediately stop the sale, and report to the administrative department of agriculture.

农产品销售企业对其销售的农产品，应当建立健全进货检查验收制度；经查验不符合农产品质量安全标准的，不得销售。

An enterprise engaging in sale of agricultural products shall, for the agricultural products it sells, set up and improve the rules on inspection and acceptance of purchased goods; no agricultural products that fail to pass the inspection may be sold.

第三十八条   国家鼓励单位和个人对农产品质量安全进行社会监督。任何单位和个人都有权对违反本法的行为进行检举、揭发和控告。有关部门收到相关的检举、揭发和控告后，应当及时处理。

Article 38 The state encourages entities and individuals to carry out public supervision over the agricultural product quality safety. All units and individuals shall have the right to inform, expose, or accuse any violations of this Law. After receiving relevant reports, disclosures, and accusations, the relevant departments shall promptly handle the cases.

第三十九条   县级以上人民政府农业行政主管部门在农产品质量安全监督检查中，可以对生产、销售的农产品进行现场检查，调查了解农产品质量安全的有关情况，查阅、复制与农产品质量安全有关的记录和其他资料；对经检测不符合农产品质量安全标准的农产品，有权查封、扣押。

Article 39 When exercising supervision over and inspection of the quality and safety of agricultural products, the administrative departments for agriculture under the people's governments at or above the county level may inspect on site the agricultural products produced or marketed, investigate and get to know the conditions of the quality and safety of the agricultural products and consult and duplicate the records and other information relating to the quality and safety of the agricultural products. They shall have the right to seal up or seize the agricultural products that fail to pass the test.

第四十条   发生农产品质量安全事故时，有关单位和个人应当采取控制措施，及时向所在地乡级人民政府和县级人民政府农业行政主管部门报告；收到报告的机关应当及时处理并报上一级人民政府和有关部门。发生重大农产品质量安全事故时，农业行政主管部门应当及时通报同级市场监督管理部门。

Article 40 When an agricultural product quality safety accident occurs, the concerned entities and individuals shall take control measures, and report to the local people's government at the township level and the administrative department of agriculture of the people's government at the county level in a timely manner. The organ receiving the report shall handle it in a timely manner and report to the people's government at the next higher level and other relative departments. When a major agricultural product quality safety accident occurs, the administrative department of agriculture shall timely circularize it to the market supervision and management department at the same level.

第四十一条   县级以上人民政府农业行政主管部门在农产品质量安全监督管理中，发现有本法第三十三条所列情形之一的农产品，应当按照农产品质量安全责任追究制度的要求，查明责任人，依法予以处理或者提出处理建议。

Article 41 In the agricultural product quality safety supervision and administration, if the administrative department of agriculture of a people's government at the county level or above finds that an agricultural product is under any of the circumstances listed in Article 33 of the present Law, it shall, on the basis of the requirements of the system for investigation of liabilities concerning agricultural product quality safety, find out the liable person, and punish him in the light of the law or propose punishment suggestions.

第四十二条   进口的农产品必须按照国家规定的农产品质量安全标准进行检验；尚未制定有关农产品质量安全标准的，应当依法及时制定，未制定之前，可以参照国家有关部门指定的国外有关标准进行检验。

Article 42 An imported agricultural product must be inspected in accordance with the agricultural product quality safety criteria prescribed by the state. If the relevant agricultural product quality safety criteria have not been formulated, the department concerned shall formulate them in the light of the law in a timely manner, and may, before finishing formulating such criteria, inspect the imported agricultural product by referring to the relevant foreign criteria designated by the relevant department of the state.

第七章 法律责任

Chapter 7 Legal Liabilities

第四十三条   农产品质量安全监督管理人员不依法履行监督职责，或者滥用职权的，依法给予行政处分。

Article 43 Where a person responsible for supervision and control over the quality and safety of agricultural products fails to perform his duty of supervision in accordance with law or abuses his power, he shall be given an administrative sanction in accordance with law.

第四十四条   农产品质量安全检测机构伪造检测结果的，责令改正，没收违法所得，并处五万元以上十万元以下罚款，对直接负责的主管人员和其他直接责任人员处一万元以上五万元以下罚款；情节严重的，撤销其检测资格；造成损害的，依法承担赔偿责任。

Article 44 Where an agricultural product quality safety test institution forges a test result, it shall be ordered to make a correction, its illegal proceeds shall be confiscated, and in addition, it shall be fined not less than 50,000 Yuan but not more than 100,000 Yuan, and the person-in-charge directly responsible and other persons held directly liable shall be fined not less than 10,000 Yuan but not more than 50,000 Yuan each. If the circumstances are serious, its test qualification shall be revoked. If it causes any damage, it shall undertake liabilities for compensation in the light of the law.

农产品质量安全检测机构出具检测结果不实，造成损害的，依法承担赔偿责任；造成重大损害的，并撤销其检测资格。

If an agricultural product quality safety test institution issues an untrue test result, and causes any damage, it shall undertake liabilities for compensation in the light of the law; if it causes any heavy damage, its test qualification shall be revoked, in addition.

第四十五条   违反法律、法规规定，向农产品产地排放或者倾倒废水、废气、固体废物或者其他有毒有害物质的，依照有关环境保护法律、法规的规定处罚；造成损害的，依法承担赔偿责任。

Article 45 Whoever violates any law or regulation by discharging or dumping waste water, waste gas, solid wastes or other poisonous and harmful substances to a place of origin of agricultural products shall be penalized in the light of the relative environmental protection laws and regulations; if it/he causes any damage, it/he shall undertake liabilities for compensation in the light of the law.

第四十六条   使用农业投入品违反法律、行政法规和国务院农业行政主管部门的规定的，依照有关法律、行政法规的规定处罚。

Article 46 Whoever violates any law or administrative regulation or any provision of the administrative department of agriculture under the State Council in using agricultural input products, shall be penalized in the light of the relative laws and administrative regulations.

第四十七条   农产品生产企业、农民专业合作经济组织未建立或者未按照规定保存农产品生产记录的，或者伪造农产品生产记录的，责令限期改正；逾期不改正的，可以处二千元以下罚款。

Article 47 If an enterprise engaging in agricultural production or a professional peasant cooperative economic organization fails to establish or fails to carry out the provisions to preserve records on agricultural production, or forges records on agricultural production, it shall be ordered to make a correction within the time limit; if it fails to make a correction within the time limit, it may be fined not more than 2,000 Yuan.

第四十八条   违反本法第二十八条规定，销售的农产品未按照规定进行包装、标识的，责令限期改正；逾期不改正的，可以处二千元以下罚款。

Article 48 Whoever violates Article 28 of the present Law by failing to follow the provisions to pack or mark the agricultural products for sale, shall be ordered to make a correction within a time limit; if it/he fails to make a correction within the time limit, it/he may be fined not more than 2,000 Yuan.

第四十九条   有本法第三十三条第四项规定情形，使用的保鲜剂、防腐剂、添加剂等材料不符合国家有关强制性的技术规范的，责令停止销售，对被污染的农产品进行无害化处理，对不能进行无害化处理的予以监督销毁；没收违法所得，并处二千元以上二万元以下罚款。

Article 49 Where the preservatives, antiseptics, additives and other materials used are not in conformity with the relevant compulsory technical specifications set by the State, as specified in Subparagraph (4) of Article 33 of this Law, the entity or individual shall be ordered to cease selling the contaminated agricultural products and to give such products innocent treatment; with respect to the products to which no innocent treatment can be given, they shall be destroyed under supervision; its or his illegal gains shall be confiscated, and it or he shall also be fined not less than 2,000 yuan but not more than 20,000 yuan.

第五十条   农产品生产企业、农民专业合作经济组织销售的农产品有本法第三十三条第一项至第三项或者第五项所列情形之一的，责令停止销售，追回已经销售的农产品，对违法销售的农产品进行无害化处理或者予以监督销毁；没收违法所得，并处二千元以上二万元以下罚款。

Article 50 If an agricultural product sold by an enterprise engaging in agricultural production or a professional peasant cooperative economic organization is under any of the circumstances listed in Items (1) through (3) or Item (5) of Article 33 of the present Law, the said entity shall be ordered to stop selling the products, recover the sold agricultural products, and make innocuous treatment of or supervise the destruction of the illegally sold agricultural products; at the same time, its illegal incomes shall be confiscated, and it shall be fined not less than 2,000 Yuan and not more than 20,000 Yuan, in addition.

农产品销售企业销售的农产品有前款所列情形的，依照前款规定处理、处罚。

If an agricultural product sold by an enterprise engaging in sale of agricultural products is under any of the circumstances enumerated in the preceding paragraph, the said enterprise shall be punished or penalized in the light of the preceding paragraph.

农产品批发市场中销售的农产品有第一款所列情形的，对违法销售的农产品依照第一款规定处理，对农产品销售者依照第一款规定处罚。

Where the agricultural products marketed on a wholesale market for agricultural products fall under the circumstances specified in the first paragraph, the agricultural products illegally marketed shall be disposed of according to the provisions in the first paragraph and the seller of such products shall be punished according to the provisions in the first paragraph.

农产品批发市场违反本法第三十七条第一款规定的，责令改正，处二千元以上二万元以下罚款。

Where a wholesale market for agricultural products violates the provisions of the first paragraph of Article 37 of this Law, it shall be ordered to rectify and shall be fined not less than 2,000 yuan but not more than 20,000 yuan.

第五十一条   违反本法第三十二条规定，冒用农产品质量标志的，责令改正，没收违法所得，并处二千元以上二万元以下罚款。

Article 51 Whoever violates Article 32 of the present Law by making unauthorized use of the quality marks on an agricultural product shall be ordered to make a correction, its/his illegal proceeds shall be confiscated, and it/he shall be fined not less than 2,000 Yuan and not more than 20,000 Yuan.

第五十二条   本法第四十四条，第四十七条至第四十九条，第五十条第一款、第四款和第五十一条规定的处理、处罚，由县级以上人民政府农业行政主管部门决定；第五十条第二款、第三款规定的处理、处罚，由市场监督管理部门决定。

Article 52 The punishments and penalties prescribed in Article 44, Articles 47 through 49, Paragraphs 1 and 4 of Article 50, and Article 51 of the present Law shall be decided on by the administrative department of agriculture of the people's government at the county level or above; while the punishments and penalties prescribed in Paragraphs 2 and 3 of Article 50 shall be decided on by the market supervision and administration department.

法律对行政处罚及处罚机关有其他规定的，从其规定。但是，对同一违法行为不得重复处罚。

Where administrative penalties and the authorities imposing such penalties are otherwise prescribed by laws, the provisions there shall apply. However, no penalty shall be imposed a second time on one and the same offence.

第五十三条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 53 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be imposed according to the law.

第五十四条   生产、销售本法第三十三条所列农产品，给消费者造成损害的，依法承担赔偿责任。

Article 54 If anyone producing or selling the agricultural products enumerated in Article 33 of the present Law causes any damage to a consumer, it shall undertake liabilities for compensation in the light of the law.

农产品批发市场中销售的农产品有前款规定情形的，消费者可以向农产品批发市场要求赔偿；属于生产者、销售者责任的，农产品批发市场有权追偿。消费者也可以直接向农产品生产者、销售者要求赔偿。

Where an agricultural product sold on a wholesale market for agricultural products falls under the circumstances prescribed in the preceding paragraph, the consumer may claim compensation from the said market; if the producer or seller is held liable, the market shall have the right to recourse. Consumers may also claim compensation directly from the producers and sellers.

第八章 附 则

Chapter 8 Supplementary Provisions

第五十五条   生猪屠宰的管理按照国家有关规定执行。

Article 55 The administration on pig slaughtering shall be carried out in accordance with the relevant provisions of the state.

第五十六条   本法自2006年11月1日起施行。

Article 56 This Law shall go into effect as of November 1, 2006.