Regulations of the PRC on the Protection of Wild Plants

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

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of protecting, developing, and rationally utilizing wild plant resources, conserving biodiversity, and maintaining ecological balance.

Article 2 — Activities relating to the protection, development, and utilization of wild plants within the territory of the People's Republic of China must comply with these Regulations.

For purposes of these Regulations, "wild plants" shall mean plants growing in native habitats under natural conditions, namely, rare and endangered plants and plants of important economic, scientific, and cultural value that grow in native habitats under natural conditions, including their portions such as roots, stems, leaves, flowers, and fruits.

With respect to the protection of medicinal wild plants, urban gardens, nature reserves, and scenic and historic areas, where relevant laws and administrative regulations provide otherwise, such provisions shall prevail.

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Article 3 — The State shall adopt the policy of strengthening the protection of wild plant resources, actively developing and rationally utilizing wild plant resources.

Article 4 — The State shall protect the lawful rights and interests of entities and individuals engaged in the development, utilization, or management of wild plant resources in accordance with law.

Article 5 — The State shall encourage and support scientific research on wild plants and the protection and construction of wild plant habitats.

Entities and individuals that have made outstanding achievements in the protection, management, scientific research, cultivation, and utilization of wild plant resources shall be rewarded by the people's governments.

Article 6 — The competent department of forestry and grassland of the people's government at or above the county level shall be responsible for the supervision and administration of wild plants within their respective administrative areas, and the competent department of agriculture and rural affairs shall be responsible for the supervision and administration of other wild plants within their respective administrative areas.

Article 7 — All entities and individuals shall have the obligation to protect wild plant resources and shall have the right to report and bring charges against acts of encroaching upon or damaging wild plants or the environment in which they survive.

Chapter II — Protection of Wild Plants

Article 8 — The State shall protect wild plants and their growing environment. It is prohibited for any unit or individual to illegally collect wild plants or damage their growing environment.

Article 9 — Wild plants shall be classified into two categories: wild plants under State key protection and local key protected wild plants.

Wild plants under State key protection shall be further divided into Class I and Class II State key protected wild plants. The list of wild plants under State key protection shall be formulated by the competent department of forestry and grassland and the competent department of agriculture and rural affairs of the State Council (hereinafter referred to as the "competent departments of wild plants of the State Council"), in consultation with the competent departments of environmental protection and construction of the State Council, and announced to the public. The list of wild plants under State key protection shall be adjusted periodically in accordance with the changes in the conditions of wild plant resources.

The list of local key protected wild plants shall be formulated and published by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and reported to the State Council for record-filing.

Article 10 — Nature reserves may be established, and protected sites or protection signs may be established in other areas, in the native habitats of wild plants under State key protection and in areas where wild plants under State key protection show concentration and distribution at the local level.

It is prohibited to damage the protection facilities and protection signs for wild plants under State key protection.

Article 11 — Where the growing environment of wild plants under State key protection is threatened, the competent departments of wild plants and other relevant departments of the people's governments shall take timely rescue measures to reduce or eliminate such threats.

Article 12 — Wild plants under State key protection shall be protected by applying the principle of in-situ conservation supplemented by ex-situ conservation. Where ex-situ conservation measures such as establishing ex-situ conservation bases, germplasm resource banks, or plant gardens are taken, such measures shall meet the requirements of the protection of wild plants under State key protection.

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Article 13 — Entities and individuals that discover rare and endangered wild plants or new species of wild plants shall promptly report the matter to the local competent department of wild plants or the competent department of environmental protection.

Article 14 — Where a construction project may cause an adverse impact on the growing environment of wild plants under State key protection, the construction unit's environmental impact report must evaluate such impact. The competent department of environmental protection shall, when examining and approving the environmental impact report, seek the opinion of the competent department of wild plants of the State Council.

Article 15 — The competent departments of wild plants and other relevant departments of the people's governments at or above the county level shall monitor and assess the impact of the environment on wild plants under State key protection and wild plants under local key protection, and shall take measures to maintain and improve the growing conditions for wild plants under State key protection.

Chapter III — Administration of Wild Plants

Article 16 — The collection of Class I State key protected wild plants is prohibited. Where collection is necessary for special purposes such as scientific research, artificial cultivation, or cultural exchanges, the applicant shall apply to the competent department of wild plants of the State Council or an institution authorized by it for a collection permit. The specific measures for the application and issuance of collection permits shall be formulated by the competent department of wild plants of the State Council.

Where Class I State key protected wild plants are collected from urban gardens or scenic and historic areas, the consent of the competent administrative department of urban gardens or the competent administrative department of scenic and historic areas shall be obtained first, and then an application shall be filed with the competent department of wild plants of the State Council or an institution authorized by it for a collection permit.

Article 17 — Where Class II State key protected wild plants are collected, the applicant shall apply to the competent department of wild plants of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government or an institution authorized by it for a collection permit. The specific measures for the application and issuance of collection permits shall be formulated by the competent department of wild plants of the State Council.

Where Class II State key protected wild plants are collected from urban gardens or scenic and historic areas, the consent of the competent administrative department of urban gardens or the competent administrative department of scenic and historic areas shall be obtained first, and then an application shall be filed with the competent department of wild plants of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government or an institution authorized by it for a collection permit.

Article 18 — The sale or acquisition of Class I State key protected wild plants is prohibited.

The sale or acquisition of Class II State key protected wild plants shall be subject to approval by the competent department of wild plants of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government or an institution authorized by it.

Article 19 — The export of wild plants under State key protection or the export of wild plants restricted by international treaties to which China is a party shall be subject to examination and approval by the competent department of wild plants of the State Council or the people's government of the relevant province, autonomous region, or municipality directly under the Central Government, after which an import and export permit shall be obtained from the State endangered species import and export administration. Customs shall clear the goods upon verification of the import and export permit.

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Article 20 — The export of rare and endangered wild plants shall be handled in accordance with the provisions of the relevant laws.

Article 21 — Foreigners shall not collect or acquire wild plants under State key protection within the territory of China.

Where a foreigner intends to inspect wild plants under State key protection in the field within the territory of China, it must be reported to the competent department of wild plants of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government for approval.

Article 22 — The competent departments of wild plants and other relevant departments of the local people's governments at or above the county level shall take measures to prevent and control hazardous organisms and shall be responsible for the prevention and control of diseases and insect pests harmful to wild plants under State key protection.

Article 23 — The competent department of wild plants of the State Council shall be responsible for organizing the survey of wild plant resources nationwide and establishing a resource archives system. The competent departments of wild plants of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible for organizing the survey of wild plant resources within their respective administrative areas and establishing resource archives.

Chapter IV — Legal Liability

Article 24 — Anyone who, in violation of these Regulations, collects Class I State key protected wild plants without a collection permit or fails to collect in accordance with the provisions of the collection permit shall be subject to confiscation of the collected wild plants and illegal gains by the competent department of wild plants, and may be concurrently imposed a fine of not more than 10 times the value of the wild plants collected; where there are no wild plants or the illegal gains are difficult to determine, a fine of not more than 100,000 yuan may be imposed. Where the circumstances are serious, the collection permit may be revoked.

Article 25 — Anyone who, in violation of these Regulations, collects Class II State key protected wild plants without a collection permit or fails to collect in accordance with the provisions of the collection permit shall be subject to confiscation of the collected wild plants and illegal gains by the competent department of wild plants, and may be concurrently imposed a fine of not more than five times the value of the wild plants collected; where there are no wild plants or the illegal gains are difficult to determine, a fine of not more than 50,000 yuan may be imposed. Where the circumstances are serious, the collection permit may be revoked.

Article 26 — Anyone who, in violation of these Regulations, sells or acquires Class I State key protected wild plants shall be subject to confiscation of the wild plants and illegal gains by the competent department of wild plants or the administrative department for industry and commerce, and may be concurrently imposed a fine of not more than 10 times the value of the wild plants; where the circumstances are serious, the business license may be revoked by the administrative department for industry and commerce.

Anyone who, in violation of these Regulations, sells or acquires Class II State key protected wild plants without approval shall be subject to confiscation of the wild plants and illegal gains by the competent department of wild plants or the administrative department for industry and commerce, and may be concurrently imposed a fine of not more than five times the value of the wild plants.

Article 27 — Anyone who, in violation of these Regulations, exports wild plants under State key protection without approval or exports wild plants restricted by international treaties to which China is a party without approval shall be subject to confiscation of the wild plants and illegal gains by the customs in accordance with law, and a fine of not more than five times the value of the wild plants exported may be imposed.

Article 28 — Anyone who forges, resells, or transfers a collection permit, a permit for the sale or acquisition of wild plants, or an import and export permit shall be subject to confiscation of the illegal gains by the

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relevant department in accordance with law, and a fine of not more than 50,000 yuan may be imposed.

Article 29 — Foreigners who, in violation of these Regulations, collect or acquire wild plants under State key protection within the territory of China or inspect wild plants under State key protection in the field without approval shall be subject to confiscation of the wild plants collected or acquired and the inspection data by the competent department of wild plants, and may be concurrently imposed a fine of not more than 50,000 yuan.

Article 30 — Where any functionary of the competent department of wild plants abuses power, neglects duties, or engages in fraud for personal gain, criminal liability shall be investigated in accordance with law if a crime is constituted; where a crime is not constituted, administrative sanctions shall be imposed in accordance with law.

Chapter V — Supplementary Provisions

Article 31 — For purposes of these Regulations, "wild plants under State key protection" shall mean wild plants listed in the List of Wild Plants under State Key Protection.

Article 32 — These Regulations shall enter into force on January 1, 1997.

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