

中华人民共和国野生动物保护法（修订草案）

Law of the People's Republic of China on Conservation of Wild Animals (Revised Draft)

第一章 总 则

Chapter 1 General Provisions

第一条为保护野生动物及其栖息地，拯救珍贵、濒危野生动物，维护生物多样性和生态平衡，规范野生动物资源利用，推进生态文明建设，制定本法。

Article 1 This Law is formulated to conserve wild animals and their habitats, save precious and endangered wild animals, maintain the biodiversity and ecological balance, regulate the utilization of wild animal resources and carry forward the construction of the ecological civilization.

第二条本法规定保护的野生动物，是指珍贵、濒危的野生动物和有重要生态、科学、社会价值的野生动物。

Article 2 Conserved wild animals under this Law refer to precious and endangered wild animals as well as wild animals having important ecological, scientific and social value.

本法各条款所提野生动物及其制品，均系指前款规定的受保护的野生动物的整体（含卵、蛋）、部分及其衍生物。

Wild animals and their products mentioned under all articles of this Law refer to the entirety (including ova and eggs), parts and derivatives of conserved wild animals described by the preceding paragraph.

本法规定的野生动物栖息地，是指野生动物野外种群生息繁衍的重要区域。

Wild animal habitats under this Law refer to important areas where wild populations of wild animals inhabit and multiply.

在中华人民共和国领域及管辖的其他海域，从事野生动物保护、繁育、利用和涉及野生动物及其栖息地的其他活动，适用本法。

This Law applies to the engagement of conservation, breeding and utilization of wild animals as well as other activities involving wild animals and their habitats within the territory of, and other sea areas under the jurisdiction of, the People's Republic of China.

珍贵、濒危的水生野生动物以外的其他水生野生动物的保护，适用渔业法的规定。

The provisions of the fishery laws shall apply to the conservation of other aquatic wild animals other than precious and endangered aquatic wild animals.

第三条野生动物资源属于国家所有。

Article 3 Wild animal resources shall be owned by the state.

国家保障依法保护、繁育、利用野生动物的单位和个人的合法权益。

The state guarantees the legitimate rights and interests of organizations and individuals engaged in the conservation, breeding and utilization of wild animals according to the law.

第四条国家对野生动物实行保护优先、严格监管、科学繁育、合理利用的方针，鼓励开展野生动物科学研究，培育公民关爱野生动物、共同维护人类生存环境的意识。

Article 4 The state implements the policy of conservation priority, strict supervision, scientific breeding and reasonable utilization for wild animals, encourages the performance of scientific research on wild animals, and fosters citizens' awareness of caring for wild animals and jointly safeguarding mankind's survival environment.

第五条中华人民共和国公民有保护野生动物及其栖息地的义务，对侵占或者破坏野生动物及其栖息地的行为有权向有关部门报告和控告。

Article 5 Citizens of the People's Republic of China shall have the obligation to conserve wild animals and their habitats, and report and accuse conducts of encroaching on or damaging wild animals and their habitats to relevant agencies.

第六条各级人民政府应当加强对野生动物及其栖息地的保护，制定规划和措施，并将野生动物保护经费纳入预算。

Article 6 The people's governments at all levels shall strengthen the conservation of wild animals and their habitats, establish planning, take measures, and include the expense on conservation of wild animals in the budget.

国家鼓励公民、法人和其他组织依法通过捐赠资金、建立基金等方式参与野生动物保护活动，支持野生动物保护公益事业。

The state encourages citizens, legal persons and other organizations to participate in activities for conservation of wild animals and support the public interest cause of wild animal conservation by donating funds, establishing foundations and taking other forms according to the law.

第七条国务院林业主管部门主管全国陆生野生动物保护工作，国务院渔业主管部门主管全国水生野生动物保护工作。

Article 7 The forestry administration agency of the State Council shall supervise the conservation of terrestrial wild animals nationwide, and the fishery administration

agency of the State Council shall supervise the conservation of aquatic wild animals nationwide.

县级以上地方人民政府林业主管部门主管本行政区域内陆生野生动物保护工作，渔业主管部门主管本行政区域内水生野生动物保护工作。

The forestry administration agency of the local people's government at the county level and above shall supervise the conservation of terrestrial wild animals in their respective administrative regions, and the fishery administration agency shall supervise the conservation of aquatic wild animals in their respective administrative regions.

第八条各级人民政府应当加强野生动物保护的宣传和普及工作，鼓励和支持基层群众性自治组织、社会组织、企事业单位、志愿者开展野生动物保护法律法规和知识的宣传活动，对违法行为进行监督。

Article 8 The people's governments at every level shall strengthen the work to promote and popularize the conservation of wild animals, encourage and support local mass autonomous organizations, social organizations, enterprises, nonprofit organizations and volunteers in the activity of popularizing laws, regulations and knowledge involving the conservation of wild animals, and supervise illegal conduct.

教育行政部门、学校应当培养学生的野生动物保护意识。

The education administration agencies and schools shall foster students' awareness of conservation of wild animals.

新闻媒体应当开展野生动物保护法律法规和保护知识的宣传，倡导关爱野生动物，对违法行为进行监督。

News media shall carry out the promotion of laws, regulations and knowledge involving the conservation of wild animals, advocate the care for wild animals, and supervise illegal conducts.

第九条在野生动物保护和科学研究方面成绩显著的单位和个人，由县级以上人民政府给予奖励。

Article 9 The people's governments at the county level and above shall award organizations and individuals making significant achievements in the conservation of and scientific research on wild animals.

第二章 野生动物保护

Chapter 2 Conservation of Wild Animals

第十条国家保护野生动物及其栖息地，禁止任何单位和个人违法猎捕、利用或者破坏。

Article 10 The state conserves wild animals and their habitats, and forbids any organization or individual to hunt, utilize or destroy the same.

第十一条国家对野生动物实行分类分级管理，分为国家重点保护野生动物、地方重点保护野生动物和有重要生态、科学、社会价值的野生动物。

Article 11 The state implements classification and hierarchical management of wild animals, and classifies wild animals into wild animals under national major conservation, wild animals under local major conservation and wild animals having important ecological, scientific and social value.

国家对珍贵、濒危的野生动物实行重点保护。国家重点保护的野生动物分为一级保护野生动物和二级保护野生动物。国家重点保护的野生动物名录由国务院野生动物保护主管部门组织科学评估后制定，报国务院批准公布。

The state carries out major conservation for precious and endangered wild animals. Wild animals under national major conservation are divided into grade-one wild animals under conservation and grade-two wild animals under conservation. The directory of wild animals under national major conservation shall be formulated by the agencies of the State Council supervising conservation of wild animals after organizing scientific assessments and published after approval of the State Council.

对国家重点保护的野生动物名录，国务院野生动物保护主管部门应当每五年进行一次评估，并根据评估情况对名录进行调整，报国务院批准公布。

The agencies of the State Council supervising conservation of wild animals shall assess the directory of wild animals under national major conservation once every five years, adjust the directory based on the assessment result, and report it to the State Council for approval and publishing.

地方重点保护野生动物，是指国家重点保护野生动物以外，由省、自治区、直辖市重点保护的野生动物。地方重点保护的野生动物名录，由省、自治区、直辖市人民政府制定并公布。

Wild animals under local major conservation refer to wild animals under major conservation by the provinces, autonomous regions and direct-administration municipalities other than wild animals under national major conservation. The directory of wild animals under local major conservation shall be formulated and published by the people's governments of the provinces, autonomous regions and direct-administration municipalities.

对国家保护的有重要生态、科学、社会价值的野生动物名录及其调整，由国务院野生动物保护主管部门制定并公布。

The agencies of the State Council supervising conservation of wild animals shall formulate, adjust and publish the directory of wild animals having important ecological, scientific and social value conserved by the state.

第十二条国务院野生动物保护主管部门应当会同国务院有关部门和机构，根据野生动物及其栖息地状况的调查、监测和评估结果，确定并发布野生动物重要栖息地名录。

Article 12 The agencies of the State Council supervising conservation of wild animals shall collaborate with relevant ministries and institutions of the State Council to determine and publish the directory of important habitats of wild animals according to surveys, monitoring and assessment results on the statuses of wild animals and their habitats.

省级以上人民政府参照野生动物重要栖息地名录，划定相应的自然保护区等保护区域。对不具备划定自然保护区等保护区域条件的，县级以上人民政府或者其野生动物保护主管部门可以采取划定禁猎（渔）区、规定禁猎（渔）期等其他形式予以保护。

The people's government at the provincial level and above shall delineate corresponding nature reserves and other conservation areas according to the directory of important habitats of wild animals. Where the conditions are not met for determination of nature reserves and other conservation areas, the people's government at the county level or above or its agency supervising conservation of wild animals may conserve wild animals by determining areas forbidding hunting (fishing), specifying the period of forbidding hunting (fishing) and taking other forms.

禁止或者限制在自然保护区等保护区域内从事营造单一纯林、引入外来物种、过量施洒农药等人为干扰、威胁野生动物的行为。

It shall be forbidden or restricted to build single pure [single-species] forest, introduce alien species, spray excessive pesticides and perform other acts constituting artificial interference or threats to wild animals in natural reserves and other conservation areas.

自然保护区等保护区域的划定和管理，依照有关法律法规的规定办理。

Nature reserves and other conservation areas shall be delineated and managed in accordance with the provisions of relevant laws and regulations.

第十三条县级以上人民政府野生动物保护主管部门应当定期组织对野生动物及其栖息地状况的调查、监测和评估，建立健全野生动物及其栖息地档案。

Article 13 The agencies of the people's governments at the county level and above supervising conservation of wild animals shall organize regular surveys, monitoring and assessment of wild animals and their habitats, and create robust archives of wild animals and their habitats.

对野生动物及其栖息地状况的调查、监测和评估应当包括下列内容：

The survey, monitoring and assessment of wild animals and their habitats shall include the following contents:

（一）野生动物野外分布区域、种群数量及结构等；

1. Wild distribution areas, population number, structure and other information of wild animals;

(二) 野生动物栖息地的面积、生态状况等;

2. Area and ecological circumstances of wild animal habitats;

(三) 野生动物及其栖息地的主要威胁因素等;

3. Major factors threatening wild animals and their habitats; and

(四) 其他需要调查、监测和评估的内容。

4. Other contents requiring survey, monitoring and assessment.

第十四条县级以上人民政府及其有关部门在编制有关开发利用规划时,涉及到野生动物及其栖息地的,应当充分考虑野生动物及其栖息地保护的需要,避免或者减少规划实施造成的不利影响。

Article 14 When preparing relevant development and utilization plans involving wild animals and their habitats, the people's governments at the county level or above and relevant agencies shall fully consider the need to conserve wild animals and their habitats and avoid or mitigate the adverse impact from the implementation of plans.

建设项目的选址选线应当避让自然保护区等保护区域、野生动物迁徙洄游通道;确需建设的,应当依照法律法规的规定执行。建设机场、铁路、公路、水利水电、围堰、围填海、围栏(网)等项目,可能影响野生动物迁徙洄游的,应当采取修建野生动物通道、过鱼设施等措施,消除或者减少对野生动物的不利影响。

Sites of construction projects shall avoid nature reserves, other conservation areas and migration & breeding migration paths of wild animals. Where construction is truly necessary, the construction shall comply with the provisions of laws and regulations. Where the construction of an airport, railway, road, waterwork, hydropower, cofferdam, sea reclamation, fencing (seine) or other projects may affect the migration or breeding migration of wild animals, the projects shall build wild animal passages, fish passage facilities and other measures to eliminate or mitigate the adverse impact on wild animals.

建设项目可能对自然保护区等保护区域、野生动物迁徙洄游通道产生影响的,环境保护主管部门在审批环境影响评价文件时,涉及国家重点保护野生动物的,应当征求国务院野生动物保护主管部门意见;涉及地方重点保护野生动物的,应当征求省、自治区、直辖市人民政府野生动物保护主管部门意见。

Where a construction project may affect nature reserves, other conservation areas or the migration and breeding migration channels of wild animals, the environmental protection administration agency shall solicit opinions of the agencies of the State Council supervising conservation of wild animals when examining and approving the environmental impact assessment document, provided that the project involves wild animals under national major conservation, and solicit opinions of the agencies of the people's governments of related provinces, autonomous regions or

direct-administration municipalities supervising conservation of wild animals, provided that the project involves wild animals under local major conservation.

第十五条各级野生动物保护主管部门应当监视、监测环境对野生动物的影响。由于环境影响对野生动物造成危害时，野生动物保护主管部门应当会同有关部门进行调查处理。

Article 15 The agencies administrating conservation of wild animals at each level shall monitor and oversee the impact on wild animals. When environmental impacts jeopardize wild animals, the agencies administrating conservation of wild animals shall work together with relevant agencies to investigate and handle the matter.

第十六条县级以上人民政府及其有关部门应当将野生动物应急救助措施纳入自然灾害、重大环境污染事故等突发事件应急预案。国家和地方重点保护野生动物受到突发事件威胁时，当地人民政府应当及时采取应急救助措施。

Article 16 The people' s governments at the county level or above and relevant agencies shall include emergency response measures to rescue wild animals in emergency response plans for natural disasters, major environmental pollution accidents and other emergencies. Where wild animals under national and local major conservation are threatened by emergencies, the local people' s governments shall take emergency rescue measures in a timely manner.

县级以上人民政府野生动物保护主管部门应当按照有关规定开展野生动物收容救护工作，并鼓励和支持具备条件的单位和个人进行野生动物收容救护。

The people' s governments at the county level or above and relevant administrative agencies shall do the work to shelter and rescue wild animals in accordance with relevant provisions, and encourage and support organizations and individuals meeting the qualifications to shelter and rescue wild animals.

第十七条县级以上人民政府野生动物保护主管部门、兽医主管部门应当按照职责分工对野生动物疫源疫病进行监测，组织开展预测、预报等工作，并按照规定制定野生动物疫情应急预案，报同级人民政府批准或者备案。

Article 17 The administrative agencies supervising conservation of wild animals and veterinary administration agencies of the people' s governments at the county level or above shall monitor epidemic sources and diseases of wild animals based on their respective responsibilities, organize and carry out monitoring, forecasting and other work, make response plans for wild animal disease epidemics in accordance with provisions, and report plans to the people' s governments at the same level for approval or filing.

第十八条国家加强对野生动物遗传资源的保护。

Article 18 The state shall strengthen the conservation of genetic resources of wild animals.

国务院野生动物保护主管部门应当会同国务院有关部门制定野生动物遗传资源保护和利用规划，建立国家野生动物遗传资源基因库，对原产我国的珍贵、濒危野生动物遗传资源实行重点保护。

The authorities of the State Council supervising conservation of wild animals shall collaborate with relevant ministries and commissions of the State Council shall formulate the planning for conservation and utilization of genetic resources of wild animals, build the national gene pool of genetic resources of wild animals, and implement major conservation for genetic resources of precious and endangered wild animals originating from China.

第三章 野生动物管理

Chapter 3 Management of Wild Animals

第十九条禁止猎捕、杀害国家重点保护野生动物。因科学研究、种群调控、人工繁育、疫源疫病监测或者其他特殊情况，需要猎捕国家重点保护野生动物的，必须向省、自治区、直辖市人民政府野生动物保护主管部门申请特许猎捕证，国务院有特殊规定的除外。

Article 19 It is forbidden to hunt, capture and kill wild animals under national major conservation. Where it is needed to hunt or capture wild animals under national major conservation for the purpose of scientific research, population control, artificial breeding or epidemic source or disease monitoring or for other special reasons, the hunter shall apply for the franchised hunting license to the authorities of the people's governments of related provinces, autonomous regions or municipalities supervising conservation of wild animals, unless otherwise specified by the State Council.

第二十条猎捕非国家重点保护野生动物的，应当按照国务院有关规定取得狩猎证，并且服从猎捕量限额管理。

Article 20 To hunt wild animals other than wild animals under national major conservation, the hunter shall obtain the hunting license in accordance with relevant provisions of the State Council, and observe the limits of hunting quotas.

第二十一条猎捕者应当按照特许猎捕证、狩猎证规定的种类、数量、地点、工具、方法和期限进行猎捕。

Article 21 The hunter shall hunt wild animals consistent with the type, quantity, place, tool, method and time period specified on the franchised hunting license or the hunting license.

持枪猎捕的，应当依法取得公安机关核发的持枪证。

When hunting with a gun, the hunter shall obtain the gun license issued by the public security authority.

第二十二條在自然保護區等保護區域和禁獵（漁）區、禁獵（漁）期內，禁止獵捕和其他妨礙野生動物生息繁衍的活動。法律法規另有規定的除外。

Article 22 It is forbidden to hunt or engage in other activities hindering the living and multiplication of wild animals in nature reserves or other conservation areas or within the areas forbidding hunting (fishing) and the period of forbidding hunting (fishing), unless otherwise specified by laws and regulations.

野生動物遷徙洄游期間，在前款規定區域外的遷徙洄游通道內，禁止獵捕並嚴格限制其他妨礙野生動物生息繁衍的活動。遷徙洄游通道的範圍以及妨礙野生動物生息繁衍活動的內容，由縣級以上人民政府或者其野生動物保護主管部門規定並公布。

It is forbidden to hunt and strictly restrict other activities hindering the living and multiplication of wild animals within migration and breeding migration channels outside the areas set forth in the preceding paragraph during the migration and breeding migration periods of wild animals. The scope of migration and breeding migration paths and the activities hindering the living and multiplication of wild animals shall be specified and published by the people's governments at the county level or above or their agencies supervising conservation of wild animals.

第二十三條禁止使用毒藥、爆炸物、電擊或者電子誘捕裝置以及獵套、獵夾、地槍、排銃等非人為直接操作的獵捕工具，並禁止使用夜間照明行獵、殲滅性圍獵、搗毀巢穴、火攻、煙熏、網捕等方法進行獵捕，因科學研究需要網捕的除外。

Article 23 It is forbidden to use poisons, explosives, electronic shocks or electronic trap devices as well as hunting sheaths, hunting traps, floor guns, line muskets and other non-directly-human-operated hunting tools, and it is also forbidden to go hunting with nighttime lighting, use destructive hunting, destroy nests, attack with fire, smoke and hunt with nets, excepting net hunting that is necessary for scientific research.

前款規定以外的禁止使用的獵捕工具和方法，由縣級以上人民政府或者其野生動物保護主管部門規定並公布。

Other forbidden hunting tools and methods other than those set forth in the preceding paragraph shall be determined and published by the people's governments at the county level or above or their agencies supervising conservation of wild animals.

第二十四條國家對人工繁育国家重点保护野生动物实行许可制度。人工繁育国家重点保护野生动物的，应当经省、自治区、直辖市人民政府野生动物保护主管部门批准，国务院有特殊规定的除外。

Article 24 The state implements the license system for artificial breeding of wild animals under national major conservation. Artificial breeding of wild animals under national major conservation shall be approved by the administrative agencies of the people's governments of related provinces, autonomous regions or direct-administration municipalities supervising conservation of wild animals, unless otherwise specified by the State Council.

人工繁育国家重点保护野生动物的,应当根据野生动物习性确保其具有必要的活动空间和生息繁衍、卫生健康条件,具备与其繁育目的、种类、发展规模相适应的场所、设施、技术和资金,并符合有关技术标准,不得虐待野生动物。

For the artificial breeding of wild animals under national major conservation, the concerned party shall ensure there is necessary movement space and conditions of living, breeding, health and sanitation for wild animals according to their behaviors, ensure the concerned party has sites, facilities, technologies and funds suitable to the breeding purpose, types and development scale, comply with relevant technical standards, and not mistreat wild animals.

人工繁育国家重点保护野生动物的,应当使用人工繁育子代种源,建立物种档案和个体数据。确需采用野外种源的,适用第十九条和第二十一条的规定。

For the artificial breeding of wild animals under national major conservation, the concerned party shall use artificially bred filial generations as the breed source, and create species files and individual data. Where it is truly necessary to use wild breeding sources, the use shall comply with the provisions of Article 19 and Article 21.

本法所称人工繁育子代,是指人工干预条件下繁殖出生的子代个体且其亲本也是在人工干预条件下出生。

The artificially bred filial generation mentioned in this Law means the filial generation individual multiplied and born under artificial intervention, whose parents were also born under artificial intervention.

第二十五条县级以上人民政府对因物种保护、科学研究、公众教育等公益目的从事野生动物人工繁育的,予以财政支持、政策扶持。

Article 25 The people's governments at the county level and above shall provide fiscal support and policy support for the engagement in artificial breeding of wild animals for species conservation, scientific research, public education and other public interest purposes.

第二十六条禁止出售、收购、利用国家重点保护野生动物及其制品。

Article 26 It is forbidden to sell, acquire and use wild animals under national major conservation and their products.

因科学研究、人工繁育、公众展示(演)、文物保护或者其他特殊需要出售、收购、利用国家重点保护野生动物及其制品的,需经省、自治区、直辖市人民政府野生动物保护主管部门批准,并按规定取得和使用专用标识,国务院有特殊规定的除外。

Where it is necessary to sell, acquire and use wild animals under national major conservation and their products for the purpose of scientific research, artificial breeding, public display (performance) or conservation of cultural relics or for other special needs, the concerned party shall obtain the approval from the agencies of the people's governments of related provinces, autonomous regions or

direct-administration municipalities supervising conservation of wild animals, and obtain and use the special mark in accordance with provisions, unless otherwise specified by the State Council.

对国家允许利用、人工繁育技术成熟稳定的国家重点保护野生动物，经科学论证，纳入国务院野生动物保护主管部门制定的允许利用人工繁育国家重点保护野生动物名录。对列入名录的野生动物及其制品，可以凭人工繁育许可证，按照省、自治区、直辖市或者国务院野生动物保护主管部门核验的年度生产数量直接取得专用标识，凭专用标识出售和利用。

If the use of certain wild animals under national major conservation is allowed by the state, and the artificial breeding technologies are mature and stable, after establishment of scientific proof, the animals shall be put on the directory of artificial breeding-allowed wild animals under national major conservation, which is formulated by the agencies of the State Council supervising conservation of wild animals. The concerned party can submit the artificial breeding license for wild animals and their products listed in the directory, directly obtain the special mark allowing the annual production quota approved by the agencies supervising conservation of wild animals of the relevant province, autonomous region, direct-administration municipality or the State Council, and sell and use [such wild animals and their products] under the special mark.

国家重点保护野生动物及其制品专用标识的管理办法，由国务院野生动物保护主管部门制定。

The measures regarding the administration of special marks for wild animals under national major conservation and their products shall be formulated by the agencies of the State Council supervising conservation of wild animals.

出售、收购、利用非国家重点保护野生动物的，应当提供狩猎、进出口、人工繁育等合法来源证明。

When selling, acquiring or utilizing wild animals other than animals under national major conservation, the concerned party shall provide the hunting, import or export, artificial breeding or other evidence proving the legitimate source.

第二十七条利用野生动物及其制品，应当遵守法律法规和有关规定，符合公序良俗。

Article 27 The use of wild animals and their products shall observe laws, regulations and relevant provisions, and comply with public order and good custom.

野生动物及其制品作为中医药药品、保健品、食品经营和利用的，应当遵守国家有关中医药药品、保健品、食品方面的法律法规和有关规定。

Where wild animals and their products are operated and used as traditional Chinese medicines, health products or foods, the concerned party shall observe laws, regulations and relevant provisions regarding traditional Chinese medicines, health products or foods.

第二十八条禁止为违法出售、收购、利用野生动物及其制品发布广告或者相关信息。

Article 28 It is forbidden to publish advertisements or related information for illegal sale, acquisition and use of wild animals and their products.

第二十九条禁止网络交易平台、商品集中交易市场等任何交易场所为违法出售、收购、利用野生动物及其制品或者第二十三条规定的违法猎捕工具等提供交易平台。

Article 29 Online trading platforms, concentrated commodity trading markets and any other trading sites are forbidden to provide platforms for illegal sale, acquisition or use of wild animals and their products or for illegal hunting tools and methods specified by Article 23.

第三十条县级以上人民政府野生动物保护主管部门应当对经营、利用野生动物及其制品的活动进行监督管理。

Article 30 The agencies of the people's governments at the county level and above supervising conservation of wild animals shall supervise and administer the operation and utilization of wild animals and their products.

县级以上人民政府有关部门应当根据各自职责，配合野生动物保护主管部门，加强对野生动物及其制品出售、收购、利用、运输、寄递、食用等活动的监督检查。

Relevant agencies of the people's governments at the county level or above shall assist the agencies supervising conservation of wild animals to strengthen the supervision and inspection of the sale, acquisition, utilization, transport, delivery, eating and other activities involving wild animals and their products.

第三十一条运输、携带、寄递国家重点保护野生动物或者其制品出县境的，应当持有本法第二十四条、第二十六条规定的许可证、批准文件副本或者专用标识。

Article 31 When transporting, carrying or delivering wild animals under national major conservation or their products across county boundaries, the concerned party shall hold the duplicate of the license or approval document or special mark set forth by Article 24 and Article 26 of this Law.

运输非国家重点保护野生动物出县境的，应当持有狩猎、进出口、人工繁育等合法来源证明。

When transporting wild animals other than animals under national major conservation across county boundaries, the concerned party shall hold the hunting, import or export, artificial breeding or other evidence proving the legitimate source.

第三十二条禁止非法进出口中国参加的国际公约禁止或者限制贸易的野生动物或者其制品。

Article 32 It is forbidden to conduct illegal import or export of wild animals or their products whose trade is prohibited or restricted by international conventions to which China is a party.

进出口中国参加的国际公约所限制进出口的野生动物或者其制品的，出口国家重点保护野生动物或者其制品的，必须经国务院野生动物保护主管部门或者国务院批准，并取得国家濒危物种进出口管理机构核发的允许进出口证明书。海关凭允许进出口证明书按规定办理通关手续。

The concerned party shall obtain the approval from the agencies of the State Council supervising conservation of wild animals or the State Council and obtain the import or export permit issued by the national administration agency for import and export of endangered species before importing or exporting wild animals or their products whose import or export is restricted by international conventions to which China is a party, or exporting wild animals under national major conservation or their products. The customs house shall conduct the customs clearance procedure according to the import or export permit.

涉及科学技术保密的野生动物物种的出口，按照国务院有关规定办理。

The export of wild animal species involving confidential science and technology shall be subject to relevant provisions of the State Council.

第三十三条国家建立防范、打击野生动物走私和非法贸易部门协调机制，组织开展防范、打击走私和非法贸易行动，加强和推进国际合作与交流。

Article 33 The state shall establish the agency coordination mechanism preventing and cracking down on the smuggling and illegal trade of wild animals, organize and carry out actions to prevent and strike smuggling and illegal trade, and strengthen and advance international cooperation and exchange.

第三十四条从境外引进外来野生动物物种的，应当经国务院野生动物保护主管部门批准，防止对生态系统造成危害。

Article 34 The introduction of alien wild animal species from outside the territory of China shall be approved by the agencies of the State Council supervising conservation of wild animals to prevent harm to the ecosystem.

第三十五条引进外来野生动物物种的，应当防止其进入野外环境。确需将其放归野外的，应当按照国务院野生动物保护主管部门的有关规定执行。

Article 35 Introduced alien wild animal species shall be prevented from entering the wild environment. When it is truly necessary to release them into the wild, the concerned party shall comply with relevant provisions of the agencies of the State Council supervising conservation of wild animals.

第三十六条禁止伪造、变造、买卖、转让下列证件、文件和标识：

Article 36 It is forbidden to counterfeit, alter, trade or transfer the following certificates, documents and marks:

(一) 特许猎捕证;

1. Franchised hunting license;

(二) 狩猎证;

2. Hunting license;

(三) 人工繁育许可证;

3. Artificial breeding license;

(四) 出售、收购、利用国家重点保护野生动物及其制品的批准文件;

4. Document approving the sale, acquisition and utilization of wild animals under national major conservation and their products;

(五) 允许进出口证明书;

5. Import or export permit;

(六) 专用标识。

6. Special marks.

第三十七条外国人在中国境内对国家重点保护野生动物进行野外考察或者在野外拍摄电影、录像,必须经省、自治区、直辖市人民政府野生动物保护主管部门或者其授权的单位批准。

Article 37 Before conducting field survey or producing films or videos in the field on wild animals under national major conservation within the territory of China, foreigners shall obtain the approval from the agencies of the people's governments of related provinces, autonomous regions or direct-administration municipalities supervising conservation of wild animals or entities authorized by them.

第三十八条有关地方人民政府应当采取措施,预防、控制野生动物所造成的危害,保障人畜安全和农业、林业生产。

Article 38 Relevant people's governments shall take measures to prevent and control hazards created by wild animals and assure the security of people and livestock as well as agricultural and forestry production.

第三十九条因保护国家或者地方重点保护野生动物,造成人员伤亡、农作物或者其他财产损失的,由当地人民政府给予补偿或者实行相关政策性保险制度,具体办法由省、自治区、直辖市人民政府制定。

Article 39 Where casualties of humans or the loss of crops or other property arise out of the conservation of wild animals under national or local major conservation, the local people's government shall provide compensation or implement a relevant policy-related insurance system, and the people's governments of the provinces, autonomous regions and direct-administration municipalities shall formulate concrete measures.

县级以上地方人民政府采取预防、控制国家重点保护野生动物造成危害的措施以及实行补偿、政策性保险所需经费，由中央财政予以补助，具体办法由国务院财政部门会同国务院野生动物保护主管部门制定。

The central finance will subsidize the expenses required by the people's governments at the county level and above to take measures to prevent and control hazards created by wild animals under national major conservation and implement the compensation and the policy-related insurance system, and the concrete measures will be formulated by the finance agency of the State Council working together with the agencies of the State Council supervising conservation of wild animals.

第四十条地方重点保护野生动物和其他非国家重点保护野生动物的管理办法，由省、自治区、直辖市人民代表大会常务委员会制定。

Article 40 The measures regarding the management of wild animals under local major conservation and other wild animals other than wild animals under national major conservation shall be formulated by the standing committees of the people's congresses of the provinces, autonomous regions and direct-administration municipalities.

第四章 法律责任

Chapter 4 Legal Liabilities

第四十一条违反本法第十条、第十二条第三款的规定，破坏野生动物栖息地的，由县级以上人民政府野生动物保护主管部门或者有关保护区域管理机构责令停止破坏行为，限期整改，消除对野生动物的不利影响，并处整改费用三倍以上五倍以下的罚款。

Article 41 For the damage to the habitats of wild animals in violation of the provisions of Article 10 and Article 12.3 of this Law, the agencies of the people's governments at the county level and above supervising conservation of wild animals or relevant conservation area administration agency shall order the stop of damaging behavior, require rectification within a given timeframe, eliminate the adverse impact on wild animals, and impose a fine above three times and below five times the rectification expense.

第四十二条违反本法第十四条第二款的规定，建设项目未依法采取措施消除或者减少对野生动物不利影响的，由有权审批该建设项目环境影响评价文件的环境保护主管部门责令停止建设，限期改正，并处十万元以上一百万元以下的罚款。

Article 42 For the violation of the provision of Article 14.2 of this Law and the failure to take measures to eliminate or mitigate the adverse impact on wild animals for a construction project, the environmental protection administration agency competent to approve the environmental impact assessment document of the construction project shall order the suspension of construction and correction within a given timeframe, and impose a fine above RMB100,000 and below RMB1,000,000.

第四十三条违反本法第十九条、第二十一条的规定，猎捕、杀害国家重点保护野生动物的，依照刑法有关规定追究刑事责任。依法不需要判处刑罚的，由野生动物保护主管部门或者海洋执法部门没收猎获物、猎捕工具和违法所得；吊销特许猎捕证；有猎获物的，处以猎获物价值十倍以下的罚款；没有猎获物的，处以五万元以下的罚款。

Article 43 Where any person hunts or kills wild animals under national major conservation in violation of the provisions of Article 19 and Article 21 of this Law, the criminal liability of the person shall be pursued in accordance with relevant provisions of the criminal law. Where it is not needed to impose a criminal penalty according to the law, the agency supervising conservation of wild animals or the marine law enforcement agency shall confiscate hunted products, hunting tools and illegal incomes, withdraw the franchised hunting license, impose a fine below ten times the value of the hunted products, if any; or impose a fine below RMB 50,000, if there are no hunted products.

第四十四条违反本法第二十条、第二十一条的规定，未取得狩猎证或者未按狩猎证规定猎捕国家重点保护野生动物的，由野生动物保护主管部门或者海洋执法部门没收猎获物、猎捕工具和违法所得；吊销狩猎证；有猎获物的，根据猎获物的数量，并处一万元以上十万元以下的罚款；无猎获物的，并处一万元以下的罚款。

Article 44 Where any person violates the provisions of Article 20 and Article 21 of this Law by hunting wild animals other than wild animals under national major conservation without obtaining the hunting license or without observing the provisions of the hunting license, the agency supervising conservation of wild animals or the marine law enforcement agency shall confiscate hunted products, hunting tools and illegal incomes, withdraw the hunting license, impose a fine above RMB 10,000 and below RMB 100,000 according to the quantity of the hunted products, if any; or impose a fine below RMB 10,000, if there are no hunted products.

违反本法第二十一条第二款的规定，未取得持枪证持枪猎捕野生动物的，依照刑法有关规定追究刑事责任。依法不需要判处刑罚的，由公安机关依照枪支管理法、治安管理处罚法的有关规定处罚。

Where any person violates the provision of Article 21.2 of this Law and hunts wild animals with a gun without obtaining the gun license, the criminal liability of the person shall be pursued in accordance with relevant provisions of the criminal law. Where it is not needed to impose a criminal penalty according to the law, the public security authority [NB: police] shall penalize the person in line with relevant provisions of the laws regarding the management of guns and public safety management penalties.

第四十五条违反本法第二十二条第一款、第二十三条第一款的规定，在禁猎（渔）区、禁猎（渔）期或者使用禁用的工具、方法猎捕野生动物的，依照刑法有关规定追究刑事责任。依法不需要判处刑罚的，按照第四十三条、第四十四条的规定，从重处罚。

Article 45 Where any person hunts wild animals in the areas forbidding hunting (fishing) or within the period of forbidding hunting (fishing) or using forbidden tools and methods in violation of the provisions of Articles 22.1 and Article 23.1 of this Law, the criminal liability of the person shall be pursued in accordance with relevant provisions of the criminal law. Where it is not needed to impose a criminal penalty according to the law, the person shall be given a serious penalty in accordance with the provisions of Article 43 and 44.

第四十六条违反本法第二十四条的规定，未取得人工繁育许可证或者未按照人工繁育许可证要求繁育国家重点保护野生动物的，由野生动物保护主管部门没收野生动物及其制品、违法所得，可处以野生动物价值五倍以下的罚款；情节严重的，吊销人工繁育许可证。

Article 46 Where any person violates the provisions of Article 24 of this Law by breeding wild animals under national major conservation without obtaining the artificial breeding license or observing the requirements of the artificial breeding license, the agencies supervising conservation of wild animals shall confiscate wild animals, their products and illegal incomes, and can impose a fine below five times the value of the wild animals, and in severe situations withdraw the artificial breeding license.

第四十七条违反本法第二十六条第一款、第二十六条第二款、第二十六条第三款、第三十一条的规定，出售、收购、利用、运输、寄递国家重点保护野生动物及其制品的，依照刑法有关规定追究刑事责任。依法不需要判处刑罚的，由野生动物保护主管部门或者工商行政管理部门没收野生动物及其制品，根据野生动物的保护级别和数量，并处野生动物价值五倍以下的罚款；有违法所得的，没收其违法所得，并处违法所得五倍以上十倍以下的罚款。

Article 47 Where any person violates the provisions of Article 26.1, Article 26.2, Article 26.3 and Article 31 of this Law by selling, acquiring, utilizing, transporting and delivering wild animals under national major conservation and their products, the criminal liability of the person shall be pursued in accordance with relevant provisions of the criminal law. Where it is not needed to impose a criminal penalty according to the law, the agency supervising conservation of wild animals or the industry & commerce administrative agency shall confiscate the wild animals and their products, impose a fine below five times the value of the wild animals according to the conservation level and quantity of the wild animals; confiscate illegal incomes, if any, and simultaneously impose a fine above five times and below ten times the illegal incomes.

违反本法第二十六条第五款、第三十一条第二款的规定，出售、收购、利用、运输非国家重点保护野生动物的，由野生动物保护主管部门或者工商行政管理部门没收野生动物，并处野生动物价值三倍以下的罚款。

Where any person violates the provisions of Article 26.5 and Article 31.2 of this Law by selling, acquiring, utilizing and transporting wild animals other than wild animals under national major conservation, the agency supervising conservation of wild

animals or the industry & commerce administrative agency shall confiscate the wild animals, and impose a fine below three times the value of the wild animals.

第四十八条违反本法第二十八条的规定，为违法出售、收购、利用野生动物及其制品发布广告和相关信息的，依照广告法的规定处罚。

Article 48 Where any person violates the provision of Article 28 of this Law by publishing advertisements and relevant information for illegal sale, acquisition and utilization of wild animals and their products, the person shall be punished in accordance with the provisions of the advertising law.

第四十九条违反本法第二十九条的规定，为违法出售、收购、利用野生动物及其制品或者违法猎捕工具等提供交易平台的，由工商行政管理部门责令停止违法行为，限期改正；有违法所得的，没收其违法所得，并处违法所得二倍以上五倍以下的罚款。

Article 49 Where any person violates the provision of Article 29 of this Law by providing a trading platform for illegal sale, acquisition or utilization of wild animals or their products or illegal hunting tools, the industry & commerce administrative agency shall order the person to stop his illegal behavior and correct his behavior within a given timeframe; confiscate his illegal incomes, if any, and impose a fine above twice and below five times the illegal incomes.

第五十条违反本法第三十二条的规定，进出口野生动物或者其制品的，由海关、检验检疫、公安机关、海洋执法部门依照法律法规和有关规定处罚；构成犯罪的，依照刑法有关规定追究刑事责任。

Article 50 Where any person violates the provision of Article 32 of this Law by importing or exporting wild animals or their products, the customs house, the inspection and quarantine agency, the public security agency or the marine law enforcement agency shall punish the person in line with laws, regulations and relevant provisions, and where the person commits a crime, the criminal liability of the person shall be pursued in accordance with relevant provisions of the criminal law.

第五十一条违反本法第三十四条的规定，从境外引进外来野生动物物种的，由野生动物保护主管部门没收所引进的野生动物，并处五万元以上二十万元以下的罚款。

Article 51 Where any person violates the provision of Article 34 of this Law by introducing alien wild animal species from outside the territory of China, the agencies supervising conservation of wild animals shall confiscate the introduced wild animals, and impose a fine above RMB 50,000 and below RMB 200,000.

第五十二条违反本法第三十五条的规定，将引进的野生动物放归野外的，由野生动物保护主管部门责令限期捕回，逾期不捕回的，由野生动物保护主管部门代为捕回或者采取措施，降低影响，所需费用由被责令限期捕回者承担，可以并处一万元以上五万元以下的罚款。

Article 52 Where any person violates the provision of Article 35 of this Law by releasing any introduced alien wild animal into the wild, the agencies supervising conservation of wild animals shall order the person to retrieve the animal within a given timeframe. Where the person fails to retrieve the introduced wild animal within the timeframe, the agencies supervising conservation of wild animals shall retrieve the introduced wild animal for the person or take measures to mitigate the impact at the expense of the person ordered to retrieve the introduced wild animal, and can simultaneously impose a fine above RMB 10,000 and below RMB 50,000.

第五十三条违反本法第三十六条的规定，伪造、变造、买卖、转让有关证件、文件或者标识的，由野生动物保护主管部门没收违法证件、文件或者标识，并处五万元以上二十万元以下的罚款；有违法所得的，没收其违法所得；构成犯罪的，依照刑法有关规定追究刑事责任。

Article 53 Where any person violates the provision of Article 36 of this Law by counterfeiting, altering, trading or transferring relevant licenses, documents or marks, the agencies supervising conservation of wild animals shall confiscate the illegal licenses, documents or marks, simultaneously impose a fine above RMB 50,000 and below RMB 200,000, confiscate his illegal incomes, if any, and if the person commits a crime, pursue his criminal liability in line with relevant provisions of the criminal law.

第五十四条因猎捕野生动物造成农作物或者其他损失的，由猎捕者负责赔偿。

Article 54 Where any person causes a loss to agricultural crops or other losses on account of the hunting of wild animals, the hunter shall compensate such loss.

第五十五条野生动物保护主管部门和其他部门有下列行为之一的，对负有责任的领导人员和直接责任人员给予记过、记大过或者降级处分；造成严重后果的，给予撤职或者开除处分，其主要负责人应当引咎辞职；情节严重、构成犯罪的，依法追究刑事责任。

Article 55 Where the agency supervising conservation of wild animals and other agencies commit one of the following behaviors, the leader held liable and the person assuming direct liability shall be punished with a record of demerit, a record of serious demerit or demotion; where a severe consequence is caused, the leader held liable and the person assuming the direct liability shall be dismissed from the position or discharged, and the major principal of the agency shall take the blame and resign; and where the circumstances are severe enough to constitute a crime, criminal liability shall be pursued:

(一) 对不符合批准条件的申请人，批准、发放特许狩猎证、狩猎证、人工繁育许可证、允许进出口证明书、专用标识的；

1. Approve and issue the franchised hunting license, hunting license, artificial breeding license, import or export permit or special mark to an applicant who does not meet the approval conditions;

(二) 违反本法规定，批准、发放有关出售、收购、利用国家重点保护野生动物及其制品的批准文件、环境影响评价文件的；

2. Violate the provisions of this Law, and approve and issue the approval document and the environmental impact assessment document regarding the sale, acquisition and utilization of wild animals under national major conservation and their products;

(三) 应当依法作出责令停止违法行为、限期恢复原状、吊销证件、没收实物和违法所得的决定，而未作出的；

3. Fail to make the decision that shall be made to stop illegal behaviors, restore the original conditions within a given timeframe [NB: restore the environment to its original state], withdraw the license or confiscate physical goods and illegal incomes according to the law;

(四) 对违反本法的行为，发现或者接到举报未按规定查处的；

4. Fail to investigate and punish behaviors in violation of this Law after discovering or receiving the report of such behaviors; or

(五) 法律法规规定的其他违法行为。

5. Other illegal behaviors specified by laws and regulations.

第五章 附 则

Chapter 5 Supplementary Provisions

第五十六条本法所规定的猎获物价值、野生动物价值的评估标准和方法，由国务院野生动物保护主管部门制定。

Article 56 The assessment standards and methods for values of hunted products and wild animals specified by this Law shall be established by the agencies of the State Council supervising conservation of wild animals.

第五十七条对中国所参加国际公约规定的濒危野生动物，经国务院野生动物保护主管部门核准，在本法适用范围内可以按照国家重点保护的野生动物管理。

Article 57 Endangered wild animals prescribed by international conventions to which China is a party can be managed as wild animals under national major conservation to the extent of the scope of application of this Law upon the approval from the agencies of the State Council supervising conservation of wild animals.

第五十八条依照本法规定没收的实物，由野生动物保护主管部门或者其授权的单位按照规定处理。

Article 58 Physical goods confiscated in accordance with the provisions of this Law shall be disposed of by the agencies supervising conservation of wild animals or agencies they authorize.

第五十九条国务院野生动物保护主管部门根据本法制定实施条例，报国务院批准施行。

Article 59 The agencies of the State Council supervising conservation of wild animals shall formulate implementation rules in accordance with this Law, and implement the same after reporting to the State Council for approval.

省、自治区、直辖市人民代表大会常务委员会可以根据本法制定实施办法。

The standing committees of the people's congresses of the provinces, autonomous regions and direct-administration municipalities may formulate implementation rules in accordance with this Law.

第六十条本法自 年 月 日起施行。

Article 60 This Law shall be implemented as of _____ (date).

附件：《中华人民共和国野生动物保护法》修订前后对照表

Attachment: Table of Comparison on the *Law of the People's Republic of China on Conservation of Wild Animals* before and after Revision