

Content

Title : Enforcement Rules of the Wildlife Conservation Act [Ch](#)

Date : 2013.10.28

Legislative : 1. Full text of 32 articles promulgated on March 31, 1990 by the Council of Agriculture, Executive Yuan Order (79) Nong-Lin-Zi No. 9112488A
2. Full text of 39 articles amended and promulgated on April 29, 1995 by the Council of Agriculture, Executive Yuan Order (84) Nong-Lin-Zi No. 4030301A
3. Amendment to Article 4 promulgated on October 6, 1999 by the Council of Agriculture, Executive Yuan Order (88) Nong-Lin-Zi No. 88146515
4. Amendment to Articles 6, 9, 12, 13, 15, 18, 21, 26, 27, 33, and 37, addition of Article 23-1, and deletion of Articles 2, 22, and 38 promulgated on August 8, 2005 by the Council of Agriculture, Executive Yuan Order Nong-Shou-Lin-Wu-Zi No. 0940136560
5. Amendment to Articles 26, 27, and 29, and addition of Articles 33-1 and 33-2 promulgated on October 28, 2013 by the Council of Agriculture, Executive Yuan Order Nong-Lin-Wu-Zi No. 1021701075

Content : CHAPTER I: GENERAL PRINCIPLES

Article 1 The following enforcement rules have been put forward to implement the Wildlife Conservation Act (WCA) and are authorized by Article 56 of the WCA.

Article 2 (Abolished)

Article 3 In accordance with Article 7 of the WCA 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 of the WCA in compensation for any loss;
4. In accordance with Article 14, Paragraph 1 and Article 15 of the WCA 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 of the WCA 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.

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

CHAPTER II: CONSERVATION OF WILDLIFE

Article 5 Major Wildlife Habitats per Article 8 of the WCA 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.

Article 6 In accordance with Article 8, Paragraph 2 of the WCA, application for land utilization or development activities in Major Wildlife Habitats shall be made to the municipal or county (city) 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 citizen's identification card 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 or replacement plan for the ecological environment;
7. Other information required by the NPA or municipal or county (city) Authorities.

The above-mentioned application shall be evaluated by the municipal or county (city) 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.

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

Article 8 In reference to Article 8, Paragraph 3 of the WCA, 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.

Article 9 In reference to Article 8, Paragraph 3 of the WCA, if the existing facilities, land utilization or development activities may cause any significant impact on wildlife in the area, the municipal or county (city) 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 municipal or county (city) Authorities may commission their affiliated agencies, other agencies or organizations to complete the investigation 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;
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.

Article 10 In accordance with Article 8, Paragraph 4 of the WCA, after the 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 type, location maps, information on landowners, users or occupants, as well as current land use information.

The above information may also be provided to the NPA for any change.

Article 11 In accordance with the improvement method called for in Article 8, Paragraph 3 of the WCA and the rehabilitation plan called for in Article 9 and Article 13, Paragraph 1 of the WCA, 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.

Article 12 The municipal or county (city) Authorities, in accordance with Article 10, Paragraph 1 of the WCA, 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 municipal or county (city) 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, location boundary, purpose and geographical planning map;
- 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.

Article 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.

The above public announcement shall include location, boundary map of the area, division plan, protection and utilization restrictions, etc..

Article 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.

Article 15 In accordance with Article 10, Paragraph 1 of the WCA, when the municipal or county (city) Authorities commission other organizations to implement conservation plans, investigations, crackdowns and other conservation work on Wildlife Refuges or Major Wildlife Habitats, a written contract shall be signed.

Article 16 In accordance with Article 11, Paragraph 3 of the WCA, 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.

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

Article 18 In accordance with Article 17, Paragraph 1 of the WCA designation of hunting sites, or Article 20, Paragraph 1 of the WCA, 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, boundary, area and geographical planning map;
- 2.Information on the current status of wildlife and habitat conditions within the proposed area;
- 3.A list of wildlife species 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 the municipal or county (city) 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.

The contents of the two public announcements mentioned above include:

- 1.Location, boundary, area and geographical planning map;
- 2.A list of wildlife species that can be hunted or fished, amount, time and method;
- 3.Required fee;
4. Restricted items.

Article 19 In accordance with Article 17 and Article 20 of the WCA, 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.

Article 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.

Article 21 In accordance with Article 18, Paragraph 1, subparagraph 2 of the WCA 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 or the municipal or county (city) Authorities and then directly to the NPA for approval. The duplicates of the NPA approval document shall be provided to the municipal or county (city) Authorities.

- 1.The Protected Species name (Chinese and Scientific), amount, method, location, time and purposes;
- 2.Personnel name and photocopies of identification document (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, 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 and submit the report to all levels of Authorities for reference.

Article 22 (Abolished)

Article 23 In accordance with Article 22, Paragraph 2 of the WCA, 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;
- 4.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.

Article 23-1 In these enforcement rules, the location, boundary and geographical planning map shall have a scale as follows:

1. Scale no less than 1/5,000 in an area less than 1,000ha;

2. Scale no less than 1/25,000 in an area more than 1,000ha.

Article 24 In order to enforce the WCA, 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

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

Article 26 In accordance with Article 24, Paragraph 1, Paragraph 3, or Article 27, Paragraph 1 of the WCA, application for approval to import live wildlife, Protected Species products or General marine mammalian wildlife products, the applicant shall submit an application, either by original hard copy or electronic means, with the following materials to the appropriate municipal or county (city) Authorities where the applicant's residence is located for preliminary review. The above application will be reported subsequently to the NPA for approval before any import procedures begin:

1. The contents of the application include species, product 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 certificate of company or business registration 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 Permit 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. When applying for import of live marine mammalian wildlife or products thereof, a relevant certificate stating that the species in question is hunted by indigenous people for their subsistence within their traditional territories from the country of origin issued by the Authorities of export country shall be included;

5. If it is the first import of non-indigenous wildlife, the applicant shall also provide six identifiable color photos of the animal and an impact assessment report on native flora and fauna per Article 30 of the WCA. If it is not the first import, six identifiable color photos shall still be submitted along with the proofing information;

6. Animal housing facility, medical care, education or scientific research plans for the imported Protected Species;

7. Other information required by the NPA.

When necessary, per above subparagraph 3, to meet the CITES regulations, the NPA may issue an approval document for the applicant to apply for an Export Permit.

Article 27 In accordance with Article 24, Paragraph 1 or Paragraph 3 of the WCA, application for approval to export live wildlife, Protected Species products or General marine mammalian wildlife products, the applicant shall submit an application, either by original hard copy or electronic means, with the following materials to the municipal or county (city) Authorities where the applicant's residence is located for preliminary review. The above application will be reported subsequently to the NPA for approval before any export procedures begin:

1. The contents of the application include species, product name, quantity, utilization and destination;

2. If the export is for profit, either individual or commissioned exporters shall include a copy of the certificate of company or business registration 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 Permit 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. If it is wildlife export, six identifiable color photos shall be submitted;

7. Other information required by the NPA.

Article 28 Based on the preceding two Articles, 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.

Article 29 Travelers who carry or mail Protected Species products, General mammalian wildlife products or live wildlife specimens into or out of the nation shall follow the above three Articles.

Article 30 According to Article 27, Paragraph 1 of the WCA, 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.

Article 31 In accordance with Article 29 of the WCA, 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

Article 32 In accordance with Article 31, Paragraph 2 of the WCA, 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.

Article 33 In accordance with Article 35, Paragraph 1 of the WCA, 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.

In accordance with Article 35, Paragraph 1 of the WCA, 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.

Article 33-1 In accordance with Article 24, Paragraph 6 of the WCA, application for approval to trade, display or exhibit live specimens of General marine mammalian wildlife, the applicant shall submit a written application with the following materials to the appropriate municipal or county (city) Authorities where the applicant's residence is located for preliminary review. The above application will be reported subsequently to the NPA for approval before the performance:

1. A copy of registration certificate of juridical person, civil association, company or business; if it is for profit, the category of business conducted shall include wildlife trade;
2. A copy of certificate of origin of the animals;
3. A plan of display or exhibit. Application for trade is exempt from this requirement;
4. A copy of the documents pertaining ownership of the land or building, or the written consent for the land/building use;
5. An identifiable color photo of the animal;
6. Other information required by the NPA.

The plan per above subparagraph 3 shall include the following:

1. The species, quantity and sources of animals;
2. The title, location and duration of the display or exhibit;
3. The design or layout of the display or exhibit location;
4. The name, education and work experience of keepers and the name of the veterinarian in charge during the display or exhibit.

Article 33-2 In accordance with Article 24, Paragraph 6 of the WCA, application for approval to trade, display or exhibit General marine mammalian wildlife products, the applicant shall submit a written application with the following materials to the NPA for approval before the performance:

1. A copy of registration certificate of juridical person, civil association, company or business; if it is for profit, the category of business conducted shall match the purpose of application;
2. Certificates of sources:
 - (1) If the applicant is the importer, a copy of the NPA approval of import and import certificate shall be provided;
 - (2) If the applicant is not the importer, a copy of the NPA trade approval issued to the seller, import certificate, and uniform invoice or receipt shall be provided.
3. If the products are packaged and ready to be sold directly to consumers, a color photo or sample of the packaging shall be provided;
4. Other information required by the NPA.

The written application in above Paragraph shall include the species (Chinese name and scientific name), product name, quantity, use and type. Once the trade, display, or exhibit of products in question is approved in accordance with Paragraph 1, the applicant shall report the quantity of trade to the NPA for reference every six months.

If products approved in accordance with Paragraph 1 are labeled with the NPA approval No. on the packaging, the subsequent applications for approval of trade is not required.

Article 34 In accordance with Article 38 of the WCA, 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 the following:

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.

Article 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.

Article 36 In violation of Article 40, Article 41, Article 42, or Article 43, Paragraph 3 of the WCA, 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.

Article 37 In accordance with Article 52 of the WCA, confiscation or

other handling of Protection Species or their products, with the exception of other legal directives, 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 sources or epidemically suspicious subjects occurring on the quarantine inspection list for immediate quarantine or inspection. Once the item is subjected to be destroyed, 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 by Authorities or agencies and groups appointed by the Authorities or are reported to the NPA for repatriation to original areas;
3. If the identified indigenous Protected Species cannot be kept, the Authorities shall take photographs as evidence and the Authorities shall either set the animal free or otherwise handle the situation.

Regarding the above-mentioned keeping or storage of Protected Species or their products in above subparagraph 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: SUPPLEMENTARY PROVISIONS

Article 38 (Abolished)

Article 39 These Enforcement Rules take effect upon promulgation.

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System