Cultural Relics Protection Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the protection of cultural relics, inheriting the splendid historical and cultural heritage of the Chinese nation, promoting scientific research, conducting education in patriotism and in the revolutionary tradition, and building a socialist society with cultural and ethical progress.

Article 2 — The State shall place under its protection the following cultural relics within the territory of the PRC:

(1) Sites of ancient culture, ancient tombs, ancient architectural structures, cave temples, stone carvings and murals of historical, artistic, or scientific value;

(2) Important modern and contemporary historical sites, material objects, and typical buildings related to major historical events, revolutionary movements, or famous personages that are of commemorative or educational significance or of historical value;

(3) Valuable works of art and handicrafts of different periods in history;

(4) Important documents of the revolution and manuscripts, books, and materials of historical, artistic, or scientific value of different periods in history; and

(5) Typical material objects reflecting the social systems, social production, and daily life of various nationalities in different periods in history.

The standards and measures for the verification of cultural relics shall be formulated by the competent department of cultural relics administration under the State Council and submitted to the State Council for approval.

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Fossils of paleovertebrates and paleoanthropoids of scientific value shall be protected by the State in the same manner as cultural relics.

Article 3 — Immovable cultural relics such as sites of ancient culture, ancient tombs, ancient architectural structures, cave temples, stone carvings, murals, important modern and contemporary historical sites, and typical buildings may, on the basis of their historical, artistic, and scientific value, be determined as major historical and cultural sites protected at the national level, historical and cultural sites protected at the provincial level, or historical and cultural sites protected at the city or county level respectively.

Movable cultural relics such as important material objects, works of art, documents, manuscripts, books, materials, and typical material objects shall be classified as valuable cultural relics and ordinary cultural relics; valuable cultural relics shall be classified as Grade 1, Grade 2, or Grade 3.

Article 4 — In the work of protecting cultural relics, the principles of protection first, rescue first, rational use, and strengthening administration shall be followed.

Article 5 — All cultural relics remaining underground, in internal waters, and in the territorial sea within the territory of the PRC shall be owned by the State. Sites of ancient culture, ancient tombs, and cave temples shall be owned by the State. Immovable cultural relics such as memorial buildings, ancient architectural structures, stone carvings, murals, and modern and contemporary typical buildings designated by the State for protection shall be owned by the State, except as otherwise provided for by the State.

The ownership of State-owned immovable cultural relics shall not be changed as a result of any change in the ownership of or the right to use the land to which the cultural relics are attached.

The ownership of State-owned movable cultural relics shall not be changed as a result of the termination or change of the entities that preserve or collect them.

The State shall protect the ownership of collectively-owned and privately-owned memorial buildings, ancient architectural structures, and other cultural relics obtained in accordance with the law. The owners of cultural relics shall abide by the State provisions on the protection and administration of cultural relics.

Article 6 — The people's governments at or above the county level shall include the undertakings of cultural relics protection in their national economic and social development plans at the corresponding levels, and the expenses required therefor shall be included in the fiscal budgets at the corresponding levels.

Article 7 — The competent department of cultural relics administration under the State Council shall be in charge of the work relating to the protection of cultural relics throughout the country. The departments of cultural relics administration of the local people's governments at or above the county level shall be in charge of the work relating to the protection of cultural relics within their respective administrative areas.

Other relevant departments of the State Council shall, within the scope of their respective functions, be responsible for the work relating to the protection of cultural relics.

Article 8 — All government authorities, social organizations, enterprises, public institutions, and individuals shall have the obligation to protect cultural relics in accordance with the law.

Article 9 — The State shall reward entities or individuals that have made outstanding contributions to the protection of cultural relics.

Chapter II — Immovable Cultural Relics

Article 10 — The competent department of cultural relics administration under the State Council shall select and determine major historical and cultural sites protected at the national level from among the historical and cultural sites protected at the provincial, city, and county levels, and submit them to the State Council for verification and publication.

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Historical and cultural sites protected at the provincial level shall be verified and published by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government, and shall be submitted to the State Council for record-filing.

Historical and cultural sites protected at the city or county level shall be verified and published by the people's governments of cities divided into districts, autonomous prefectures, or counties respectively, and shall be submitted to the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government for record-filing.

Immovable cultural relics not yet verified and published as historical and cultural sites protected at any level shall be registered and published by the competent departments of cultural relics administration of the people's governments at the county level.

Article 11 — The people's governments of provinces, autonomous regions, or municipalities directly under the Central Government shall delimit the necessary areas for the protection of historical and cultural sites, mark the boundaries, erect signs and tablets, establish records and files, and set up special administrative organs or assign special personnel for administration.

Within the areas of protection of historical and cultural sites, no construction projects other than cultural relics protection projects or blasting, drilling, excavation, or other operations shall be carried out. Where special circumstances require construction projects or blasting, drilling, excavation, or other operations within the areas of protection of historical and cultural sites, the safety of the historical and cultural sites shall be guaranteed, and the matter shall be subject to the approval of the people's government that verified and published the historical and cultural sites, and the consent of the competent department of cultural relics administration at the next higher level before any such construction or operation may be carried out.

Article 12 — On the basis of the actual needs for the protection of cultural relics and with the approval of the people's government of the province, autonomous region, or municipality directly under the Central Government, a certain area for control of construction may be delimited around the area of protection of historical and cultural sites, and such delimitation shall be published.

No construction projects within the area for control of construction may destroy the historical appearance and environment of the historical and cultural sites. The design scheme for any construction project within such area shall be subject to the consent of the competent department of cultural relics administration at the corresponding level before being submitted to the competent department of urban and rural planning for approval.

Article 13 — Where a construction unit, in the course of construction, discovers cultural relics, it shall protect the site and immediately report to the local competent department of cultural relics administration; the latter may, after receiving the report and where it deems necessary, arrive at the site within 24 hours and put forward opinions on the handling of the matter within seven days. The competent department of cultural relics administration may report to the local people's government to notify the public security authorities to assist in the protection of the site.

Article 14 — Where, in the course of a capital construction project or agricultural production, any ancient cultural site or ancient tomb is discovered, no cultural relics or relevant materials may be destroyed or altered without authorization. All units and individuals have the obligation to protect the site and report to the local competent department of cultural relics administration in a timely manner.

Chapter III — Archaeological Excavations

Article 15 — All archaeological excavations shall be subject to the approval of the competent department of cultural relics administration under the State Council. No entity or individual may conduct archaeological excavations without approval.

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Institutions engaged in archaeological excavations shall be subject to approval by the competent department of cultural relics administration under the State Council.

In conducting archaeological excavations, institutions engaged in archaeological excavations shall submit an excavation plan and obtain approval in accordance with the law.

Article 16 — Where it is necessary to conduct an archaeological excavation to coordinate with a capital construction project, the people's government of the province, autonomous region, or municipality directly under the Central Government shall, prior to the start of the construction, organize forces to conduct an archaeological investigation and exploration within the area where the project may bury cultural relics.

Article 17 — Foreigners and foreign organizations that need to conduct archaeological investigations, explorations, or excavations within the territory of the PRC shall be subject to the examination and approval of the competent department of cultural relics administration under the State Council, which shall submit the matter to the State Council for special permission.

Article 18 — All cultural relics unearthed in the course of archaeological excavations shall be registered, properly preserved, and kept by the State. No entity or individual may seize, privately divide, or conceal them.

Chapter IV — Collection of Cultural Relics

Article 19 — Museums, libraries, and other cultural relics collection entities shall classify and grade the cultural relics in their collection, establish files for the cultural relics in their collection, establish a strict management system, and submit the files to the competent department of cultural relics administration for record-filing.

The competent department of cultural relics administration under the people's government at or above the county level shall establish files for the cultural relics in the collection of cultural relics collection entities within its administrative area; the competent department of cultural relics administration under the State Council shall establish files for the Grade 1 cultural relics in the collection of museums, libraries, and other cultural relics collection entities throughout the country.

Article 20 — Cultural relics collection entities may acquire cultural relics by the following means:

(1) Purchase;

(2) Acceptance of donations;

(3) Exchange in accordance with the law; or

(4) Other means as provided for by laws and administrative regulations.

Cultural relics collection entities shall not acquire cultural relics from entities that are not cultural relics collection entities or individuals.

Article 21 — State-owned cultural relics collection entities shall obtain cultural relics in accordance with the law and shall properly keep them. They shall not sell, donate, mortgage, transfer, or dispose of cultural relics in the collection in any other form without authorization.

Article 22 — State-owned cultural relics collection entities shall be equipped with facilities for the safe protection of cultural relics in their collection that meet the State standards. They shall have in place a security system, provide adequate security personnel, and adopt measures to ensure the safety of cultural relics.

Chapter V — Private Collection of Cultural Relics

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Article 23 — Cultural relics in private collections may be inherited by law, purchased, exchanged, donated, or obtained by other lawful means. They may be circulated in accordance with the law, except for cultural relics the circulation of which is prohibited by the State.

Article 24 — The circulation of cultural relics shall be subject to approval in accordance with the law. The establishment of cultural relics shops and cultural relics auction enterprises shall be subject to the approval of the competent departments of cultural relics administration of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government.

Article 25 — Cultural relics shops may not sell or auction cultural relics without going through examination and verification in accordance with the law. Cultural relics auction enterprises may not auction cultural relics without going through examination and verification in accordance with the law.

Article 26 — Cultural relics shops shall keep truthful records of their purchases and sales of cultural relics. Cultural relics auction enterprises shall keep truthful records of their auction activities. The records shall be submitted to the competent department of cultural relics administration for record-filing.

Article 27 — The State shall encourage citizens, legal persons, and other organizations to donate cultural relics in their private collections to State-owned cultural relics collection entities or to lend them to such entities for exhibition and research.

Chapter VI — Taking Cultural Relics Out of or Into China

Article 28 — The taking of cultural relics out of the country shall be subject to the examination, verification, and approval of the competent department of cultural relics administration under the State Council. Cultural relics leaving the country shall be examined and verified by the exit and entry inspection authorities of cultural relics designated by the competent department of cultural relics administration under the State Council. Cultural relics that are verified as eligible for leaving the country shall be issued an exit permit by the competent department of cultural relics administration under the State Council, and shall exit the country from the designated port. No cultural relic verified as not eligible for leaving the country may be taken out of the country.

Article 29 — The State shall prohibit the taking out of the country of valuable cultural relics, except for those taken out for exhibition or other special purposes upon the approval of the State Council.

Article 30 — The temporary entry of cultural relics into the country shall be declared to the Customs, and shall be subject to the examination and verification of the exit and entry inspection authorities of cultural relics. Temporary cultural relics entering the country for exhibition or other temporary entry activities shall be re-exported in accordance with the original state within six months, unless otherwise approved by the competent department of cultural relics administration under the State Council.

Chapter VII — Legal Liability

Article 31 — Where any of the following acts is committed and a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) Illegally excavating sites of ancient culture or ancient tombs;

(2) Intentionally or negligently damaging valuable cultural relics under State protection;

(3) Selling or giving as a gift to a foreigner valuable cultural relics under State protection, without authorization;

(4) Illegally taking cultural relics out of the country;

(5) Stealing, plundering, privately dividing, or illegally occupying State-owned cultural relics;

(6) Embezzling or misappropriating funds for the protection of cultural relics; or

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(7) Other acts that shall be pursued for criminal liability in accordance with the law.

Article 32 — Where any of the following acts is committed but the circumstances are not serious enough to constitute a crime, an administrative penalty shall be imposed in accordance with the law:

(1) Carving on, smearing, or otherwise damaging cultural relics;

(2) Carrying out construction projects within the area of protection of historical and cultural sites without authorization;

(3) Conducting archaeological excavations without authorization;

(4) Illegally acquiring, selling, or transferring cultural relics;

(5) Failing to report the discovery of cultural relics in violation of regulations; or

(6) Other acts in violation of the laws and regulations on the protection of cultural relics.

Article 33 — Where any construction project is carried out without approval of the competent department of cultural relics administration within the area of protection or the area for control of construction of historical and cultural sites, and the historical appearance and environment of the historical and cultural sites are thereby damaged, the competent department of cultural relics administration shall order the entity to make corrections, and may impose a fine; where the circumstances are serious, the people's government that verified and published the historical and cultural sites shall have the power to request the relevant department to revoke the permit for the construction project.

Article 34 — Where cultural relics collection entities fail to equip themselves with facilities for the safe protection of cultural relics in their collection that meet the State standards, the competent department of cultural relics administration shall order them to make corrections, and may impose a fine.

Article 35 — Functionaries of the administrative departments of cultural relics who neglect their duties, abuse their powers, or engage in malpractice for personal gain shall be subject to sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 36 — The protection of cultural relics in the Hong Kong Special Administrative Region and the Macao Special Administrative Region shall be governed by the laws of the respective regions.

Article 37 — This Law shall come into effect on the date of promulgation. The Cultural Relics Protection Law of the PRC adopted on November 19, 1982 and the relevant decisions on amendments shall be repealed on the same date.

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