

【Statute Title】 Regulation on the Implementation of the Forestry Law of the People's Republic of China [Revised]

【法规标题】 中华人民共和国森林法实施条例 [已被修订]

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Order of the State Council of the People's Republic of China

(No. 278)

The Regulation on the Implementation of the Forestry Law of the People's Republic of China is hereby promulgated and shall come into force as of the promulgation date.

Premier Zhu Rongji

January 29, 2000

Regulation on the Implementation of the Forestry Law of the People's Republic of China

中华人民共和国国务院令

(第278号)

现发布《中华人民共和国森林法实施条例》，自发布之日起施行。

总理 朱镕基

2000年1月29日

中华人民共和国森林法实施条例

Chapter I General Provisions

第一章 总则

Article 1 This Regulation is formulated according to the Forestry Law of the People's Republic of China (hereinafter referred to as the "Forestry law").

第一条 根据《中华人民共和国森林法》(以下简称森林法),制定本条例。

Article 2 The forest resources include forests, woods and forest lands, as well as wild animals, plants and microbes whose life and survival depends on the forest, wood and forest land.

Forests include arbor forests and bamboo forests.

Woods include trees and bamboos.

Forest lands include arbor forest lands with a canopy density of 0.2 degrees or more as well as bamboo forest lands, bush shrub forest lands, open forest lands, stump lands, burned areas, non-mature forestation lands, nursery lands, and land appropriate to the forestation planned by the people's government at or above the county level.

第二条 森林资源,包括森林、林木、林地以及依托森林、林木、林地生存的野生动物、植物和微生物。

森林,包括乔木林和竹林。

林木,包括树木和竹子。

林地,包括郁闭度 0.2 以上的乔木林地以及竹林地、灌木林地、疏林地、采伐迹地、火烧迹地、未成林造林地、苗圃地和县级以上人民政府规划的宜林地。

Article 3 The state adopts a registration system for forest, wood and forest land according to law. The ownership to and right to use legally registered forests, woods and forest lands shall be protected by law, which shall not be injured by any entity or individual.

The pattern of the certificate of ownership to forest, wood and forest land shall be prescribed by the competent forestry authority of the State Council.

第三条 国家依法实行森林、林木和林地登记发证制度。依法登记的森林、林木和林地的所有权、使用权受法律保护,任何单位和个人不得侵犯。

森林、林木和林地的权属证书式样由国务院林业主管部门规定。

Article 4 The state-owned forests, woods or forest lands to be used in a lawful manner shall be registered in accordance with the following provisions:

(1) An entity which is to use any forest, wood or forest land within a key state-owned forest zone as determined by the State Council (hereinafter referred to as "key forest zone") shall submit a registration application to the competent forestry authority of the State Council, and the competent forestry authority of the State Council shall prepare a register, issue a certificate after making examinations, and confirm the right to use the forest, wood or forest land as well as the user's ownership to the woods therein;

(2) An entity or individual who is to use any stated-owned forest, wood or forest land involving different administrative areas shall submit a registration application to the competent forestry authority of their common superior people's government, and the said people's government shall prepare a register, issue a certificate after making examinations, and confirm the right to use the forest, wood or forest land as well as the user's ownership to the woods therein;

(3) An entity or individual who is to use any other state-owned forest, wood or forest land shall submit a registration application to the competent forestry authority of the local people's government at or above the county level, which shall prepare a register, issue a certificate after making examinations, and confirm the right to use the forest, wood or forest land as well as the user's ownership to the woods therein.

The state-owned forests, woods or forest lands, right to use which has not been determined, shall be recorded, protected and managed by the people's government at or above the county level.

第四条 依法使用的国家所有的森林、林木和林地，按照下列规定登记：

（一）使用国务院确定的国家所有的重点林区（以下简称重点林区）的森林、林木和林地的单位，应当向国务院林业主管部门提出登记申请，由国务院林业主管部门登记造册，核发证书，确认森林、林木和林地使用权以及由使用者所有的林木所有权；

（二）使用国家所有的跨行政区域的森林、林木和林地的单位和个人，应当向共同的上一级人民政府林业主管部门提出登记申请，由该人民政府登记造册，核发证书，确认森林、林木和林地使用权以及由使用者所有的林木所有权；

（三）使用国家所有的其他森林、林木和林地的单位和个人，应当向县级以上地方人民政府林业主管部门提出登记申请，由县级以上地方人民政府登记造册，核发证书，确认森林、林木和林地使用权以及由使用者所有的林木所有权。

未确定使用权的国家所有的森林、林木和林地，由县级以上人民政府登记造册，负责保护管理。

Article 5 For any collectively owned forest, wood or forest land, the owner shall submit a registration application to the competent forestry authority of the local people's government at or above the county level, which shall prepare a register, issue a certificate after making examination, and confirm the ownership.

For any wood owned by any entity or individual, the owner shall submit a registration application to the competent forestry authority of the local people's government at the county level, which shall prepare a register, examine and issue a certificate, and confirm the ownership to the wood.

An entity or individual who is to use any collectively owned forest, wood or forest land shall submit a registration application to the competent forestry authority of the local people's government at or above the county level, and the people's government at or above the county level shall prepare a register, issue a certificate after making examinations, and confirm the ownership to the forest, wood or forest land.

第五条 集体所有的森林、林木和林地，由所有者向所在地的县级人民政府林业主管部门提出登记申请，由该县级人民政府登记造册，核发证书，确认所有权。

单位和个人所有的林木，由所有者向所在地的县级人民政府林业主管部门提出登记申请，由该县级人民政府登记造册，核发证书，确认林木所有权。

使用集体所有的森林、林木和林地的单位和个人，应当向所在地的县级人民政府林业主管部门提出登记申请，由该县级人民政府登记造册，核发证书，确认森林、林木和林地使用权。

Article 6 Any change of the ownership to or the right to use any forest, wood or forest land shall, in accordance with the law, be subject to the formalities for the modification of the registration.

第六条 改变森林、林木和林地所有权、使用权的，应当依法办理变更登记手续。

Article 7 The competent forestry authority of the people's government at or above the county level shall establish files on the management of forest, wood and forest land.

第七条 县级以上人民政府林业主管部门应当建立森林、林木和林地权属管理档案。

Article 8 For the state's key shelter forests and special-purpose forests, the competent forestry authority of State Council shall put forward opinions and report them to the State Council for approval and announcement. For the local key shelter forests and special-purpose forests, the competent forestry authority of the people's government of the province, autonomous region, or municipality directly under the Central Government shall give its opinions and report to the people's government at the same level for approval and announcement. For other shelter forests, timber forests or special-purpose forests as well as the economic forests or fuel forests, the competent forestry authority of the people's government at the county level shall delimit the boundaries thereof according to the state's relevant regulations on forest classification and the arrangement of the people's government at the same level, and report to the people's government at the same level for approval and announcement.

The area of a key shelter forest or special-purpose forest within the administrative area of a province, autonomous region, or municipality directly under the Central Government shall not be less than 30% of the total forest area of the said administrative area.

To change an approved and announced forest category into another forest category, it shall be subject to approval of the original approval and announcement authority.

第八条 国家重点防护林和特种用途林，由国务院林业主管部门提出意见，报国务院批准公布；地方重点防护林和特种用途林，由省、自治区、直辖市人民政府林业主管部门提出意见，报本级人民政府批准公布；其他防护林、用材林、特种用途林以及经济林、薪炭林，由县级人民政府林业主管部门根据国家关于林种划分的规定和本级人民政府的部署组织划定，报本级人民政府批准公布。

省、自治区、直辖市行政区域内的重点防护林和特种用途林的面积，不得少于本行政区域森林总面积的百分之三十。

经批准公布的林种改变为其他林种的，应当报原批准公布机关批准。

Article 9 The funds drawn according to the Item (5) of Paragraph 1 of Article 8 of the Forestry Law shall be exclusively used for planting timber forest used for pit prop, producing paper, etc., which shall not be appropriated for any other purpose. The audit authority and competent forestry authority shall strengthen their supervision.

第九条 依照森林法第八条第一款第（五）项规定提取的资金，必须专门用于营造坑木、造纸等用材林，不得挪作他用。审计机关和林业主管部门应当加强监督。

Article 10 The forest resources supervisory authority dispatched by the competent forestry authority of State Council to a key forest zone shall strengthen its supervision and inspection on the protection and management of the forest resources within this key forest zone.

第十条 国务院林业主管部门向重点林区派驻的森林资源监督机构，应当加强对重点林区内森林资源保护管理的监督检查。

## Chapter II Business Operations and Management of Forests

### 第二章 森林经营管理

Article 11 The competent forestry authority of the State Council shall regularly monitor the situation of extinction and growth of forest resources and the changes of the forest ecological environment.

The forest resources investigations, file establishment, formulation of forest operation plans, and other tasks of a key forest zone shall be organized and implemented by the competent forestry authority of the State Council. Other forest resources investigations, file establishment, formulation of forest operation plans, etc. shall be organized and implemented by the competent forestry of the local people's government authority at or above the county level.

第十一条 国务院林业主管部门应当定期监测全国森林资源消长和森林生态环境变化的情况。

重点林区森林资源调查、建立档案和编制森林经营方案等工作，由国务院林业主管部门组织实施；其他森林资源调查、建立档案和编制森林经营方案等工作，由县级以上地方人民政府林业主管部门组织实施。

Article 12 The following principles shall be observed in creating a long-term forestry plan:

- (1) Protecting ecological environment and promoting a sustainable economic development;
- (2) Basing on the existing forest resources;
- (3) Being in line with the overall plan on land utilization, water and soil conservation plan, municipal plan, village and town plan.

第十二条 制定林业长远规划，应当遵循下列原则：

- (一) 保护生态环境和促进经济的可持续发展；
- (二) 以现有的森林资源为基础；
- (三) 与土地利用总体规划、水土保持规划、城市规划、村庄和集镇规划相协调。

Article 13 The long-term forestry plan shall include:

- (1) The forestry development target;
- (2) The ratio of forest categories;
- (3) The forest land protection and use plan;
- (4) The tree planting and forestation plan.

第十三条 林业长远规划应当包括下列内容：

- (一) 林业发展目标；
- (二) 林种比例；
- (三) 林地保护利用规划；
- (四) 植树造林规划。

Article 14 The national long-term forestry plan shall be formulated by the competent forestry authority of the State Council jointly with other relevant departments and execute the plan upon approval of the State Council.

The long-term forestry plan at each level shall be formulated by the competent forestry authority of the people's governments at or above the county level jointly with other relevant departments and execute the plan upon approval of the State Council.

The long-term forestry plan at a lower level shall be formulated based upon the long-term forestry plan of a superior level.

Any adjustment or modification to the long-term forestry plan shall be reported to the original approval authority for approval.

第十四条 全国林业长远规划由国务院林业主管部门会同其他有关部门编制，报国务院批准后施行。

地方各级林业长远规划由县级以上地方人民政府林业主管部门会同其他有关部门编制，报本级人民政府批准后施行。

下级林业长远规划应当根据上一级林业长远规划编制。

林业长远规划的调整、修改，应当报经原批准机关批准。

Article 15 The state protects the lawful rights and interests of the business operators of forests, woods and forest lands according to law. Any entity or individual is prohibited to illegally trespass upon the wood owned and the forest land used by any operator according to law.

The business operators of timber forests, economic forests and fuel forests be entitled to enjoy the right to operation, benefits and other lawful rights and interests according to law.

The business operator of a shelter forest or special-purpose forest shall be entitled to enjoy the right of compensation for forest ecological benefits.

第十五条 国家依法保护森林、林木和林地经营者的合法权益。任何单位和个人不得侵占经营者依法所有的林木和使用的林地。

用材林、经济林和薪炭林的经营者，依法享有经营权、收益权和其他合法权益。

防护林和特种用途林的经营者，有获得森林生态效益补偿的权利。

Article 16 If it needs to occupy or requisition any forest land for a project of surveying or exploiting mineral resources, or constructing road, water conservancy, power, communication, the following provisions shall be observed:

(1) The land user entity shall submit a land use application to the competent forestry authority of the people's government at or above the county level, and, after examination and approval, prepay forest and vegetation restoration fees according to the standards of the state and fetch a forest land use approval document. The land user entity shall, upon the strength of the forest land use approval document, go through the formalities for the examination and approval of construction use land. If the occupancy and requisition of forest land has not been examined and approved by the competent forestry authority, the competent land administration authority shall not accept the application for the land for construction use.

(2) For the occupancy or requisition of any shelter forest land or forest land for special-purpose with an area of 10 hectares or more, or any timber forest, economic forest or fuel forest as well as its stump land of 35 hectares or more, or other forest land of 70 hectares or more, it shall be subject to the examination of the competent forestry authority of the State Council; for the occupancy or requisition of any forest land with an area smaller than the figure as mentioned above, it shall be subject to the examination of the competent forestry authority of the people's government of the province, autonomous region, or municipality directly under the Central Government. For the occupancy or requisition of the forest land of a key forest zone, it shall be subject to the examination of the competent forestry authority of the State Council.

(3) If the land user entity needs to cut the wood on the forest land it has occupied or requisitioned upon approval, it shall file an application with the competent forestry authority of the people's government at or above the county level where the forest land is located or from the competent forestry authority of State Council for a wood felling permit.

(4) If the occupancy or requisition of a forest land is not approved, the relevant competent forestry authority shall refund the applicant the full amount of the prepaid forest and vegetation restoration fees within 7 days as from the date of receipt of a notice of disapproval.

第十六条 勘查、开采矿藏和修建道路、水利、电力、通讯等工程，需要占用或者征用林地的，必须遵守下列规定：

（一）用地单位应当向县级以上人民政府林业主管部门提出用地申请，经审核同意后，按照国家规定的标准预交森林植被恢复费，领取使用林地审核同意书。用地单位凭使用林地审核同意书依法办理建设用地审批手续。占用或者征用林地未经林业主管部门审核同意的，土地行政主管部门不得受理建设用地申请。

（二）占用或者征用防护林林地或者特种用途林林地面积10公顷以上的，用材林、经济林、薪炭林林地及其采伐迹地面积35公顷以上的，其他林地面积70公顷以上的，由国务院林业主管部门审核；占用或者征用林地面积低于上述规定数量的，由省、自治区、直辖市人民政府林业主管部门审核。占用或者征用重点林区的林地的，由国务院林业主管部门审核。

（三）用地单位需要采伐已经批准占用或者征用的林地上的林木时，应当向林地所在地的县级以上地方人民政府林业主管部门或者国务院林业主管部门申请林木采伐许可证。

（四）占用或者征用林地未被批准的，有关林业主管部门应当自接到不予批准通知之日起7日内将收取的森林植被恢复费如数退还。

Article 17 Where anyone needs to occupy and use any forest land temporarily, it shall obtain the approval of the competent departments of the people's governments at or above the county level.

The period for the temporary use of forest land shall not exceed 2 years, and it is prohibited to construct any permanent building on the forest land for temporary occupancy. After the temporary occupancy period expires, land user entity shall restore the forestry production conditions.

第十七条 需要临时占用林地的，应当经县级以上人民政府林业主管部门批准。

临时占用林地的期限不得超过两年，并不得在临时占用的林地上修筑永久性建筑物；占用期满后，用地单位必须恢复林业生产条件。

Article 18 Where a forest operation entity intends to build any project facilities which will be directly used for forestry production within the range of the forest land it operates, if it needs to occupy the forest land, it shall be subject to the approval of the forestry administrative department of the people's government at or above the county level. If it needs to change the forest land into land for non-forestry construction use due to building any other project facilities, it shall go through the formalities for examination and approval of land for construction use.

The "project facilities which will be directly used for forestry production" as mentioned in the preceding paragraph refer to

- (1) facilities for the cultivation or production of seeds or nursery stock;
- (2) facilities for the storage of seeds, nursery stock or timber;
- (3) logging road or log transportation road;
- (4) forestry scientific research, test or model base;
- (5) facilities for wild life and plant protection, forest protection, forest disease and pest damage prevention, forest fire prevention and timber quarantine; and
- (6) infrastructure for water supply, power supply, heat supply, gas supply or communication.

第十八条 森林经营单位在所经营的林地范围内修筑直接为林业生产服务的工程设施，需要占用林地的，由县级以上人民政府林业主管部门批准；修筑其他工程设施，需要将

林地转为非林业建设用地的，必须依法办理建设用地审批手续。

前款所称直接为林业生产服务的工程设施是指：

- (一) 培育、生产种子、苗木的设施；
- (二) 贮存种子、苗木、木材的设施；
- (三) 集材道、运材道；
- (四) 林业科研、试验、示范基地；
- (五) 野生动植物保护、护林、森林病虫害防治、森林防火、木材检疫的设施；
- (六) 供水、供电、供热、供气、通讯基础设施。

## Chapter III Forest Protection

### 第三章 森林保护

Article 19 The competent forestry authority of the people's government at or above the county level shall, according to the investigation and monitoring of the targeted object carried out by forest disease and pest damage monitor and forecast center, periodically release long-term, mid-term and short-term forest disease and pest damage forecasts, and give preventive suggestions in a timely manner.

A forest operator shall use fine species, construct mixed forests, carry out scientific forestation and improve the ability to prevent forest diseases and pest damages.

Where any forest disease and pest damage occurs, the relevant departments and forest operators shall take comprehensive control measures to timely eliminate and treat it.

Where any serious forest disease and pest damage occurs, the local people's government shall take emergency elimination-and-treatment measures to prevent it from spreading and eliminate hidden damages.

第十九条 县级以上人民政府林业主管部门应当根据森林病虫害测报中心和测报点对测报对象的调查和监测情况，定期发布长期、中期、短期森林病虫害预报，并及时提出防治方案。

森林经营者应当选用良种，营造混交林，实行科学育林，提高防御森林病虫害的能力。

发生森林病虫害时，有关部门、森林经营者应当采取综合防治措施，及时进行除治。

发生严重森林病虫害时，当地人民政府应当采取紧急除治措施，防止蔓延，消除隐患。

Article 20 The competent forestry authority of the State Council shall be responsible for the determination of the national forest seedling quarantine objects. The competent forestry authority of people's government of each province, autonomous region, or municipality directly under the Central Government may, according to the needs of this region, determine supplementary seedling quarantine objects of the said province, autonomous region, or municipality directly under the Central Government and report them to the competent forestry authority of the State Council for archival purposes.

第二十条 国务院林业主管部门负责确定全国林木种苗检疫对象。省、自治区、直辖市人民政府林业主管部门根据本地区的需要，可以确定本省、自治区、直辖市的林木种苗补充检疫对象，报国务院林业主管部门备案。

Article 21 It is prohibited to destroy forest for assart or gathering seeds, or to violate the operating rules for gathering resin, digging for bamboo shoots, digging for roots, debarking or



overlapping.

第二十一条 禁止毁林开垦、毁林采种和违反操作规程采脂、挖笋、掘根、剥树皮及过度修枝的毁林行为。

Article 22 A slope land of 25 degrees or more shall be used for planting tree and grass planting. A slope farmland shall give up cultivation gradually by planting trees and grass according to the plan formulated by the local people's government.

第二十二条 25度以上的坡地应当用于植树、种草。25度以上的坡耕地应当按照当地人民政府制定的规划，逐步退耕，植树和种草。

Article 23 When a forest fire occurs, the local people's government shall immediately organize army-civilian forces to put it down. The relevant authority shall actively make preparations for fire rescue material supply, transportation, communication, medical treatment, etc.

第二十三条 发生森林火灾时，当地人民政府必须立即组织军民扑救；有关部门应当积极做好扑救火灾物资的供应、运输和通讯、医疗等工作。

#### Chapter IV Forestation

#### 第四章 植树造林

Article 24 The term "forest coverage rate" in the Forestry Law refers to the percentage of forest area to land area as per administrative area. The forest area includes the arbor forest land area and bamboo forest land area with a canopy density of 0.2 degrees or more, shrub forest land area specially prescribed by the state, and the coverage area of farmland forest net and village-side, roadside, waterside, house-side wood.

The local people's government at or above the county level shall, according to the target of forest coverage rate as determined by the State Council, determine the target of forest acreage of the administrative area, and organize implementation thereof.

第二十四条 森林法所称森林覆盖率，是指以行政区域为单位森林面积与土地面积的百分比。森林面积，包括郁闭度0.2以上的乔木林地面积和竹林地面积、国家特别规定的灌木林地面积、农田林网以及村旁、路旁、水旁、宅旁林木的覆盖面积。

县级以上地方人民政府应当按照国务院确定的森林覆盖率奋斗目标，确定本行政区域森林覆盖率的奋斗目标，并组织实施。

Article 25 The forestation shall comply with the forestation rules, execute scientific forestation, and enhance the survival rate of trees.

The people's government at the county level shall organize an inspection and acceptance of the forestation of the current year within the said administrative area, except for the arid or semiarid areas as specially prescribed by the state, those with less than 85% survival rate shall not be calculated into the completed annual forestation area.

第二十五条 植树造林应当遵守造林技术规程，实行科学造林，提高林木的成活率。

县级人民政府对本行政区域内当年造林的情况应当组织检查验收，除国家特别规定的干旱、半干旱地区外，成活率不足百分之八十五的，不得计入年度造林完成面积。

Article 26 The state adopts a department and entity responsibility system in the forestation work.

As to the sides of railways and roads, the banks of rivers or the surrounding area of lakes or reservoirs, all relevant entities shall be the responsible entities for forestation. As to the industrial and mining areas, state organs or schools, places where troops are stationed as well as farms, grazing lands, fishery operation areas, such entity shall be the responsible entity for forestation. The forestation task of the responsible entities shall be confirmed by the local people's government at the county level by issuing a notice of responsibility.

第二十六条 国家对造林绿化实行部门和单位负责制。

铁路公路两旁、江河两岸、湖泊水库周围，各有关主管单位是造林绿化的责任单位。工矿区，机关、学校用地，部队营区以及农场、牧场、渔场经营地区，各该单位是造林绿化的责任单位。

责任单位的造林绿化任务，由所在地的县级人民政府下达责任通知书，予以确认。

Article 27 The state protects the ownership to the wood and other lawful rights and interests owned by the contractual forest grower. A forestation contract shall not be changed randomly or cancelled if no agreement is reached between the contracting-letting party and the contractor.

第二十七条 国家保护承包造林者依法享有的林木所有权和其他合法权益。未经发包方和承包方协商一致，不得随意变更或者解除承包造林合同。

## Chapter V Forest Felling

### 第五章 森林采伐

Article 28 Annual forest felling quotas shall be formulated as per state-owned forestry enterprise or public institution, farm, or plant or mining entity in respect of state-owned forest or wood, and as per county in respect of collectively owned forest or wood and individually owned forest and wood, which shall be gathered and balanced by the competent forestry authority of the people's government of the province, autonomous region, or municipality directly under Central Government, then shall be reviewed by the people's government at the same level, finally shall be reported to the State Council for approval; of which the annual forest felling quota on a key forest zone shall be reviewed by the competent forestry authority of State Council, and then be reported to the State Council for approval.

The annual forest felling quotas approved by the State Council shall be reviewed and determined once every 5 years.

第二十八条 国家所有的森林和林木以国有林业企业事业单位、农场、厂矿为单位，集体所有的森林和林木、个人所有的林木以县为单位，制定年森林采伐限额，由省、自治区、直辖市人民政府林业主管部门汇总、平衡，经本级人民政府审核后，报国务院批准；其中，重点林区的年森林采伐限额，由国务院林业主管部门审核后，报国务院批准。

国务院批准的年森林采伐限额，每5年核定一次。

Article 29 The felling of forest or wood for the purpose of commodity sale shall be integrated into the national annual timber production plan, but excluding the rural residents' felling of the rural residents' individually owned fuel forest on private hills, as well as their individually owned sporadic wood on the private land and around their houses.

第二十九条 采伐森林、林木作为商品销售的，必须纳入国家年度木材生产计划；但是，农村居民采伐自留山上个人所有的薪炭林和自留地、房前屋后个人所有的零星林木除

外。

Article 30 To apply for a forest felling permit, the applicant shall not only submit the ownership certificate or use right certificate for the forest to be felled, but also submit other certification documents according to the following provisions:

(1) A state-owned forestry enterprise or public institution shall submit a felling area survey design document, and a certificate for the check and acceptance of felling and reforestation during previous year;

(2) Any other entity shall submit a document stating the purpose of forest felling, location, forest category, forest conditions, stock volume, form, reforestation measures; and

(3) An individual shall also submit documents which describe the location, area, tree species, number of trees, stock volume and reforestation time.

In the event of wood felling for forest fire rescue, flood prevention and other emergencies, the entity or department organizing the disaster rescue activity shall, within 30 days as from the date of elimination of such emergency, report the information about the felling of wood to the local competent forestry authority of people's government at or above the county level.

第三十条 申请林木采伐许可证，除应当提交申请采伐林木的所有权证书或者使用权证书外，还应当按照下列规定提交其他有关证明文件：

(一) 国有林业企业事业单位还应当提交采伐区调查设计文件和上年度采伐更新验收证明；

(二) 其他单位还应当提交包括采伐林木的目的、地点、林种、林况、面积、蓄积量、方式和更新措施等内容的文件；

(三) 个人还应当提交包括采伐林木的地点、面积、树种、株数、蓄积量、更新时间等内容的文件。

因扑救森林火灾、防洪抢险等紧急情况需要采伐林木的，组织抢险的单位或者部门应当自紧急情况结束之日起30日内，将采伐林木的情况报告当地县级以上人民政府林业主管部门。

Article 31 Under any of the following conditions, no wood felling permit may be issued:

(1) Non-nursery or non-reforestation felling of shelter forest or special-use forest, or cutting wood during the period of "closing mountains to facilitate forestation" or within an area of "closing mountains to facilitate forestation";

(2) Failing to complete reforestation task after previous year's felling;

(3) Failing to take preventive or improving measures after the occurrence of any gross denudation case, forest fire or serious forest pest damage affecting a large area in the previous year.

The pattern of wood felling permit shall be stipulated by the competent forestry authority of State Council, and be printed by the competent forestry authority of people's government of each province, autonomous region, or municipality directly under the Central Government.

第三十一条 有下列情形之一的，不得核发林木采伐许可证：

(一) 防护林和特种用途林进行非抚育或者非更新性质的采伐的，或者采伐封山育林期、封山育林区内的林木的；

(二) 上年度采伐后未完成更新造林任务的；

(三) 上年度发生重大滥伐案件、森林火灾或者大面积严重森林病虫害，未采取预防和改进措施的。

林木采伐许可证的式样由国务院林业主管部门规定，由省、自治区、直辖市人民政府林业主管部门印制。

Article 32 Except expressly provided in the Forestry Law, the wood felling permit shall be issued after examination in accordance with the following powers:

(1) For a state-owned forestry center, the permit shall be issued after examination by the competent forestry authority of people's government at the county level where it is located;

(2) For a state-owned forestry enterprise or public institution, or any other state-owned enterprise or public institution subordinate to a province, autonomous region, municipality directly under Central Government, districted city or autonomous prefecture, the permit shall be issued after examination by the competent forestry authority of people's government of province, autonomous region, or municipality directly under Central Government where it is located; or

(3) For a state-owned forestry enterprise or public institution within a key forest zone, the permit shall be issued after examination by the competent forestry authority of State Council.

第三十二条 除森林法已有明确规定的，林木采伐许可证按照下列规定权限核发：

(一) 县属国有林场，由所在地的县级人民政府林业主管部门核发；

(二) 省、自治区、直辖市和设区的市、自治州所属的国有林业企业事业单位、其他国有企业事业单位，由所在地的省、自治区、直辖市人民政府林业主管部门核发；

(三) 重点林区的国有林业企业事业单位，由国务院林业主管部门核发。

Article 33 The felling of a foreign-invested timber forest up to a certain scale shall be subject to approval of the competent forestry authority of the people's government of a province, autonomous region, or municipality directly under Central Government within the annual forest felling quota approved by the State Council and shall be listed separately in respect of the felling quota.

第三十三条 利用外资营造的用材林达到一定规模需要采伐的，应当在国务院批准的年森林采伐限额内，由省、自治区、直辖市人民政府林业主管部门批准，实行采伐限额单列。

Article 34 The timber operation (including processing) in a forest zone shall be subject to approval of the competent forestry authority of the people's governments at or above the county level.

No timber procurement entity or individual may procure any timber without a forest tree felling permit or other lawful origin certificate.

The word "timber" as mentioned in the preceding paragraph refers to log, saw timber, bamboo, wood chips, etc. as prescribed by the province, autonomous region, or municipality directly under Central Government.

第三十四条 在林区经营（含加工）木材，必须经县级以上人民政府林业主管部门批准。

木材收购单位和个人不得收购没有林木采伐许可证或者其他合法来源证明的木材。

前款所称木材，是指原木、锯材、竹材、木片和省、自治区、直辖市规定的其他木材。

Article 35 To transport any timber, which is not uniformly allocated by the state, out of a forest zone, the carrier shall have a timber transportation permit issued by the competent forestry

authority of the people's government at or above the county level.

A timber transportation permit for a key forest zone shall be issued after examination by the competent forestry authority of the State Council. Other timber transportation permits shall be issued after examination by the competent forestry authority of local people's government at the county or above level.

A timber transportation permit is valid during the whole journey from the place of dispatch of timber to the place of destination, and shall accompany with the goods all along. No entity or individual carrier may transport any timber without a timber transportation permit.

The pattern of the timber transportation permit shall be stipulated by the competent forestry authority of State Council.

第三十五条 从林区运出非国家统一调拨的木材，必须持有县级以上人民政府林业主管部门核发的木材运输证。

重点林区的木材运输证，由国务院林业主管部门核发；其他木材运输证，由县级以上地方人民政府林业主管部门核发。

木材运输证自木材起运点到终点全程有效，必须随货同行。没有木材运输证的，承运单位和个人不得承运。

木材运输证的式样由国务院林业主管部门规定。

Article 36 To apply for a timber transportation permit, the following certification documents shall be submitted:

- (1) The forest felling permit or other lawful origin certificates;
- (2) The quarantine certificate;
- (3) Other documents as required by the province, autonomous region, or municipality directly under Central Government.

If the conditions as mentioned in the preceding paragraph are satisfied, the competent forestry authority of people's government at or above the county level shall, within 3 days after it receives an application, issue to the applicant a timber transportation permit.

The total volume of timber allowed to be transported by the legally issued timber transportation permits shall not exceed the total volume of timber to be transported out for sale under the local annual timber production plan.

第三十六条 申请木材运输证，应当提交下列证明文件：

- (一) 林木采伐许可证或者其他合法来源证明；
- (二) 检疫证明；
- (三) 省、自治区、直辖市人民政府林业主管部门规定的其他文件。

符合前款条件的，受理木材运输证申请的县级以上人民政府林业主管部门应当自接到申请之日起3日内发给木材运输证。

依法发放的木材运输证所准运的木材运输总量，不得超过当地年度木材生产计划规定可以运出销售的木材总量。

Article 37 A timber inspection station set up in a forest zone upon approval of the people's government of the province, autonomous region, or municipality directly under Central Government shall be responsible for the inspection of timber transportation. For any timber transportation without permit, the timber inspection station shall stop it, may temporarily detain the timber transported without permit, and immediately report it to the competent forestry

authority of people's government at the county or above level for dealing with it in accordance with the law.

第三十七条 经省、自治区、直辖市人民政府批准在林区设立的木材检查站，负责检查木材运输；无证运输木材的，木材检查站应当予以制止，可以暂扣无证运输的木材，并立即报请县级以上人民政府林业主管部门依法处理。

## Chapter VI Legal Liabilities

### 第六章 法律责任

Article 38 Where anyone cuts forest or other wood unlawfully, if less than 0.5 cube meters of trees as calculated on the basis of stumpage or less than 20 young trees are felled, the competent forestry department of the people's government at or above the county level order the violator to plant trees as many as 10 times the unlawful felled trees, confiscate the unlawfully felled trees or sale proceeds, and impose a fine of not less than 3 times but not more than 5 times the value of the unlawfully felled trees.

Where anyone cuts forest or other wood unlawfully, if 0.5 cube meters of trees or more as calculated on the basis of stumpage volume or 20 saplings or more are felled, the competent forestry department of the people's government at or above the county level order the violator to plant trees as many as 10 times the unlawful felled trees, confiscate the unlawfully felled trees or sale proceeds, and impose a fine of not less than 5 times but not more than 10 times the value of the unlawfully felled forest.

第三十八条 盗伐森林或者其他林木，以立木材积计算不足0.5立方米或者幼树不足20株的，由县级以上人民政府林业主管部门责令补种盗伐株数10倍的树木，没收盗伐的林木或者变卖所得，并处盗伐林木价值3倍至5倍的罚款。

盗伐森林或者其他林木，以立木材积计算0.5立方米以上或者幼树20株以上的，由县级以上人民政府林业主管部门责令补种盗伐株数10倍的树木，没收盗伐的林木或者变卖所得，并处盗伐林木价值5倍至10倍的罚款。

Article 39 For the denudation of forest or other wood with stumpage volume less than 2 cube meters or less than 50 saplings, the competent forestry authority of people's government at the county or above level shall order the violator to plant trees as many as 5 times the denudated trees, and impose a fine of not less than 2 times but not more than 3 times the value of the denudated trees.

For the denudation of forest or other wood with a stumpage volume of 2 cube meters or more, or 50 saplings or more, the competent forestry authority of people's government at the county or above level shall order the violator to plant trees as many as 5 times denudated trees, and impose a fine of not less than 3 times but not more than 5 times the value of the denudated trees.

For the felling of forest or other wood exceeding the timber production plan, the violator shall be punished in accordance with the preceding paragraphs.

第三十九条 滥伐森林或者其他林木，以立木材积计算不足2立方米或者幼树不足50株的，由县级以上人民政府林业主管部门责令补种滥伐株数5倍的树木，并处滥伐林木价值2倍至3倍的罚款。

滥伐森林或者其他林木，以立木材积计算2立方米以上或者幼树50株以上的，由县级

以上人民政府林业主管部门责令补种滥伐株数 5 倍的树木，并处滥伐林木价值 3 倍至 5 倍的罚款。

超过木材生产计划采伐森林或者其他林木的，依照前两款规定处罚。

Article 40 For any unapproved timber operation (including processing) in a forest zone in violation of this Regulation, the competent forestry authority of people's government at the county or above level shall confiscate the timber operated unlawfully and illegal proceeds, and impose a fine of not more than 2 times the amount of illegal proceeds.

第四十条 违反本条例规定，未经批准，擅自在林区经营（含加工）木材的，由县级以上人民政府林业主管部门没收非法经营的木材和违法所得，并处违法所得 2 倍以下的罚款。

Article 41 Where anyone violates this Regulation by destroying any forest for assarting or gathering seeds, or violates the operating rules for gathering resin, digging for bamboo shoots, digging for roots, debarking or overlapping, if he (it) has destroyed the forest or wood, he (it) shall compensate for the losses. The competent forestry authority of the people's government at or above the county level shall order it (him) to stop the violation and to plant trees as many as 1 up to 3 times the destroyed number of trees and may fine it (him) 1 time up to 5 times the value of the destroyed wood. If it (he) refuses to plant trees, or if the trees planted by it (him) do not meet the relevant requirements of the state, the competent forestry authority of the people's government at or above the county level shall plant trees instead of it (him), but the expenses incurred therefrom shall be paid by the violator.

Where anyone illegally cultivates any forest land and destroys the forest or wood by violating the Forest Law and this Regulation, the competent forestry authority of the people's government at or above the county level shall order it (him) to stop the violation and to restore the original state within a time limit, and may fine it (him) 10 yuan or less per square meter of the illegally cultivated forest land.

第四十一条 违反本条例规定，毁林采种或者违反操作规程采脂、挖笋、掘根、剥树皮及过度修枝，致使森林、林木受到毁坏的，依法赔偿损失，由县级以上人民政府林业主管部门责令停止违法行为，补种毁坏株数 1 倍至 3 倍的树木，可以处毁坏林木价值 1 倍至 5 倍的罚款；拒不补种树木或者补种不符合国家有关规定的，由县级以上人民政府林业主管部门组织代为补种，所需费用由违法者支付。

违反森林法和本条例规定，擅自开垦林地，致使森林、林木受到毁坏的，依照森林法第四十四条的规定予以处罚；对森林、林木未造成毁坏或者被开垦的林地上没有森林、林木的，由县级以上人民政府林业主管部门责令停止违法行为，限期恢复原状，可以处非法开垦林地每平方米 10 元以下的罚款。

Article 42 Under any of the following circumstances, the competent forestry authority of people's government at the county or above level shall order the violator to complete the forestation task within a time limit. If it fails to complete the said task within the time limit and may impose a fine less than 2 times the expenses necessary for the uncompleted forestation task that should have been completed. It may give an administrative sanction to the directly liable person-in-charge and other directly liable persons:

(1)Failing to complete the reforestation task in 2 consecutive years;

(2) Reforestation area completed within the current year less than 50% of the area of reforestation required;

(3) Except for the arid or semiarid areas as provided specially by the state, reforestation survival rate of the year less than 85%; or

(4) The entity responsible for forestation fails to complete the forestation task as scheduled in accordance with the requirements of the people's government at the county level where it is located.

第四十二条 有下列情形之一的，由县级以上人民政府林业主管部门责令限期完成造林任务；逾期未完成的，可以处应完成而未完成造林任务所需费用 2 倍以下的罚款；对直接负责的主管人员和其他直接责任人员，依法给予行政处分：

（一）连续两年未完成更新造林任务的；

（二）当年更新造林面积未达到应更新造林面积 5 0 % 的；

（三）除国家特别规定的干旱、半干旱地区外，更新造林当年成活率未达到 8 5 % 的；

（四）植树造林责任单位未按照所在地县级人民政府的要求按时完成造林任务的。

Article 43 Where anyone illegally changes the uses of forest land without obtaining the approval of the competent forestry departments of the people's governments at or above the county level, the competent forestry authority of people's government at or above the county level shall order the it (him) to restore the original state within a time limit and fine it (him) not less than 10 yuan but not more than 30 yuan per square meter for the forest land of which the purpose is illegally changed.

For the failure to return any temporarily occupied forest land beyond the time limit, a punishment shall be imposed in accordance with the provision of the preceding paragraph.

第四十三条 未经县级以上人民政府林业主管部门审核同意，擅自改变林地用途的，由县级以上人民政府林业主管部门责令限期恢复原状，并处非法改变用途林地每平方米 1 0 元至 3 0 元的罚款。

临时占用林地，逾期不归还的，依照前款规定处罚。

Article 44 Where anyone transports any timber without a timber transportation permit, the competent forestry authority of the people's government at or above the county level shall confiscate the illegally transported timber, and may fine the owner not more than 30% of the price of illegally transported timber.

Where anyone transports any timber in excess of the transportation volume stated in the timber transportation permit, the competent forestry authority of people's government at or above the county level shall confiscate the excessive timber. If the transported tree species, wood assortment or specification does no conform to the contents of the timber transport permit without any justifiable reasons, it shall confiscate the inconsistent portion of timber.

Where anyone transports any timber by using a forged or altered timber transportation permit, the competent forestry authority of people's government at the county or above level shall confiscate the illegally transported timber, and impose upon it a fine of not lees than 10% but not more than 50 % of the price of the confiscated timber.

Where anyone transports any timber without a timber transportation permit, the competent forestry authority of people's government at the county or above level shall confiscate the carriage, and impose a fine of not less than 1 but not more than 3 times the carriage.



第四十四条 无木材运输证运输木材的，由县级以上人民政府林业主管部门没收非法运输的木材，对货主可以并处非法运输木材价款 30% 以下的罚款。

运输的木材数量超出木材运输证所准运的运输数量的，由县级以上人民政府林业主管部门没收超出部分的木材；运输的木材树种、材种、规格与木材运输证规定不符又无正当理由的，没收其不相符部分的木材。

使用伪造、涂改的木材运输证运输木材的，由县级以上人民政府林业主管部门没收非法运输的木材，并处没收木材价款 10% 至 50% 的罚款。

承运无木材运输证的木材的，由县级以上人民政府林业主管部门没收运费，并处运费 1 倍至 3 倍的罚款。

Article 45 Where anyone illegally moves or destroys any forestry service mark, the competent forestry authority of people's government at the county or above level shall order it (him) to restore the original state within a time limit. If it (he) fails to restore the original state within the time limit, the competent forestry authority of people's government at or above the county level shall restore the original state in its (his) stead, but the expenses shall be paid by it (him).

第四十五条 擅自移动或者毁坏林业服务标志的，由县级以上人民政府林业主管部门责令限期恢复原状；逾期不恢复原状的，由县级以上人民政府林业主管部门代为恢复，所需费用由违法者支付。

Article 46 Where anyone who violates this Regulation due to changing shelter forest or special-use forest to another forest category without approval, the competent forestry authority of people's government at the county or above level shall take back the forest ecological benefit compensations it/he has obtained and impose upon it/him a fine of not more than 3 times the amount of the said forest ecological benefit compensation.

第四十六条 违反本条例规定，未经批准，擅自将防护林和特种用途林改变为其他林种的，由县级以上人民政府林业主管部门收回经营者所获取的森林生态效益补偿，并处所获取森林生态效益补偿 3 倍以下的罚款。

## Chapter VII Supplementary Provisions

### 第七章 附则

Article 47 The division of duties and powers of the competent forestry authorities of people's governments at or above the county level in this Regulation shall be provided in detail by the competent forestry authority of the State Council.

第四十七条 本条例中县级以上地方人民政府林业主管部门职责权限的划分，由国务院林业主管部门具体规定。

Article 48 This Regulation shall come into force as of the date of promulgation. The Detailed Rules for the Implementation of the Forestry Law of the People's Republic of China as approved by the State Council on April 28, 1986 and promulgated by the Ministry of Forestry on May 10, 1986 shall be repealed simultaneously.

第四十八条 本条例自发布之日起施行。1986年4月28日国务院批准、1986年5月10日林业部发布的《中华人民共和国森林法实施细则》同时废止。