

2019 POLICY SPOTLIGHT SERIES | 2019年度政策聚焦系列

Normalizing US-China Agriculture Cooperation: Opportunities and Challenges

中美农业合作正常化： 机遇与挑战



AmCham China
中国美国商会

The American Chamber of Commerce in the People's Republic of China

Chairman's Message

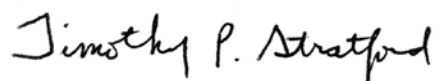
Active and involved AmCham China members who are agriculture experts drafted this report. With the interests of both AmCham China members and China's agricultural development foremost in thought, we expect that the ideas and recommendations included in this report will be helpful to Chinese and US government decision makers and business leaders.

Agriculture industry development continues to be a mainstay of China's economic development and an important aspect of US-China economic relations. AmCham China is encouraged by the government's focus on rural revitalization, captured by the expanded authority of the newly formed Ministry of Agriculture and Rural Affairs, formed in 2018 during China's government reorganization. AmCham China members also witnessed several important events in 2018, including further reduction of restrictions on foreign investment in agriculture, as well as consolidation of anti-monopoly enforcement activities under the State Administration for Market Regulation (SAMR) that were previously housed within the Ministry of Commerce, National Development and Reform Council (NDRC) and the State Administration for Industry and Commerce (SAIC) -- which we believe will help streamline antitrust enforcement. Moreover, we appreciate the continuous improvement in China's crop variety registration, and the Chinese government's continuing efforts to develop more stringent emission regulations for non-road machinery.

At the same time, AmCham China members are deeply concerned about the presence of retaliatory tariffs and ongoing trade tensions between China and the US, which drastically reduced trade in agriculture products between the two countries throughout 2018. While reports that China is planning to commit to significant purchases of US agricultural products as part of a negotiated outcome are important for members in this sector, China is the second-largest market for US agricultural products -- and any sustained imposition of the tariffs will harm US market share as China diversifies its agricultural import base.

Given current tensions in the US-China relationship and in the spirit of working toward mutually beneficial solutions, the agriculture industry represents a sector where AmCham China member companies have longstanding partnerships that can help stabilize the relationship. We believe the recommendations provided in this report will support China in developing an even more modern agriculture industry. To that end, we recommend improving the sustainability and competitiveness of Chinese agriculture by opening up to foreign investment in agricultural biotechnology, modern agricultural processing, and bulk transportation. Another suggestion is to simplify the approval procedure for import and export of seed and breeding materials, which should advance development of China's seed varieties. We also recommend China streamline agricultural biotech regulatory and certification processes and implement clearly defined, scheduled timeframes, to allow foreign biotech products to more rapidly enter the Chinese market. This should accelerate development of China's domestic agriculture biotech industry.

For the US government, AmCham China continues to recommend seriously considering Chinese requests for market access for meat, fish, and produce, including cooked poultry, apples, pears, and catfish in a fair and reciprocal manner.



Timothy Stratford

Chairman,
American Chamber of Commerce in China
July 2019

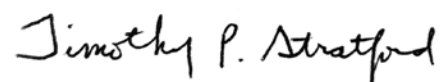
主席致辞

本报告是在中国美国商会会员企业农业专家的积极参与下起草的。鉴于商会会员企业的利益和中国农业的发展，我们希望这份报告所提出的想法和建议能给中美两国政府决策者和商界领袖带来帮助。

农业发展仍然是中国经济发展的支柱和中美经济关系的重点。政府对农村振兴的关注令商会感到振奋，2018年中国政府重组期间成立了农业农村部，其权力也进一步扩大，引起了商会的关注。2018年，商会会员企业还见证了许多历史时刻，例如进一步减少对农业国外投资的限制，加强国家市场监督管理总局反垄断执法（之前归商务部、国家发改委、国家工商行政管理总局管理），我们相信，以上措施将有助于简化反垄断执法。此外，我们对中国农作物品种登记工作的持续改进、以及中国政府在制定更加严格的非道路机械排放法规方面作出的持续努力表示赞赏。

同时，中美之间的报复性关税以及持续的贸易紧张局势使2018年全年两国农产品交易急剧减少，商会对此深感担忧。有报道称，谈判促使中国计划大量购买美国农产品，这对该行业的会员企业来说非常重要。中国是美国农产品的第二大市场——随着中国农业进口来源的多元化，任何持续征收关税的行为都将损害美国的市场份额。

鉴于当前中美关系的紧张局势，本着互利共赢的精神，商会会员企业在农业领域的长期合作关系将有助于稳定中美关系。我们相信，这份报告提出的建议将有助于中国发展更加现代化的农业。为实现这一目标，我们建议通过开放针对农业生物技术、现代农业加工、散装运输的外国投资，从而提高中国农业的可持续性和竞争力。我们还建议简化种子和育种材料的进出口审批程序，以促进中国种子品种的发展。我们还建议简化中国的农业生物技术监管和认证程序，并遵循明确规定的时间表，从而使外国生物技术产品更快地进入中国市场。这将加快我国农业生物技术产业的发展。



夏尊恩

中国美国商会主席

2019年7月

Introduction

AmCham China would like to congratulate the government of China for the progress in the agriculture sector beginning in 2018. Over the past 12 months China expanded the authority of the Ministry of Agriculture and Rural Affairs (MARA) (formerly the Ministry of Agriculture), captured by the release of 2019 document No. 1 to better reflect the government’s focus on rural development and the elimination of rural poverty. China’s overarching agricultural policy continues to focus on modernizing the industry and encouraging innovation while simultaneously ensuring food security and safety.

During 2018 AmCham China members witnessed several important events:

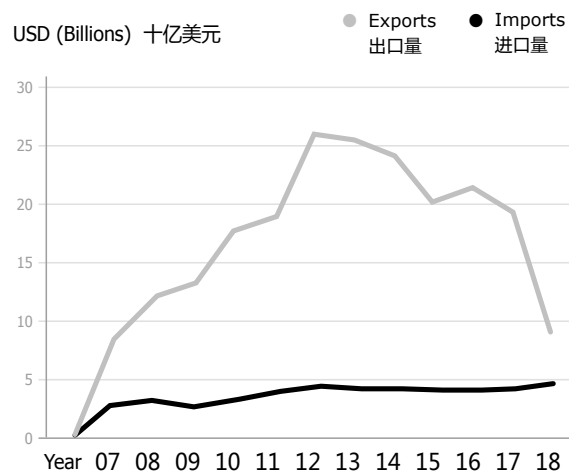
- The Ministry of Commerce (MOFCOM) and National Development and Reform Commission (NDRC) jointly published the Special Administrative Measures (Negative List) for Foreign Investment Access (2018 version) and Free Trade Zone (FTZ) Special Management Measures (FTZ Negative List) for Foreign Investment Access (2018 version). Similarly, MOFCOM and NDRC published a Negative List in July 2018, which replaced the earlier Guiding Catalogues on Foreign Investment and removed additional sectors from investment restrictions.
- Continuous improvement in China’s crop variety registration following amendment of the *Seed Law* in 2016.
- The Chinese government announced the consolidation of anti-monopoly enforcement responsibilities previously residing in three agencies (MOFCOM, NDRC, and State Administration for Industry and Commerce (SAIC)), under the newly established State Administration for Market Regulation (SAMR), which should streamline antitrust enforcement.

Despite economic tensions created by the uncertainty of US-China relations, China’s economy grew by an estimated 6.6% in 2018, in line with government expectations, but the slowest rate since 1990. Chinese citizens continue to exhibit strong demand for high-quality, safe and nutritious food.

Agricultural trade between China and the US faltered in 2018 (Figures 1 and 2). US companies exported US \$9.1 billion of agricultural products to China, a year-on-year decline of over half as much as 2017. Trade tensions between China and the US have taken a toll on the agricultural industry in both countries. In July 2018, the US government introduced 25% tariffs on US \$34 billion of Chinese imports. In response, China imposed 25% tariffs on US \$34 billion of imports from the US that heavily targeted agricultural products including soybeans, sorghum, red meat, fruits, and produce. Tariffs imposed by both the US and China in August 2018 on an additional US \$16 billion of goods raised the total of import tariffs on goods to \$50 billion imposed by each country.

Figure 1. US Agricultural Trade (Imports and Exports) to China

图 1. 美国对华农业贸易 (进出口)



Source: US Census Bureau Trade Data

源自：美国人口普查局贸易数据

As a central pillar of the trading relationship, the agricultural industry in both countries bears the brunt of deteriorating trade relations. These actions will have longstanding ramifications should the tensions continue. Additional American tariffs went into effect in September 2018 on US \$200 billion of Chinese products including consumer goods, while reciprocal Chinese

引言

中国美国商会（商会）祝贺中国政府从2018年开始在农业领域取得的进展。在过去的12个月里，中国政府扩大了农业农村部（前农业部）的权限，而2019年中央一号文件的公布则更好地反映了政府对农村发展和消除农村贫困的关注。中国的总体农业政策继续以工业现代化和鼓励创新为重点，同时确保了粮食保障与安全。

2018年，商会会员见证了几个重要事件：

- 商务部和国家发展和改革委员会（发改委）联合发布了《外商投资准入特别管理措施（负面清单）（2018年版）》和《自由贸易区（自贸区）外商投资准入特别管理措施（自贸区负面清单）（2018年版）》。同样，商务部和发改委于2018年7月公布了负面清单，取代了早期的《外商投资指导目录》，并将一些行业从投资限制中删除。
- 自2016年《种子法》修订以来，中国不断改进作物品种登记。
- 中国政府根据新成立的国家市场监督管理总局的规定，宣布巩固此前属于商务部、发改委和国家工商行政管理总局等三个机构的反垄断执法责任，这将简化反垄断执法。

尽管中美关系的不确定性造成了经济紧张局面，但2018年中国经济仍增长了6.6%，符合了政府预期，但增长率却是1990年以来最低的。中国民众继续对优质、安全和有营养的食品表现出强烈的需求。

2018年中美之间的农业贸易摇摆不定（图1和图2）。美国公司向中国出口了91亿美元的农产品，同比2017年减少了超过一半。中美贸易紧张局势已经对两国的农业造成了影响。7月，美国政府对340亿美元的中国进口产品征收25%的关税。作为回应，中国对美国340亿美元进口产品征收25%的关税，这些进口产品主要

包括大豆、高粱、红肉、水果等农产品。2018年8月，美国和中国对另外160亿美元的商品征收关税，此举将两国对商品征收的进口关税总额增加至500亿美元。

作为贸易关系的中心支柱，两国农业在贸易关系恶化带来的影响中首当其冲。如果紧张局势继续下去，这些行动将产生长期后果。2018年9月美国对包括消费品在内的2000亿美元中国产品另行征收的关税生效，而中国于9月份宣布的对应的关税现已影响近90%的美国农产品出口。由于中国目前是美国的第二大农产品市场，随着中国使其农业进口基地多样化，持续征收关税将导致美国市场份额下降。

虽然商会会员企业仍然对其与中国农业的长期合作关系充满信心，但也对中美之间的贸易紧张局势深感担忧。商会希望两国之间的贸易紧张局势能够缓和，并打算与中国和美国的农业进行合作，以帮助确保商业伙伴关系保持强劲。商会还打算继续支持中国的农业现代化目标，为中国消费者提供价格实惠、更加健康、更加可持续的食粮食品。

现存监管问题

种子产业

市场准入挑战

商会欣喜地看到与早期的《外商投资指导目录》相比2018年负面清单中减少了对农业的限制。特别是，新的自贸区负面清单进一步将外商投资在小麦和玉米育种及种子生产中的股权上限从49%提高至66%。现在可以由外国投资者控制小麦和玉米作物品种育种及种子生产。商会建议将自贸区的政策扩展到国家层面，建议政府进一步放宽对外商投资在小麦和玉米新品种选择和育种方面的限制。

tariffs announced in September 2018 now impact nearly 90% of US agricultural exports. As China is currently the second-largest market for US agricultural products, sustained imposition of these tariffs will cause the US market share to fall as China diversifies its agriculture import base.

Though AmCham China member companies remain confident in their longstanding partnerships with the Chinese agricultural industry, we are deeply concerned about trade tensions between China and the US. AmCham China hopes to see a de-escalation in trade tensions between both countries and intends to work together with Chinese and US agricultural industries to help ensure that business partnerships remain strong. AmCham China also intends to continue supporting China's goal of agricultural modernization and ensuring affordable, healthier, and sustainable food products for Chinese consumers.

Ongoing Regulatory Issues

Seed Industry

Market Access Challenges

We are encouraged to see restrictions on the agricultural industry in the 2018 *Negative List* be reduced in comparison to the earlier *Guiding Catalogues on Foreign Investment*. In particular, the new *FTZ Negative List* further increased the equity cap on foreign investment in wheat and maize breeding and seed production from 49% to 66%. Breeding of wheat and maize crop varieties and seed production can now be controlled by foreign investors. AmCham China recommends the policies of the FTZ be extended to the national level and the government further relaxes restrictions on foreign investment in the selection and breeding of new varieties of wheat and maize.

The 2018 *Negative List* and the *FTZ Negative List* still prohibits foreign investment in “genetically-modified (GM) varieties breeding and GM seed production,” however. Prohibiting foreign investment in these areas will not only limit competition and efficiency but is detrimental to China's goals emphasizing innovation and modernization of the agricultural sector. We urge the Chinese government scale back this provision from “prohibited” to no more than “restricted” to allow joint ventures to engage more widely in seed technology innovation and crop production. This recommendation is also particularly salient in light of ChemChina's takeover of Swiss pesticides firm Syngenta in 2016, a move that should lead to a reduction of barriers to foreign investment in this sector.

Import and Export of Seed and Breeding Material

AmCham China saw continuous improvement in China's crop variety registration following amendment of the *Seed Law* in 2016. Our member companies believe significant changes to regulations governing import and export of seed and breeding materials are necessary to streamline lengthy and complex approval processes. This will reduce the delays AmCham China members face from redundant required approvals, slowly processed intellectual property (IP) phytosanitary certifications and permits, and unclear policy guidance and directives.

Exporting seeds for research purposes is overly complicated for multinational corporations (MNCs). For instance, germplasm exports from China are prohibited if domestic germplasm is used. Even when domestic germplasm is not used, the application and approval procedure is unclear, lengthy and protracted, and is characterized by very low approval rates.

Meanwhile, the general import procedure requires approvals from multiple authorities in provincial seed administration agencies as well as MARA. Such approval procedure slows technology exchange and research cooperation between MNCs and the local seed industry, hampering new variety development.

Counterfeit Seeds and Intellectual Property Protection

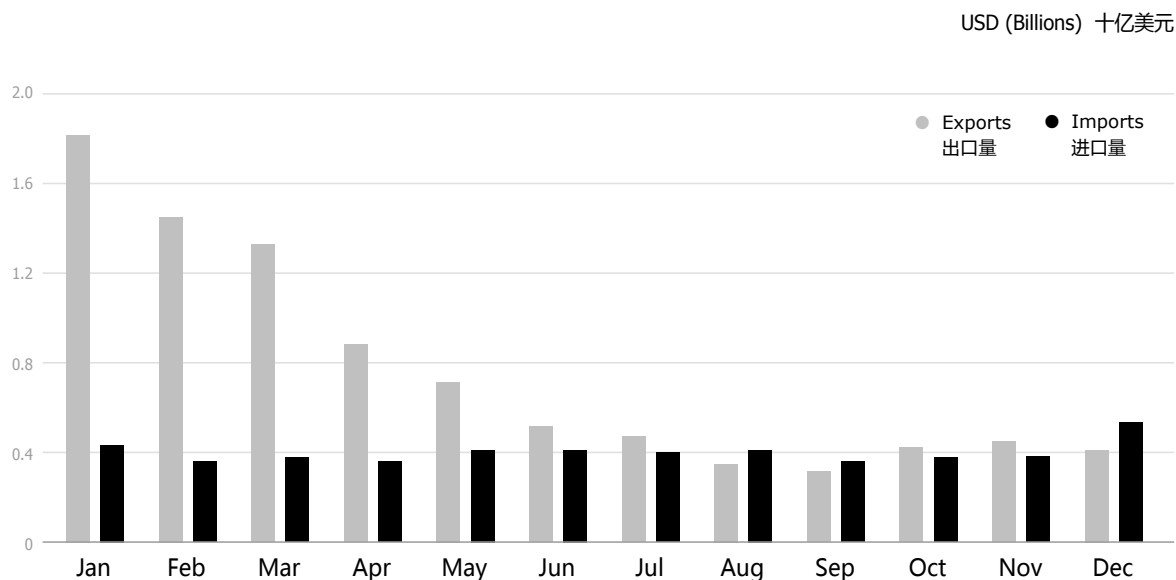
The seed industry is technology and research intensive, making effective IP protection critical to its success. Weak IP protection has been a major barrier to the development of China's seed industry. Variety violation and counterfeit seeds are common problems for both imported and domestic seeds. We recognize that the Chinese government, including MARA, the Ministry of Public Security (MPS), and SAMR, are working to create a favorable environment for innovation in the seed sector by strengthening IP legal protections.

AmCham China members would like to continue to work closely with relevant Chinese government agencies. We urge Chinese authorities to impose more severe penalties on Plant Variety Protection (PVP) infringements as an effective way to protect breeders' PVP rights. AmCham China also recommends the provision of more IP tools to provide comprehensive innovation protection. We recommend:

- Apply Essentially Derived Varieties (EDV), which are already being trialed by rice crop varieties, to more seed types like corn;
- Trade secret protections should be applied to germplasm products to protect breeding innovation rights;

Figure 2. Monthly US Agricultural Trade with China in 2018

图 2. 2018 年美国与中国的农产品月贸易量



Source: US Census Bureau Trade Data
 源自：美国人口普查局贸易数据

然而，2018 年负面清单和自由贸易区负面清单仍禁止外国投资“转基因品种育种和转基因种子生产”。禁止外国投资这些领域不仅会限制竞争和效率，还不利于中国农业部门创新和现代化目标的实现。商会促请中国政府将这一规定从“禁止”降级至“限制”，以允许合资企业更广泛地参与种子技术创新和作物生产。这一建议对中国化工集团 2016 年收购瑞士农药公司先正达一事中也尤其显而易见，该举措应该会减少在该领域的外国投资壁垒。

种子和育种材料的进出口

商会注意到，自 2016 年《种子法》修订以来，中国在不断改进作物品种登记。商会会员认为，种子和育种材料进出口法规仍亟待重大变革，以简化冗长且复杂的审批程序。这将减少商会会员因冗余的审批，知识产权植物检疫认证和许可处理缓慢以及不明确的政策指导和指令而面临的延误。

为研究目的而进行的种子出口对跨国公司而言过于复杂。例如，如果使用国内种质，则禁止从中国进口种质。即便不使用国内种质，申请和批准程序也模糊不清、冗长拖沓，且批准率非常低。

同时，一般进口流程需要获得省级种子管理机构多个部门和农业农村部的审批。这样的批准过程延缓了跨国公司与当地种子行业之间的技术交流和科研合作的步伐，阻碍了新品种的研发。

假种子与知识产权保护

种子行业是技术与研究密集型行业，这使得有效的知识产权保护对其成功至关重要。知识产权保护不力一直是制约中国种子产业发展的主要障碍。品种作假和假种子是进口和国产种子共同存在的问题。商会认识到，中国政府，包括农业农村部、公安部和国家市场监督管理总局，正在努力通过加强知识产权法律保护，为种子行业的创新创造有利的环境。

商会会员希望继续与中国有关政府机构密切合作。商会促请中国政府对植物品种保护 (PVP) 侵权实施更严厉的处罚，作为保护育种者 PVP 权利的有效方式。商会还建议提供更多的知识产权工具以全面保护创新。具体建议为：

- 将实质派生品种（已经被水稻作物品种试验过）应用于更多的种子类型，如玉米；

- Proper patent rights should be granted to innovative biotech products which are not individual plant varieties;
- Molecular detection methods should be introduced to help protect crops from pests and disease;
- An IP credit system for seed companies should be established to better manage IP rights over seed development and enhance PVP enforcement.

Agrochemical Industry

Mutual Acceptance of Data (MAD) Program for Pesticide Registrations

China revised its domestic pesticide regulations in 2017. According to MARA's interpretation of the new regulations, to register an internationally-produced pesticide in China, the foreign enterprise must appoint a MARA-approved entity to conduct all registration tests in China. As of November 1, 2017, MARA has stopped accepting OECD-Good Laboratory Practice (GLP) reports issued by overseas laboratories in the registration procedure. These reports support the OECD's Mutual Acceptance of Data (MAD) program, which provides that after a pesticide has been tested and approved by one MAD signatory, it is deemed accepted by all. Therefore, pesticide registration authorities can waive domestic registration requirements for relevant, good quality data generated in other countries. China is in discussions but has yet to join the MAD program.

Consequently, foreign enterprises must now conduct registration tests with a China-based entity, at a cost of RMB 20-30 million per registration, and face an additional registration procedure that can stretch out over an additional three to four years. China is now one of the only countries in the world that will not accept data for pesticide registration under the MAD program and requires all registration tests to be conducted within its territory. AmCham China urges MARA to work with industry stakeholders and relevant international organizations to join the MAD program and stop requiring duplicative registrations of foreign pesticides. We note in this regard that Chinese government authorities are accelerating the registration of innovative drugs by accepting overseas clinical test results. AmCham China therefore also urges MARA to study the experience of the National Medical Products Administration (NMPA), which has overseen this effort.

Registration Management of Only-For-Export Pesticide

Article 48 of the *Measures for the Administration of the Pesticide Registration*, published on June 21, 2017, stated that "Registration Management of Only-For-Export Pesticides will be stipulated separately by the Ministry

of Agriculture." To date, these regulations have yet to be introduced. This creates operational uncertainty for both domestic pesticide manufacturers and global pesticide supply chains. Considering that all pesticide registration licenses for exports will expire in 2019 (the exact expiration date depends on the license holder), AmCham China members are concerned this could affect continued production of export pesticides, negatively impacting the competitiveness of domestic manufacturers in foreign markets and endangering access to pesticides for farmers who rely heavily on the Chinese pesticide industry and may produce food intended for the Chinese market.

AmCham China urges MARA to release the relevant rules as early as possible. In the continued absence of final regulations, interim measures are necessary to guide pesticide manufacturers and traders on implementation.

Addition of Illegal Pesticide Analogues

In 2018, Chinese regulatory agencies detected traces of chemical analogues in several pesticides used throughout China. While these analogues have similar properties to the active ingredients identified on the pesticide label, according to national Chinese regulations on pesticide management, the presence of chemical analogues classifies these pesticides as "fake." AmCham China members have found, however, differing interpretations at the regional level as to whether the presence of these chemical analogues violates the law and is therefore subject to relevant legal procedures and penalties.

AmCham China encourages MARA to coordinate with provincial governments and industry associations to develop unified implementing measures on how to deal with the presence of illegal analogues in domestic pesticides.

Biotechnology

Regulatory and Permit Issues Facing Commodities with Biotech Traits

The regulatory approval procedure for crop commodities with biotech traits made little progress in 2018. No new approvals were granted. Continued delays in approving biotech commodities severely inhibits global agricultural innovation. AmCham China is also concerned by the increasing number of repetitive data localization requirements imposed by the regulatory authorities with respect to safety approvals for imported biotech products. AmCham China encourages MARA to adopt more flexible data localization requirements that take into consideration the product's intended use in China, rather than imposing restrictive, "one-size-fits all" data requirements.

- 将保护商业秘密应用于种质资源以保护育种创新权；
- 向创新生物技术产品而非单一植物品种授予恰当的专利权；
- 应引入分子检测方法帮助作物免受病虫害；
- 应建立种子知识产权信用体系，更好地管理种子研发知识产权，加强植物品种保护执法。

农药行业

农药登记数据互认 (MAD) 计划

2017 年中国修订了国内农药法规。根据农业农村部对新法规的解释，要在中国注册国际生产的农药，外国企业必须指定一个农业农村部批准的实体在中国进行所有登记测试。截至 2017 年 11 月 1 日，农业农村部已停止受理由境外实验室在登记程序中发布经济合作与发展组织 (经合组织) - 非临床研究质量管理规范 (GLP) 报告。这些报告支持经合组织的数据互认计划，该计划规定，在农药经一个数据互认签约国测试和批准后，视为被所有方认可。因此，农药登记机关可以免除在其他国家生成的相关优质数据的国内登记要求。对于数据互认计划，中国正处在讨论中但尚未加入。

因此，外国企业现在必须与中国实体一起开展登记测试，每次登记费用为人民币二千万至三千万，并且还需要额外的登记程序 (可能又需要三到四年时间)。中国现在是世界上不按照数据互认计划受理农药登记数据的仅有的几个国家之一，并要求所有登记测试都在其境内进行。商会促请农业农村部与行业利益相关者和相关国际组织合作，加入数据互认计划，并促请停止要求外国农药重复登记。在这方面，商会注意到中国政府机关正在通过受理海外临床试验结果来加速创新药物登记。因此，商会也敦促农业农村部研究国家药品监督管理局的经验。

仅供境外使用农药的登记管理

2017 年 6 月 21 日颁布的《农药登记管理办法》第 48 条规定“仅供境外使用农药的登记管理由农业部另行规定”。但是到目前为止相关规定尚未出台，这对相

关国内农药生产商和全球农药供应链带来了操作上的不确定性。鉴于 2019 年之后所有的仅供境外使用的登记证都将到期 (确切有效期取决于许可证持有人)，商会会员担心这会影响到出口农药的持续生产，从而对国内制造商在国外的竞争力产生负面影响，并给严重依赖中国农药行业并可能为中国市场生产粮食的农户在农药供应方面带来危害。

商会促请农业农村部尽早公布相关规定。若最终法规迟迟不出台，应采取暂行办法在实施上对农药制造商和贸易商予以指导。

类似物的非法添加

2018 年，中国监管机构在全国使用的几种农药中检测出化学类似物。而根据《中国农药管理条例》，这些类似物与农药标签上标识的活性成分具有类似特征，存在化学类似物可认定这些农药为“假农药”。但商会会员发现，地方，对于这些化学类似物的存在是否违反法律上持有不同的解释，因此，这要取决于相关法律程序和处罚规定。

商会鼓励农业农村部与省级政府和行业协会进行协调，就国内农药中存在的非法类似物的处理方式制定统一的实施办法。

生物技术

具有生物技术特征的商品面临监管和许可问题

2018 年，具有生物技术特性的作物商品的监管审批程序几乎没有取得进展，也未有新批文发出。生物技术商品审批上的不断拖延严重阻碍了全球农业创新。商会也对于监管机构在进口生物技术产品安全审批上越来越多的重复数据本地化要求表示担忧。商会鼓励农业农村部采用更灵活的数据本地化要求，即要考虑到产品在中国的预期用途，而非对数据要求施加限制和实施“一刀切”。

2017 年，对现有生物技术法规进行了几项新的修订。这些修订取消了将国内研究作为申请进口安全证书的先决条件，也取消了与生物技术产品进口审批相关的申请和试验费用要求。虽然商会会员对中国政府减轻公司行政和财务负担的意图表示欢迎，但也相信这些修订会进

In 2017 several new amendments to existing biotech regulations were issued. These amendments removed in-country studies as a precondition for applying for import safety certificates, and removed application and trial fee requirements for biotech product import approvals. While our members welcome the Chinese government's intention to reduce the administrative and financial burden on companies, we also believe the amendments provide opportunities to further reduce the requirements for in-country studies which are unique to China and are considered redundant alongside import safety certificates. When these amendments are adopted without a clear transition period or detailed implementing regulations, they add significant operational uncertainty for AmCham China member companies. AmCham China urges MARA to clarify the changes to the regulatory procedure resulting from these new amendments and establish implementing rules after a transparent, open consultation process with all stakeholders.

AmCham China also notes that export approvals from the country of origin are still a required precondition to apply for import safety certificates for biotech products. This leads to significant delays between approval by the country of origin and approval in China. AmCham China encourages MARA to allow companies to apply for China import safety approval while the export approval is under consideration in the country of origin to expedite the entry of these products into the China market.

In addition to acquiring an import safety certificate, MARA also requires agricultural commodity traders to obtain a biosafety certificate for each individual shipment of biotech products abroad. These additional approvals are redundant. In 2018 the rejection rate for biosafety certificate applications for shipment permits filed by commodity traders increased at great cost and uncertainty for commodity trading businesses. AmCham China urges MARA to provide a clear set of criteria to guide document preparation for this application process.

Feed Industry

Silage Evaluation Standards

It is estimated that about 140 silage corn varieties have been registered since the founding of the People's Republic of China in 1949. Due to China's Corn Silage Standards, which focus on dry matter yield, these varieties are subject to unreasonable evaluation methods and standards that do not correspond to the practices of the modern dairy industry. AmCham China members call on China to adopt scientifically-based evaluation standards of silage corn varieties in line with Document 2015 No. 1 of the Communist Party of China (CPC) Central

Committee to promote "food grain to feed" in order to continue the development of China's feed industry.

Feed Import Approvals

Feed additives and ingredients exported to China for the first time are required to undergo a government approval process that involves registering these products with MARA and additional product safety evaluations and producer registration with the General Administration of Customs (China Customs).

The MARA and China Customs registration procedures are lengthy and complicated, often taking years to complete. This discourages new technology from entering China's food production supply chain and reduces the options available to Chinese farmers for important feed additives, including important antibiotics alternatives, thereby undermining domestic feed and food safety.

AmCham China urges that the procedure be reformed and the timeframe shortened by allowing companies to submit the same documents simultaneously to both MARA and China Customs. We further recommend that China Customs oversee supervision risk control of imported feed additives and ingredients.

Agricultural Processing and Transportation

Merger & Acquisition Review

AmCham China would like to see that SAMR take steps to improve regulatory transparency. We urge SAMR to release more information publicly about specific Merger and Acquisition (M&A) case decisions and issue a list of antitrust principles under consideration during the M&A review process so companies can better prepare filing documents. The lengthy, opaque M&A review common in the past created much unhelpful uncertainty for the business community.

Bulk Transportation

High transportation, shipping and logistics costs impairs the global competitiveness of China's agricultural products. AmCham China is glad to see that China aims to increase the portion of cross-provincial grain movement handled in bulk to 50% by 2020.

Railway and truck transportation currently comprise the major forms of bulk transportation, but they are inhibited by limited capacity. Low-cost, integrated logistics solutions such as barge systems, which are used for transport along major US rivers, could be a viable substitute. AmCham China members would be pleased to share their experience with their Chinese counterparts.

一步降低国内研究要求提供机会，因为这些研究是中国特有的，对进口安全证书也不必要。如果采用这些修订时没有规定明确的过渡期或制定详细的实施条例，则会给商会会员公司带来运营上的重大不确定性。商会促请农业农村部明确由这些新修订产生的监管程序变化，并在与所有利益相关方进行透明、公开的磋商后制定实施细则。

商会还注意到，原产国的出口审批仍然是申请生物技术产品进口安全证书的必要前提。这导致原产国审批和中国审批之间存在明显的时间滞后。商会鼓励农业农村部允许公司在出口审批待批的情况下申请中国进口安全审批，以加速这些产品进入中国市场。

除了获得进口安全证书外，农业农村部还要求农产品贸易商为运往国外的每批生物技术产品货物获得生物安全证书。这些附加审批是多余的。2018年，商品贸易商为获得装运许可证其生物安全证书申请的拒绝率增加，这加大了商品贸易业务的巨大成本并给贸易业务带来了不确定性。商会促请农业农村部提供一套明确的标准来指导此申请流程的文件编制。

饲料行业

青贮评估标准

据估计，自1949年中华人民共和国成立以来，已有约140种青贮玉米品种登记在案。由于《中国青贮玉米标准》以干物质产量为主，这些品种受到不合理的评价方法和标准的影响，这些评估方法和标准也不符合现代乳业的做法。商会呼吁中国根据2015年中共中央1号文件规定采用科学的青贮玉米品种评估标准，以推动“饲料用粮”，继续促进中国饲料工业的发展。

对饲料进口的批准

饲料添加剂和原料首次出口到中国需要经过政府审批程序，饲料添加剂和原料需在农业农村部备案，其他的产品安全性评估和生产商在海关总署备案。

农业农村部 and 海关总署的注册程序冗长而复杂，通常需要数年才能完成。这阻碍了新技术进入中国的粮食生产供应链，减少了中国农民对重要饲料添加剂的选择，包括重要的抗生素替代品，从而削弱了国内饲料和粮食安全。

商会敦促进行程序改革并缩短时间，方法是允许公司同时向农业农村部 and 海关总署提交相同文件。商会进一步建议，由海关总署来监督管理进口饲料添加剂和原料的风控。

农业加工与运输

并购审核

商会希望市场监督管理总局采取措施提高监管透明度。商会敦促市场监督管理总局公开发布更多有关具体并购案例决策的信息，并在并购审核流程中发布反垄断原则清单供考虑，以便公司更好地准备申请文件。过去常见的冗长而不透明的并购审核为商业界带来了无意义的不确定性。

散货运输

高昂的运输、装运和物流成本削弱了中国农产品的全球竞争力。商会很高兴看到中国力争到2020年将跨省运输的散装粮食比例提高到50%。

铁路和卡车运输是目前散装运输的主要形式，但它们受到有限运力的限制。低成本的综合物流解决方案，如用于沿美国主要河流运输的驳船系统，可能是一种可行的替代方案。商会会员很乐意与中国同行分享经验。

牛肉和猪肉贸易

由于中国对各种安全营养蛋白来源的需求不断增长，中国成为世界上最大的牛肉和猪肉进口市场，预计中期的进口量将同比增长近50%。然而，由于对市场准入的多重限制，美国牛肉的市场份额预计仅为1%。

由于2018年8月在中国部分地区爆发非洲猪瘟，中国对进口猪肉的需求很可能会迅速增加。今年运送到中国的猪肉的价值将为34亿美元左右。美国猪肉的份额将不到10%。

中国目前对美国食品药品监督管理局和《食品法典》批准的 β 受体激动剂和合成激素残留物实行零容忍。对这些兽药的限制导致出口到中国的猪牛肉生产成本显著增加。为了使中国消费者能够以合理的价格接触到更广泛的猪肉供应商，商会敦促中国认可《食品法典》对这些产品的最大残留限量从而接受国际兽药残留标准。

Beef and Pork Trade

China's growing demand for a wide range of sources of safe and nutritious protein has resulted in China becoming the world's largest import market for beef and pork, and imports are expected to grow nearly 50% year-on-year over the medium term. Due to multiple restrictions on market access, however, US beef's market share is expected to be roughly a mere 1%.

China's demand for imported pork is likely to increase rapidly due to the outbreak of African Swine Fever in parts of China in August 2018. Pork shipments to China this year will be valued at about \$3.4 billion. US pork's share of that will be less than 10%.

China currently has zero tolerance for residues of FDA and Codex approved beta agonists and synthetic hormones. These veterinary drug restrictions add significant production costs to both beef and pork exports to China. To enable Chinese consumers to have access to a wider range of pork suppliers at reasonable cost, AmCham China urges China to embrace international standards for veterinary drug residues by recognizing Codex MRL's for these products.

Other impediments that reduce the domestic consumers access to safe and varied protein sources include unreasonable traceability requirements for beef, limitations on the range of beef products that can be imported, and a ban on the use of USDA Food Safety Inspection Service (FSIS) replacement health certificates.

Agricultural Machinery

Agricultural Machinery Subsidies

Since 2004 subsidies and other favorable policies have powered sales of agricultural mechanization equipment in China, reducing the overall cost of food production domestically. AmCham China particularly appreciates the new subsidy policy released in 2018, which added imported agricultural machinery to the subsidy list. Provincial agricultural authorities have substantial autonomy regarding subsidy implementation, and policies differ from province to province. As a result, agricultural machinery manufacturers must work with all provincial authorities responsible for subsidy enforcement. AmCham China urges authorities to adopt consistent provincial-level subsidy policies in order to foster a healthy business environment and improve farming efficiency.

Emission Standards

AmCham China welcomes the release of the long-awaited *Non-road Mobile Machinery and Diesel Engine Stage IV*

emission regulation (NR4) and supports stringent and consistent enforcement of the regulations to ensure a level playing field for the whole industry. The new NR4 emission certification test is much more intensive than the previous NR3 certification test, requiring significantly longer preparation on behalf of the manufacturer to meet each requirement. We ask MARA to simplify the homologation process so manufacturers can deliver clean and efficient products to customers on time. After the NR4 emission regulation becomes effective, AmCham China urges the Ministry of Ecology and Environment (MEE) to ensure strict and consistent enforcement and provide implementing guidelines that clarify regulatory standards to minimize the opportunity for inconsistent interpretation by different regulatory bodies.

Recommendations

For the Chinese Government:

- Improve the competitiveness and sustainability of Chinese agriculture by further opening the industry up to foreign investment in agricultural biotechnology, modern agricultural processing, and bulk transportation.
- Simplify the approval procedure for the import and export of seed and breeding materials at both the central and provincial levels to advance the development of seed varieties in China.
- Streamline the agricultural biotech regulatory process and associated review timeframes. Relevant certification proceedings should be conducted periodically and according to a defined, scheduled timeline. Adopt the MAD Program in line with internationally-recognized practices. Allow applicants to make submissions in China at the same time as applications elsewhere in the world and eliminate redundant import safety approvals.
- Continue to adopt scientific evaluation standards across the agricultural supply chain, such as in the evaluation of silage corn varieties, beef and pork imports, and allow Chinese farmers greater access to alternatives to antibiotics by streamlining the approval procedure.
- Encourage the consistent implementation of agricultural machinery subsidies across provinces to raise efficiency and simplify agricultural machinery homologation processes to meet NR4 emission standards with limited preparation time.

减少国内消费者获取安全和多样化蛋白质来源的其他障碍包括牛肉可追溯性要求不合理，对可进口的牛肉产品范围的限制以及禁止使用美国农业部食品安全检验局（FSIS）的替代健康证书。

农业机械

农机补贴

自2004年以来，补贴和其他优惠政策推动了中国农业机械化设备的销售，降低了中国粮食生产的总体成本。商会特别赞赏2018年发布的新补贴政策，该补贴政策将进口农业机械列入补贴清单，提高了农业生产效率。鉴于省级农业部门可以根据当地情况更加自主和灵活地执行补贴政策，所以各省的补贴政策不尽相同。因此，农业机械制造商与各个省份合作时必须遵循不同政策。商会建议各省级机构采取统一的省级补贴政策，以营造健康的商业环境，提高农业效率。

排放法规

商会欢迎《非道路移动机械及其装用的柴油机第四阶段排放法规》（国四）尽快发布。商会支持法规执行的严格性和一致性，以确保整个行业的公平竞争环境。国四排放认证测试与以前的国三认证测试相比时间紧、要求严，企业的准备时间大幅增加。我们要求农业农村部简化鉴定流程，以便制造商能够按时向客户交付清洁高效的产品。在国四排放法规生效后，商会敦促生态环境部确保执法的严格性和一致性，提供指导方针，以避免因执法部门理解不同而导致的含糊不清或主观解读。

建议

对中国政府：

- 进一步允许外资投资农业生物技术、现代农业加工和粮食散货运输，从而提高中国农业的竞争力和可持续性。
- 简化中央和省级种子和育种材料进出口审批程序，推动中国种子品种的研发。
- 简化农业生物技术监管流程及相关的审核时间表。定期并按照确定的计划期限开展相关

的认证程序。按照国际公认的做法采用数据互认计划。允许申请人在与世界其他地方申请同一时间提交申请，取消多余的进口安全审批。

- 继续在整个农业供应链中采用科学的评估标准，例如，在评估青贮玉米品种、牛肉和猪肉进口的过程中，并简化审批程序，让中国农民获得更多的抗生素替代品。
- 鼓励各省实施统一的农机补贴，提高效率，简化农业机械鉴定流程，以便在有限的准备时间内满足国四排放标准。

对美国政府：

- 加强与中国政府的沟通，探索合作空间，使中美双边贸易继续正常化。
- 公平互惠地考虑中国对肉类、鱼类和农产品（包括熟制禽肉、苹果、梨和鲟鱼）的市场准入要求。
- 通过官方或非官方双边对话与中方官员合作，解决美国农业生产商所面临的贸易和投资限制。

For the US Government:

- Strengthen communication with the Chinese government, explore space for cooperation, and resume the normalization of bilateral trade between the US and China.
- Consider Chinese requests for market access for meat, fish, and produce, including cooked poultry, apples, pears, and catfish in a fair and reciprocal manner.
- Work with Chinese officials through official or unofficial bilateral dialogues to address trade and investment restrictions faced by US agricultural producers.



The report can be downloaded at www.amchamchina.org/policy-advocacy/policy-spotlight/agriculture



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