

WILDLIFE CONSERVATION LAW [Taiwan, Republic of China]

Law enacted June 23, 1989.

Amended October 29, 1994.

CHAPTER I: INTRODUCTION

Article 1. This law has been enacted to conserve wildlife, protect species diversity and maintain the balance of natural ecosystems. Whatever is not regulated by this law may be regulated by other compatible legislation.

Article 2. Responsible government authorities for the purpose of this law:

Central government level: the Council of Agriculture, henceforth referred to as the National Principal Authority (NPA).

Provincial/municipal level: the provincial and municipal governments.

County/city level: the county and city governments.

Article 3. Definition of terms:

(1) Wildlife: in common circumstances, any animal living in a natural habitat, including mammals, birds, reptiles, amphibians, fish, insects and other kinds of animals;

(2) Population size: the number of the same species of wildlife living in a particular space at a particular time;

(3) Endangered Species: those wildlife species whose population size is at or below a critical level so that their survival is in jeopardy;

(4) Rare and Valuable Species: endemic species or those species with a very low total population;

(5) **Other Conservation-Deserving Wildlife:** species which do not necessarily have a very low total population, but their survival remains in jeopardy;

(6) Wildlife products: animal carcasses, bones, horns, teeth, skin, hair, eggs or internal organs in whole, partial or processed form;

(7) Habitat: the natural living environment necessary for the survival of plants and animals;

(8) Conservation: any protection, restoration or management of wildlife based on the principles of species diversity and natural ecological balance;

(9) Utilization: the use of wildlife for cultural, educational, academic or economic benefit in such a way or form scientifically determined not to be detrimental to the natural ecological balance;

- (10) Disturbance: any behavior involving the use of drugs, tools or any other means so as to interfere with wildlife;
- (11) Abuse: the use of violence, unsuitable drugs or other methods to harm wildlife so they cannot maintain their normal physiological condition;
- (12) Hunting: the use of drugs, hunting equipment or other tools or methods to catch or kill wildlife;
- (13) Processing: the use of wildlife carcasses, bones, horns, teeth, skins, hair, eggs or organs in their whole or partial form as or to make other products;
- (14) Display: placement of wildlife or wildlife products in public areas for people

Article 4. Wildlife shall be classified in two categories:

- (1) Protected Species: Endangered Species, Rare and Valuable Species and Other Conservation-Deserving Wildlife;
- (2) General Wildlife: all other wildlife not included in the previous category.

The Wildlife Conservation Advisory Committee is responsible for the determination of animals which belong in the first category. The NPA is responsible for compilation and announcement of the Schedule of Protected Species.

Article 5. The NPA shall establish a Wildlife Conservation Advisory Committee to assist with wildlife conservation.

Members of the advisory committee will not be paid. The means of establishing the committee will be determined by the NPA. Academic experts, private conservation organization members, aborigines and other non-governmental representatives should comprise not less than two-thirds of the total committee membership.

Article 6. To strengthen wildlife conservation, the NPA should establish a Wildlife Research Institute. The NPA may also invite academic institutions or private organizations to conduct wildlife surveys, studies, conservation, utilization, education or promotion, etc.

Article 7. To bring together society's resources to help conserve wildlife, the NPA may establish a conservation donation account and accept private or artificial person donations. In addition, the NPA may issue wildlife conservation stamps.

The NPA shall determine the establishment of the donation account, the usage of the name and logo of the conservation stamps and their management and issue regulation.

CHAPTER II: CONSERVATION OF WILDLIFE

Article 8. Any construction and land use in major wildlife habitats should be carried out in ways and areas which least affects the habitat, and the original ecological functions of the habitat should not be harmed. If necessary, the Authorities shall ask the owners, users or occupants of a land use project to conduct an Environmental Impact Assessment.

Any farming, forestry, fishery or animal husbandry development utilization; mine exploration, earth or rock removal or related works; repair or construction of railroads, public roads or other roads; construction; establishment of parks or cemeteries; utilization of land for recreation, sporting or forest recreation areas, waste disposal or other utilization of major wildlife habitats may begin only after application to the proper local authorities and after approval by the NPA Only then can an application for such development be made to the relevant target business authorities.

Existing facilities, land utilization or development activities have a significant impact on the wildlife in the area, the NPA may require the relevant person or target business authority to put forth a plan for improvements within a certain time limit.

The type and area of the major wildlife habitats referred to above shall be determined and announced by the NPA, as shall any changes in designation.

Article 9. If land use proceeds before the Environmental Impact Assessment referred to in Article 8, Paragraph 1, the Authorities shall inform and consult immediately with other appropriate responsible government agencies to halt the project. If destruction of the wildlife habitat has taken place, the Authorities and other appropriate government agencies shall request the responsible parties to put forward a rehabilitation plan within a certain time limit and should monitor this process. If the responsible parties do not put forward a rehabilitation plan, or in case of emergency, the Authorities may require that any resultant costs of necessary rehabilitation procedures be borne by the responsible parties.

Article 10. Local authorities may establish Wildlife Refuges for major wildlife habitats with special conservation needs, as well as formulate and carry out conservation plans in those areas. If necessary, they may commission other agencies or organizations to carry out the plans

Establishment of a Wildlife Refuge, its modification or elimination shall be authorized and announced by the NPA after an on-site public hearing on the plan is held and the opinions of local residents have been heard and approval from the Wildlife Conservation Advisory Committee.

In emergency or necessary situations, the NPA may, with the approval of the Wildlife Conservation Advisory Committee, designate or modify Wildlife Refuges

In the conservation plan for the Wildlife Refuge, the Authorities may announce regulations regarding the following:

- (1) disturbance, abuse, hunting or killing of General Wildlife, etc.
- (2) collection or cutting of plants, etc.
- (3) pollution or destruction of the environment, etc.
- (4) other prohibited or approved actions, etc.

Article 11. Upon announcement of the establishment of a Wildlife Refuge, land inside its boundaries may be purchased or expropriated by the Authorities according to the law, and subsequently managed by them.

For land not purchased or expropriated by the Authorities, the owner, user or occupant shall provide a suitable habitat for wildlife according to stipulations announced by the Authorities. Before the Authorities announce the stipulations, if the land in question is used or profited from in a way that is found to harm wildlife conservation, they may order the modification or elimination of such behavior. Important national construction works are exempt from the stipulations if they are based on the principle of not affecting the survival of wildlife and have received the approval of the Wildlife Conservation Advisory Committee and NPA.

The Authorities shall compensate the owner or user of the land for any losses resulting from the above paragraph.

Article 12. To carry out wildlife resource inventories or conservation planning, the Authorities or commissioned organizations may send people with proper identification into public and private areas for investigation and application of conservation measures. The owners, users or managers of the public or private land shall not avoid, refuse or hinder, except when involving possible military secrets, then the investigation shall be carried out with the accompaniment of military authorities.

If the investigation runs into any obstructions, or before the application of conservation measures, the Authorities shall first inform the public or private owner, user or manager of the land. - If there is no way of passing on the information, the Authorities may use a public announcement.

After the investigation, conservation authorities or personnel shall keep secret any industrial or military secrets they may have come across in the course of the investigation.

To carry out the investigation or conservation measures detailed in Paragraph 1, the owners or users of the public or private land shall be compensated for any losses. The amount of compensation shall be decided by negotiation and if negotiations fail, higher-level Authorities shall set the amount.

The above-mentioned method for carrying out investigations or conservation measures shall be determined by the SPA.

Article 13. In areas which have received utilization approval per Article 8, Paragraph 2, but still experience damage to wildlife habitats, the Authorities shall order the developer to put forth a plan for rehabilitation within a certain time limit and monitor this process.

If the damage occurs in areas where utilization approval was not granted, in addition to measures in the above paragraph, the Authorities may use emergency methods, which are to be paid for by the party responsible for the damage.

Article 14. Lost or wild animals which are not endemic to Taiwan may be dealt with by the Authorities if found to be damaging Taiwan's plant or animal habitats.

The NPA shall determine which animals are not endemic to Taiwan.

Article 15. Protected Wildlife which has no owner or is vagrant, or Protected Wildlife products which are ownerless shall be dealt with by the Authorities. The Authorities may commission a related agency or organization to take in, temporarily care for, administer first-aid to, protect or destroy the animals or products.

Article 16. Protected Wildlife shall not be disturbed, abused, hunted, killed, traded, exhibited, displayed, owned, imported, exported, raised or bred, unless under special circumstances recognized in this or related legislation.

Protected Wildlife products shall not be traded, exhibited, displayed, owned, imported, exported or processed, unless under special circumstances recognized in this or related legislation.

Article 17. With the exception of academic research or educational purposes, hunting of General Wildlife, including mammals, birds, reptiles and amphibians, shall be conducted in areas designated by the local authorities and only after obtaining the proper permit issued by local authorities or contracted organizations or groups.

The local authorities shall design a system for the designation, modification, elimination and regulation of above-mentioned hunting areas and species and shall submit this plan to the NPA for final approval, after which it shall be announced publicly.

The application fee, process and other related matters for the permit mentioned in Paragraph 1 shall be set by the NPA.

Article 18. Protected Wildlife should be conserved and shall not be disturbed, abused, hunted, killed or otherwise utilized, except in the following cases:

- (1) when population size exceeds the carrying capacity of the area; or
- (2) for academic research or educational purposes and with proper approval from the NPA.

The first condition for utilization listed above shall be approved by the local authorities and the species, location and range, as well as utilization number, season and method shall be announced by the NPA.

The application process, fee and other related matters for the second condition shall be set by the NPA.

Article 19. Hunting shall not be undertaken by the following methods:

- (1) use of dynamite or explosives;
- (2) use of poisons;
- (3) use of electricity, narcotics or other paralysis methods;
- (4) use of nets set up on land;
- (5) use of firearms other than an authorized hunting rifle;
- (6) use of traps, snares or other hunting equipment;
- (7) use of other prohibited items or methods announced by the Authorities.

The Authorities may tear down or destroy any unapproved nets, snares, traps or other hunting devices. The owners, users or managers of the land on which such devices are located shall not avoid, refuse or hinder such actions.

Article 20. Those parties who wish to hunt General Wildlife or fish within the areas defined in Article 17 shall register with the commissioned management organization or group when entering the area and shall always carry their permit. Upon exiting, the hunters shall report the species and number hunted and pay a corresponding fee.

The fees shall be set by the NPA.

Article 21. Wildlife may be hunted or killed under one of the following circumstances, regardless of Article 17, Paragraph 1; Article 18, Paragraph 1; and Article 19, Paragraph 1; however, any such action taken against Protected Wildlife shall be first reported to the Authorities for handling, except in the case of emergency:

- (1) danger to public safety or human life;
- (2) damage to crops, poultry, livestock or aquaculture;
- (3) being a disease vector of zoonoses or other pathogens;
- (4) danger to the safety of air transportation;
- (5) for traditional cultural or ritual hunting, killing or utilization needs of Taiwan aborigines living in reserved areas;
- (6) other reasons approved by the Authorities.

Article 22. A Conservation Police force shall be established to help conserve wildlife.

Authorities or commissioned organizations or groups may use wildlife conservation or investigation personnel to conduct investigations, crackdowns or other conservation work in Wildlife Refuges. If necessary, local police may be called in to cooperate with the conservation work.

Article 23. The Authorities may assist or encourage any non-government organization or individual to join or attend international wildlife conservation meetings or other related activities.

CHAPTER III: IMPORT AND EXPORT OF WILDLIFE

Article 24. No import or export of live wildlife or Protected Wildlife products is allowed without prior approval from the NPA.

The import or export of live specimens of Protected Wildlife is limited to academic research institutes, colleges or universities, public or licensed private zoos for education or academic research and circus performances.

Article 25. Academic research institutes, colleges and universities, public or licensed private zoos, circus troupes, museums or other wildlife exhibits shall receive the approval of the NPA for import or export of Protected Wildlife or their products.

Protected Wildlife which is imported for use in a circus performance shall be exported within six months after the end of the performance. Applications for extension of the deadline shall be filed with the NPA no later than 20 days before the expiration of the six month period.

Article 26. The NPA may for cultural, hygiene, ecological protection or policy reasons ask trade authorities to announce a list of wildlife or wildlife products which are forbidden from import or export under trade laws.

Article 27. In the case of exotic wildlife which is not endemic to Taiwan imported for the first time, the applicant shall provide the NPA with all relevant information concerning that species and an Impact Assessment Report to address that animal's effect upon native fauna and flora. Such wildlife may be imported only after the approval of the NPA.

The municipal city or county (city) authorities of the areas where the abovementioned wildlife is located shall investigate and monitor these imported wildlife regularly. If it is found that their importation has had an impact on the habitat of native fauna or flora, the authorities shall order the owners or users to put forth a plan for prevention or rehabilitation within a certain time limit and shall monitor this process. In addition, the situation shall be referred to the NPA for handling.

Article 28. Any academic research institute which cooperates with a foreign research institute and uses Protected Wildlife or their products for research, exchange, donation or display shall issue a report to the NPA within one year of import or export of the wildlife or product.

Article 29. The import or export of wildlife or wildlife products shall be inspected by customs and the products must match their customs declaration and shall be inspected and quarantined according to inspection and quarantine regulations by inspection or quarantine authorities or their commissioned organizations.

Article 30. Wildlife epidemic disease prevention and follow-up examinations shall be conducted by plant and animal epidemic disease authorities and according to relevant legislation.

CHAPTER IV. MANAGEMENT OF WILDLIFE

Article 31. Before NPA announcement, all persons engaged in raising or breeding Protected Wildlife or exotic wildlife dangerous to the environment, people or animals, or those possessing Protected Wildlife products as determined by the NPA's Schedule of Protected Wildlife shall fill out a data card and keep records with their municipal or county (city) authorities and within a certain time limit update these records after any change in status.

After the NPA announcement, those who have legally imported, received through transfer or other legal means any of the above wildlife or wildlife products, shall take their documents to municipal or county (city) authorities to register within a certain time limit. Any changes in status shall also be registered in a similar manner.

Those who have registered according to the above two paragraphs may be allowed to continue to raise or hold their wildlife or wildlife products, but no breeding shall be allowed except for academic research or educational purposes and with the approval of the Authorities.

Those who are engaged in raising or breeding any of the wildlife listed in Paragraph 1 before promulgation of these amendments shall be assisted by the Authorities to cease raising or breeding the animals and change occupations within three years of the date of promulgation. If necessary, the animals may be purchased by the Authorities.

The purchase of wildlife shall be done in an appropriate and safe manner and any wildlife may be sent to domestic or foreign educational or academic institutes and zoos, or taken in and cared for by an organization considered appropriate by the Authorities and commissioned by them.

If necessary, the Authorities, or a commissioned organization or group, may mark the wildlife or wildlife products listed in Paragraph 1 and Paragraph 2. In addition, they may conduct regular or random investigations. The owner or keeper shall not avoid, refuse or hinder such investigations.

The NPA is responsible for announcing the wildlife or wildlife products which shall be marked.

Article 32. Wildlife raisers who do not have the permission of the Authorities shall not set their animals free.

The NPA shall announce a list of species which are regulated by the above paragraph.

Article 33. The Authorities may send a representative to investigate raised or bred Protected Wildlife or dangerous wildlife. The owner or keeper of the wildlife shall not avoid, refuse or hinder the investigation.

Article 34. Raising or breeding of Protected Wildlife or dangerous wildlife shall be cared for with appropriate husbandry, with attention given to safety and sanitation and the proper area and facilities. The NPA shall determine captive care area, facility and care standards.

Article 35. Protected Wildlife, Endangered Species or Rare and Valuable Species products shall not be traded or displayed or exhibited in public areas without the permission of the Authorities.

The NPA shall release a list of the types of Protected Wildlife, Endangered Species or Rare and Valuable Species products regulated by the above paragraph.

Article 36. The for-profit raising, breeding, trading, processing, import or export of wildlife shall be approved by municipal or county (city) authorities and shall receive a business license according to the law.

The NPA shall set regulations for the raising, breeding and management of wildlife.

Article 37. Endangered Species and Rare and Valuable Species shall be well managed during raising or breeding and shall not escape. If an escape occurs, the owner or keeper shall either themselves or with the assistance of local authorities recover the animal.

Article 38. Whenever an Endangered or Rare and Valuable Species dies of illness or for an unknown reason, the owner or keeper shall have a veterinarian prepare an autopsy report determining the cause of

death and within 30 days after death send the autopsy report to municipal or county (city) authorities for reference. If the reason for death was not a contagious disease, then any academic research institute, public or licensed private zoo, museum, wildlife owner or keeper that wishes to use the carcass to make a specimen, after approval by the Authorities, may get a veterinarian to sign a death certificate in place of an autopsy report.

Article 39. If the carcass of a Protected Wildlife species is valuable for academic research or exhibition, then academic or scientific research institutions, public or licensed private zoos or museums may purchase it in priority from the owner or keeper.

CHAPTER V: PENALTIES

Article 40. The following offenses shall be punished with imprisonment for not less than six months and not more than five years, and/or a fine of not less than NT\$300,000 and not more than NT\$1,500,000:

(1) violation of Article 24, Paragraph 1, unapproved import or export of live Protected Wildlife Species or products.

(2) violation of Article 35, Paragraph 1, trading, display or exhibiting with the intent to sell Protected Wildlife, Endangered Species or Rare and Valuable Species products.

A person who make commission of an offense specified above as an occupation shall be punished with imprisonment for not less than one year and not more than seven years and/or a fine of not less than NT\$500,000 and not more than NT\$2,500,000.

Article 41. The following offenses shall be punished with imprisonment for not less than six months and not more than five years, and/or a fine of not less than NT\$200,000 and not more than NT\$1,000,000:

(1) violation of Article 18, Paragraph 1-1, hunting or killing of a Protected Wildlife species;

(2) violation of Article 18, Paragraph 1 -2, hunting or killing of a Protected Wildlife species without the approval of the NPA;

(3) violation of Article 19, Paragraph 1, use of prohibited methods to hunt or kill Protected Wildlife;

If any of the above offenses are committed in designated Wildlife Refuges, the offender shall be subjected to the penalty prescribed for such offense up to It3.

A person who makes commission of an offense specified above as an occupation shall be punished with imprisonment for not less than one year and not more than seven years and/or a fine of not less than NT\$500,000 and not more than NT\$2,500,000.

Any unsuccessful attempt to commit an offense specified in the above first item is punishable.

Article 42. The following offenses shall be punished with imprisonment for not more than one year, detention; and/or a fine of not less than NT\$60,000 and not more than NTS300,000; if the conducts

cause the death of protected species, the offender shall be punished with imprisonment for not more than two years, detention, and for a fine of not less than NT\$100,000 and not more than NT\$500,000

(1) disturbance or abuse of Protected Wildlife as prohibited by Article 18, Paragraph 1-1;

(2) violation of Article 18, Paragraph 1-2 by disturbance or abuse of the Protected Wildlife without proper approval by the NPA.

If any of the above offenses are committed in a designated Wildlife Refuge, the offender shall be subjected to the penalty prescribed for such offense up to 3.

Article 43. In violation of Article 8, Paragraph 2, anyone who conducts unauthorized development projects shall be subjected to a fine of not less than NT\$300,000 and not more than NT\$1,500,000.

In violation of Article 8, Paragraph 3, Article 9 or Article 13, anyone who fails to submit a rehabilitation plan within a set time limit, or fails to carry out the rehabilitation plan shall be subjected to a fine of not less than NT\$400,000 and not more than NT\$2,000,000.

If the above offenses have caused habitat destruction and the habitat has become inhabitable for wildlife, the offender shall be punished with imprisonment for not less than six months and not more than five years and/or a fine of not less than NT\$300,000 and not more than NT\$1,500,000.

Article 44. In discharging his duty, if the representative of an artificial person, artificial person, the agent of natural person, employee or other staff violation any one of Articles 40, 41, 42, or Article 43, Paragraph 3, both the violators and their artificial person or natural person shall be subjected to the fine set out in relevant Articles.

Article 45. In violation of Article 7, Paragraph 2, anyone who uses the title of wildlife conservation stamps, uses its logo, or issues wildlife conservation stamps, the offender shall be subjected to a fine of not less than NT\$500,000 and not more than NT\$2,500,000. The unauthorized issue, sale or distribution of wildlife conservation stamps shall be prohibited. Illegal stamps which have been issued, sold or distributed shall be confiscated.

Article 46. In violation of Article 32, Paragraph 1, the violator shall be subjected to a fine of not less than NT\$50,000 and not more than NT\$250,000. If the violation resulted in damage to the ecosystem, violators shall be subjected to a fine of not less than NT\$500,000 and not more than NT\$2,500,000.

Article 47. In violation of Article 27, Paragraph 2, the owner or keeper of wildlife who fails to submit a prevention or rehabilitation plan or who fails to carry out the plans, the offender shall be subjected to a fine of not less than NT\$300,000 and not more than NT\$ 1,500,00.

In violation of Article 26, the offender shall be subjected to a fine of not less than NT\$200,000 and not more than NT\$1,000,000.

Article 48. A person who falsely labels merchandise as containing Protected Wildlife or its products shall be subjected to a fine of not less than NT\$150,000 and not more than NT\$750,000.

Article 49. Anyone who violates one of the following Articles shall be subjected to a fine of not less than NT\$60,000 and not more than NT\$300,000:

- (1) violation of regulations detailed in Article 17, Paragraph 1 or Paragraph 2;
- (2) violation of Article 19, Paragraph 1 by the use of prohibited items or methods in hunting General Wildlife;
- (3) violation of Article 19, Paragraph 2, or Article 33 by avoiding, refusing or hindering searches, seizures or destruction;
- (4) violation of Article 27, Paragraph 1;
- (5) violation of Article 34 by failing to meet proper care area, facility and care standards;
- (6) violation of Article 18, Paragraph 2 or Article 36 by not applying for the proper permits or approval.

In the case of the violation of one of Article 17, Paragraph 1 or Paragraph 2, or Article 19, Paragraph 1, the proper municipal or county (city) authorities may suspend the permits of concerned parties.

Article 50. Anyone who violates one of the following Articles shall be subjected to a fine of not less than NT\$50,000 and not more than NT\$250,000:

- (1) violation of Article 10, Paragraph 4, Item 1 by hunting or killing General Wildlife;
- (2) violation of Article 10, Paragraph 4, Items 2, 3, or 4 Authorities' announced restricted items;
- (3) violation of Article 11, Paragraph 2 by not adhering to Authorities' calls to modify or eliminate certain behavior.

In violation of Article 10, Paragraph 4, Item 1, disturbing or abusing General Wildlife, the offender shall be subjected to a fine of not less than NT\$20,000 and not more than NT\$100,000.

Article 51. Anyone who violates one of the following Articles shall be subjected to a fine of not less than NT\$10,000 and not more than NT\$50,000:

- (1) violation of Article 12, Paragraph 1 by avoiding, refusing or hindering a wildlife resource investigation or the application of conservation plan measures;
- (2) violation of Article 20, Paragraph 1;
- (3) violation of Article 24, Paragraph 1 by import or export of General Wildlife without the approval of the NPA;
- (4) violation of Article 25, Paragraph 2;

(5) violation of Article 28;

(6) violation of Article 31, Paragraphs 1, 2, 3 or 6;

(7) violation of Article 3 S. Paragraph 1 by display or exhibition in a public area of Protected Wildlife, Endangered or Rare and Valuable Species products with no intent to sell but lacking the proper permission;

(8) violation of Article 37;

(9) violation of Article 38;

(10) any owner or keeper who refuses to sell their wildlife carcass according to Article 39.

Article 52. In the case of the violation of one of Article 40, Article 41, Article 42 or Article 43, Paragraph 3, the subject Protected Wildlife may be confiscated; the subject wildlife products, hunting equipment, drugs or other devices shall be confiscated

Beside the punitive actions specified in Article 52, Paragraph 1, in the case of the violation of this law, the subject Protected Wildlife or products, hunting equipment, drugs or other devices may be confiscated.

If necessary, Authorities may publicly release, repatriate, keep or destroy the above-mentioned confiscated wildlife/items. The Authorities may request the violator to pay all the expenses incurred therefrom.

For lawfully confiscated or otherwise acted upon Protected Wildlife or products, customs or other law enforcement agencies may ask Authorities to take necessary measure according to the above regulation.

Article 53. The administrative fines or confiscation described by this law shall be handled by authorities at all levels.

Article 54. If the administrative fines authorized herein are not paid in a timely manner after official notice, the Authorities shall initiate court proceedings.

CHAPTER VI: APPENDIX

Article 55. Captive-raised or bred wildlife governed by this law shall be determined and announced by the SPA.

Article S6. Implementing Regulations shall be set by the SPA

Article 57. This law takes effect upon Promulgation.

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.