

## Regulations of the People's Republic of China on Administration of Import and Export of Endangered Wild Animals and Plants

Decree of the State Council of  
the People's Republic of China  
No.465

Regulations of the People's Republic of China on Administration of Import and Export of Endangered Wild Animals and Plants adopted at the 131st Executive Meeting of the State Council on April 12, 2006 are hereby promulgated and shall be effective as of September 1, 2006.

Premier: Wen Jiabao  
April 29, 2006

Regulations of the People's Republic of China on Administration of Import and Export of Endangered Wild Animals and Plants  
(Adopted at the 131st Executive Meeting of the State Council on April 12, 2006, promulgated by Decree No. 465 of the State Council of the People's Republic of China on April 29, 2006, and effective as of September 1, 2006)

Article 1 These Regulations are formulated for the purpose of strengthening administration of import and export of endangered wild animals and plants and their products, protecting and rationally utilizing wild animals and plants resources, and implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the CITES).

Article 2 The import or export of endangered wild animals and plants and their products which are subject to the import or export restrictions of the CITES shall conform with these Regulations.

The export of wild animals and plants under special protection of the State and their products shall be handled in accordance with the provisions of these Regulations on export of endangered wild animals and plants and their products.

Article 3 The competent departments of the State Council for forestry and agriculture(fisheries)(hereinafter referred to as the competent wild animals and plants departments of the State Council) shall, in accordance with their respective functions and duties, take principal charge of import and export administration of endangered wild animals and plants and their products nationwide, and accomplish the work related to implementation of the CITES. Other relevant departments of the State Council shall, in accordance with the provisions of the relevant laws and administrative regulations, accomplish the relevant work within their respective functions and duties.

Article 4 The national management authority for import and export of endangered species shall implement the CITES on behalf of the Chinese Government and, in accordance with the provisions of these Regulations, issue import or export permits for wild animals and plants under special protection of the State Council, and import or export permits for the endangered wild animals and plants and their products the import or export of which is restricted by the CITES but approved by the competent wild animals and plants department of the State Council.

Article 5 The national scientific authority for import and export of endangered species shall, in accordance with these Regulations, arrange the experts in

terrestrial wild animals, aquatic wild animals and wild plants to provide scientific consultancy pertaining to import and export of endangered wild animals and plants and their products.

Article 6 It is prohibited to import or export endangered wild animals or plants or their products, which are prohibited by the CITES from being imported or exported for commercial purposes. If such import or export is needed for scientific research, domestication and breeding, artificial propagation, cultural exchange or other special purposes, approval shall be obtained from the competent wild animals and plants department of the State Council, and if such import or export is subject to the approval by the State Council in accordance with the relevant provisions, the matter shall be submitted to the State Council for approval.

It is prohibited to export unnamed or newly discovered wild animals or plants which are of important value or their products, or to export endangered wild animals or plants or their products subject to the export prohibition of the State Council or the competent wild animals and plants department of the State Council.

Article 7 To import or export endangered wild animals and plants or their products which are subject to import or export restriction of the CITES and to export wild animals or plants or their products which are subject to export restriction of the State Council or the competent wild animals and plants department of the State Council, approval shall be obtained from the competent wild animals and plants department of the State Council.

Article 8 Anyone who imports endangered wild animals or plants or their products must meet the following conditions:

- (1) the use of endangered wild animals or plants or their products conform with the relevant provisions of the State;
- (2) effective control measures are adopted and the ecological safety requirements are satisfied;
- (3) the materials provided by the applicant are truthful and valid; and
- (4) other conditions made public by the competent wild animals and plants department of the State Council are met.

Article 9 Anyone who exports endangered wild animals or plants or their products must meet the following conditions:

- (1) the ecological safety requirements and public interests are satisfied;
  - (2) the source of the goods is lawful;
  - (3) the materials provided by the applicant are truthful and valid;
  - (4) the goods are not subject to the export prohibition of the State Council or the competent wild animals and plants department of the State Council;
- and
- (5) other conditions made public by the competent wild animals and plants department of the State Council are met.

Article 10 To import or export endangered wild animals or plants or their products, the applicant shall submit an application to the competent wild animals and plants department of the people's government of the province, autonomous region or municipality directly under the Central Government where it is located, and present the following materials:

- (1) the import or export contract;
- (2) the names, species, quantities and uses of the endangered wild animals or plants or their products;
- (3) the instructions of the facilities for transport of living endangered wild animals; and
- (4) other materials that shall be presented as made public by the competent wild animals and plants department of the State Council.

The competent wild animals and plants department of the people's government of the province, autonomous region or municipality directly under the

Central Government shall, within ten working days from the date of receipt of the application, give its written opinions and forward all the application materials to the competent wild animals and plants department of the State Council.

Article 11 The wild animals and plants department of the State Council shall, within 20 working days from the date of receipt of the application, make a decision to approve or not to approve the application and notify the applicant in writing. If it cannot make the decision within 20 working days, an extension of ten working days may be granted with approval of the responsible person of the department, and the applicant shall be notified of the duration of and reasons for the extension.

Article 12 Upon obtaining the import or export approval documents from the competent wild animals and plants department of the State Council, the applicant shall, within the period of validity specified in the approval documents, apply to the national management authority for import and export of endangered species for issuance of the import or export permit.

To apply for issuance of the import or export permit, the following materials shall be presented:

- (1) the application form for the import or export permit;
- (2) the import or export approval documents; and
- (3) the import or export contract.

To import endangered wild animals or plants or their products which are subject to import or export restriction of the CITES, the applicant shall, in addition, present the export permission documents issued by the management authority for import and export of endangered species of the country (region) of export. To export endangered wild animals or plants or their products which are prohibited by the CITES from being imported or exported for commercial purposes, the applicant shall, in addition, present the import permission documents issued by the management authority for import and export of endangered species of the country (region) of import. To reexport the imported endangered wild animals or plants or their products, the applicant shall, in addition, present the Customs declaration forms for imported goods and the import permit endorsed by the Customs.

Article 13 The national management authority for import and export of endangered species shall, within 20 working days from the date of receipt of an application, make a decision upon examination. If the application materials are complete and comply with the provisions of these Regulations and the requirements of the CITES, it shall issue the import or export permit; if no import or export permit is issued, it shall notify in writing the applicant and the competent wild animals and plants department of the State Council and give the reasons thereof;

if it cannot make the decision within 20 working days, an extension of ten working days may be granted with approval of the responsible person of the authority, and the applicant shall be notified of the duration of and reasons for the extension.

Upon finding through examination any application materials which do not meet the requirements, the national management authority for import and export of endangered species shall, within five working days, notify the applicant once and for all of the materials that need to be supplemented or corrected.

Article 14 Where, in issuing import or export permits, the national management authority for import and export of endangered species needs to consult the national scientific authority for import and export of endangered species, or needs to have the relevant overseas authorities verify the import or export permission documents and other relevant information, it shall, within five working days from the date of receipt of an application, send the relevant materials to the national scientific authority for import and export of endangered species for consultancy or to the relevant overseas authorities for verification. The time consumed for such consultancy or verification shall not be calculated into the working days for issuance of import or export

permits. .

Article 15 When examining and approving import or export of endangered wild animals or plants or their products, the competent wild animals and plants department of the State Council, the competent wild animals and plants departments of the people's government of provinces, autonomous regions and municipalities directly under the Central Government and the national management authority for import and export of endangered species shall collect no other fees than those prescribed by the State.

Article 16 Where import or export of endangered wild animals or plants or their products causes or is likely to cause serious harm to or adverse effect on wild animals and plants resources or ecological safety, the competent wild animals and plants departments of the State Council shall propose temporary measures prohibiting or restricting import or export of these endangered wild animals or plants or their products, and submit such proposals to the State Council for approval before implementation.

Article 17 Where any endangered wild animals or plants or their products which are taken in the marine environment not under the jurisdiction of any country are to be introduced into the territory of China, such introduction shall be administrated with reference to the relevant provisions of these Regulations on import.

Article 18 The import of endangered wild animals or plants or their products which involves alien species control and the export of endangered wild animals or plants or their products which involves germplasm resources management shall conform with the relevant provisions of the State.

Article 19 The import or export of endangered wild animals or plants or their products shall be conducted at the ports which are designated by the competent wild animals and plants department of the State Council jointly with the General Administration of Customs and the General Administration of Quality Supervision, Inspection and Quarantine and approved by the State Council.

Article 20 The import or export of endangered wild animals or plants or their products shall be completed in accordance with the species, quantities, ports and time limits specified in the import or export permits.

Article 21 Anyone who imports or exports endangered wild animals or plants or their products shall present its import or export permit to the Customs, accept Customs control and, within 30 days from the date of Customs release, send the Customs-affirmed copy of its import or export permit to the national management authority for import and export of endangered species for the record.

Endangered wild animals or plants or their products in transit, transshipment or through shipment shall be subject to Customs control from the time of entry to the time of exit.

Endangered wild animals or plants or their products shall be subject to Customs control when entering or leaving the special Customs surveillance zones and bonded premises such as bonded areas, export processing areas, etc., and the import or export formalities shall be completed in accordance with the provisions of the General Administration of Customs and the national management authority for import and export of endangered species. Anyone who imports or exports endangered wild animals or plants or their products shall, on the strength of its import or export permit, declare for inspection to the entry and exit inspection and quarantine authority and accept the inspection and quarantine.

Article 22 The national management authority for import and export of endangered species shall, in a timely manner, send the copies of the relevant

materials on issuance of import and export permits and on the annual import and export of endangered wild animals and plants and their products to the competent wild animals and plants department of the State Council and other competent departments.

Article 23 The import and export approval documents shall be uniformly printed under the arrangement of the competent wild animals and plants department of the State Council. The import and export permits and application forms thereof shall be uniformly printed under the arrangement of the national management authority for import and export of endangered species.

Article 24 Where a staff member of the competent wild animals and plants department or the national management authority for import and export of endangered species, by taking advantage of his position, accepts a thing of value from others or seeks any other benefit and, in return, approves import or export or issues an import or export permit in violation of the provisions of these Regulations, he shall be investigated for criminal liability in accordance with law if the circumstances are serious and a crime is thus constituted; if no crime is constituted, he shall be given a sanction in accordance with law.

Article 25 Where a staff member of the national scientific authority for import and export of endangered species, by taking advantage of his position, accepts a thing of value from others or seeks any other benefit and gives false opinions in return, he shall be investigated for criminal liability in accordance with law if the circumstances are serious and a crime is thus constituted; if no crime is constituted, he shall be given a sanction in accordance with law.

Article 26 Where anyone illegally imports or exports, or smuggles by other means endangered wild animals or plants or their products, the Customs shall impose on it a penalty in accordance with the relevant provisions of the Customs Law; if the circumstances are serious and a crime is thus constituted, criminal liability shall be investigated for in accordance with law.

The confiscated goods shall be transferred to the competent wild animals and plants department for disposition in accordance with law. If the confiscated goods are required by law to be quarantined, they shall be handled after passing the quarantine. If the confiscated goods need to be returned to the country(region) of export, the competent wild animals and plants department shall transfer them to the national management authority for import and export of endangered species for disposition in accordance with the provisions of the CITES.

Article 27 Where anyone forges, illegally trades in, or transfers import or export approval documents or import or export permits, the competent wild animals and plants department or the administrative department for industry and commerce shall, in accordance with their respective functions and duties, impose a penalty on it in accordance with law; if the circumstances are serious and a crime is thus constituted, criminal liability shall be investigated for in accordance with law.

Article 28 These Regulations shall be effective as of September 1, 2006

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➤ [attachments:](#)

