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1. 国家重点保护野生动物及其制品专用标识管理办法（征求意见稿）

1. Measures for the Administration of the Special Marking System for National Key Protected Terrestrial Wild Animals and Products thereof (draft for comments)

<http://www.forestry.gov.cn/main/4461/20220506/185547300525856.html>

Article	Chinese	English
1.	为规范国家重点保护野生动物及其制品经营利用活动，加强专用标识及信息管理，建立野生动物及其制品可追溯体系，依照《中华人民共和国野生动物保护法》规定，制定本办法。	These measures are established in order to regulate the use of the national key protected terrestrial wild animals or products thereof, strengthen special marking system and information management, establish a traceability system for wild animals and products thereof, and formulate these measures in accordance with the "The Wildlife Protection Law of the People's Republic of China".
2.	取得、制作、使用和管理国家重点保护野生动物及其制品专用标识的，应当遵守本办法。本办法所称野生动物及其制品是指列入《国家重点保护野生动物名录》和依法核准按国家重点保护管理的陆生野生动物的整体（含卵、蛋）、部分及其衍生物，包括经过加工的产品。本办法所称专用标识，是用于管理野生动物及其制品经营利用活动的官方标志，统一采用“中国野生动物管理专用标识”式样，实行一件实物直接对应使用一枚单独编码的专用标识的加载方式，可作为野生动物及其制品的合法来源凭证。	Those who obtain, produce, use and manage special markings for national key protected wild animals and products thereof shall abide by these Measures. The term "wild animals and products thereof" refers to animals listed on the "List of National Key Protected Wild Animals" and to those legally protected and managed in accordance with the National Key Protected Terrestrial Wild Animals, including their whole (including eggs and spawn), parts and their derivatives. The "special markings" mentioned in these Measures are the official markings used for the management of wild animals and products thereof for business use. The model of the "Special Marking System for Wildlife Management in China" shall be uniformly adopted, and an application method shall be implemented where physical objects directly correspond to the special marking with a separate code, which can be used as a legal certificate of the source of wild animals and products thereof.
3.	凡列入专用标识范围的野生动物及其制品，须按本办法有关规定取得和使用专用标	After the wild animals and products thereof that are included in the scope of the special marking system have obtained and applied the

	<p>识后，方可出售、购买、利用、运输、携带或寄递。实行国家重点保护野生动物及其制品专用标识的范围，由国家林业和草原局制定、调整并公布。从事野生动物保护管理、执法监督、科学研究、人工繁育、经营利用、科普教育等活动的单位和个人，可以根据实际情况向国家林业和草原局书面提出调整专用标识范围的建议，并说明相关需求和理由。国家林业和草原局对有关建议应当定期组织调查研究、科学评估论证，并征求有关部门和社会公众意见后，对是否调整专用标识范围作出判定。</p>	<p>special marking in accordance with the relevant provisions of these Measures, they can be sold, purchased, utilised, transported, carried or delivered. The scope of the national key protection of wild animals and products thereof is implemented, formulated, adjusted, and announced by the National Forestry and Grassland Administration. Businesses and individuals engaged in wildlife protection management, law enforcement supervision, scientific research, captive breeding, business use, scientific education and other activities can make suggestions according to actual circumstances to the National Forestry and Grassland Administration to adjust the scope of the special markings and explain relevant needs and reasons. The National Forestry and Grassland Administration shall regularly organise investigations, research and scientific assessment of relevant suggestions, and after soliciting opinions from relevant departments as well as public opinion, a judgement will be made as to whether the scope of the special marking system needs to be adjusted.</p>
4.	<p>在相应审批权限内，林业草原主管部门对出售、购买、利用列入专用标识范围的野生动物及其制品活动依法作出准予许可决定，或者对《人工繁育国家重点保护野生动物名录》所列野生动物及其制品依法进行核验，应当一并书面告知其使用的专用标识数量。依前款规定获得行政许可或经核验的从业单位或个人，应当在书面允许或核验的数量内，按照统一式样和技术要求，制作和加载专用标识。禁止超数量制作、加载专用标识。禁止将已按规定加载的专用标识转用于其它野生动物或其制品。国家林业和草原局依法组织实施对标识发放和使用情况的检查、监测、评估和跟踪管理。</p>	<p>In the corresponding approval authority, the competent department of the Forestry and Grassland authorities shall make a permission decision on the sale, purchase and use of wild animals and products thereof included in the scope of the special marking system in accordance with the law or verify all the wild animals and their products listed in the "List of National Key Protected Wild Animals for Captive Breeding"; and the number of special markings used should be disclosed in writing. In accordance with the previous paragraphs, businesses or individuals who obtain administrative licenses or verified verifications shall, in accordance with the uniform type and technical requirements within the allowed amount or verification specified in writing, produce and apply special markings. Excessive production and application of the special marking system is prohibited. In accordance with regulations, it is forbidden to transfer the special marking that has been applied to other wild animals or products thereof. The National Forestry and Grassland Administration</p>

		organises the implementation of the issuance and usage of the marking system and their inspection, monitoring, evaluation and tracking management, in accordance with law.
5.	<p>国家对出售、购买、利用、运输、携带、寄递野生动物或其制品活动有特别规定的，以及林业草原主管部门依法对出售、购买、利用野生动物或其制品活动作出的行政许可决定对从业活动有特定要求的，对已加载专用标识的野生动物或其制品同等适用。</p> <p>已按规定加载专用标识的野生动物制品，其性质、用途、形态、包装规格等发生变化，超出行政许可决定或者核验内容范围的，应依法办理行政许可变更或核验手续，并根据变更后的行政许可决定或核验结果重新制作、加载专用标识，原专用标识作废；</p> <p>专用标识对应的野生动物或其制品灭失的，原专用标识作废；未超出原行政许可决定或核验内容范围的，可直接更换专用标识，原专用标识作废。</p>	<p>The State has special regulations on the sale, purchase, utilisation, transportation, carrying and delivery of wild animals or products thereof, and if the administrative licensing decisions made by the relevant Forestry and Grassland authorities in accordance with law on the sale, purchase, and utilisation of wild animals or products thereof have specific requirements for business activities, it is equally applicable to wild animals and products thereof that have applied the special marking system.</p> <p>If the nature, purpose, shape, packaging specifications (etc.) of wildlife products that have been tagged with special markings have changed, and if they are beyond the scope of the administrative marking decision or verification content, the administrative license modification or verification procedures shall be handled in accordance with law, and the special marking shall be re-created and applied according to the changed administrative license decision or the verification result, and the original special marking shall be invalidated;</p> <p>If the wild animal or products thereof corresponding to the special marking are lost, the original special marking shall be invalidated; if it does not exceed the scope of the original administrative licensing decision or verification content, the special marking can be replaced directly, and the original special marking shall be invalidated.</p>
6.	国家林业和草原局委托全国野生动植物研究与发展中心公布中国野生动物管理专用标识的统一式样和相关技术要求。全国野生动植物研究与发展中心受委托负责中国野生动物管理专用标识信息系统的建立、运行和维护，并研究有利于衔接《濒	The National Forestry and Grassland Administration commissioned the National Wildlife Research and Development Centre to announce the unified format and related technical requirements for the special marking system for wildlife management in China. The National Wildlife Research and Development Centre has been entrusted to be responsible for

	<p>危野生动植物种国际贸易公约》等国际有关标识管理的技术，对专用标识的制作、加载提供技术服务，实施技术监督，实现对按规定加载专用标识的野生动物及其制品的准确追溯，并按年度统计、公开专用标识使用情况。</p> <p>依照本办法第四条第一款规定核准使用专用标识的林业草原主管部门，应当将有关行政许可决定或核验文书抄送国家林业和草原局全国野生动植物研究与发展中心；</p> <p>从业单位或个人凭上述文书，按规定制作、加载专用标识，向国家林业和草原局全国野生动植物研究与发展中心传送有关野生动物及其制品涉及的野生动物种类、制品名称、包装规格、外观形态、特征描述等信息，经核对无误后由该中心通过其信息系统发布专用标识编码及对应信息，确保依据专用标识编码可公开、准确查验对应的野生动物及其制品信息。</p>	<p>the establishment, operation and maintenance of the special marking information system for China's wildlife management, and to study technologies that enable the integration of the "Convention on International Trade in Endangered Species of Wild Fauna and Flora" and relevant international marking system management technologies; and for the production and application of special markings, provide technical services, implement technical supervision, achieve accurate traceability of the application of special markings for wild animals and products thereof according to regulations and publish annual statistics as well as publish the circumstances of using the special marking system.</p> <p>The competent Forestry and Grassland authorities that have approved the use of special markings in accordance with the provisions of paragraph 1 of Article 4 of these Measures, the relevant administrative licensing decisions or verification of documents should be sent to the National Wildlife Research and Development Center of the National Forestry and Grassland Administration;</p> <p>Based on the above documents, the enterprises or individuals make and apply the special marking system as required, and transmit information to the National Wildlife Research and Development Centre of the National Forestry and Grassland Administration including the wild animal species, product names, packaging specifications, exterior, and special characteristics relating to the wild animals and products thereof; if the product name, packaging specification, exterior, special characteristics and other information are verified and correct, the centre will release the special marking code and corresponding information through its information system to ensure that the corresponding information about wild animals and products thereof can be publicly and accurately checked according to the special marking code.</p>
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	依本办法规定更换专用标识的，国家林业和草原局全国野生动植物研究与发展中心应当及时变更专用标识编码等信息，确保可继续准确查验。	If the special marking is replaced in accordance with the provisions in these Measures, the National Wildlife Research and Development Center of the State Forestry and Grassland Administration shall modify the information about the special marking code in a timely manner to ensure that accuracy of inspections can continue.
7.	从业单位或个人应当妥善保存有关涉及野生动物及其制品专用标识的行政许可决定或核验文书、制作及加载记录等资料，依法接受保护管理、执法司法机构等部门和单位的检查。	Employees or individuals shall properly preserve information about administrative licensing decisions or verification documents, production and application records involving wildlife and products thereof, and accept inspections of protection management, law enforcement, and judicial agencies as well as other departments and units in accordance with law.
8.	有下列情形之一的，其专用标识无效并按《野生动物保护法》第四十八条规定处理。（一）未依法获得相关行政许可，或未经依法核验，以及依据虚假行政许可或核验文书，擅自制作、加载专用标识的；（二）专用标识信息与其对应的实物不符的；（三）专用标识所依据的行政许可决定或核验结论被依法撤销、作废的；（四）其他未按照专用标识办法要求加载专用标识的。	If one of the following circumstances occurs, the special marking shall be invalidated and handled in accordance with Article 48 of the Wildlife Protection Law. (1) Without obtaining the relevant administrative license in accordance with law, or without verification according to law, based on false administrative license or verification documents, and making or applying special marking without authorisation; (2) The special marking information does not match the corresponding physical object; (3) The administrative licensing decision or conclusion of the verification on which the special marking is based is revoked or has been made void in accordance with law; (4) Other ways in which the special marking is not applied in accordance with the requirements of the special marking measures.
9.	相关单位或个人制作、加载的专用标识与公布的中国野生动物管理专用标识统一式样不一致，或者不符合相关技术要求的，由作出行政许可、出具核验文书的林草主管部门责令改正，凭改正结果重新制作、加载专用标识。	If the special markings, which are produced and applied by relevant enterprises or individuals are inconsistent with the consolidated model of the published special markings for wildlife management in China or if they do not meet the relevant technical requirements, the Forestry and Grassland Administrative Department that issued the administrative license and issued the verification document shall order them to make corrections, and re-create and apply the special markings based on the correction.

10.	县级以上林业和草原主管部门应当会同各有关部门对本行政区域内出售、购买、利用、运输、携带、寄递野生动物及其制品活动中专用标识使用情况加强监督和查验，对应当取得、使用专用标识但未取得、使用专用标识的依法进行查处。	The Forestry and Grassland authorities at or above the county level and other relevant departments shall use the special marking system to strengthen the supervision and inspections of the special markings used for the sale, purchase, utilisation, transportation, possession and delivery of wild animals and products thereof in their administrative areas. Those who fail to obtain or use the special markings shall be investigated according to law.
11.	地方性法规或政府规章对国家重点保护野生动物以外的陆生野生动物及其制品实行标识管理制度的，可以统一采用“中国野生动物管理专用标识”式样，其使用管理参照本办法执行。	Where local regulations or government regulations implement a marking management system for terrestrial wild animals and products thereof other than the national key protected wild animals, the model of "Administration of the Special Marking System for China's Wild Animals" may be uniformly adopted, and the use and management of such animals shall be implemented with reference to these Measures.
12.	本办法自发布之日起施行。	These Measures shall be implemented from the date of release.