REGULATIONS OF THE PEOPLE’S REPUBLIC OF CHINA ON WILD PLANTS PROTECTION

[Note]=(Promulgated by Decree No.204 of the State Council of the People’s Republic of China on September 30, 1996)

Chapter I  General Provisions

Article 1  These Regulations are formulated for the purpose of protecting, developing and rationally utilizing wild plant resources, retaining the biodiversity and maintaining ecological balances.

Article 2  All activities in the territory of the People's Republic of China concerning the protection, development and utilization of wild plants must be conducted in conformity with these Regulations.

Wild plants protected under these Regulations refer to plants growing in natural conditions, which are specious or which are rare or near extinction and of important economic, scientific or cultural value.

As regards the protection of medicinal wild plants and wild plants within urban gardens, nature reserves and scenic spots, other relevant laws and regulations shall also apply.

Article 3  The state shall pursue a policy of strengthening the protection of wild plant resources, actively developing and rationally utilizing wild plant resources.

Article 4  The state shall protect the lawful rights and interests of units and individuals engaged in the development, utilization or management of wild plant resources according to law.

Article 5  The state shall encourage and support scientific research on wild plants and the protection of wild plants either in their original habitats or by moving them to other places.

Units and individuals having made remarkable achievements in the protection, research, cultivation or utilization of or popular education about wild plants shall be awarded by the people's government.

Article 6  Relevant departments of people's governments at and above the county level shall conduct popular education concerning the protection of wild plants, popularize knowledge about wild plants and enhance citizens' consciousness of protecting wild plants.

Article 7  All units and individuals shall have the duty to protect wild plant resources and the right to inform the authorities of or file charges against acts of seizure or damaging of wild plants or the environment for their survival.

Article 8  The department of forestry administration under the State Council shall take charge of the nationwide supervision and administration of wild plants in forest zones and precious wild trees beyond the forest zones. The department of agriculture administration under the State Council shall take charge of the nationwide supervision and administration of other wild plants.

The department of construction administration under the State Council shall be responsible for the supervision and administration of wild plants in urban gardens and scenic spots. The department of environmental protection under the State Council shall be responsible for the nationwide coordination and supervision of the protection of the environment for survival of wild plants. Other relevant departments of the State Council shall be responsible for relevant work of protection of wild plants in accordance with their respective duties. The department in charge of the administration of wild...
Chapter II Protection Of Wild Plants

Article 9 The state shall protect wild plants and the environment for their survival. All units and individuals shall be forbidden to illegally collect wild plants or damage the environment for their survival.

Article 10 Wild plants shall be classified into two categories: ones under special protection by state and ones under special protection by localities.

Wild plants under special state protection shall be classified into two classes: ones under first class state protection and ones under second class state protection. Lists of wild plants under special state protection shall be drawn up by the department of forestry administration and the department of agriculture administration under the State Council (hereinafter referred to as the department of wild plants administration under the State council), in consultation with other relevant departments under the State Council such as the department of environmental protection and the department of construction under the State Council and announced after being submitted to and approved by the State Council.

Wild plants under special local protection refer to wild plants other than those under special state protection but under the protection by provinces, autonomous regions and municipalities directly under the central government. Lists of wild plants under special local protection shall be drawn up and announced by the governments of provinces, autonomous regions or municipalities directly under the central government and shall be submitted to the State Council for the record.

Article 11 Districts with a natural concentrated distribution of species of wild plants under special state or local protection shall be designated as nature reserves in accordance with relevant laws and regulations; other districts may be designated as protection areas for wild plants under special state or local protection or protection signs for said wild plants be erected by the department of wild plants administration under local governments at and above the county level in accordance with the actual situation.

It is forbidden to damage the protective facilities of the protection areas or the protection signs for wild plants under special state or local protection.

Article 12 The department of wild plants administration and other relevant departments shall keep watch on and monitor the impact of the environment on the growth of wild plants under special state and local protection, and take measures to maintain and improve the environment for the survival of wild plants under special state and local protection. When the environment causes damage to the growth of wild plants under special state or local protection, the department of wild plants administration shall, together with other relevant departments, make an investigation and deal with the situation in accordance with the law.

Article 13 If a construction project may produce adverse effects on the environment for the survival of the wild plants under special state or local protection, the construction unit shall make an appraisal on the effects in its submitted report on the environmental impact; the department of environmental protector shall, in examining and approving the report, seek the opinion of the department of wild plants administration.

Article 14 The department of wild plants administration and relevant units shall take measures to save the wild plants under special state and local protection when their growth is endangered, protect
Chapter III  Administration of Wild Plants

Article 15  The department of wild plants administration shall regularly carry out surveys of resources of wild plants under special state and local protection and keep records of them.

Article 16  The collecting of wild plants under first class state protection shall be prohibited. Where the collecting of wild plants under first class state protection is necessary for some special purposes such as scientific research, cultivation or cultural exchanges, the unit concerned must seek comments from the department of wild plants administration under the government of the province, autonomous region, or municipality directly under the central government at the place of collecting, and then apply for a collecting permit to the department of wild plants administration under the State Council or an agency authorized thereby.

For collecting wild plants under second class state protection, the unit concerned must seek comments from the department of wild plants administration under the government at the county level at the place of collecting and then apply for a collecting permit to the department of wild plants administration under the government of the province, autonomous region or municipality directly under the central government or an agency authorized thereby.

For collecting wild plants under first or second class state protection within urban gardens or scenic spots, the unit concerned must ask for approval from the administrative department of the urban garden or scenic spot and then apply for a collecting permit in accordance with the provisions of Paragraph 1 or 2 of this Article.

Collecting of precious wild trees or wild plants within forest zones or grasslands shall be handled in accordance with the provisions of the Forest Law and Grassland Law.

After issuing a collecting permit, the department of wild plants administration shall send a duplicate of relevant documents to the department of environmental protection for the record.

The format of the collecting permit shall be made by the department of wild plants administration under the State Council.

Article 17  units and individuals engaged in collecting of wild plants under special state protection must observe the prescriptions in their collecting permits with respect to the species, quantity, area, time limit and method.

Departments of wild plants administration under governments at the county level shall conduct supervision and inspection on the activities of collecting wild plants under special state protection within their respective regions, and make a timely report to the department of wild plants administration or the agency authorized thereby which approves the collecting.

Article 18  The sale or purchase of wild plants under first class state protection shall be prohibited. Those intending to sell or purchase wild plants under second class state protection shall apply for approval from the department of wild plants administration under the government of province, autonomous region or municipality directly under the central government or the agency authorized thereby.

Article 19  The department of wild plants administration shall conduct supervision and inspection on activities of managing and exploiting wild plants under second class state protection.

Article 20  The export of wild plants under special state protection and the import or export of wild plants whose import or export is restricted by international conventions to which China is a party, must be verified by the department of wild plants administration under the government of the province, autonomous region or municipality directly under the central government which the importer or exporter belongs to, and then be submitted to the department of wild plants administration
under the State Council for approval, and an import or export permit or label must be obtained from the state administrative organ in charge of the import and export of the species which are near extinction. The customs shall clear the imports or exports after examining the import or export permit or the label. The department of wild plants administration under the State Council shall send a duplicate of the relevant import or export documents to the department of environmental protection under the State Council.

It shall be forbidden to export wild plants which have not been named or which have just been discovered and believed to be of important value.

Article 21  Foreigners may not, in the territory of China, collect or purchase wild plants under special state protection.

Where any foreigner intends, in the territory of China, to make surveys of wild plants under special state protection in the field, he must submit an application to the department of wild plants administration under the government of the province, autonomous region or municipality directly under the central government at the place of the wild plants concerned, which, after examination, shall submit it to the department of wild plants administration under the State Council or an agency authorized thereby for approval; in the case of an application directly submitted to the department of wild plants administration under the State Council, the said department shall, before approving the application, consult the department of wild plants administration under the government of the relevant province, autonomous region or municipality directly under the central government.

Article 22  Measures for the administration of wild plants under special local protection shall be formulated by respective local government of province, autonomous region or municipality directly under the central government.

Chapter IV  Legal Responsibility

Article 23  If anyone collects wild plants under special state protection without a collecting permit or without observing the prescriptions in the permit, the department of wild plants administration shall confiscate the wild plants collected and the illegal earnings and may concurrently impose a fine up to 10 times the illegal earnings and revoke the collecting permit, if any.

Article 24  If anyone, in violation of these Regulations, sells or purchases wild plants under special state protection, the administrative department for industry and commerce or the department of wild plants administration shall, in accordance with their respective duties, confiscate the wild plants and illegal earnings, and may concurrently impose a fine up to 10 times the illegal earnings.

Article 25  Anyone illegally importing or exporting wild plants shall be subject to penalty by the customs in accordance with the provisions of the Customs Law.

Article 26  If anyone forges, sells or transfers collecting permit, import or export permit or relevant approval documents or labels, the department of wild plants administration or the administrative department for industry and commerce shall, in accordance with their respective duties, take over the said permit, document or label and may concurrently impose a fine up to 50,000 yuan.

Article 27  If any foreigner, in the territory of China, collects or purchases wild plants under special state protection or make field surveys of wild plants under special state protection without permission, the department of wild plants administration shall confiscate the wild plants collected or purchased or the survey data and may concurrently impose a fine up to 50,000 yuan.

Article 28  Anyone violating these Regulations resulting in the constitution of a crime shall be investigated for criminal responsibility in accordance with the law.
Article 29 Any staff member of a department of wild plants administration who abuses his power, neglects his duty or engages in malpractice for personal gains resulting in the constitution of a crime shall be investigated for criminal responsibility in accordance with the law; if the circumstances are not serious enough to constitute a crime, he shall be subject to a disciplinary sanction.

Article 30 Objects confiscated under these Regulations shall be dealt with by the department making the decision of confiscation by following relevant regulations of the state.

Chapter V Supplementary Provisions

Article 31 If an international treaty concerning the protection of wild plants, concluded or acceded to by the People's Republic of China, contains provisions differing from those of these Regulations, the provisions of the international treaty shall apply, unless the provisions are ones on which the People's Republic of China has made reservations.

Article 32 The Regulations shall enter into force on 1 January 1997.