4. In the interpretation of an entry in List A, all elements of the entry, as well as the Articles against which the entry is made, shall be considered. Unless otherwise explicitly indicated in the entry, the Description of Measure element shall prevail over all other elements, including where a difference exists between the Description of Measure element and the Source of Measure element in the aspect of investment liberalisation.

5. Where there is overlap between the contents of List A and List B, notwithstanding the obligations China assumes under Article 10.8 (Reservations and Non-Conforming Measures) and List A, China remains entitled to adopt or maintain relevant measures in accordance with Article 10.8 (Reservations and Non-Conforming Measures) and List B.

6. For the purposes of List A:

   (a) **foreign investor** means any investor of another Party or a non-Party.

   (b) **foreign investor may not invest** means a foreign investor may not directly or indirectly invest, including by holding any shares, stock or other forms of rights or interest, in the territory of China; and

   (c) **Chinese control** means the circumstances where the total investment proportion held by foreign investors, whether directly and indirectly, is not greater than 49 per cent.

7. List A only applies to non-services investments by foreign investors, and does not apply to any investments by foreign investors in services (including cultural industries, constructions and operations of infrastructural and other facilities). Any aspects of such an entry which relate to investment in service are subject to the Chapter 8 (Trade in Services) only. For greater certainty, List A shall apply to the following sectors: manufacturing, agriculture, fishery, forestry and hunting, mining and quarrying; and all or a combination of these sectors in which an entry is made.

1.

Sector	:	Seed Industry
Level of Government	:	Central
Type of Obligation	:	National Treatment (Article 10.3)
Description of Measure	:	1. Foreign investors may not invest in the research and development, breeding and planting of the precious and fine varieties which are rare and special in China, or the production of the relevant reproductive materials thereof (including high quality genes in the industries of crop production, livestock industry and aquaculture). 2. Foreign investors may not invest in the selection and breeding of transgenic varieties of agricultural crops, livestock and breeding poultry and aquatic fry, or the production of their transgenic seeds (sprouts). 3. Investments by foreign investors in the selection and breeding of new varieties of wheat or corn and seed production of wheat or corn require Chinese control.
Source of Measure	:	- *Seed Law* (Amended in 2015), Articles 8, 11, and 62; - *Special Administrative Measures for Market Access of Foreign Investment* (Negative List) (2019 Edition), Articles 1 through 3