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## **Regulations on Protection of Fossils**

(Adopted at the 123<sup>rd</sup> Executive Meeting of the State Council on August 25, 2010, promulgated by Decree No. 580 of the State Council of the People's Republic of China on September 5, 2010, and effective as of January 1, 2011; amended by Decree No. 709 of the State Council of the People's Republic of China on March 2, 2019 )

### **Chapter I General Provisions**

**Article 1** These Regulations are formulated for the purpose of strengthening the protection of fossils and promoting scientific research and rational utilization of fossils.

**Article 2** These Regulations apply to the excavation and collection of fossils within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China, as well as to the entry and exit of fossils into and from the Chinese territory.

The term "fossils" in these Regulations refers to body fossils and trace fossils of animals and plants which are formed in the geological history and preserved in the strata of Earth.

Fossils of ancient apes and paleoanthropoids and fossils of the Quaternary vertebrates related to human activities shall be protected in accordance with the relevant provisions of the State on the protection of cultural relics.

**Article 3** Fossils preserved within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China are owned by the State.

Fossils collected by State-owned museums, scientific research institutions, institutions of higher learning and other such collection units, as well as fossils donated to the State by units and individuals, are owned by the State, and the State ownership does not change with the termination or replacement of the collection units.

**Article 4** With respect to fossils, the State applies the principle under which fossils are divided into different categories for administration, special protection is provided for key fossils, priority is given to scientific research and fossils are utilized in a rational manner.

**Article 5** The competent natural resources department of the State Council shall be in charge of the protection of fossils nationwide. The competent natural resources departments of local people's governments at or above the county level shall be in charge of the protection of fossils within their respective administrative areas.

The public security organs, the administrative departments for market regulation, and other departments of people's governments at or above the county level shall, in accordance with their respective functions and duties, be responsible for the relevant protection of fossils.

**Article 6** The competent natural resources department of the State Council shall be responsible for the establishment of the National Expert Committee on Fossils, which shall be composed of experts recommended by the relevant departments of the State Council and the Paleontological Society of China, and shall undertake the tasks of preparing the list of fossils under special protection, advising on the establishment of national nature reserves of fossils, rendering judgment on applications for fossil excavation, appraising fossils under special protection for their entry into or exit from the Chinese territory, etc. The specific measures therefor shall be formulated by the competent natural resources department of the State Council.

**Article 7** Based on their importance in biological evolution and classification, fossils shall be classified into fossils under special protection and fossils under general protection.

The following fossils of high scientific research value or of great rarity shall be listed as fossils under special protection:

- (1) type specimens of fossil genera and species already named;
- (2) well-preserved or relatively well-preserved body fossils of ancient vertebrates;
- (3) large or densely-distributed fossils of higher plants, fossils of invertebrates,

and trace fossils such as footprint fossils of ancient vertebrates; and

(4) other fossils listed by the competent natural resources department of the State Council as ones under special protection.

The list of fossils under special protection shall be prepared by the National Expert Committee on Fossils, subject to approval by the competent natural resources department of the State Council before its announcement.

**Article 8** In areas where fossils under special protection are densely distributed, national nature reserves of fossils shall be established; in areas where not only fossils under general protection are densely distributed, but also fossils under special protection are discovered, local nature reserves of fossils shall be established. Nature reserves of fossils shall be established in compliance with the procedures prescribed in the Regulations of the People's Republic of China on Nature Reserves.

For the establishment of a national nature reserve of fossils, the National Expert Committee on Fossils shall be consulted.

**Article 9** People's governments at or above the county level shall exercise stronger leadership in the protection of fossils and include the funds needed for such protection into their budgets.

People's governments at or above the county level shall arrange for the relevant departments to disseminate knowledge about the protection of fossils, in order to increase public awareness of the importance of protecting fossils, and shall, in accordance with the relevant provisions of the State, reward the units and individuals that have made outstanding achievements in the protection of fossils.

## **Chapter II Excavation of Fossils**

**Article 10** Fossils may only be excavated to meet the need of scientific research, teaching, science popularization or their emergency protection. To excavate fossils, the conditions specified in the second paragraph of Article 11 of these Regulations shall be met, and approval be obtained in accordance with these Regulations.

The term "excavation" in these Regulations means the excavation of fossils by

means of mechanical or other powered tools within a given working face.

**Article 11** To excavate fossils within a national nature reserve of fossils or to excavate fossils under special protection elsewhere, an application shall be made to the competent natural resources department of the State Council for approval; to excavate fossils under general protection at a place other than a national nature reserve of fossils, an application shall be made for approval to the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government where the fossils are located.

A unit applying for the excavation of fossils shall meet the following conditions and shall, together with the application, submit a document certifying its compliance with the following conditions, as well as a brief account of the excavation project, an excavation plan, a preservation plan for excavated specimens and a plan for restoration of the natural eco-environment in the excavation area:

(1) having at least three technicians who have the professional titles in paleontology or in related fields and have at least three years of experience in fossil excavation (including at least one technician who has a senior professional title in paleontology and serves as the team leader in excavation);

(2) having the facilities and equipment to meet the need of fossil excavation;

(3) having the processing technologies and techniques needed for fossil protection; and

(4) having the facilities, equipment and premises to meet the need of fossil storage.

**Article 12** The competent natural resources department of the State Council shall send the application materials to the National Expert Committee on Fossils within three working days from the date of acceptance of an application. The National Expert Committee on Fossils shall deliver its written judgment within ten working days from the date of receipt of the application materials. The written judgment shall serve as an important basis for whether or not to approve the application for fossil excavation.

The competent natural resources department of the State Council shall complete its examination within 30 working days from the date of acceptance of an application,

and if the applying unit meets the conditions specified in the second paragraph of Article 11 of these Regulations and, at the same time, its plans for excavation of fossils, for preservation of excavated specimens and for restoration of the natural eco-environment of the excavation area are feasible, the said department shall approve the application; if the applying unit does not meet the conditions, the said department shall notify it in writing and give the reasons therefor.

Before approving an application for fossil excavation, the competent natural resources department of the State Council shall consult the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government where the fossils are located, whereas after approving the application, it shall notify the latter that the application for fossil excavation has been approved.

**Article 13** Where the competent natural resources department of the people's government of a province, autonomous region, or municipality directly under the Central Government accepts an application for fossil excavation, it shall examine and approve the application in accordance with the time limit and requirements specified in the second paragraph of Article 12 of these Regulations, and shall take into consideration the opinions given by paleontologists.

**Article 14** A fossil excavation unit shall conduct excavation in accordance with the approved excavation plan; where there is a real need for modifying the plan, the matter shall be subject to approval by the original competent natural resources department that approves the excavation.

**Article 15** A fossil excavation unit shall, within 30 days from the date of completion of excavation, scientific research, teaching or other activities, compile a register of the excavated fossils with the appropriate descriptions and labels, and hand the fossils over to a qualified collection unit designated by the competent natural resources department that approves the excavation.

**Article 16** With respect to casual gathering of fossil specimens for regional geological survey or for scientific research or teaching conducted by scientific research institutions or institutions of higher learning, no application for approval is

required. However, the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government where the fossils are located shall be informed beforehand in writing of the time, place, quantity, etc. of such casual gathering. The fossils thus gathered shall be collected in compliance with the provisions of these Regulations.

The term "casual gathering" in these Regulations means the excavation of a tiny number of fossils by the use of non-mechanical hand tools on the Earth's surface without affecting the Earth's surface or other resources.

**Article 17** Foreign individuals and organizations may excavate fossils within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China only for the need of scientific research in cooperation with the Chinese side. Such excavation of fossils shall be subject to approval by the competent natural resources department of the State Council, be conducted in cooperation with a Chinese unit that meets the conditions specified in the second paragraph of Article 11 of these Regulations, and comply with the provisions of these Regulations on the excavation, collection and entry and exit of fossils into and from the Chinese territory.

**Article 18** Where a unit or an individual discovers fossils in the course of production, construction or other activities, it/he shall protect the site and immediately report the matter to the competent natural resources department of the local people's government at or above the county level.

Upon receiving the report, the competent natural resources department of the local people's government at or above the county level shall have personnel on the site within 24 hours and put forward its opinions within seven days on disposition of fossils. When really necessary, the said department may request the local people's government to notify the public security organ that assists in the protection of the site. Where fossils under special protection are discovered, the matter shall be reported level by level up to the competent natural resources department of the State Council, which shall put forward its opinions on disposition of such fossils.

Where fossils discovered in the course of production, construction or other activities need emergency excavation, the competent natural resources department

that puts forward its opinions on disposition of such fossils shall arrange for units that meet the conditions specified in the second paragraph of Article 11 of these Regulations to conduct the excavation.

**Article 19** The competent natural resources departments of people's governments at or above the county level shall exercise strict supervision and inspection of fossil excavation, and shall, in accordance with law, deal with the fossil excavation conducted without obtaining approval in accordance with law or without following the approved excavation plans.

### **Chapter III Collection of Fossils**

**Article 20** A fossil collection unit shall meet the following conditions:

(1) having a permanent place, specialized exhibition halls, and the area of the premises being commensurate with the collection to be stored;

(2) having an appropriate number of technicians with research achievements in paleontology or related fields;

(3) having the technology, techniques and equipment to protect against natural damage to fossils;

(4) having the complete facilities and equipment to protect against fire and theft and sound management systems for security, etc.; and

(5) having the funds needed for its normal operation.

The competent natural resources departments of people's governments at or above the county level shall exercise strict administration, supervision and inspection of fossil collection units.

**Article 21** The competent natural resources department of the State Council shall be responsible for establishing the national archive and database of fossils under special protection. The competent natural resources departments of local people's governments at or above the county level shall be responsible for establishing the archives and databases of fossils under special protection within their respective administrative areas.

Collection units shall establish the archives of fossils collected themselves and



make truthful description and labeling of their fossil collections.

**Article 22** The State encourages units and individuals to donate their collections of fossils under special protection to qualified collection units.

Unless collection units transfer, exchange and donate among themselves their collected fossils under special protection, no unit or individual may buy or sell fossils under special protection without approval. Buying and selling of fossils under general protection shall be conducted at venues designated by local people's governments at or above the county level. The specific measures therefor shall be formulated by people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

**Article 23** No State-owned collection unit may transfer, exchange or donate its collection of fossils under special protection to a non-State-owned collection unit or an individual.

No unit or individual may transfer, exchange, donate or pledge its/his collection of fossils under special protection to a foreign individual or organization.

**Article 24** Where collection units transfer, exchange and donate among themselves their collected fossils under special protection, they shall afterwards, report the matter to the competent natural resources department of the State Council for record. Specific measures in this respect shall be formulated by the competent natural resources department of the State Council.

**Article 25** The public security organs, the administrative departments for market regulation, the Customs, and other departments shall establish a register of the fossils confiscated in accordance with law, keep them under good conditions, and hand them over to the competent natural resources department at the same level within 30 working days after case closure. The competent natural resources department that receives the fossils shall issue a receipt therefor and hand such fossils over to a qualified collection unit.

Fossils under general protection which cease to be kept in the collection of a State-owned collection unit shall be dealt with as prescribed by the competent natural resources department of the State Council.

## Chapter IV Entry and Exit of Fossils

**Article 26** No unnamed fossils may exit the Chinese territory.

Fossils under special protection may not exit the Chinese territory unless one of the following conditions is met and approval of the competent natural resources department of the State Council is obtained:

(1) for the need of scientific research in cooperation with relevant foreign research institutions; or

(2) for the need of scientific and cultural exchanges in an exhibition overseas.

Fossils under general protection may not exit the Chinese territory unless approval is obtained from the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government where the fossils are located.

**Article 27** To apply for the exit of fossils from the Chinese territory, an application shall be made, as well as a list and photos of the fossils shall be submitted, to the competent natural resources department of the State Council or to the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government. An exit application shall include the basic information of the applicant and the details about the place, purpose and time of exit of the fossils.

To apply for the exit from the Chinese territory of fossils under special protection, an applicant shall, in addition, provide the basic information of the foreign institution involved in cooperation and the contract for scientific research cooperation or for exhibition, as well as the emergency protection plan, protective measures, insurance certificates and other materials in respect of the fossils.

**Article 28** With respect to an application for the exit from the Chinese territory of fossils under special protection, the competent natural resources department of the State Council shall, within three working days from the date of acceptance of the application, send the application materials to the National Expert Committee on Fossils. The said Committee shall, within ten working days from the

date of receipt of the application materials, appraise the fossils in question to authenticate the genera, species, quantity and conditions of the fossils, and shall put forward its written opinions upon appraisal. The written opinions shall serve as an important basis for whether or not to approve the exit of fossils under special protection.

The competent natural resources department of the State Council shall complete its examination within 20 working days from the date of acceptance of an application, and if one of the conditions is met, the said department shall make a decision to approve the exit; if no condition is met, the said department shall notify the applicant in writing and give the reasons therefor.

**Article 29** With respect to an application for the exit from the Chinese territory of fossils under general protection, the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government shall complete its examination within 20 working days from the date of acceptance of the application, and if it consents to the exit, it shall make a decision of approval; if it does not consent to the exit, it shall notify the applicant in writing and give the reasons therefor.

**Article 30** The term of validity of an approval document for the exit of fossils from the Chinese territory is 90 days; where the term of validity expires, a new exit application shall be submitted.

In general, the duration for an overseas stay of fossils under special protection shall not exceed six months; where, under special circumstances, there is a real need for extending the duration, an application for such extension shall be made to the competent natural resources department of the State Council 60 days prior to the expiration of the duration. The extension shall not be longer than six months.

**Article 31** With respect to the re-entry into the Chinese territory of fossils under special protection after their approved exit, an applicant shall, within five days from the date of completion of the customs formalities for their re-entry, apply to the competent natural resources department of the State Council for their re-entry examination.

The competent natural resources department of the State Council shall, within

three working days from the date of acceptance of an application, send the application materials to the National Expert Committee on Fossils. The said Committee shall, within five working days from the date of receipt of the application materials, appraise the fossils under special protection for their re-entry into the Chinese territory and put forward its written opinions upon appraisal. The written opinions shall serve as an important basis for drawing a conclusion on the re-entry examination of the fossils under special protection.

The competent natural resources department of the State Council shall complete its examination and draw a conclusion within 15 working days from the date of acceptance of an application; if it is concluded that the fossils under examination are not the original ones that exit the Chinese territory, the said department shall order the applicant to recover the original fossils under special protection.

**Article 32** With respect to the temporary entry of overseas fossils into the Chinese territory, the fossils shall be sealed by the Customs, and the domestic unit or individual concerned shall, within five days from the date of completion of the customs formalities for their entry, apply to the competent natural resources department of the State Council for examination and registration. If, upon examination, it is determined that the customs seals remain intact, the competent natural resources department of the State Council shall take photos of and register the fossils piece by piece.

With respect to the exit from the Chinese territory of fossils that temporarily enter the Chinese territory, the domestic unit or individual concerned shall apply to the competent natural resources department of the State Council for examination. The competent natural resources department of the State Council shall, in accordance with the procedures prescribed in the second paragraph of Article 31 of these Regulations, complete its examination within 15 working days from the date of acceptance of the application, and if it is determined that the fossils under examination are the original ones that temporarily enter the Chinese territory, the said department shall approve their exit from the Chinese territory.

With respect to the entry into the Chinese territory of fossils obtained from overseas, the domestic unit or individual shall declare the fossils to the Customs and

go through the entry formalities in accordance with the provisions on customs administration.

**Article 33** Fossils to be transported, mailed or carried out of the Chinese territory shall truthfully be declared to the Customs, and an approval document therefor issued by the competent natural resources department of the State Council or by the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government shall be submitted to the Customs.

Where articles suspected of being fossils on justifiable grounds are to exit the Chinese territory, the Customs may require the unit or individual concerned to apply to the competent natural resources department of the State Council, or to the competent natural resources department of the people's government of the province, autonomous region, or municipality directly under the Central Government where the port of exit is located, for issuing a document certifying whether the articles in question are fossils or not.

**Article 34** The State has the right to recover fossils smuggled out of the Chinese territory.

The competent natural resources department of the State Council shall be responsible for the actual recovery on behalf of the State. The departments of foreign affairs, public security, the Customs and other departments of the State Council shall cooperate with the competent natural resources department of the State Council in recovering the fossils smuggled out of the Chinese territory.

## **Chapter V Legal Liability**

**Article 35** Where the competent natural resources department of the people's government at or above the county level or one of its staff members commits one of the following acts, the person in charge with competent accountability and other persons with competent accountability shall each be given a sanction in accordance with law; if they commit a crime, they shall be investigated for criminal liability in accordance with law:

(1) failing to approve fossil excavation in accordance with the provisions of these Regulations;

(2) failing to approve the exit of fossils from the Chinese territory in accordance with the provisions of these Regulations;

(3) failing to investigate a violation of these Regulations upon discovery or failing to deal with such violation in accordance with law upon receipt of a report; or

(4) failing in other ways to perform its/his duties of supervision and administration in accordance with law.

**Article 36** Where a unit or an individual commits one of the following acts, the competent natural resources department of the people's government at or above the county level shall order it/him to cease the excavation and to make corrections within a specified time limit, confiscate the fossils excavated, and concurrently impose on it/him a fine of not less than 200,000 yuan but not more than 500,000 yuan; if such act constitutes a violation against public security administration, the public security organ shall impose on it/him a public security administration penalty in accordance with law; if a crime is committed, criminal liability shall be investigated for in accordance with law:

(1) excavating fossils without approval; or

(2) failing to excavate fossils in accordance with the approved excavation plan.

Where the circumstances are serious in the case of an act specified in subparagraph (2) of the preceding paragraph, the competent natural resources department that approves the excavation shall revoke the decision of approval.

**Article 37** Where a fossil excavation unit fails to hand over the excavated fossils in accordance with the provisions, the competent natural resources department that approves the excavation shall order it to make corrections within a specified time limit; if the unit fails to make corrections within the time limit or causes damage to or destruction of the fossils, a fine of not less than 100,000 yuan but not more than 500,000 yuan shall be imposed on it; if the person in charge with competent accountability and other persons with competent accountability commit a crime, they shall be investigated for criminal liability in accordance with law.

**Article 38** Where a unit that is unqualified for fossil collection collects

fossils, the competent natural resources department of the people's government at or above the county level shall order it to make corrections within a specified time limit; if the unit fails to make corrections within the time limit, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed on it; if the safety of the collected fossils under special protection is seriously endangered, the competent natural resources department of the State Council shall designate a qualified collection unit to collect the fossils and all the costs thus incurred shall be borne by the unqualified unit.

**Article 39** Where a fossil collection unit fails to establish the archive of its collected fossils in accordance with the provisions, the competent natural resources department of the people's government at or above the county level shall order it to make corrections within a specified time limit; if the unit fails to make corrections within the time limit, the fossils concerned shall be confiscated and a fine of 20,000 yuan shall concurrently be imposed on it.

**Article 40** Where a unit or an individual, in violation of the provisions, buys or sells fossils under special protection, the administrative department for market regulation shall order it/him to make corrections within a specified time limit, confiscate the illegal income and concurrently impose on it/him a fine of not less than 50,000 yuan but not more than 200,000 yuan; if such act constitutes a violation against public security administration, the public security organ shall impose on it/him a public security administration penalty in accordance with law; if a crime is committed, criminal liability shall be investigated for in accordance with law.

**Article 41** Where a State-owned collection unit, in violation of laws, transfers, exchanges or donates its collections of fossils under special protection to a non State-owned collection unit or an individual, the competent natural resources department of the people's government at or above the county level shall impose on the State-owned collection unit a fine of not less than 200,000 yuan but not more than 500,000 yuan, and it shall impose a sanction on the person in charge with competent accountability and other persons with competent accountability in accordance with law; if a crime is committed, criminal liability shall be investigated for in accordance

with law.

**Article 42** Where a unit or an individual transfers, exchanges, donates or pledges its/his collection of fossils under special protection to a foreign individual or organization, the competent natural resources department of the people's government at or above the county level shall order it/him to recover the fossils within a specified time limit, impose on the individual a fine of not less than 20,000 yuan but not more than 100,000 yuan, or on the unit a fine of not less than 100,000 yuan but not more than 500,000 yuan, and confiscate the illegal income, if any; if a crime is committed, criminal liability shall be investigated for in accordance with law.

**Article 43** Where a unit or an individual transports, mails or carries fossils out of the Chinese territory without approval, the Customs shall deal with the case in accordance with the provisions of the relevant laws and administrative regulations; if a crime is committed, criminal liability shall be investigated for in accordance with law.

**Article 44** Where a staff member of the competent natural resources departments of people's governments at or above the county level or other relevant departments, or a staff member of State-owned museums, scientific research institutions, institutions of higher learning, or other such collection and excavation units illegally takes possession of State-owned fossils by taking advantage of his post, he shall be given a sanction in accordance with law, and the competent natural resources department of the people's government at or above the county level shall recover the fossils illegally possessed and confiscate the illegal income, if any; if a crime is committed, criminal liability shall be investigated for in accordance with law.

## **Chapter VI Supplementary Provision**

**Article 45** These Regulations shall be effective as of January 1, 2011.



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**The English version is for reference only. In case of any discrepancy or ambiguity of meaning between this English translation and the Chinese version, the latter shall prevail.**