

Wildlife Protection Law of the People's Republic of China (revision draft, October 2020)

[NB: Unofficial translation prepared by the Environmental Investigation Agency. Additions to the current law are underlined. Text that has been removed from revision draft is represented in ~~strikethrough~~]

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Chapter One: General Provisions

Article 1

This law is formulated for the purpose of protecting wild animals, saving species of wild animals which are rare or near extinction, maintaining biodiversity and ecological balance, guarding against public health risks, and promoting the establishment of ecological civilization.

Article 2

This law applies to the protection of wild animals and related activities in the territory of the People's Republic of China and maritime areas under its jurisdiction.

The wild animals protected under this law are those species, both terrestrial and aquatic, which are rare or near extinction and terrestrial species which are of important ecological, scientific and social value.

The wild animals and products thereof covered by this law refers to the whole (including eggs and spawn), and parts and derivatives thereof.

The management of other terrestrial wild animals for which this law provides regulation should abide by the relevant regulations in this law. As regards the protection of the species of aquatic wild animals other than those which are rare or near extinction, the provisions of the Fisheries Law of the People's Republic of China and other relevant laws shall apply.

Article 3

Wild animal resources shall be owned by the state.

The state safeguards the lawful rights and interests of organisations and individuals engaged in the protection of wild animals and related activities, including scientific research and captive breeding, according to the law.

Article 4

The state shall pursue a policy of prioritising protection, regulating utilisation and stringent monitoring and management and guarding against risks; shall encourage scientific research into wild animals and the cultivation of public awareness of protecting wild animals; and shall promote the harmonious ~~development~~ symbiosis of man and nature.

Article 5

The state shall protect wild animals and their habitats. The people's government at the county level and above shall formulate protection plans and measures relating to wild animals and their habitats, and incorporate costs involved with protection of wild animals into their budgets.

The state encourages citizens, legal entities and other organisations to participate in wild animal protection activities and support wild animal protection welfare efforts through donations, subsidies, volunteering and other means.

The wild animal habitat covered by this Law refers to the main areas where wild populations of wild animals live and reproduce.

Article 6

All organisations and individuals have the duty to protect wild animals and their habitats. ~~The illegal hunting or catching of wild animals, or~~ Destruction of wild animals habitat shall be prohibited.

The illegal hunting, catching, transport or trade of wild animals shall be prohibited. The illegal consumption of wild animals as food shall be prohibited.

All organisations and individuals have the right to report to relevant departments and institutions or file charges against any behaviour that violates this Law.

The departments responsible for the protection of wild animals and other departments and institutions should respond in a timely manner to reports or charges filed, according to the law.

Article 7

Departments of forestry and grasslands and fisheries administration under the State Council shall be responsible for the nationwide protection of terrestrial and aquatic wild animals respectively.

~~The departments of forestry and fisheries administration under~~ Local governments at or above the county level shall be responsible for the protection of wild animals within their administrative area, and the work of their departments of forestry and grasslands and fisheries administration in protecting terrestrial and aquatic wild animals respectively in their respective areas.

Departments at all levels including those of market supervision and administration, customs, railways, roads, water transport, civil aviation, post and others shall supervise and inspect the trade, utilisation, transport, mailing and carrying of wild animals and the products thereof according to the division of professional responsibilities.

The state shall establish a joint law enforcement work coordination mechanism on wild animals, led by the departments of forestry and grassland and fisheries under the State Council, with all other relevant departments. Local people's governments shall establish corresponding joint law enforcement work coordination mechanisms.

Article 8

The people's government at various levels shall strengthen efforts in public education and disseminating scientific knowledge and understanding of wild animal protection, and shall encourage and support autonomous grass-roots civil organisations, social organisations, businesses and volunteers in their efforts to develop and promote awareness of wild animal protection laws and regulations and understanding of ~~wild animal protection~~ ecological protection and public health and safety; and shall strengthen training in understanding of wild animal protection laws and regulations, ecological protection, public health and safety and other professional knowledge among those

working in relevant fields.

Education administration departments and schools shall conduct wild animal protection education for students.

News media shall promote wild animal protection laws and regulations and develop awareness of wild animal protection, and monitor public opinion on illegal behaviour.

Citizens shall consciously improve their awareness of ecological protection and maintenance of public health and safety, and shall consciously reject excessive consumption of wild animals, cultivating a lifestyle which is scientific, healthy and civilised.

Article 9

Organisations and individuals with notable achievements in the fields of wild animal protection and scientific research shall receive commendations and rewards from the people's government at or above the county level in accordance with relevant national regulations.

Chapter Two: Protection of Wild Animals and Their Habitats

Article 10

The state shall carry out wild animal protection according to grading and classification.

The state shall give special protection to the species of wild animals which are rare or near extinction. The wild animals under special state protection shall consist of two classes: wild animals under first class protection and wild animals under second class protection. Lists of wild animals under special state protection shall be drawn up by the department of wild animal protection under the State Council following scientific evaluation, ~~shall be revised every five years according to the results of evaluation,~~ and shall be announced after being submitted to and approved by the State Council.

Lists of terrestrial wild animals which are of important ecological, scientific or social value shall be drawn up, ~~revised~~ and published by the department of wild animal protection under the State Council, having sought the opinions of the relevant departments under the State Council including those of agriculture and rural affairs, natural resources, science and technology, health, and ecology and environment, and following scientific evaluation organised by the department.

Regarding the lists stipulated by the second and third paragraphs of this article, scientific evaluation shall be organised every five years, and these shall be adjusted according to the evaluation; they may also be adjusted in a timely manner according to the actual needs of wild animal protection. The department of wild animal protection under the State Council shall establish a scientific evaluation committee to provide scientific support to the drawing up and adjustment of the aforementioned lists and other relevant work.

The wild animals under special local protection, being different from the wild animals under special state protection, refers to the wild animals specially protected by provinces, autonomous regions or municipalities. Lists of wild animals under special local protection and amendments thereto shall be drawn up, ~~revised~~ and announced by the people's governments of provinces, autonomous regions or municipalities following scientific evaluation organised by these local governments, having sought the opinions of the department of wild animal protection under the State Council; these shall be adjusted every five years according to the conclusions of evaluation.

With regards to the definitions and specific management of other terrestrial wild animals, the department of wild animal protection under the State Council shall work with relevant departments under the State Council including those of health, agriculture and rural affairs, natural resources, and environment and ecology to draw up corresponding management regulations in accordance with the

requirements of guarding against public health risks and safeguarding biosecurity and ecological safety; these shall be implemented after being submitted to and approved by the State Council.

Article 11

Departments of wild animal protection under the people's government at county level and above shall regularly organise or commission relevant scientific research institutions to conduct surveys, monitoring and evaluation of wild animals and their habitat, and shall establish robust records of wild animals and their habitats.

Surveying, monitoring and evaluation of wild animals and their habitats shall include the following:

1. Distribution, numbers and structure of wild animal populations;
2. Area and ecology of wild animal habitats;
3. Major threats to wild animals and their habitats;
4. Wild animal diseases and their distribution
5. Captive breeding of wild animals and other aspects requiring surveying, monitoring or evaluation.

Article 12

The department of wild animal protection under the State Council shall, jointly with the relevant departments under the State Council, draw up and issue a list of important wild animal habitats, based on the results of surveying, monitoring and evaluation of wild animals and their habitats.

The people's government at the provincial level and above shall designate corresponding nature reserves in accordance with the law; shall protect wild animals and their important habitats; and shall protect, restore and improve the environments in which wild animals live. In those areas which are unsuitable for designation as nature reserves, the people's government at the county level or above may apply other protection measures, such as allocating areas in which hunting (or fishing) is prohibited, or stipulating periods in which hunting (or fishing) is prohibited.

Human activities that disturb or threaten wild animal breeding behaviour, such as cultivating monocultures, excessive use of agricultural chemicals, or introducing non-native species shall be prohibited or restricted in corresponding nature reserves.

The demarcation and administration of corresponding nature reserves shall be in accordance with relevant laws and regulations. Departments of wild animal protection shall strengthen the protection and management of wild animals within corresponding nature reserves.

Article 13

The people's government at the county level and above shall, when drawing up plans relating to exploitation and utilisation, give due consideration to the protection of wild animals and their habitats; shall analyse, calculate and evaluate all potential impacts that implementation of these plans may have on protection and wild animals and their habitats; and shall avoid or reduce adverse impacts that could result from the implementation of these plans.

Construction projects that are not permitted by construction laws and regulations shall be prohibited in nature reserves. The selection of sites and routes for construction projects such as airports, railways, roads, waterways, irrigation and hydroelectricity projects, cofferdams and land reclamation shall avoid nature reserves, important wild animal habitats and wild animal migration routes. If they cannot be

avoided, infrastructure to allow for wild animal migration shall be constructed, such as tunnels and fish passes, to eliminate or reduce adverse impacts on wild animals.

When the departments that examine and approve environmental impact assessment documents are examining and approving environmental impact assessment documents relating to construction projects that may impact upon nature reserves or other protected areas or wild animal migration routes, they shall seek the opinion of wild animal protection departments under the State Council if wild animal under special national protection may be affected, and shall seek the opinion of wild animal protection departments under the governments of provinces, autonomous regions or municipalities if wild animal under special local protection may be affected.

Article 14

Departments of wild animal protection at various levels shall keep watch on and monitor the impact of the environment on wild animals. When the environmental impact causes harm to wild animals, the department of wild animal protection shall conduct an investigation and deal with the matter jointly with the departments concerned.

Article 15

When wild animals under special state or local protection are threatened by a sudden incident such as natural disasters or major environmental pollution incidents, the local people's government shall undertake timely rescue measures.

The state shall strengthen capacity for shelter and rescue of wild animals. Wild animal protection departments under the people's government at county level and above shall arrange funds and organise and develop wild animal shelter and rescue programmes in accordance with relevant national regulations. Shelter and rescue institutions shall establish shelter and rescue spaces in accordance with the actual needs of wild animal shelter and rescue, and shall provide staff with the relevant specialist skills, rescue equipment, facilities, medicines, et cetera.

Trading in wild animals and products thereof under the guise of wild animals shelter and rescue shall be prohibited.

Article 16

Wild animal protection departments, veterinary departments and health departments under the people's government at the county level and above shall, dividing responsibility according to their professional duties, monitor wild animal epidemiology, organise and develop forecasting measures, guard against the transmission and spread of wild animal diseases, and shall draw up emergency response plans for wild animal epidemics in accordance with regulations, which shall be passed to the equivalent level of the people's government for approval or filing.

Wild animal protection departments, veterinary departments and health departments under the people's government at county level and above shall be responsible for the prevention and management duties relating to zoonoses, dividing responsibility according to their professional duties.

Where relevant personnel discover an infectious zoonotic disease or suspected infectious disease which could cause illness in humans or animals, they shall report this to the department of wild animal protection in a timely manner. Where departments of wild animal protection discover such a situation or receive a report from relevant personnel, they shall report this to the health departments and veterinary departments of equivalent level in a timely manner and shall take corresponding precautionary and control measures.

Wild animals or animal products that are infectious or suspected to be infectious shall be dealt with in a harmless way in accordance with the stipulations of relevant laws and regulations.

Article 17

The state shall strengthen protection of wild animal genetic resources, and shall capture genetic information of endangered wild animals.

Wild animal protection departments under the State Council shall draw up plans relating to the protection and utilisation of wild animal genetic resources in conjunction with the relevant departments under the State Council, and shall establish a national gene bank for endangered species genetic resources, thereby providing important protection for the genetic resources of China's native wild animals which are rare or close to extinction.

Article 18

The local people's governments concerned shall take measures to prevent and control potential harm caused by wild animals so as to guarantee the lives and health of the people, the safety of property ~~safety of human beings and livestock~~ and ensure agricultural and forestry production.

Article 19

If protection of wild animals for which protection is stipulated by this law causes injury or death to staff, losses to crops or other loss of property, the local people's governments shall make compensation for them, which shall be formulated by the people's governments of provinces, autonomous regions and municipalities.

The relevant local people's government may encourage insurance bodies to develop insurance programmes which compensate for harm caused by wild animals.

The expenditure required by measures taken by local governments to prevent and control harm caused by wild animals under special state protection and the implementation of compensation programmes shall be covered by the central budget, in accordance with relevant national regulations.

Chapter Three: Administration of Wild Animals

Article 20

In nature reserves, in areas closed to hunting (and fishing), and during seasons closed to hunting (and fishing), the hunting and catching of wild animals and other activities which are harmful to the living and breeding of wild animals shall be prohibited, although exceptions may be provided by other laws and regulations.

The hunting and catching of wild animals shall be prohibited and other activities which are harmful to the living and breeding of wild animals stringently restricted during periods of wild animal migration and along migration routes outside the areas defined in the preceding clause. The scope of migration routes and the nature of those activities which are harmful to the living and breeding of wild animals shall be stipulated and announced by the people's government at the county level or above, or other departments of wild animal protection.

Article 21

The hunting, catching or killing of wild animals under special state protection shall be prohibited.

Where the hunting or catching of wild animals under first class state protection is necessary for scientific research, population control, epidemic monitoring or other special purposes, the unit

concerned shall apply to the department of wild animal protection under the State Council for a special hunting and catching licence. Where the hunting or catching of wild animals under second class state protection is necessary, the unit concerned shall apply to the department of wild animal protection under the people's government of the province, autonomous region or municipality for a special hunting and catching licence.

Article 22

Anyone who intends to hunt or catch ~~terrestrial wild animals that is not under special state protection~~ terrestrial wild animals of important ecological, scientific or social value or wild animals under special local protection shall obtain a hunting licence issued by the department of wild animal protection under the local people's government at the county level and above, in accordance with the law, and shall observe the hunting quota assigned.

Article 23

Hunting or catching activities shall be organised by specialised institutions, shall be operated by persons who with specialist skills training and qualifications, and shall be in strict accordance with ~~Anyone engaged in the hunting or catching of wild animals shall observe~~ the prescriptions of special hunting and catching licenses or his hunting license with respect to the species, quantity or quota, location, implement, method and time limit. When the hunting or catching is completed, the relevant specialist institution shall record the circumstances with the department of wild animal protection who issued the special hunting or catching licence. Specific procedures shall be drawn up by the department of wild animal protection under the State Council.

Anyone hunting with guns shall obtain a gun licence from the public security bureau in accordance with the law.

Article 24

Hunting with poisons, explosives, electric shocks or electronic trapping equipment or hunting equipment such as snares, traps, ground guns and volleys is prohibited. Use of hunting methods such as hunting with night-time illumination, hunting by annihilation, destroying nests or dens, fire attacks, fumigation and nets shall also be prohibited, excepting the use of nets and electronic trapping equipment for the purposes of scientific research.

Hunting equipment and methods aside from those prohibited as defined in the preceding clause shall be stipulated and announced by the people's government at the county level and above.

Article 25

The hunting or catching from the wild or large-scale killing of other terrestrial wild animals shall be prohibited or restricted, excepting activities such as crop protection work or epidemic prevention undertaken by departments of agriculture, forestry and grassland and urban greening or communities.

Where hunting or capture is necessary for scientific research, captive breeding, public exhibition or performance, heritage conservation or other special circumstances, this shall be require authorisation from the department of wild animal protection under the people's government at county level and above.

Where it is necessary to carry out control of other terrestrial wild animal populations in order to safeguard human health or ecological safety and ecological balance, this shall be organised and carried out by the department of wild animal protection under the people's government at county level or above in that location, together with other relevant departments.

Article 26

The state shall support relevant scientific research institutions in conducting captive breeding of wild animals under special state protection for the purposes of protection of the species.

For captive breeding of wild animals under special state protection, terrestrial wild animals of important ecological, scientific or social value and wild animals under special local protection, ~~for reasons other than that stipulated in the paragraph above~~ a permit system shall be implemented. Anyone intending to breed wild animals under special state protection shall obtain the approval of departments of wild animal protection under the people's government of the province, autonomous region or municipality and shall obtain a captive breeding permit. Exemptions may be provided by other regulations that designated a different authorization agency by the State Council. Anyone intending to breed terrestrial wild animals of important ecological, scientific or social value or wild animals under special local protection shall obtain the approval of departments of wild animal protection under the people's government at county level or above and shall obtain a captive breeding permit.

Anyone intending to breed wild animals under special state protection, terrestrial wild animals of important ecological, scientific or social value or wild animals under special location protect shall use captive-bred offspring as founder stock, and shall establish a species genealogy, breeding records and records of individual data. Where it is absolutely necessary to use wild founder stock for the purposes of protecting the species, this shall abide by regulations in this law relating to hunting or capture of wild animals. Articles 21 and 23 shall apply.

Captive-bred offspring as referred to in this law are those individuals born in human-controlled conditions whose parent stock were also born under human-controlled conditions.

Article 27

Captive breeding of wild animals ~~under special state protection~~ shall benefit the protection of the species and scientific research, and may not damage wild populations. Anyone intending to breed wild animals under special state protection shall ensure that they have the necessary living space and conditions for the movement, reproduction, hygiene and health of the animal according to its habits and properties; that they are equipped with adequate premises, facilities and technology in line with the purpose, type and scale of the captive breeding operation; that they can satisfy relevant technical standards and disease prevention requirements; and that the wild animals are not abused.

Departments of wild animal protection under the people's government at the provincial level and above may, where necessary for the protection of species under special state protection, organise and carry out the release of species under special state protection into the wild.

Article 28

The sale, purchase and utilisation of wild animals under special state protection or the products thereof shall be prohibited.

Where the sale, purchase or utilisation of wild animals under special state protection or the products thereof is necessary for scientific research, captive breeding, public exhibition or performances, heritage conservation or other special purposes, the unit involved shall obtain the approval of departments of wild animal protection under the people's government of the province, autonomous region or municipality, and shall obtain ~~and~~ or use special markings in line with regulations, and shall guarantee traceability. Exemptions may be provided by other regulations that designated a different authorization agency by the State Council.

~~The sale and utilisation of wild animals that is not under special state protection shall require provision of proof of legal origin, such as hunting, import or export permit.~~

The sale or utilisation of terrestrial wild animals of important ecological, scientific or social value, wild animals under special local protection, or the products thereof, shall require provision of proof of legal origin, such as hunting, import or export permit, or obtaining a special marking.

The sale of wild animals as stipulated in the second and ~~third-fourth~~ paragraphs of this Article shall also require proof of quarantine, in accordance with the law.

The scope and administration of the system of special markings for wild animals ~~under special state protection~~ and the products thereof shall be stipulated by the department of wild animal protection under the State Council.

Article 29

Wild animals under special state protection for which there exists established knowledge and techniques for captive breeding may, following scientific deliberation, be included on a list drawn up by the department of wild animal protection under the State Council of captive-bred wild animals under special state protection. A special marking will be issued for wild animals included on this list and the products thereof which have a captive breeding permit, issued in line with annual production quotas verified by the departments of wild animal protection under the people's government of the province, autonomous region or municipality. The wild animals and products thereof with this special marking may be sold and utilised, providing traceability is guaranteed.

When lists of wild animals under special state protection are amended according to Article 10, based on the conservation status of relevant wild populations, this may mean that the captive populations of species mentioned in the paragraph above, for which there exists established knowledge and techniques for captive breeding, are no longer listed as wild animals under special state protection and are subject to different protection measures from wild populations. In this case, a captive breeding permit and special marking shall be obtained in accordance with the second paragraph of Article 256 and the first paragraph of this Article.

Captive-bred populations of terrestrial wild animals which have been domesticated, which show established traits artificially selected for for economic reasons, for which captive breeding techniques are established and for which disease prevention and control systems are established may, following provision of scientific proof and evaluation by the department of agriculture and rural affairs under the State Council together with the relevant departments of the State Council, be included in the "National Catalogue of Livestock and Poultry Genetic Resources", in accordance with relevant regulations.

Article 30

Anyone utilising wild animals and the products thereof shall primarily use captive-bred populations, shall benefit the breeding and conservation of wild populations, shall abide by the requirements of ecological civilization, and shall abide by laws, regulations and relevant national statutes.

Where it is necessary to utilise wild animals for non-food purposes such as scientific research, medicine, exhibition or other special purposes, this shall be subject to consideration and approval in accordance with national regulations. The production and utilisation of wild animals and the products thereof as medicine shall abide by relevant laws and regulations relating to administration of medicines.

Article 31

The consumption as food of wild animals under special state protection, terrestrial wild animals of important ecological, scientific or social value and other terrestrial wild animals shall be prohibited.

The hunting, capture, trade or transport of terrestrial wild animals which have grown and bred

naturally in the wild for the purpose of consumption as food shall be prohibited.

The production and trade of wild animals as stipulated in the first paragraph of this article under special state protection and the products thereof shall for use as food shall be prohibited; ~~the production and trade of wild animals not under special state protection and the products thereof which does not have proof of legal origin for use as food shall be prohibited.~~

The illegal purchase of wild animals as stipulated in the first paragraph of this article under special state protection and the products thereof for use as food shall be prohibited.

Article 32

Publishing of advertisements relating to the sale, purchase or utilisation of wild animals or prohibited hunting equipment shall be prohibited. Publishing of adverts relating to the illegal sale, purchase or utilisation of wild animal products shall be prohibited.

Article 33

The provision of exhibition, trading or consumption services enabling the illegal sale, purchase, eating or utilisation of wild animals and the products thereof or prohibited hunting equipment by internet trading platforms, goods exchange markets, food and drink premises et cetera ~~or other trading space~~ is prohibited.

Article 34

Anyone transporting, carrying or posting wild animals under special state protection or the products thereof, or the wild animals or products thereof stipulated in the second paragraph of Article 289 of this Law outside the borders of their county shall hold or present a licence, a copy of an approval document or a special label as stipulated in Articles 21, 256, 278 and 289 of this Law, and proof of quarantine.

Anyone transporting ~~wild animals that is not under special state protection~~ terrestrial wild animals of important ecological, scientific or social value or wild animals under special location protection outside the borders of their county shall obtain proof of legal origin, such as hunting licence, import or export permit, or special marking, and proof of quarantine. Anyone transporting other terrestrial wild animals outside the borders of their county shall hold a certificate of quarantine.

Companies such as railway, road, water transport, civil aviation, postage or express mail companies which transport, carry or mail wild animals or the products thereof shall examine relevant certificates, document copies or special markings as stipulated above, and shall not undertake the transportation or mailing of any that do not abide by these regulations.

Article 35

The departments of wild animal protection under the people's government at county level and above shall conduct the supervision and administration of utilisation of wild animals and products thereof, such as scientific research, captive breeding and public exhibitions and performances.

~~The people's government at the county level and above and their relevant departments shall, according to their respective duties, conduct the supervision and inspection of the sale, purchase, utilisation, transport and mailing of wild animals and the products thereof.~~

The people's government at the county level and above and their relevant departments shall increase the strength of joint law enforcement in major crimes relating to wild animals, and shall establish joint mechanisms to monitor, investigate and deal with incidents.

Where departments of wild animal protection and other departments with professional responsibilities for monitoring and inspecting wild animal protection encounter illegal activity they suspect to constitute a crime, they shall transfer this to the Public Security Bureau in accordance with regulations.

Where the Public Security Bureau, in the course of investigating a case relating to wild animal protection believes that no crime was committed, or the facts of the crime are evidently not serious, it therefore not being necessary to pursue for criminal responsibility but where there should be administrative sanctions, they shall transfer the case to departments of wild animal protection or other departments with professional responsibilities for monitoring and inspecting wild animal protection, and the relevant department shall deal with the case in accordance with the law.

Article 36

When carrying out their professional duties as stipulated in this Law, departments of wild animal protection and other departments with professional responsibilities for monitoring and inspecting wild animal protection at county level and above may take the following actions:

1. Enter a space which is related to activities in contravention of wild animal protection management to conduct on-site inspections or investigations;
2. Conduct tests, examinations or quarantine of wild animals, or take samples as evidence;
3. Seal or reproduce relevant documents or materials, or seal up documents or materials which might be moved, destroyed, hidden or tampered with;
4. Seal or seize wild animals and the products thereof without proof of legal origin or proof of quarantine; seal or seize tools, equipment or property suspected to have been used to illegally hunt or capture wild animals or to illegally purchase, sell, process, transport hunted wild animals or the products thereof.

Article 37

Lists of wild animals and products thereof the trade in which is prohibited or restricted by international conventions which China has concluded or to which China is a party shall be drawn up, revised and announced by the Chinese CITES Management Authority.

The import and export of wild animals and the products thereof included in the list mentioned in the previous paragraph and the export of wild animals under special state protection and the products thereof shall be approved by the department of wild animal protection under the State Council or by the State Council, and an import or export permit must be obtained from the Chinese CITES Management Authority. Customs shall conduct entry and exit quarantine ~~in accordance with the law~~ and shall conduct customs clearance procedures according to regulations where there is an import or export certificate and certification of quarantine, and shall conduct other customs procedures in accordance with the law.

The export of the species of wild animals involving scientific and technological secrets shall be dealt with in accordance with relevant provisions of the State Council.

The wild animals included in the list mentioned in the first paragraph, subject to approval by the department of wild animal protection under the State Council, can be managed as wild animals under special state protection where this law applies.

Article 38

Provision of the genetic resources of wild animals which are endemic to China to overseas or to foreign institutions or personnel shall be prohibited.

Anyone utilising the genetic resources of wild animals which are endemic to China to conduct international scientific research shall share benefits; where Chinese scientific research institutions, higher education institutions, companies or other research personnel are substantively involved in research, they shall abide by relevant national laws and regulations.

Article 39

The state shall strengthen management of inspection and quarantine of wild animals. When conducting inspection and quarantine of wild animals, the relevant provisions of the “Animal Epidemic Prevention Law of the People’s Republic of China” shall apply.

Article 40

The state shall organise and implement international cooperation and exchange relating to wild animal protection and corresponding law enforcement activities; establish cross-department coordination mechanisms to guard against and tackle the smuggling and illegal trade in wild animals and products thereof, and develop campaigns to guard against and tackle the smuggling and illegal trade in wild animals.

Article 41

Introductions/import of wild animal species from outside Chinese borders shall be approved by the department of wild animal protection under the State Council. Introductions/imports of wild animals included in the lists stipulated in the first paragraph of Article 35~~7~~ of this Law from outside Chinese borders shall require an import and export permit documents, in accordance with the law. Customs shall conduct border entry quarantine where there is an approval document for import or export or an import/export certificate in accordance with the law and shall conduct other customs clearance procedures in accordance with the law ~~according to regulations where there is an import or export permit or other import permission document and certification of quarantine.~~

Anyone introducing non-native wild animal species shall take appropriate preventative measures to prevent their entering the wild and avoid harm to ecosystems. Where it is absolutely necessary to release them into the wild, this shall be conducted in accordance with relevant national regulations.

Article 42

If any organisation or individual releases wild animals into the wild, they shall choose local species which are suited to survival in the area; may not interfere with the normal lives or production of local people; and must avoid harming local ecosystems. Anyone who wantonly releases wild animals, causing harm to other persons or property or harming ecosystems, will bear legal responsibility according to the law.

Article 43

The forgery, modification, sale, purchase, transfer, borrowing or lending of special hunting and catching licences, hunting licences, captive breeding permits and special markings, documents which approve the sale, purchase or utilisation of wild animals under special state protection and the products thereof, or import and export permits is prohibited.

Information relating to the granting of permits, special markings and approval documents stipulated above shall be made public in accordance with the law.

Article 44

Where any foreigner intends to make surveys of or to film or videotape wild animals under special state protection in the wild in China, they shall apply for approval by the departments of wild animal protection under the government of the province, autonomous region or municipality or by a unit authorised by the same department, and shall abide by relevant laws and regulations.

Article 45

~~The administrative measures for wild animals under special local protection and for other wild animals that is not under special state protection shall be formulated by the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government or their standing committees. The people's congresses of provinces, autonomous regions and municipalities or their standing committees may, according to the actual local circumstances, draw up management regulations for wild animals under special local protection and other terrestrial wild animals.~~

Chapter Four: Legal Responsibility

Article 46

Where departments of wild animal protection or other relevant departments and institutions do not make decisions relating to administrative permits or according to the law; discover illegal behaviour or receive reports of illegal behaviour and do not investigate, or fail to investigate according to the law; abuse their powers of authority; or in any other way fail to conduct their professional duty in accordance with this law, it is the duty of the relevant departments and institutions of the people's government at an equivalent or higher level to stop and rectify this behaviour; the manager responsible and other staff directly responsible shall receive a demerit, a major demerit or a demotion. If there are serious consequences, they shall be fired, and the person in charge should admit responsibility and resign. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 47

Anyone who violates the third clause of Article 12 or the second clause of Article 13 of this Law shall be punished in accordance with relevant laws and regulations.

Article 48

If anyone, in violation of the third clause of Article 15, trades in wild animals or the products thereof under the guise of wild animals shelter and rescue, the department of wild animal protection under the people's government at the county level and above shall confiscate the wild animals and products thereof and unlawful income gained; shall impose a fine of between two and ~~ten~~²⁰ times the value of the wild animals or the products thereof; and shall record relevant criminal information in public social credit records and release to the public. Where there is a threat to human health and safety, or if the circumstances are particularly serious, they may, having obtained approval from the people's government with authority to give approval, issue orders to cease business or close down. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 49

If anyone, in violation of Article 20, Article 21, the first clause of Article 23, ~~or the first clause of Article 24~~ or the second clause of Article 31, hunts or catches wild animals under special state protection in a nature reserve or in an area or during a season closed to hunting (or fishing); without obtaining a special hunting or catching permit; without undergoing specialist skills training or qualifications; in violation of the prescriptions of such a permit, or for the purposes of consumption as food; or hunts or catches wild animals under special state protection using a prohibited hunting implement or method, the department of wild animal protection under the people's government at the county level or above,

the department of maritime law enforcement or the relevant protected area management authority shall, dividing responsibility according to their professional duties, confiscate their catch, hunting implements and all unlawful income, suspend special hunting licences, and fine the perpetrator between ~~two and ten times the value of their catch~~ 10,000 and 100,000 yuan; where a catch is present, the perpetrator shall also be fined between two and 20 times the value of their catch ~~where a catch is not present, the perpetrator shall be fined between 10,000 and 50,000 yuan~~. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

If, in violation of the first clause of Article 23 of this Law, relevant specialised institutions fail to report the circumstances of hunting or catching to the department of wild animal protection, the department of wild animal protection which issued the special hunting licence or hunting licence shall order rectification and the perpetrator shall be fined between 10,000 and 100,000 yuan; if they refuse to rectify, the special hunting licence or hunting licence shall be revoked.

Article 50

If anyone, in violation of Article 20, Article 22, the first clause of Article 23, the first clause of Article 24 ~~or the second clause of Article 31~~, hunts or catches ~~wild animals that is not under special state protection~~ terrestrial wild animals of important ecological, scientific or social value or wild animals under special local protection in a nature reserve or in an area or during a season closed to hunting (or fishing); without obtaining a hunting or catching permit; without undergoing specialist skills training or qualifications; in violation of the prescriptions of such a permit; or for the purposes of consumption as food; or hunts or catches ~~wild animals not under special state protection~~ terrestrial wild animals of important ecological, scientific or social value or wild animals under special local protection using a prohibited hunting implement or method, the department of wild animal protection under the people's government at the county level or above, or the relevant protected area management authority shall, dividing responsibility according to their professional duties, confiscate their catch, hunting implements and all unlawful income, suspend special hunting licences, and fine the perpetrator between ~~one and five times the value of their catch~~ 2,000 and 20,000 yuan; where a catch is present, the perpetrator shall also be fined between one and 10 times the value of their catch; ~~where a catch is not present, the perpetrator shall be fined between 2,000 and 10,000 yuan~~. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Anyone who, in violation of the second clause of Article 31, hunts or captures other terrestrial wild animals which have grown and bred naturally in the wild for the purpose of consumption as food, the department of wild animal protection under the people's government at the county level or above, or the relevant protected area management authority shall, dividing responsibility according to their professional duties, confiscate their catch, hunting implements and all unlawful income, and fine the perpetrator between 2,000 and 10,000 yuan; where a catch is present, the perpetrator shall also be fined between one and five times the value of their catch. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Anyone who, in violation of the second clause of Article 23, hunts wild animals with a hunting rifle without a licence for the rifle, and where this constitutes a violation of public security administrative regulations, they shall be punished by the public security bureau in accordance with Regulations on Administrative Penalties for Public Security. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 51

If anyone, in violation of Article 25 of this Law, hunts or catches from the wild or kills on a large scale other terrestrial wild animals without authorisation or in violation of the prescriptions of the authorisation, the department of wild animal protection under the people's government at the county level or above, or the relevant protected area management authority shall, dividing responsibility

according to their professional duties, confiscate their catch, hunting implements and all unlawful income, repeal authorisation documents, and fine the perpetrator between one and five times the value of their catch. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 52

If anyone, in violation of the second clause of Article 256 of this Law, breeds wild animals under special state protection, ~~or wild animals stipulated in the second clause of Article 28~~ terrestrial wild animals of important ecological, scientific or social value or wild animals under special local protection without a captive breeding permit, the wild animals and products thereof shall be confiscated by the department of wild animal protection under the people's government at the county level and above, and the perpetrator shall be fined between one and ~~five~~ ten times the value of the wild animals and products thereof. The main persons responsible, the persons directly in charge and personnel in key positions shall have income generated at that entity during the period of illegal behaviour confiscated, shall be fined between one and 10 times the value of that confiscated income, and shall be banned for life from engaging in captive breeding of wild animals.

Article 53

If anyone, in violation of the ~~first and second~~ clause of Article 278, the ~~first~~ second clause of Article 2831 and the first clause of Article 334, sells, purchases, utilises, transports, carries or mails, or trades or transports for the purposes of consumption as food wild animals under special state protection or the products thereof or the wild animals stipulated in the second clause of Article 289 or the products thereof without permission, without a special marking or in violation of the prescriptions of the special marking, or without holding or presenting a captive breeding permit or permission document or a special marking, the department of wild animal protection under the people's government at the county level and above or the department of market supervision and management shall, dividing responsibility according to their professional duties, confiscate the wild animals and the products thereof and all unlawful income, order the closure of locations of illegal trade, and shall fine the perpetrator between two and ~~ten~~ 20 times the value of the wild animals and products thereof. If the circumstances are serious, the perpetrator's captive breeding permit and permission documents shall be revoked and special markings recalled. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

If anyone, in violation of the ~~fourth clause of Article 27~~ third clause of Article 28, the second clause of Article 31 and the second clause of Article 334, sells, utilises or transports ~~wild animals not under state protection~~ terrestrial wild animals of important ecological, scientific or social value or wild animals under special local protection or the products thereof without proof of legal origin or special marking, or trades or transports for the purposes of consumption as food terrestrial wild animals of important ecological, scientific or social value that has grown and bred naturally in the wild or wild animals under special local protection, the department of wild animal protection under the people's government at county level or above or the department of market supervision and management shall, dividing responsibility according to their professional duties, confiscate the wild animals and products thereof and fine the perpetrator between one and ~~five~~ 10 times the value of the wild animals and products thereof. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

If anyone, in violation of the second clause of Article 31, trades or transports other terrestrial wild animals which have grown and bred naturally in the wild for the purpose of consumption as food, the department of wild animal protection under the local people's government at county level or above or the department of market supervision and management shall, dividing responsibility according to their professional duties, confiscate the wild animals and products thereof, and fine the perpetrator between one and five times the value of the wild animals and products thereof. Where this constitutes

a crime, they shall be pursued for criminal responsibility in accordance with the law.

If anyone, in violation of the ~~fourth~~ fourth clause of Article 27~~8~~ or the first and second clauses of Article ~~34~~ Article 33, sells, transports, carries or posts wild animals under special state protection, terrestrial wild animals of important ecological, scientific or social value, wild animals under special local protection or other terrestrial wild animals ~~relevant wild animals~~ or the products thereof without holding or presenting proof of quarantine, they shall be punished according to the regulations in the Animal Epidemic Prevention Law of the People's Republic of China.

If, in violation of the third clause of Article 34, companies such as railway, road, water transport, civil aviation, postage or express mail companies transport, carry or mail wild animals or the products thereof without conducting examinations in accordance with regulations, relevant departments including those of transport, railway inspection and administration, civil aviation and postage administration shall, dividing responsibility according to their professional duties, confiscate unlawful income and shall fine the perpetrator between one and five times the amount of this unlawful income. If the circumstances are serious, the department of transport under the local people's government at county level or above shall revoke their trading permit. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 54

If anyone, in violation of the first and fourth clauses or Article 31 of this Law, eats or illegally purchases for the purposes of consumption as food wild animals under special state protection, terrestrial wild animals of important ecological, scientific or social value or the products thereof, the department of wild animal protection under the people's government at county level or above or the department of market supervision and management shall, dividing responsibility according to their professional duties, order the cessation of illegal activities, confiscate the wild animals or products thereof, fine the perpetrator between two and 20 times the value of the seized wild animals or products thereof, record relevant information on the illegal activity in social credit records, and inform society. If anyone eats or illegally purchases for the purposes of consumption as food other terrestrial wild animals or the products thereof, the department of wild animal protection under the local people's government at county level or above or the department of market supervision and management shall, dividing responsibility according to their professional duties, order the cessation of illegal activities, confiscate the wild animals or products thereof, and fine the perpetrator between one and 10 times the value of the seized wild animals or products thereof.

If anyone, in violation of ~~Article 30~~ the third clause of Article 31, produces or trades foodstuffs made using wild animals under special state protection, terrestrial wild animals of important ecological, scientific or social value, other terrestrial wild animals or the products thereof, ~~or wild animals not under state protection or the products thereof without proof of legal origin, or illegally purchases wild animals under special state protection or the products thereof for the purposes of consumption as food,~~ the department of wild animal protection under the people's government at the county level and above or the department of market supervision and management shall, dividing responsibility according to their professional duties, issue an order to cease the illegal behaviour, shall confiscate the wild animals and products thereof and all unlawful income, shall issue an order to close the location of illegal trade, and shall ~~issue of a fine equivalent to between two and ten times the value of the wild animals and products thereof~~ fine the perpetrator between 15 and 30 times the value of the unlawful income. The Public Security Bureau may also detain management and other personnel who are directly responsible for between five and 10 days. Where human health and safety is harmed, or the circumstances are serious, they may, having obtained approval from the people's government with the authority to give approval, issue an order to cease business and close. The main persons responsible, the persons directly in charge and personnel in key positions shall have income generated at that entity during the period of illegal behaviour confiscated, shall be fined between one and 10 times the value of that confiscated income, and shall be banned for life from engaging in

production and trade of wild animals and the products thereof. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 55

If anyone, in violation of Article 34~~2~~, publishes an advertisement relating to the sale, purchase or utilisation of wild animals and the products thereof or prohibited hunting equipment, they shall be punished according to the Advertising Law of the People's Republic of China.

Article 56

If anyone, in violation of Article 32~~3~~, provides ~~a trading platform for~~ exhibition, trading or consumption services enabling the illegal sale, purchase, eating or utilisation of wild animals or the products thereof or prohibited hunting equipment, the department of market supervision and management under the people's government at county level and above shall issue an order to cease this illegal behaviour and make corrections within a prescribed time limit; shall confiscate all unlawful income; and shall issue a fine of between two and ~~five-ten~~ times the amount of this unlawful income. Where no unlawful income was gained, a fine shall be issued of between 10,000 and ~~50,000~~ 100,000 yuan. Where the circumstances are serious, the main persons responsible, the persons directly in charge and personnel in key positions shall have income generated at that entity during the period of illegal behaviour confiscated, shall be fined between one and 10 times the value of that confiscated income, and shall be banned for life from engaging in trade and consumption of wild animals and the products thereof. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 57

If anyone, in violation of Article 35~~7~~, imports or exports wild animals or the products thereof, they shall be punished by Customs, the public security bureau or the department of maritime law enforcement in accordance with relevant laws, regulations and national statutes. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 58

If anyone, in violation of the first clause of Article 38, provides the genetic resources of wild animals which are endemic to China to overseas or to foreign institutions or personnel, the department of wild animal protection under the local people's government at county level and above shall confiscate the wild animals and products thereof and unlawful income, and shall fine the perpetrator between one and five times the value of the wild animals and products thereof or the unlawful income. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 59

If anyone, in violation of the first clause of Article 37~~4~~1, introduces non-native wild animals species from outside Chinese borders, the introduced wild animals shall be confiscated by the department of wild animal protection under the people's government at county level and above, and the perpetrator shall be fined between 50,000 and ~~200,000~~ 500,000 yuan. Anyone who fails to properly conduct quarantine when importing wild animals in accordance with the law, they shall be punished according to the regulations in the Law of the People's Republic of China on Entry and Exit Animal and Plant Quarantine. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 60

If anyone, in violation of the second clause of Article ~~3741~~, releases wild animals introduced from outside Chinese borders into the wild, they shall be ordered by the department of wild animal protection under the people's government at county level and above to recapture the wild animals within a prescribed time limit, and shall be fined between 10,000 yuan and ~~50,000~~ 100,000 yuan. If the wild animals are not recaptured within the prescribed time limit, the relevant department of wild animal protection shall recapture the wild animals or take other measures in order to lower the impact of the act. The person ordered to recapture the wild animals within a prescribed time limit shall be held liable for the costs involved in recapture.

Article 61

If anyone, in violation of the first clause of Article ~~3943~~, forges, modifies, sells, purchases, transfers, borrows or lends a relevant certificate, special marking or other relevant permission document, the department of wild animal protection under the people's government at county level and above shall confiscate the illegal certificate, special marking or relevant permission document and any unlawful income, and shall issue a fine of between 50,000 and ~~200,000~~ 500,000 yuan. Where this constitutes a violation of public security administrative regulations, the public security bureau shall issue a civil administrative penalty. Where this constitutes a crime, they shall be pursued for criminal responsibility in accordance with the law.

Article 62

Articles confiscated in accordance with this Law shall be dealt with by the department of wild animal protection under the people's government at county level and above or by a unit authorised by the same department.

Departments of wild animal protection under the people's government at county level and above and other departments with professional responsibilities for monitoring and administration of wild animal protection may deal with seized wild animals and the products thereof through means such as auction, shelter and harmless destruction, in accordance with the law.

Article 63

Evaluation criteria and procedures for the valuation of catches, wild animals and the products thereof stipulated in this Law shall be stipulated by the department of wild animal protection under the State Council.

~~Article 58~~

~~Anyone who has caused losses to crops or other losses to other people while hunting or catching wild animals shall be liable for civil responsibility in accordance with the law.~~

Chapter Five: Supplementary Provisions

Article 64

The regulations of the "Animal Husbandry Law of the People's Republic of China" shall be applicable to the management of animals listed in the "National Catalogue of Livestock and Poultry Genetic Resources".

Article 65

This Law shall come into force on