

Regulations on the Administration of Import and Export of Endangered Wild Fauna and Flora of the PRC

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

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Promulgated by Decree No. 465 of the State Council of the People's Republic of China on April 29, 2006

Amended in accordance with the Decision of the State Council on Amending Certain Administrative Regulations adopted on March 2, 2019

Effective: March 2, 2019

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Customs Law of the People's Republic of China, the Law on the Protection of Wildlife, the Regulations on the Protection of Wild Plants, and other relevant laws and administrative regulations for the purpose of strengthening the administration of the import and export of endangered wild fauna and flora and their products, protecting and rationally utilizing wildlife resources, and fulfilling the obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Article 2 — These Regulations apply to the administration of the import and export of endangered wild fauna and flora and their products. For the purposes of these Regulations, "endangered wild fauna and flora" refers to species of wild fauna and flora listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and species of wild fauna and flora that are rare or

endangered and whose import and export is restricted by the State.

Article 3 — The competent department of wildlife administration under the State Council shall be in charge of the administration of the import and export of endangered wild fauna and flora and their products nationwide. be specifically responsible for the administration of the import and export of endangered wild fauna and flora and their products.

Article 4 — The import and export of endangered wild fauna and flora and their products shall comply with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the relevant laws and administrative regulations of the State.

Article 5 — The State encourages scientific research and artificial propagation related to endangered wild fauna and flora, and supports international cooperation in this regard.

Chapter II — Import and Export Administration

Article 6 — The import and export of endangered wild fauna and flora and their products shall be subject to the examination and approval of the CITES Management Authority of China. No entity or individual may import or export endangered wild fauna and flora or their products without approval.

Article 7 — Entities or individuals that intend to import or export endangered wild fauna and flora or their products shall submit an application to the CITES Management Authority of China and provide the relevant supporting documents. The supporting documents required shall include: (1) an import or export contract or agreement; (2) a certificate of legal origin issued by the competent authority of the exporting country or region; (3) scientific research certificates or other relevant materials; and (4) other documents prescribed by the CITES Management Authority of China.

Article 8 — The CITES Management Authority of China shall, within 20 working days from the date of receiving the application, make a decision on approval or disapproval. Where the application is approved, an import or export permit shall be issued; where the application is disapproved, the reasons shall be notified in writing.

Article 9 — Where an entity or individual imports or exports endangered wild fauna or flora or their products, it or he shall declare to the Customs by presenting the import or export permit. The Customs shall release the goods after verifying the permit.

Article 10 — It is prohibited to import or export endangered wild fauna or flora or their products through illegal channels such as smuggling. Where endangered wild fauna or flora or their products imported or exported illegally are discovered, they shall be dealt with in accordance with the relevant State regulations.

Article 11 — The import and export of endangered wild fauna and flora and their products for scientific research, artificial propagation, cultural exchange, and other special purposes shall be subject to special approval by the CITES Management Authority of China.

Article 12 — The import and export of endangered wild fauna or flora or their products by individuals for non-commercial purposes shall be subject to the examination and approval of the CITES Management Authority of China in accordance with the provisions of the Convention and the relevant State regulations.

Chapter III — Supervision and Inspection

Article 13 — The CITES Management Authority of China, the Customs, the competent department of wildlife administration, and other relevant departments shall, in accordance with their respective duties, conduct supervision and inspection of the import and export of endangered wild fauna and flora and their products.

Article 14 — The competent department of wildlife administration under the State Council shall establish a monitoring system for the import and export of endangered wild fauna and flora and their products, and

periodically assess the impact of import and export on the survival of wild fauna and flora resources.

Article 15 — Any entity or individual shall have the right to report illegal import and export of endangered wild fauna and flora and their products. The relevant authorities shall promptly investigate and handle such reports.

Chapter IV — Legal Liability

Article 16 — Where an entity or individual imports or exports endangered wild fauna or flora or their products without approval, the CITES Management Authority of China or the Customs shall confiscate the illegally imported or exported wild fauna or flora or their products and the illegal gains, and impose a fine. Where the case is serious, criminal liability shall be pursued in accordance with the law.

Article 17 — Where an entity or individual forges, alters, or fraudulently uses an import or export permit, the CITES Management Authority of China or the Customs shall confiscate the forged, altered, or fraudulently used permit and impose a fine. Where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 18 — Where a staff member of the CITES Management Authority of China or another relevant government department abuses his or her power, neglects his or her duties, or engages in malpractices for personal gain in the administration of the import and export of endangered wild fauna and flora and their products, he or she shall be subject to administrative sanctions in accordance with the law; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter V — Supplementary Provisions

Article 19 — The import and export of endangered wild fauna and flora and their products involving State secrets shall be subject to the relevant State regulations on confidentiality.

Article 20 — These Regulations shall come into effect on September 1, 2006.

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