



COMMENTS ON DRAFT IMPLEMENTATION REGULATIONS FOR THE REVISED LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PROTECTION OF WILDLIFE

《国家重点保护陆生野生动物及其制品专用标识管理办法（征求意见稿）》、《罚没陆生野生动物及其制品管理和处置办法（征求意见稿）》、《陆生野生动物及其制品价值的评估标准和方法（征求意见稿）》和《陆生野生动物收容救护管理规定（征求意见稿）》

SUBMITTED BY: ENVIRONMENTAL INVESTIGATION AGENCY (EIA)

环境调查署（Environmental Investigation Agency）提出的意见

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Implementation regulations for the administration of the special marking system for terrestrial wildlife under special state protection and the products thereof (consultation draft)

国家重点保护陆生野生动物及其制品专用标识管理办法（征求意见稿）

The Environmental Investigation Agency, UK (EIA) provides the following comments on the draft regulations prepared by the State Forestry Administration (SFA) to implement the Wildlife Protection Law of the People's Republic of China, as part of the public consultation process. EIA's comments complement those which were submitted by EIA during the public consultation process for the drafting of the Wildlife Protection Law, which are also attached to this email.

环境调查署(EIA)对国家林业局编制的关于实施《中华人民共和国野生动物保护法》的上述文件提出以下意见，作为征求意见过程的一部分。EIA的意见补充在起草《野生动物保护法》的公开征求意见过程中提交的评论，那些评论也附于本电子邮件。

EIA remains very concerned about the strong emphasis on utilization rather than conservation of wildlife as highlighted in our previous comments on the draft Wildlife Protection Law (dated Jan 26 and May 12, 2016). A number of concerns identified by EIA continue to remain in both the Wildlife Protection Law, the existing and proposed implementing regulations, and we hope that the SFA will consider amending the implementing regulations to address these important issues. In summary, EIA urges the SFA to ensure that the "list" of wildlife species that are subject to utilisation does not include key species that are seriously threatened by trade such as tigers and other Asian big cats, elephants, rhinos, pangolins, bears and helmeted hornbill. Further, EIA urges the SFA to amend these draft regulations with a view to implementing its commitments under CITES by phasing-out tiger farms, ending all trade in tiger parts and products and closing its domestic ivory market.

EIA 仍然非常关注对于利用（而不是保护）野生动物的强烈注重，这在我们针对《中华人民共和国野生动物保护法》修订草案提出的意见（日期：2016年1月26日和2016年5月12日）中已经有所反映。

EIA 指出的一些关切仍然保留在《野生动物保护法》、现行实施法规以及办法征求意见稿中，我们希望国家林业局能够考虑修改实施法规，以应对这些重要问题。总体上，EIA 促请国家林业局确保可能被利用的野生动物物种“清单”不包括受到贸易严重威胁的关键物种，如老虎和其他亚洲大型猫科动物、大象、犀牛、穿山甲、熊和盔犀鸟。此外，EIA 促请国家林业局修订这些法规草案，以便履行其在 CITES 下的承诺，逐步淘汰老虎养殖场、终止老虎部分及制品的所有贸易，并关闭国内象牙市场。

Article 1

These implementation regulations are formulated for the purposes of regulating the commercial utilization of terrestrial wildlife under special state protection and the products thereof and strengthening management of the special marking system for terrestrial wildlife under special state protection and the products thereof, in accordance with the provisions of the Wildlife Protection Law of the People's Republic of China.

第一条

为了规范国家重点保护陆生野生动物及其制品经营利用活动，加强对国家重点保护陆生野生动物及其制品专用标识的管理，依据《中华人民共和国野生动物保护法》的规定，制定本办法。

EIA recommends that Article 1 should clearly prohibit any sale, purchase and utilisation of key species that are seriously threatened by trade, such as tigers and other Asian big cats, elephants, rhinos, pangolins, and helmeted hornbills. Any commercial use of parts and products of such species, both wild and captive sourced, should be prohibited. Such a policy would be in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – a binding international treaty ratified by China. CITES recommendations adopted in CITES Decision 14.69 stipulate that “*tigers should not be bred for trade in their parts and derivatives*” and call for phasing out tiger farms.

环境调查署(EIA)建议第一条应该明确禁止销售、购买和使用受到贸易严重威胁的关键物种，如老虎和其他亚洲大型猫科动物、大象、犀牛、穿山甲和盔犀鸟。应禁止对这些物种的部分及制品（无论野生还是人工繁育来源）进行任何商业利用。这样的政策将符合《濒危野生动植物种国际贸易公约》(CITES)——中国已经批准的具有约束力的国际条约。CITES 在 CITES 第 14.69 号决定中提出的建议规定“不应该为老虎部分及制品的贸易而人工繁育老虎”，并呼吁逐步淘汰老虎农场。

EIA notes with significant concern that 1) under the current marking for commercial utilisation framework, China has established a legal domestic trade in the skins of captive bred tigers, contrary to CITES recommendations. When CITES Decision 14.69 was adopted the Parties to CITES specifically voted to express their will that the Decision also applies to domestic trade; 2) between 2010 – 2013, 70 companies were authorized by the SFA to utilize or transfer legally acquired tiger skins to make taxidermy specimens, which were supposed to be used for scientific education, exhibition and other non-commercial purposes. As reflected in court case outcomes, and first hand documentation, many of these specimens are actually sold to private individuals for commercial purposes. There is no monitoring, transparency or accountability of the scale of this domestic trade, but with so many companies involved it is clearly commercial in nature and has little to do with scientific education. There are several articles in this new regulation that would further erode the central government's capacity to prevent domestic trade in parts and derivatives of captive tigers, thereby bringing China in to non-compliance with CITES Decision 14.69.

EIA 非常关切地注意到，1) 按照当前的经营利用标识框架，中国已经建立了合法的养殖老虎虎皮的国内贸易，与 CITES 建议相悖。当 CITES 通过第 14.69 号决定时，CITES 的缔约国专门投票表达他们的意愿，即这一决定也适用于国内贸易；2) 在 2010 年至 2013 年期间，有 70 家公司被国家林业局授权利用或转让合法获得的虎皮来制作标本，这些标本按理应该用于科普教育、展览和其他非商业目的。如法庭案件结果和第一手文件记载所反映的，此类标本实际上有很多出于商业目的的被出售给私人。对于这种国内贸易的规模没有任何监测、透明度或问责制，但是鉴于涉及这么多公司，它显然是商业性的，与科普教育没有什么关系。这项新法规中有几条将进一步削弱中央政府阻止圈养老虎部分及制品国内贸易的能力，从而使中国不遵守 CITES 第 14.69 号决定。

CITES recommendations adopted in October 2016 also call for the closure of domestic ivory markets – which would effectively end all utilization and domestic trade in ivory. Several other species including rhinos and pangolins are listed on CITES Appendix I – triggering the highest level of protection under the treaty and prohibiting all international commercial trade.

CITES 在 2016 年 10 月通过的建议还要求关闭国内象牙市场，这将有效地终止象牙的所有利用和国内贸易。好几种其他物种，包括犀牛和穿山甲，也被列入 CITES 附录一，触发该项条约的最高级别保护，禁止所有国际商业贸易。

Further, Article 1 in its current form contradicts the Law which they are supposed to implement. It is important that the State Forestry Administration (SFA) amends the implementing regulations to ensure that the regulations comply with the Wildlife Protection Law of the People's Republic of China – the primary legal framework for wildlife trade regulation prescribed by the National People's Congress of the People's Republic of China (NPC). EIA therefore recommends that Article 1 be amended to clearly state that commercial utilization will only be allowed in accordance with Article 27 of the Wildlife Protection Law of the People's Republic of China which states that “the sale, purchase and utilisation of wildlife under special state protection or the products thereof shall be prohibited”, except where “necessary for scientific research, captive breeding, public exhibition or performances, heritage conservation or other special purposes”, in which instances the unit involved shall “obtain and use special markings”. Accordingly, Article 1 should be amended to restrict the purposes of the special marking system to those instances mentioned above, namely, scientific research, captive breeding, public exhibition or performances, and heritage conservation. The term “other special purposes” should be interpreted narrowly in accordance with the well-established legal principle of statutory interpretation, “*ejusdem generis*” (which means “of the same kind or nature”, meaning when general words in a statutory text are flanked by restricted words, the meaning of the general words (in this case the words “other special purposes”) are taken to be restricted by implication with the meaning of restricted words (in this case the specific exemptions such as scientific research)). 此外，第一条目前的形式违反了其应该实施的法律。重要的是，国家林业局修改实施法规的出发点是确保相关法规符合《中华人民共和国野生动物保护法》，该法是中华人民共和国全国人民代表大会颁布的旨在规范野生动物贸易的主要法律框架。因此，环境调查署(EIA)建议修改第一条，明确规定只允许按照《中华人民共和国野生动物保护法》第 27 条的规定进行商业利用，即“禁止出售、购买、利用国家重点保护野生动物及其制品”，除非“因科学研究、人工繁育、公众展示展演、文物保护或者其他特殊情况”，在这些情况下，相关单位需要“取得和使用专用标识”。因此，应该修订第 1 条，将专用标识制度的目的局限于上述情况，即科学研究、人工繁育、公众展示展演，以及文物保护。对于“其他特殊情况”的解释，应当依照针对法律解释的公认的法律原则：“同类规则”(ejusdem generis)，也就是说，当法律文本中的一般词语的两侧有限制性词语时，一般词语（在本例中为“其他特殊情况”）的含义被认为受限于限制性词语（在本例中为科学研究等特定豁免）的引申含义。

Article 29 of the Wildlife Protection Law of the People's Republic of China states that “anyone utilising wildlife and the products thereof ... shall benefit the breeding and conservation of wildlife populations”. Language should therefore be added to these regulations to **ensure that any such utilisation benefits wild populations, and that this is assessed on a regular basis.**

《中华人民共和国野生动物保护法》第 29 条规定“利用野生动物及其制品的，应当……有利于野外种群养护”。因此，本法规应加入适当措辞，以确保任何此类利用有利于野生种群，且这一点得到定期评估。

Article 3

The State Forestry Administration is responsible for drawing up, amending and publishing the “List of terrestrial wildlife under special state protection and the products thereof covered by the special marking system”, hereafter referred to as the “marking list”.

第三条

国家林业局负责制定、调整并公布《实行标识管理的国家重点保护陆生野生动物及其制品目录》（以下简称《标识目录》）。

It is very challenging, confusing and counter-productive to comment on these regulations in the absence of the list of wildlife species required to be published by the SFA. **These regulations should not be finalised until this list is made available for public comment.**

在缺乏须由国家林业局公布的野生动物物种清单的情况下，对这些规定发表意见是非常具有挑战性、令人困惑和适得其反的。在上述清单公开征求意见之前，不应最终确定这些规定。

This list should not include species that are threatened by trade, such as elephants, tigers, leopards, snow leopards, clouded leopards, rhinos, pangolins, helmeted hornbill and bears. At

minimum, the list should not include any species listed on CITES Appendix I. The SFA should announce that such species are not and will not be included on this list.

这份清单不应包括受到贸易威胁的物种，如大象、老虎、豹、雪豹、云豹、犀牛、穿山甲、盔犀鸟和熊。最低限度而言，该清单不应包括 CITES 附录一所列的任何物种。国家林业局应宣布此类物种没有，也不会，被列入这份清单。

EIA strongly recommends that the SFA adopt a new regulation or issue a notification clarifying that all trade in parts and products of captive tigers is prohibited including products such as tiger skins and wine manufactured by brewing tiger bone in alcohol. Further, EIA recommends that the SFA also clarify that any products being labelled as, or marketed or advertised as containing or made from tiger parts, including those of captive bred tigers, is also prohibited. EIA research and investigations have documented the exploitation of loopholes in the special marking system. For example, while permits have been issued to sell tiger skins (in non-compliance with CITES), tiger bone and other products are also sold as by-products. The legal origin of these products is questionable. Such legal trade is in clear contradiction of CITES recommendations and any enforcement and demand-reduction efforts to end tiger trade.

EIA 强烈建议国家林业局出台新的法规或发布通知，明确禁止所有圈养老虎部分及制品的贸易，包括虎皮和通过在酒精中浸泡虎骨而酿造的虎骨酒等产品。此外，EIA 建议国家林业局也明确禁止任何被标记、销售或宣传为包含或使用老虎部分（包括圈养老虎的部分）的产品。 EIA 的研究和调查记录了专用标识制度的漏洞被利用的案例。例如，在颁发虎皮销售许可证（本身已经不遵守 CITES）的情况下，虎骨和其他产品也被作为副产品出售。此类产品的法律来源是有问题的。这种合法贸易与 CITES 建议以及旨在终结老虎贸易的任何执法和减少需求努力存在明显抵触¹。

EIA also recommends that the SFA adopt a new regulation or issue a notification prohibiting all sales, utilisation and possession of ivory in accordance with CITES Resolution 10.10 (Rev. CoP16) which calls for closure of domestic ivory markets and also fulfils President Xi Jinping's 2015 commitment to close China's ivory trade. China is the world's largest destination market for illegal ivory. The demand for ivory in China and the smuggling of thousands of tons of illegal ivory from Africa to China to meet this demand have resulted in the dramatic decline of elephants in Africa. A wealth of evidence is now available that unquestionably shows that the domestic legal ivory market in China is perpetuating illegal trade in ivory. For example in 2013, the owner of a licensed ivory carving factory (authorised to legally trade in the ivory purchased in the 2008 CITES one-off sale) was convicted for smuggling a total of 7.7 tonnes of ivory from Africa to China.

EIA 还建议国家林业局根据 CITES 要求关闭国内象牙市场的第 10.10 号决议（修订版 CoP16），出台新的法规或发布通知，禁止象牙的一切销售、使用和拥有，切实履行习近平主席在 2015 年作出的终止中国象牙贸易的承诺。 中国是世界上最大的非法象牙目的地市场。中国对象牙的需求，以及为了满足这一需求而从非洲偷运数千吨非法象牙到中国的行为，导致非洲的大象数量戏剧性减少。现在有大量证据可以证明，中国国内的合法象牙市场正在延续象牙的非法贸易²。例如在 2013 年，一家持牌象牙雕刻厂（被授权合法贸易在 2008 年 CITES 一次性出售中购买的象牙）的厂主因为从非洲走私总计 7.7 吨象牙到中国被判罪名成立。

¹ EIA (2013), *Hidden in Plain Sight: China's Clandestine Tiger Trade*, <https://eia-international.org/wp-content/uploads/EIA-Hidden-in-Plain-Sight-Chinese-lang-version-FINAL1.pdf>

² EIA (Nov. 2014), *Vanishing Point - Criminality, Corruption and the Devastation of Tanzania's Elephants*, <http://eia-international.org/vanishing-point-criminality-corruption-and-the-devastation-of-tanzanias-elephants>; EIA (March 2012), *Blood Ivory: Exposing the Myth of a Regulated Market*, <http://eia-international.org/bloodivory-exposing-the-myth-of-a-regulated-market>; EIA (Aug. 2011), Briefing Document for the 61st Meeting of the CITES Standing Committee – *Elephants*, <http://eia-international.org/briefing-document-for-the-61stmeeting-of-the-cites-standing-committee-elephants>; Elephant Action League (2015), *Blending Ivory: China's old loopholes, new hopes*; Save the Elephants (2014), *China faces a conservation challenge: The expanding elephant and mammoth ivory trade in Beijing and Shanghai*; TRAFFIC (2014), *ETIS report of TRAFFIC, CoP16 Doc. 53.2.2 at 14, 19*; CITES Secretariat (2013), *Report of the Secretariat: Monitoring of illegal trade in ivory and other elephant specimens, CoP16 Doc. 53.2.1, ¶ 34*; Esmond Martin and Lucy Vigne (2011), *The Ivory Dynasty: A Report on the Soaring Demand for Elephant and Mammoth Ivory in Southern China*; IFAW (2012), *Making a Killing: A 2011 Survey of Ivory Markets in China*.

EIA notes with concern that the language of Articles 3 and 4 suggest that once the SFA has approved the inclusion of a species on the list, there will be no agency responsible for monitoring the volume of specimens sold, purchased, utilised, transported, carried or posted. The response to CITES Notification No. 2015/006 submitted by China also confirms that the SFA is currently unable to effectively monitor any legal trade and utilisation of Asian big cats and is unaware of how many permits have been issued for legal trade in captive bred tiger parts and derivatives.

EIA 关切地注意到，第三条和第四条的措辞似乎表明，一旦国家林业局批准在清单上列入一个物种，就不再有任何机构负责监测出售、购买、利用、运输、携带或寄递的标本量。中国对 CITES 通知第 2015/006 号提交的答复也证实，国家林业局目前无法有效监测亚洲大型猫科动物的任何合法贸易和利用，也不知道发放了多少人工繁育老虎部分及制品合法贸易的许可证。

Article 4, paragraph 1

The special marking shall be attached in instances of sale, purchase, use, transport, carrying or posting of any wildlife or products thereof included on the “marking list”.

第四条

出售、购买、利用、运输、携带和寄递《标识目录》所列国家重点保护陆生野生动物及其制品的，应当加载专用标识。

These implementation regulations fail to restrict **possession or stockpiling of wildlife** under special state protection and the products thereof. EIA proposes extending the scope of the regulation system to restrict possession and stockpiling.

这些实施法规未能限制国家重点保护**陆生野生动物及其制品的拥有或储存**。环境调查署(EIA)建议扩大监管制度的范围，以限制拥有和储存。

Article 4, paragraph 3

For the export of terrestrial wildlife under special state protection and the products thereof that carries a special marking, the special marking provides the eligibility for the application for a certificate of approval for export in accordance with the requirements of the CITES Management Authority.

出口加载专用标识的国家重点保护陆生野生动物及其制品的，可凭专用标识按照国家濒危物种进出口管理机构的要求办理允许进出口证明书。

The language in this article is potentially ambiguous; EIA recommends amending this article to clarify that the special marking does not automatically qualify the item for export. **EIA recommends that these regulations fully support the implementation of the Convention text and CITES recommendations embodied in various resolutions and decisions.**

这一条的措辞可能产生歧义；EIA 建议修订本条，以澄清专用标识不会自动使相关物品具备出口资质。

EIA 建议本法规全面支持《公约》文本以及各项决议和决定所含 CITES 建议的落实。

Article 5

When approval is given for the sale, purchase or utilization of wildlife under special state protection or the products thereof that are included in the ‘marking list’, the forestry department that makes the decision shall issue a special marking at the same time.

第五条

经批准允许出售、购买、利用的国家重点保护陆生野生动物及其制品在《标识目录》范围内的，作出行政许可决定的林业主管部门应当同时发放专用标识。

The ‘forestry department’ as mentioned in the article should be clarified. **Approval and issuing of the special marking should be restricted to the central level, i.e. the SFA at the central level.** The regulations should also establish a mechanism for regular reporting by provincial authorities to the central SFA on implementation of the Wildlife Law and the implementing regulations – all such information should be made publicly available on the SFA website.

这一条提到的“林业主管部门”应予澄清。专用标识的批准和发放应限于中央级，即中央级的国家林业局。该法规还应建立一套机制，由省级主管部门定期向中央级的国家林业局报告《野生动物保护法》以及实施法规的执行情况，所有这些信息应该在国家林业局网站上公布。

Article 6, paragraph 1

Regarding wildlife and the products thereof included on the 'marking list' or on lists of wildlife under special state protection being bred in captivity, the breeding facility or individual may, having obtained a captive breeding permit, apply to the department of forestry under the people's government of the province, autonomous region or municipality for a special marking.

第六条

对在《标识目录》范围内并且纳入人工繁育国家重点保护野生动物名录的野生动物及其制品，繁育单位或者个人可以凭借取得的人工繁育许可证，向省、自治区、直辖市人民政府林业主管部门申请专用标识。

Approval and issuing of the special marking should be restricted to the central level, i.e. the SFA at the central level.

专用标识的批准和发放应限于中央级，即中央级的国家林业局。

Special markings should not be issued to facilities breeding tigers; this would be in violation of CITES Decision 14.69, which states "Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers; tigers should not be bred for trade in their parts and derivatives."

专用标识不应发给人工繁育老虎的设施；那这将违反 CITES 第 14.69 号决定，该决定规定“以商业规模密集繁育老虎的缔约国应实施措施，将圈养种群的规模限制在仅仅支持野生虎保护的水平；不应该为老虎部分及制品的贸易而人工繁育老虎。”

Regarding tigers, under the current system, the breeding facility applies to provincial level authorities to sell the skin to an authorized taxidermist, and the taxidermist applies to the central level authorities for the permit to trade sell and transport the processed tiger skin domestically. Even under the current system, the central authorities are unable to monitor or report on the number of tiger skins processed in this way, and thus unable to report to CITES. This revised regulation devolves the process for issuing the permit to sell and transport the skin, further obstructing transparency and accountability, and further undermining the implementation of CITES Decision 14.69.

关于老虎，在目前制度下，繁育单位可向省级主管部门申请将虎皮销售给获得授权的动物标本制作者，而标本制作者可向中央级主管部门申请许可，在国内销售和运输经过加工的虎皮。即使在现行制度下，中央级主管部门也无法监测或报告以这种方式处理的虎皮数量，从而无法向 CITES 报告。本修订法规下放了颁发销售和运输虎皮许可的程序，进一步阻碍透明度和问责能力，并进一步破坏 CITES 第 14.69 号决定的实施。

Also see comments under Articles 1 and 3 above.

亦请参见上文第一条和第三条下的意见。

Article 6, paragraph 2

The department of forestry under the people's government of the province, autonomous region or municipality shall approve and issue a corresponding number of special markings based on verified annual production figures.

第六条，第二款

省、自治区、直辖市人民政府林业主管部门应当根据核验的年度生产数量，核发相应数量的专用标识。

This article does not make clear what agency would be responsible for verifying annual production figures. EIA proposes that the government include provisions for an independent verification process, or state the government agency responsible for verification.

这一条没有明确说明哪一个机构将负责核验年度生产数量。EIA 建议政府纳入独立核验过程的条款，或声明哪一个政府机构将负责核验。

Article 9

Special markings that have already been issued will no longer be valid in any of the following circumstances:

2. The terrestrial wildlife under special state protection or products thereof to which the special marking applies undergoes change to major characteristics such as basic shape;

第九条

有下列情形之一的，已经取得的专用标识失效：

2) 加载专用标识的国家重点保护陆生野生动物及其制品改变基本形状等主要特征的

This article does not define ‘change to major characteristics’. This should be defined to prevent abuse of the system. EIA proposes amending the language of this article to ensure a special marking would be invalid if the shape or state of the specimen is in any way different from its shape or state at the time at which the permit was issued.

这一条没有定义什么是“改变基本形状等主要特征”。这应该得到定义，以防止滥用制度。EIA 建议修改本条的措辞，以确保如果样本的形状或状态与发放许可证时的形状或状态有任何不同，专用标识将无效。

Article 14

Forestry departments under the people's government at the provincial level and above may commission relevant agencies to produce special markings and conduct work relating the maintenance of information on special markings.

第十四条

省级以上人民政府林业主管部门可以委托有关机构制作专用标识、开展有关专用标识信息维护工作。

EIA recommends amending the language of this article to clarify which agencies may be commissioned to produce special markings, and whether these would be government or private entities. Management of data relating to the special marking system should not be outsourced. All information regarding special markings issued should be made publicly available on the SFA website.

EIA 建议修改本条的措辞，以澄清哪些机构可以被委托制作专用标识，以及它们是政府还是私营实体。与专用标识制度相关的数据管理不应外包。有关发放的专用标识的所有信息都应在国家林业局网站上公开提供。

Also see comments under Article 5.

亦请参见上文第五条下的意见。

Article 15

Forestry departments under the people's government at county level and above shall conduct monitoring and inspections on the use of special markings within their area of jurisdiction.

第十五条

县级以上人民政府林业主管部门应当对本行政区域内专用标识使用情况进行监督和检查。

Language should be added to ensure that county-level forest departments must report their findings on a regular basis to the SFA at the central level and as appropriate to enforcement agencies such as the Forest Police, and that they should immediately act upon any misuse of the special markings.

应增添相关措辞，以确保县级林业主管部门必须定期向中央级的国家林业局报告其调研结果，并酌情向森林警察等执法机构报告调研结果，并应该立即对滥用专用标识的行为采取行动。

Article 16

If anyone uses a special marking without permission, without having properly obtained it or in violation of regulations, the wildlife and the products thereof and unlawfully gained income shall be confiscated by the forestry department or the administrative authority for industry and commerce under the people's government at county level or above, in line with divisions of duty, and shall be fined between two and ten times the value of the wildlife and products thereof; in serious circumstances, the captive breeding

permit shall be revoked and the special marking recalled. If the circumstance constitute a crime, they shall be pursued for criminal responsibility in accordance with the law.

第十六条

未经批准、未取得或者未按照规定使用专用标识的，由县级以上人民政府林业主管部门或者工商行政主管部门按照职责分工没收野生动物及其制品和违法所得，并处野生动物及其制品价值二倍以上十倍以下的罚款；情节严重的，吊销人工繁育许可证、收回专用标识；构成犯罪的，依法追究刑事责任。

Violation of the Wildlife Law and the implementing regulations should be retreated as a serious offence subject to criminal responsibility. Captive breeding permits and special markings should be revoked in any case of misuse; this should not be restricted to 'serious circumstances'. What constitutes 'serious circumstances' should be defined.

违反《野生动物保护法》及其实施条例应当被视为严重罪行，须承担刑事责任。对于任何滥用案子，都应吊销繁育许可证和专用标识；这不应限于“情节严重的”。对于什么行为构成“情节严重的”，应该有明文定义。

Implementation regulations for the management and disposal of seized terrestrial wildlife and wildlife products (consultation draft)

罚没陆生野生动物及其制品管理和处置办法（征求意见稿）

EIA provides the following comments on this document prepared by the SFA to implement the Wildlife Protection Law of the People's Republic of China, as part of the public consultation process. EIA's comments complement those which were submitted during the public consultation process for the drafting of the Wildlife Protection Law, which are also attached to this email.

环境调查署(EIA)对国家林业局编制的关于实施《中华人民共和国野生动物保护法》的上述文件提出以下意见，作为征求意见过程的一部分。EIA的意见补充在起草《野生动物保护法》的公开征求意见过程中提交的评论，那些评论也附于本电子邮件。

In summary, EIA urges the SFA to amend the regulations to ensure that seized parts and products of wildlife are destroyed on a routine basis when no longer required for enforcement purposes. Further, CITES Resolution 9.10 (Rev. CoP15) does not allow sale of dead specimens of CITES Appendix-I species, including parts and derivatives. EIA would urge the SFA to ensure that at minimum, the implementing regulations prohibit sale or auction of seized CITES Appendix-I listed specimens.

总括而言，EIA 敦促国家林业局修改“管理和处置办法”，确保定期在执法程序结束后对罚没的野生动物及其制品实行监督销毁。此外，CITES 决议 9.10(Rev. CoP15)不允许销售 CITES 附录一物种死亡标本及其制品。EIA 敦促国家林业局至少确保“办法”禁止 CITES 附录一物种的销售和拍卖。

Article 6, paragraph 1

Departments of terrestrial wildlife protection under the people's government at county level or above shall establish secured warehouses or dedicated spaces or seized items, determine personnel to manage seized items, and shall implement integrated security for seized terrestrial wildlife and wildlife products.

第六条，第一款

县级以上人民政府陆生野生动物保护主管部门应当设立罚没物品的保管仓库或者专用场所，确定罚没物品管理人员，对罚没的陆生野生动物及其制品实行统一保管。

EIA recommends amending this article to state that secured warehouses or dedicated spaces shall only store seized items for the duration of the judicial process, and that the specimens are required to be destroyed when no longer required for enforcement purposes (see comments below).

建议增加内容，明确保管仓库或者专用场所仅可在司法程序期间存储罚没的野生动物标本和制品，司法程序结束后必须对罚没的陆生野生动物及其制品实行监督销毁（请见以下的评论）。

Article 6, paragraph 2

Seized terrestrial wildlife that is alive shall be entrusted elsewhere for rearing and rescue, and a written agreement shall be signed, in accordance with the Implementation Regulations for the Administration of Wildlife Rescue and Sheltering.

第六条，第二款

对于罚没的活体陆生野生动物，按照《野生动物收容救护管理办法》的规定办理委托饲养和救护，并签订委托协议。

EIA recommends amending the language of this article to read, “*Seized terrestrial wildlife that is alive shall be entrusted elsewhere for care, rescue or repatriation...*”

建议修改为“对于罚没的活体陆生野生动物，按照《野生动物收容救护管理办法》的规定办理委托饲养、救护或遣返自然分布地区，并签订委托协议。”

Article 7

Staff responsible for management of seized items shall register received wildlife and wildlife products, shall create a log and shall regularly conduct checks and inventories on stored items, to prevent theft, damage or alteration of stored items. In the case of live animals entrusted elsewhere for rearing and rescue, they shall regularly check on these and their conditions.

第七条

罚没物品管理人员对接管的陆生野生动物及其制品应当登记、造册，定期对库存物品进行清点和检查，防止入库物品被盗、损毁或变质。对委托饲养或救护的活体野生动物，应当定期查看、了解其委托饲养和救护状况。

Seized items that are not required for judicial process or law enforcement training do not need to be stored, and should be destroyed to minimise costs of secure management following judicial process (see comments below).

除了司法程序或者执法培训所需的以外，不需要存放罚没物品。为了减低封存管理成本，司法程序结束后应该对罚没的陆生野生动物及其制品实行监督销毁。

Article 9, paragraph 2

Live terrestrial wildlife shall be returned to an appropriate wild location, to be carried out in accordance with the relevant laws and regulations related to release of terrestrial wildlife into the wild. Where appropriate conditions are unavailable or the animal is sick or injured, treatment and arrangements for care shall take precedence; once the animal is recovered, a decision as to whether to release it back into the wild shall be made depending on circumstances. In cases in which release is definitely inappropriate/impossible, an appropriate handling method shall be chosen, ensuring favourable conditions, with priority given to captive breeding and display for public education.

第九条，第二款

对活体陆生野生动物，凡适宜野外放归的，应按照陆生野生动物野外放归管理的有关法律、法规和规章规定实施放归；无放归条件或有伤病的，应先行救护并安排饲养，待体况恢复后，根据情况决定是否放归。对于确实不宜放归的，应当在确保良好养护的前提下，选择合理的处置方式，并优先用于人工繁育和科普展览。

EIA recommends adding language to this article to state that authorities should make efforts to repatriate live specimens of non-native species.

建议增加内容，明确主管部门应该作出努力，把非原产中国的罚没活体陆生野生动物遣返其自然分布地区。

Where release into the wild is impossible, priority should be given to enabling the specimens to live out their natural life in a sanctuary environment where there is no buying, selling, breeding or handling (except by veterinary staff) of wildlife specimens.

在不可能放归自然的情况下，应该优先考虑让动物可以在无买卖、人工繁育或打扰（除兽医以外）的情况下在受保护的环境中度过自然寿命。

Article 9, paragraph 3

Where the state stipulates special regulations prohibiting sale, purchase or utilization of the terrestrial wildlife product, the items shall be secured and sealed away.

第九条，第三款

对国家有特别规定不得出售、购买、利用的陆生野生动物制品，应当实行保管封存。

EIA recommends that that this regulation should be amended so that the language “the items shall be secured and sealed away” is replaced with “parts and products of such species are destroyed”. EIA recommend that the regulations prohibit the sale, purchase and utilisation of wildlife species that are threatened by trade, including tigers, leopards, snow leopards, clouded leopards, Asiatic lions, elephants, rhinos, pangolins, helmeted hornbill and bears; and all species listed on Appendix I of CITES. EIA recommends that seized items of such species (other than live specimens) and parts and products obtained through natural mortality (of either wild or captive animals) and other sources be routinely destroyed to prevent possible leakage onto illegal markets.

建议修改为“对国家有特别规定不得出售、购买、利用的陆生野生动物制品，应当实行监督销毁。”EIA 建议“办法”禁止受到贸易严重威胁的物种的任何买卖和利用，包括大象、犀牛、老虎、豹、雪豹、云豹、亚洲狮、穿山甲、熊和盔犀鸟以及 CITES 附录一所列全部物种。为了防止罚没物品进入非法市场，EIA 建议应该常态化地对前述物种的罚没标本和制品（除活体以外）以及取自自然死亡动物的制品（无论来自野外还是人工繁育）实行监督销毁。

Article 9, paragraph 4

Where the state does not stipulate special regulations and the terrestrial wildlife or wildlife product has a certain value in utilization, it may be utilized in a rational way in accordance with the law, through means such as donation for the public good or an open auction.

第九条，第四款

对国家无特别规定且具有一定使用价值的陆生野生动物及其制品，可以采用公益捐赠、公开拍卖等方式依法进行合理利用。

EIA recommends removing the option of disposing of seized wildlife items by auction, as illegally acquired wildlife should not be used for commercial purposes. CITES Resolution 9.10 (Rev. CoP15) recommends that “Parties dispose of confiscated and accumulated dead specimens of Appendix-I species, including parts and derivatives, only for bona fide scientific, educational, enforcement or identification purposes, and save in storage or destroy specimens whose disposal for these purposes is not practicable”.

建议删除允许拍卖罚没陆生野生动物及其制品的规定，因为非法来源的野生动物及其制品不应被用于商业目的。CITES 决议 9.10 (Rev. CoP15) 建议“缔约国应该仅仅出于真正的科学、教育、执法或者识别目的处置附录一物种的罚没和积累的标本及其制品；如出于前述目的的处置不现实，缔约国应该存储或者销毁这些标本或制品。”

Article 9, paragraph 5

Where the seized items are putrefying or degenerating, difficult to store, past date of use, or are fake or counterfeit, they may be disposed of in a supervised destruction. Items that are not destroyed can only be used in conservation education or exhibition, and must be clearly labelled as out-of-date, fake or counterfeit.

第九条，第五款

对腐烂变质、难以保存、超过保质期以及假冒、仿冒的野生动物制品，可以采用监督销毁的方式处置。不予销毁的，仅限用于保护宣传和教育展示，并明确标注为过期或假冒、仿冒制品。

EIA recommends removing the provision for use of seized items in conservation education or exhibition, and adding language to specify that items that are not destroyed following conclusion of judicial process should only be used for law enforcement training purposes. This is to ensure that opportunities for abuse of the system are limited. EIA investigations have documented traders and taxidermists exploiting loopholes and gaps in the existing utilisation and special marking framework.

建议删除允许“用于保护宣传和教育展示”的规定，同时增添相关内容，规定司法程序结束后未销毁的罚没物品仅限于用于执法培训，以限制滥用管理制度的机会。EIA 的调查记录了商家和标本制作者滥用现有使用及专用标识框架漏洞和空白的行为。

Article 9, paragraph 6

Where a terrestrial wildlife item definitely has no utilization value, it may be disposed of in a supervised destruction.

第九条，第六款

对于明显无使用价值的陆生野生动物制品，可以采用监督销毁的方式处置。

The state should issue a list of wildlife that has no utilisation value, and this list should include species that are threatened by trade, including tigers, leopards, snow leopards, clouded leopards, Asiatic lions, elephants, rhinos, pangolins, helmeted hornbill and bears.

国家应该制定并公开发布明显无使用价值野生动物的名录。该名录应该包括因贸易受到严重威胁的物种，包括大象、犀牛、老虎、豹、雪豹、云豹、亚洲狮、穿山甲、熊和盔犀鸟。

Article 12

Where it is judged that, following professional evaluation, appraisal or comment, the seized terrestrial wildlife or wildlife products needs to be valued, and where one of the following conditions are met, the seized items may be auctioned in accordance with the law.

1. *The terrestrial wildlife or product is included on the 'List of Captive-bred Terrestrial Wildlife Under Special State Protection'.*
2. *The terrestrial wildlife or product was objectively in existence before March 1, 1989.*
3. *The terrestrial wildlife or product has relatively high utilization value and means of utilization conforms with laws and regulations.*
4. *Other circumstances stipulated by laws or regulations.*

第十二条

经专业检验、鉴定或者评估，罚没的陆生野生动物及其制品确有作价处置必要，且满足下列条件之一的，可以依法进行拍卖：

- (一) 《人工繁育国家重点保护陆生野生动物名录》所列陆生野生动物及其制品；
- (二) 1989年3月1日之前客观存在的陆生野生动物制品；
- (三) 有较高使用价值且利用方式符合法律、法规、规章规定的陆生野生动物制品；
- (四) 法律、法规、规章规定的其他情形。

EIA strongly recommends that language be added to this article to **ensure that wildlife species that are threatened by trade, including all CITES Appendix-I species at a minimum, are exempt from such conditions and so may not be auctioned.** With current wording, this Article and Article 13 could legalise illegally-acquired tiger specimens – sourced from either captive or wild specimens – and other specimens such as ivory obtained from poached elephants. Illegally acquired captive tiger specimens should not be used for commercial purposes, and this creates a mechanism to legalise illegally acquired specimens for auction, which may encourage illegal activity.

强烈建议该条增加相关内容，**确保其不适用于因贸易受到严重威胁的物种的任何商业性贸易，至少不不适用于 CITES 附录一 所列全部物种，因此不允许这些物种的拍卖。**根据草案目前字面意思理解，第十二条和第十三条可能允许来自非法来源老虎（无论来自人工繁育还是野外）和来自非法盗猎大象象牙等制品的合法化。来自非法来源的老虎不应被用于商业目的。目前的措辞将创建一个让非法来源标本合法化的机制，这种机制可能鼓励非法活动。

Article 14

The financial agency alone shall manage movement of funds relating to disposal of seized terrestrial wildlife and wildlife products. The proceeds from auction of seized items shall be transferred to state funds in accordance with the financial agency's relevant regulations. No agency or individual may keep or embezzle the funds in any way.

第十四条

财务机构统一办理与罚没陆生野生动物及其制品处置相关的资金往来。罚没物品的拍卖所得款及变价款，由财务机构按照有关规定上缴国库，任何单位和个人不得以任何形式截留、私分或变相私分。

See comments under Article 9 above.

请见第九条下面的评论。

Further, Article 29 of the Wildlife Protection Law of the People's Republic of China states that "Anyone utilising wildlife and the products thereof shall primarily use captive-bred populations, shall benefit the breeding and conservation of wildlife populations, shall abide by the requirements of ecological civilization, and shall abide by laws, regulations and relevant national statutes." Accordingly, language should be added to this article to ensure that any proceeds from sales of seized wildlife products be directed to programmes that shall benefit wild populations.

此外，《中华人民共和国野生动物保护法》第二十九条规定称“利用野生动物及其制品的，应当以人工繁育种群为主，有利于野外种群养护，符合生态文明建设的要求，尊重社会公德，遵守法律法规和国家有关规定。”鉴于此，建议本条增加内容，确保销售罚没野生动物及其制品的任何所得都分配给造福于野外种群的保护项目。

Article 15

Where the item does not have a clear utilization value and other methods of disposal are inappropriate, but the terrestrial wildlife or wildlife products could be recycled and reused, the items may be purchased by a waste resources recycling company.

第十五条

无明显使用价值且不宜进行其他处置，但经回收处理可再利用的罚没陆生野生动物制品，可由废旧物资回收企业收购。

EIA notes with concern that recycling of wildlife items could enable health risks and disease transmission. As per comments under Article 9, EIA recommends that seized wildlife items that are not required for judicial process be destroyed as a matter of routine.

EIA 关切地注意到，回收利用罚没的野生动物制品可能引发公共健康和疾病传染风险。正如第九条下面的评论所述，EIA 建议在司法程序结束后对罚没的陆生野生动物及其制品实行监督销毁。

Article 16, paragraph 1

For wildlife and wildlife products that have a utilization value but cannot be auctioned and destruction is inappropriate, they may be donated in accordance with the law, for use public interest activities such as captive breeding, public exhibition, scientific research, public education and cultural conservation.

第十六条，第一款

对有使用价值但无法拍卖且不宜销毁的野生动物及其制品，可依法捐赠，用于人工繁育、公众展览、科学研究、宣传教育和文物保护等公益目的。

EIA recommends removing 'captive breeding' from the list of 'public interest activities', as unless carried out by accredited zoos, it is a commercial activity with no conservation purpose and thus not in public interest.

建议从公益活动的清单中删除“人工繁育”。保护动物的人工繁育应该仅仅以物种保护目的而存在、由经授权的保护机构进行。其他人工繁育是商业活动，并无保护目的，所以不属于公益活动。

Article 16, paragraph 4

The enforcement agency shall sign a donation agreement in the name the unit to which it belongs, together with the receiving party, and shall clarify the use of the product in the agreement according to its type and characteristics. The receiving party shall, after receiving the donation, shall provide the donating party with a legal, valid proof of receipt, and shall use the donated items in accordance with the decisions detailed in the donation agreement.

第十六条，第四款

执法机构应当以其所属单位名义与受赠对象签订捐赠协议，并根据捐赠物品的种类、特征在捐赠协议中明确捐赠物品的用途。受赠方接受捐赠后应向捐赠方出具合法、有效的接收凭证，并遵守捐赠协议的约定使用捐赠物品。

EIA recommends adding language to require that in the event that a specimen is donated for law enforcement training, cultural conservation or public exhibition, the enforcement agency must conduct regular inspection to ensure the specimen has not been sold or misused.

建议增加内容，要求在为执法培训、文物保护或公共展览的目的而捐赠野生动物标本时，执法机关必须进行定期检查，确保此类标本没有被出售或者滥用。

Article 18

Destruction of seized wildlife products shall be organized and carried out in a regular and concentrated manner by enforcement agencies and financial agencies based on practical considerations. They shall produce records of destruction, and shall give clear indications as to the time, location and manner of destruction, and the name, species and quantity of the seized terrestrial wildlife products being destroyed and those carrying out the destruction; and shall take photographs and video for records.

第十八条

罚没野生动物制品的销毁由执法机构和财务机构根据实际情况，定期、集中组织实施，制作销毁记录，注明销毁的时间、地点、方式，销毁罚没陆生野生动物制品的名称、种类、数量以及执行人，并拍摄图片或视频存档。

EIA recommends adding language to this article to clearly state that a full audit and inventory will be conducted prior to destruction, and that destruction is conducted following the use of the specimen in the judicial process, for which all relevant species forensic information (such as origin) and human forensic information (such as fingerprints), have been obtained for investigation and prosecution. It should be clearly stated that forensic information to assist investigation and prosecution of individuals associated along the length of the trade chain, including in source and transit countries, be obtained from the specimens before destruction.

建议本条增加内容，明确要求在销毁前进行全面审计和清点，且销毁在罚没物品用于司法程序之后进行，司法程序期间应获取调查和起诉所需的相关物种的所有法医信息（如原产地）以及人类法医信息（如指纹）。应该明确要求，销毁罚没物品之前应该从其获得所有可能用于调查和起诉整条贸易链牵扯案犯的法医信息。

The regulations should be amended to specifically support implementation of CITES recommendations that call for forensic analysis of seized ivory and sharing of images of seized tiger skins and carcasses to enable identification of origin.

建议修改规定，以明确支持旨在确定来源的 CITES 建议，比如对罚没象牙进行法医分析，以及分享罚没虎皮和老虎尸体的图片。

Administration regulations for the shelter and rescue of terrestrial wildlife (consultation draft)

陆生野生动物收容救护管理规定（征求意见稿）

EIA provides the following comments on this document prepared by the SFA to implement the Wildlife Protection Law of the People's Republic of China, as part of the public consultation process. EIA's comments complement those which were submitted during the public consultation process for the drafting of the Wildlife Protection Law, which are also attached to this email.

环境调查署(EIA)对国家林业局编制的关于实施《中华人民共和国野生动物保护法》的上述文件提出以下意见，作为征求意见过程的一部分。EIA 的意见补充在起草《野生动物保护法》的公开征求意见过程中提交的评论，那些评论也附于本电子邮件。

Article 4, paragraph 3

Captive breeding facilities and related entities may volunteer to act as temporary shelter and rescue points according to their conditions. Temporary shelter and rescue points and their subjects of shelter

and rescue shall be announced by the forestry department under the people's government and county level, and forestry departments under the people's government of the province, autonomous region or municipality shall keep records of this.

第四条, 第三款

野生动物人工繁育单位和相关机构, 可以根据自身条件自愿作为临时收容救护点。临时收容救护点及其收容救护对象名单, 由县级人民政府林业主管部门公布, 并报省、自治区、直辖市人民政府林业主管部门备案。

Article 25 of the Wildlife Protection Law of the People's Republic of China states that "anyone intending to breed wildlife under special state protection shall use captive-bred offspring as founder stock". Language should therefore be added to specify that captive breeding facilities acting as temporary shelter and rescue points may not use wild-derived or illegally-acquired specimens in captive breeding programmes, and to stipulate measures to inspect such facilities to prevent and enforce against these activities.

《中华人民共和国野生动物保护法》第二十五条规定“人工繁育国家重点保护野生动物应当使用人工繁育子代种源”。鉴于此, 建议增加内容, 明确规定作为临时收容救护点的野生动物人工繁育单位和相关机构不得将来自野外或非法来源的动物用于人工繁育项目, 并且要求主管部门对这些机构进行定期检查, 以防止任何非法人工繁育行为。

Article 8, paragraph 2

Animals in good condition, which do not require any rescue measures or treatment, or are recovered following rescue and treatment and are able to survive in the wild, shall be released into the wild. Terrestrial wildlife species that are not naturally distributed in China may not be released into the wild.

第八条, 第二款

对体况良好、无需采取救护治疗措施或者经救护治疗后体况恢复、具备野外生存能力的个体, 应当放归自然。但不得将在我国没有自然分布的陆生野生动物外来物种, 放至野外。

EIA recommends adding language to this article to state that efforts should be made where possible to enable repatriation of seized specimens of non-native species.

建议增加内容, 要求主管部门作出努力, 将非原产中国的罚没活体野生动物遣返自然分布地区。

Article 8, paragraph 3

Forestry departments shall, in accordance with the law and within the limits of their authority, make arrangements for animals that are recovered following rescue and treatment but which are unable to survive in the wild or for which release into the wild is inappropriate.

第八条, 第三款

对经救护治疗后体况恢复但不具备野外生存能力或者不适宜放归自然的个体, 由林业主管部门依照法定权限统一调配。

EIA recommends adding language to specify that such arrangements are in accordance with the requirements and welfare of the individual specimens.

建议增加内容, 明确这里所称的调配须根据动物个体的福利和要求进行。

Article 10

Forestry departments alone shall deal with terrestrial wildlife that cannot be released into the wild, wildlife that has died or wildlife products. They shall prioritise scientific research, public education, preservation of genetic resources and optimization of captive breeding population structures.

第十条

林业主管部门对不适宜放归自然的陆生野生动物或者死亡的陆生野生动物个体及产品实施统一调配, 应当优先用于科学研究、宣传教育、基因资源保存、优化人工繁育种群结构等目的。

As stated above, the Wildlife Protection Law restricts captive breeding of species under special state protection to captive-bred stock; language should be added to this article to clarify this restriction.

如上所述，《中华人民共和国野生动物保护法》第二十五条规定称“人工繁育国家重点保护野生动物应当使用人工繁育子代种源”。鉴于此，建议增加内容，明确这一限制。

Evaluation standards methods for valuation of terrestrial wildlife and wildlife products (consultation draft)

陆生野生动物及其制品价值的评估标准和方法（征求意见稿）

EIA provides the following comments on this document prepared by the SFA to implement the Wildlife Protection Law of the People's Republic of China, as part of the public consultation process. EIA's comments complement those which were submitted during the public consultation process for the drafting of the Wildlife Protection Law, which are also attached to this email.

环境调查署(EIA)对国家林业局编制的关于实施《中华人民共和国野生动物保护法》的上述文件提出以下意见，作为征求意见过程的一部分。EIA的意见补充在起草《野生动物保护法》的公开征求意见过程中提交的评论，那些评论也附于本电子邮件。

This document does not clarify the purposes for which valuation is to be conducted. EIA strongly recommends that language be added to clarify that valuation for seized wildlife items is strictly for the purposes of determining penalties only, and is not intended to establish price for sale. In particular, valuation for the purposes of establishing a market price with the intention of commercial sale of the specimen should be strictly prohibited for any CITES Appendix I-listed species, whether native, non-native, wild or captive origin.

这份文件并未澄清进行价值评估的目的。EIA 强烈建议增添相关内容，以澄清对野生动物及其制品进行价值评估的唯一目的是决定处罚，而不是旨在确定出售或拍卖的价格。尤其应该严格禁止对 CITES 附录一物种标本及其制品（不管来自中国、外国、野外还是人工繁育来源）为了确定出售或拍卖价格而进行价值评估。

EIA notes with concern that some articles in this document indicate that a market value may be assigned for seized wildlife specimens for the purpose of commercial utilisation of illegally acquired wildlife. Illegally acquired wildlife specimens should not be used for commercial purposes, as this may encourage illegal activity.

EIA 关切地注意到，这份文件有几条的措辞暗示可以出于商业利用目的评估罚没野生动物的市场价值。不应该允许对非法来源的野生动物进行商业性利用，以免鼓励非法行为。

EIA strongly recommends that seized wildlife items be prohibited from sale. CITES Resolution 9.10 (Rev. CoP15) recommends that “Parties dispose of confiscated and accumulated dead specimens of Appendix-I species, including parts and derivatives, only for bona fide scientific, educational, enforcement or identification purposes, and save in storage or destroy specimens whose disposal for these purposes is not practicable”.

强烈建议禁止罚没野生动物及其制品的销售。CITES 决议 9.10 (Rev. CoP15)建议“缔约国应该仅仅出于真正的科学、教育、执法或者识别目的处置附录一物种的罚没和积累的标本及其制品；如出于前述目的的处置不现实，缔约国应该存储或者销毁这些标本或制品。”

EIA recommends that valuation (for the purposes of determining penalties only) should be entirely set by central law enforcement agencies.

建议增加内容，明确价值评估（以决定处罚为唯一目的）由中央级执法机关统一制定。