Law of the PRC on the Protection of Wildlife

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting wild animals, saving rare and endangered wild animals, maintaining biodiversity and ecological balance, and promoting ecological progress.

Article 2 — This Law shall apply to the protection, breeding and utilization of wild animals and related activities within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China. The protection of wild animals in international treaties to which China is a party shall be governed by such treaties, except for provisions on which China has made reservations.

Article 3 — Wild animal resources are owned by the state. The state shall protect the lawful rights and interests of organizations and individuals engaged in the breeding and utilization of wild animals in accordance with the law.

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Article 4 — The state shall implement a protection policy for wild animals that gives priority to protection, regulates utilization, and exercises strict supervision. The state shall encourage and support scientific research on wild animals and shall cultivate citizens' awareness of protecting wild animals.

Article 5 — The state shall protect wild animals and their habitats. The people's governments at or above the county level shall formulate plans and measures for the protection of wild animals and their habitats and shall include the funds for the protection of wild animals in their budgets. The state shall encourage citizens, legal persons and other organizations to participate in the protection of wild animals through donations, funding and volunteer services in accordance with the law.

Article 6 — All organizations and individuals shall have the obligation to protect wild animals and their habitats. Any organization or individual shall have the right to report or make an accusation against any act that infringes upon wild animals and their habitats. The relevant departments shall promptly handle such reports or accusations.

Article 7 — The competent departments of forestry and grassland and fishery under the State Council shall be respectively responsible for the protection of terrestrial and aquatic wild animals nationwide. The competent departments of forestry and grassland and fishery of local people's governments at or above the county level shall be respectively responsible for the protection of wild animals within their respective administrative areas.

Chapter II — Protection of Wildlife and Their Habitats

Article 8 — The state shall implement a system of classified and graded protection for wild animals. The state shall provide special protection for rare and endangered wild animals. Wild animals under special state protection shall be divided into Class I protected wild animals and Class II protected wild animals. The lists of wild animals under special state protection shall be formulated and announced by the competent department of wildlife protection under the State Council.

Article 9 — The competent departments of wildlife protection of the people's governments at or above the county level shall regularly organize surveys of wild animals and their habitats or special surveys and shall establish resource files.

Article 10 — The state shall delimit nature reserves for the major habitats and breeding areas of wild animals under special state protection. The establishment and administration of nature reserves shall be carried out in accordance with the relevant provisions of the state.

Article 11 — The competent departments of wildlife protection of the people's governments at or above the county level shall monitor and assess the wildlife habitats and shall take measures to improve the ecological environment of the habitats.

Article 12 — Where a construction project may affect the habitats of wild animals under special state protection, the construction entity shall submit a special report on the impact on the habitats of wild animals to the competent department of wildlife protection. The competent department of wildlife protection shall examine and approve the report in accordance with the law.

Article 13 — Where wild animals under special state protection are threatened by natural disasters or other emergencies, the local people's government shall promptly take rescue measures. The state shall establish a compensation system for damage caused by wild animals under special state protection.

Chapter III — Administration of Wildlife

Article 14 — It is prohibited to hunt, kill, sell, purchase or utilize wild animals under special state protection. Where it is necessary to hunt, capture, artificially breed, exhibit, perform or otherwise utilize wild animals under special state protection for scientific research, captive breeding, exhibition or other special purposes,

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the matter shall be subject to the approval of the competent department of wildlife protection under the State Council or the people's government of the province, autonomous region or municipality directly under the Central Government, and a special hunting or catching permit shall be obtained.

Article 15 — The hunting of wild animals not under special state protection shall be subject to a hunting permit obtained in accordance with the law. The hunting of wild animals shall be carried out in accordance with the type, quantity, location, time, tools and methods specified in the hunting permit.

Article 16 — The use of military weapons, qiguns, explosives, poisonous drugs, electric shock devices, snares, pits, ground bows, iron clamps and other hunting tools and methods that endanger the safety of humans and animals and destroy wild animal resources is prohibited. Night hunting by illumination, hunting by fire, hunting by means of destroying nests, and net hunting on a large scale are prohibited, except where it is truly necessary for scientific research and approved by the competent department of wildlife protection of the people's government at or above the provincial level.

Article 17 — The state shall encourage the captive breeding of wild animals under special state protection. Captive breeding of wild animals under special state protection shall be subject to a captive breeding permit. Captive breeding shall be carried out in accordance with the species and quantity specified in the permit.

Article 18 — The sale, purchase and utilization of wild animals under special state protection and the products thereof are prohibited. Where it is necessary to sell, purchase or utilize wild animals under Class I state protection and the products thereof, the matter shall be subject to the approval of the competent department of wildlife protection under the State Council; where it is necessary to sell, purchase or utilize wild animals under Class II state protection and the products thereof, the matter shall be subject to the approval of the competent department of wildlife protection of the people's government of the province, autonomous region or municipality directly under the Central Government.

Article 19 — The transportation, carrying, mailing or bringing into or out of the country of wild animals under special state protection and the products thereof shall be subject to approval and a transport permit. The exit of wild animals under special state protection and the products thereof shall be subject to the approval of the competent department of wildlife protection under the State Council. The state shall strictly control the import and export of wild animals and the products thereof.

Article 20 — The state shall strictly prohibit the illegal trading, purchasing and eating of wild animals under special state protection. Business operators shall not purchase, process or sell wild animals under special state protection and the products thereof, or provide dining services for the eating of wild animals under special state protection.

Article 21 — The competent departments of wildlife protection shall supervise and inspect the hunting, captive breeding, sale, purchase, transportation and import/export of wild animals and the products thereof, and shall establish an information management system.

Article 22 — The state shall establish a monitoring system for epidemic diseases of terrestrial wild animals. When the competent department of wildlife protection discovers an epidemic disease or an abnormal death of wild animals, it shall promptly report to the relevant department and take measures.

Article 23 — Where wild animals under special state protection cause harm to crops, damage to property or personal injury, the local people's government shall provide compensation. Specific measures shall be formulated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Chapter IV — Legal Liability

Article 24 — Any person who illegally hunts or kills wild animals under special state protection shall be investigated for criminal liability in accordance with the law; where the circumstances are relatively minor, the

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competent department of wildlife protection shall confiscate the hunting spoils, hunting tools and illegal gains, revoke the special hunting or catching permit, and impose a fine not less than two times but not more than ten times the value of the hunting spoils; where there are no hunting spoils, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed.

Article 25 — Any person who sells, purchases or transports wild animals under special state protection and the products thereof shall be investigated for criminal liability in accordance with the law; where the circumstances are relatively minor, the illegally operated wild animals and the products thereof and the illegal gains shall be confiscated, and a fine not less than two times but not more than ten times the value of the wild animals and the products thereof shall be imposed.

Article 26 — Any person who illegally imports or exports wild animals and the products thereof shall be penalized by the customs in accordance with the law; where the circumstances are serious and a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 27 — Any person who forges, alters, buys, sells, transfers or leases a special hunting or catching permit, a hunting permit or a captive breeding permit shall have the illegal certificate and the illegal gains confiscated, and be fined not less than 50,000 yuan but not more than 250,000 yuan; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 28 — Any person who eats wild animals under special state protection and the products thereof shall be fined not less than five times but not more than ten times the value of the wild animals and the products thereof.

Article 29 — Any functionary of the competent department of wildlife protection who abuses his power, neglects his duties or engages in malpractice for personal gain shall be given a sanction in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter V — Supplementary Provisions

Article 30 — The administrative measures for the protection of wild plants shall be separately formulated by the State Council.

Article 31 — This Law shall come into force on March 1, 1989.

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