

# **IMPLEMENTING REGULATIONS OF THE WILDLIFE CONSERVATION LAW**

Authorized by the Republic of China Wildlife Conservation Law, amended October 29, 1994.

## **CHAPTER I:**

### **INTRODUCTION**

Section 1. The following regulations have been put forward to implement the Wildlife Conservation Law (WCL) and are authorized by Article 56.

Section 2. In accordance with Article 4 regarding classification and determination of wildlife categories, the Wildlife Conservation Advisory Committee shall review the categories at least once each year

Section 3. In accordance with Article 7 regarding the establishment of a conservation donation account, the donations shall be spent on the following:

- (1) Survey, research and management of wildlife resources;
- (2) Acquisition, protection and improvement of wildlife habitats;
- (3) In accordance with Article 12, Paragraph 4 in compensation for any loss;
- (4) In accordance with Article 14, Paragraph 1 and Article 15 regarding necessary handling for lost or vagrant wildlife and its products;
- (5) Assistance or encouragement of any non-government organization or individual to join or promote wildlife conservation related activities;
- (6) In accordance with Article 31, Paragraph 4 for wildlife purchase;
- (7) Wildlife conservation education and promotion;
- (8) Education and training of wildlife conservation personnel and promulgation staff;
- (9) International cooperation in wildlife conservation;
- (10) Other relevant wildlife conservation duties.

Section 4. The provincial (municipal) or county (city) Authorities shall allocate sufficient funds to successfully carry out wildlife conservation work within their jurisdiction.

## **CHAPTER II: CONSERVATION OF WILDLIFE**

Section 5. Major wildlife habitats per Article 8 are defined according to one of the following:

- (1) Wildlife habitats of Protected Species;
- (2) Wildlife habitats of high species diversity and quantity;
- (3) Wildlife habitats with little human interference and difficult to recover once damaged;
- (4) Other wildlife habitats with special ecological characteristics.

Major wildlife habitats are classified as following:

- (1) Marine ecosystems;
- (2) Estuary ecosystems;

- (3) Swamp and marsh ecosystems;
- (4) Lake ecosystems;
- (5) River ecosystems;
- (6) Forest ecosystems;
- (7) Farmland ecosystems;
- (8) Island ecosystems;
- (9) Combinations of the above-mentioned ecosystems;
- (10) Other ecosystems.

Section 6. In accordance with Article 8, Paragraph 2, application for land utilization or development activities in major wildlife habitats shall be made to the local Authorities with provision of the following documents:

- (1) Name and address of developer, if the developer is an artificial person or organization, their name or business or office and representative or manager's name, address and identification number shall be included;
- (2) Name and location of the development activities;
- (3) Purpose and content of the development activities;
- (4) Possible impact on the current environment by the development activities;
- (5) Prediction of potential impact of the development activities on the ecological environment;
- (6) A remedy strategy and/or replacement plan for the ecological environment;
- (7) Other information required by the NPA or local Authorities.

The above-mentioned application shall be evaluated by the local Authorities and submitted to the next higher authority and so on up to the NPA for final approval before an application to the relevant target business authorities.

Section 7. In reference to section 6, the land utilization or development activities which require an Environmental Impact Assessment according to Article 8, Paragraph 1, the criteria and implementation shall be carried out in accordance with the regulations of the Environmental Impact Assessment Law.

Section 8. In reference to Article 8, Paragraph 3, existing facilities, land utilization or development activities are those in progress or already complete prior to the announcement of the type and boundaries of major wildlife habitats by the NPA.

Section 9. In reference to Article 8, Paragraph 3, if the existing facilities, land utilization or development activities may cause any significant impact on wildlife in the area, the local Authorities shall immediately begin an initial investigation. In the case of emergency situations, proper measures shall be taken and a report shall be made to the NPA.

The investigation may be carried out by the local Authorities or the local Authorities may commission other agencies or organizations to complete the work with provision of the following documents and reported to the NPA:

- (1) Owner, user, or occupant and target business authority of the existing facilities, land utilization or development activities;

- (2) The impacted area's location boundary, surface area and position map (scale no less than 1/10,000);
- (3) Present situation regarding the existing facilities, land utilization or development activities, etc.;
- (4) Basic information on wildlife within the area, present situation of affected wildlife and reasons for impact;
- (5) Provision of feasible method for improvement;
- (6) Other information required by the NPA.

Section 10. In accordance with Article 8, Paragraph 4, after NPA announcement of the establishment of a major wildlife habitat, all municipal and county (city) Authorities shall inform the owners of the land, land users or occupants of announcement, as well as explain the land utilization method, restrictions and application process for development utilization of the land.

When the NPA plans to establish a major wildlife habitat, the municipal and county (city) Authorities may provide to the NPA information on potential major wildlife habitats' habitat information on land owners, users or occupants, as well as current land use information. The above information may also be provided to NPA for any change.

Section 11. In accordance with the improvement method called for in Article 8, Paragraph 3 and the rehabilitation plan called for in Article 9 and Article 13, Paragraph 1, the following information shall be included:

- (1) Species of wildlife, amount and its reproduction environment and habitat condition;
- (2) Reason for serious impact or damage,
- (3) Types of feasible improvement methods or rehabilitation plans;
- (4) Planned time frame for completion;
- (5) Any other relevant items.

Section 12. In accordance with Article 10, Wildlife Refuges may be divided into Central Zones, Buffer Zones and Sustainable Utilization Zones. Conservation plans for Wildlife Refuges shall be drafted accordingly.

Before establishing a Wildlife Refuge, the local Authorities shall consult the appropriate government agencies and also provide a Wildlife Refuge conservation plan description and charts to the NPA for approval.

The plan shall include the following information:

- (1) Origin of the plan, area and purpose (area and geographical planning map with a scale no less than 1/10,000);
- (2) Plan area situation and special characteristics;
- (3) Division plan, protection and utilization restrictions, etc.;
- (4) Manpower and budget required for implementing the plan;
- (5) If there was a public meeting, minutes of the meeting shall be included;
- (6) Other required information.

Section 13. For establishment, modification or elimination of a Wildlife Refuge, the municipal or county (city) Authorities where the Wildlife Refuge is located shall make a public announcement and after announcement, details shall be sent to the related county (township, city, district) governments and put on display. The announcement shall be displayed for at least thirty days. Local Authorities shall retain carefully of descriptions and photographs for future reference.

Section 14. For public land classified as a Wildlife Refuge, the Authorities may selectively commission the land management organizations to implement conservation plans in the Wildlife Refuges.

Section 15. In accordance with Article 10, Paragraph I when local Authorities commission related organizations to implement conservation plans, investigations, crackdowns and other conservation work on Wildlife Refuges or major wildlife habitats, a written contract shall be signed.

Section 16. In accordance with Article 11, Paragraph 3, the Authorities shall compensate the owner or user of the land for losses. The Authorities shall invite related organizations and groups to negotiate the amount of compensation to be paid. If no consensus is reached, higher Authorities shall be consulted to determine the amount.

Section 17. The Protected Species Products defined by the Wildlife Conservation Law do not include antiques as defined by the Cultural Heritage Preservation Law.

Section 18. In accordance with Article 17, Paragraph 1 designation of hunting sites, or Article 20, Paragraph 1, designation of fishing sites shall be made after discussion between the municipal or county (city) Authorities and related Authorities and a designation plan shall be sent to the next higher authority and so on until reaching the NPA for approval and announcement. The designation plan shall include the following information:

- (1) Location, area and geographical planning map (scale no less than 1/10,000);
- (2) Information on the current status of wildlife and habitat conditions within the proposed area;
- (3) A list of wildlife which can be hunted or fished, amount, time and method;
- (4) Hunting or fishing permit fees and hunting or fishing costs;
- (5) Restricted items;
- (6) Other relevant information required by the NPA.

Modification or elimination of the hunting or fishing areas shall be discussed between local Authorities and the relevant Authorities and related information and reasons for the change shall be submitted to the next higher authority and so on until reaching the NPA for approval and announcement.

Section 19. In accordance with Article 17 and Article 20 permit applicants shall fill out an application form and include identification materials and two 2.0 inch photos of the applicant and submit them to the municipal or county (city) Authorities where the hunting or fishing area is located. Those who receive approval shall attend a conservation seminar and will be issued a permit after paying the proper fee.

The permit shall include the following information:

- (1) Name, sex, date of birth, nationality, permanent address and contact address, and identification card or passport number;
- (2) Equipment to be used. If this is a firearm, permit and registration number of the firearm shall also be included;
- (3) The approved area and period of time. An applicant shall re-apply for a new permit once the permit expires;
- (4) Reasons for permit cancellation;
- (5) The approved species and amount to be hunted or fished;
- (6) Notes on any restrictions for purposes of conservation.

If a permit is lost or becomes unusable, the holder may re-apply or renew the permit. A fee shall also be paid. Those applying for a renewal shall return the original permit.

Section 20. A person who hunts General Wildlife for academic research or education purposes shall bring certification documents issued by his or her agency or organization.

Section 21. In accordance with Article 18, Paragraph 1, Item 2 application for utilization of Protected Species, namely for academic research or educational purposes, shall include the following information and be made to the relevant agencies, organizations, groups or Authorities and then directly to the NPA for approval:

- (1) The Protected Species name (Chinese and Scientific), amount, method, location, time and purposes;
- (2) Personnel name and photocopies of identification card (front and back);
- (3) A promise to only engage in academic research or educational use;
- (4) Other required materials.

After approval, the personnel shall carry their approval documents and identification and related materials for inspection.

Within one year following completion of the project which involved utilization of Protected Species, personnel shall prepare written materials on the project, including the utilization results and continued management of the Protected Species for reference.

A permit fee shall be paid for first application. For utilization of wildlife, a hunting or fishing fee shall also be paid. Collecting of a hunting or fishing fees shall be handled according to budget procedures. The hunting or fishing fees shall be determined by the NPA.

Section 22. In accordance with Article 21, Item 5, management of traditional cultural or ritual hunting, killing or utilization of wildlife by Taiwan aborigines on aboriginal land shall be announced by the NPA and relevant agencies.

Section 23. In accordance with Article 22, Paragraph 2 regarding the duties of conservation personnel or inspectors, the duties are as follows:

- (1) Patrolling, surveying, monitoring and recording data on wildlife species, population size and habitat change;

- (2) Maintaining the integrity of wildlife habitats;
- (3) Checking hunting or fishing permits or other identification and equipment brought in upon entrance;  
Checking and crackdowns on violation of prohibited behavior announced by the conservation plan in Wildlife Refuges;
- (5) Checking and halting violators engaged in disturbance, abuse, killing, trading of wildlife or illegal hunting;
- (6) Wildlife conservation and public education;
- (7) Checking and crackdowns on violation of damaging wildlife or its environments.
- (8) Other relevant duties commissioned by the Authorities.

Section 24. In order to enforce the WCL, the responsible government Authorities may invite the police and/or other appropriate government agency personnel to form an enforcement cooperative to conduct crackdowns and conservation promotion work.

### **CHAPTER III: IMPORT AND EXPORT OF WILDLIFE**

Section 25. Government licensed private zoos referred to in Article 24, Paragraph 2 are those which were established based on the regulations of the Social Education Law.

Section 26. In accordance with Article 24, Paragraph I or Article 27, Paragraph 1, application for approval to import live wildlife or Protected Species parts or products, the applicant shall submit an application with the following materials to the appropriate municipal or county (city) Authorities where the applicant's residence is located or commissioned organizations then report subsequently to the NPA for approval before any import procedures begin:

- (1) Submission of an application, which includes species, product's name, quantity, utilization and sources of the imported wildlife or products;
- (2) If the import is for profit, either individual or commissioned importers shall include a copy of the business license for importing wildlife or its products.
- (3) When applying for import of live Protected Species or its products; for export or re-export countries which are CITES members, a copy of a special Export Concordance issued by the CITES Management Authorities of original country or the re-exporting country for Protected Species or its products shall be included; for non-CITES members, a copy of a certification of place of production or approval documents issued by the Authorities of country of origin or the re-export country shall be included;
- (4) If it is the first import of non-indigenous wildlife, the applicant shall also provide six color identification photos of the animal and an impact assessment report on native flora and fauna per Article 30. If it is not the first import, the six color photos shall still be submitted along with the proofing information.
- (5) Other relevant information required by the NPA.

When necessary, per item 3, to meet the CITES regulations, the NPA may issue an approval document for the applicant to apply for a special Export Concordance.

Article 27. In accordance with Article 24, Paragraph 1, application for approval to export live wildlife or Protected Species parts or products, the applicant shall submit an application with the following materials to the municipal or county (city) Authorities where the applicant's residence is located or authorized agencies which is reported subsequently to the NPA for approval before any export procedures begin:

- (1) Submission of an application, which includes species, product name, quantity, utilization and destination;
- (2) If the export is for profit, then either individual or commissioned exporters shall include a copy of the business license for exporting wildlife or its products;
- (3) A copy of the municipal or county (city) Authorities' registration card for Protected Species.
- (4) When applying for export of Protected Species or its products which are also CITES Appendix I species; for import countries which are CITES members, a copy of a special Import Concordance issued by the CITES Management Authority of the original country for Protected Species or its products shall be included; for non-CITES members, a copy of import approval documents issued by the Authority of the country of origin shall be included;
- (5) Application for the re-export of Protected Species or their products shall include Customs Authorities import approvals. Other appropriate documents may replace above import approvals in case of repatriation for scientific research or educational purposes;
- (6) Other relevant information required by the NPA.

Section 28. Based on the preceding two sections, the number of live wildlife or Protected Species products approved by the NPA for import or export all shall be included in one shipment, except for those with a special approval from the NPA.

The above-mentioned import shall take place before the expiration on the permit based on the date at the shipping origin. The shipping date is the date printed on the export manifest. If there is a question about the validity of the shipping date, it shall be inspected and verified by Customs Authorities.

Section 29. Travelers who carry or mail Protected Species products or live wildlife specimens into or out of the nation shall follow the regulations per the above three sections.

Section 30. According to Article 27, Paragraph 1, an Impact Assessment Report on native flora and fauna shall be provided for the first-time import of exotic species. The report shall include the following:

- (1) Ecology and life history of the species, including its diet, natural habitat, reproductive rate, natural predators and local climate of its country of origin and whether there are any similar species in Taiwan;
- (2) Possible impact of import of the species upon native flora, fauna and ecosystems and preventative measures.

Section 31. In accordance with Article 29, the authority responsible for the administration of quarantine or inspection shall report the species, amount and in-country destination of imported wildlife to the NPA as well as the appropriate municipal or county (city) Authorities in whose jurisdiction the imported animals are to be located.

## **CHAPTER IV: MANAGEMENT of WILDLIFE**

Section 32. In accordance with Article 31, Paragraph 2, all owners or holders of live Protected Species or their products announced as such by the NPA shall register these animals or products with the municipal or county (city) Authorities where the animals or products are kept within one month of coming into possession of the species. If there is any change of residence of owner or holder, the location where the Protected Species or their products are kept or raised, or quantity change, the above registration requirement shall also be valid.

Section 33. In accordance with Article 35, Paragraph 1 an application shall be submitted by applicants to the appropriate municipal or county (city) Authorities and then reported every three months by the local authorities concerning the approved quantity for trade to the NPA for references.

Submission of an application for display or exhibition in a public area of Protected Species or their products shall be made at least one month before exhibition or display to the appropriate municipal or county (city) Authorities and exhibition can only begin after approval from the Authorities.

Section 34. In accordance with Article 38, when a veterinarian is required to prepare an autopsy report or death certificate for Endangered or Rare and Valuable Species, the kind of animals are limited to mammals, birds, reptiles, amphibians or fish.

The above-mentioned death certificate shall include

- (1) Scientific and Chinese name of the species;
- (2) Date of death;
- (3) External appearance of symptoms;
- (4) Cause of death.

The autopsy report shall include the above-mentioned items and the autopsy record.

Section 35. Whenever the government Authorities accept a donation of live Protected Species or their products, either from an organization or from an individual, the government Authorities may donate it to a public or government authorized private zoo, scientific research institution or museum or other social or educational institutions for research, teaching, preservation, display or educational purposes.

Section 36. In violation of Article 40, Article 41, Article 42, or Article 43, Paragraph 3, live specimens of indigenous Protected Species which are taken into custody or confiscated, the species shall be determined and photographed for evidence, and the court where the case was handled or the Public Prosecutors shall, based on the request of the Authorities, have the animal transferred to the proper Authorities for release or handling.

Section 37. In accordance with Article 52, confiscation or other handling of Protection Species or their products, with the exception of a special legal directive, shall be handled in one of the following methods:

- (1) The Customs Authority or other investigation agencies shall inform authorized quarantine or inspection agencies with documents concerning unidentified resources or epidemically suspicious subjects



occurring on the quarantine inspection list for immediate quarantine or inspection. Once the item is subjected to be destroyed according to the regulation, the inspection and quarantine agencies shall handle the item with Customs or investigation agencies and other Authorities.

- (2) Special or non-epidemic items/cases are kept temporarily by Authorities or agencies and groups appointed by the Authorities or are reported to the NPA for repatriation to original areas.
- (3) If the indigenous Protected Species cannot be kept temporarily, the Authorities shall identify the animal, take photographs as evidence and the Authorities shall either set the animal free or otherwise handle the situation.

Regarding the above-mentioned temporary keeping or storage of Protected Species or their products in Item 2, except when providing the specimen for identification agencies, the specimen may be sent to a research or academic institution or education organization, public or government-authorized private zoo, museum or other organization for storage, research, display or educational use.

## **CHAPTER V: APPENDIX**

Section 38. The styles of all documents, permits and forms referred to in these Implementing Regulations are determined by the NPA.

Section 39. These Implementing Regulations take effect upon promulgation.