

## Measures for the Supervision and Inspection of National Nature Reserves

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Order of the State Environmental Protection Administration  
(No.36)

The Measures for the Supervision and Inspection of National Nature Reserves, which were adopted at the sixth executive meeting of 2006 of the State Environmental Protection Administration on October 18th, 2006, are hereby promulgated, and shall come into force as of December 1st, 2006.

Director General of the State Environmental Protection Administration: Zhou Shengxian  
October 26th, 2006

### Measures for the Supervision and Inspection of National Nature Reserves

Article 1 For the purpose of strengthening the supervision and management of national nature reserves and improving the construction and administration of national nature reserves, these Measures are formulated in accordance with the Environmental Protection Law of the People's Republic of China, the Regulation of the People's Republic of China on Nature Reserves and other relevant provisions.

Article 2 These Measures shall apply to the supervision and inspection of various kinds of national nature reserves organized by the competent administrative department of environmental protection under the State Council.

Article 3 The competent administrative department of environmental protection of the State Council is entitled to adopt the following measures in performing its duties of supervision and inspection according to the provisions of laws, regulations and these Measures.

- (1) entering the national nature reserves to conduct on-the-spot inspection;
- (2) asking the management bodies of the national nature reserves to report the situation of construction and management;
- (3) consulting or copying the relevant materials or vouchers;
- (4) investigating and finding out the relevant situation from the relevant entities and personnel;
- (5) other measures it is entitled to take as stipulated by any laws and/or regulations.

When performing the duties of supervision and inspection, the supervising and inspecting personnel shall strictly abide by the procedures stipulated by the relevant laws and regulations, produce the certificates and keep technical and business secrets for the entities subject to the inspection.

Article 4 The relevant entities and personnel shall provide support and coordination assistance for in the supervision and inspection conducted according to law, reflect the situation according to the facts, provide the relevant materials and may not refuse or impede the supervision and inspection.

Article 5 All entities and individuals are entitled to impeach or accuse the entities and individuals that pollute or damage national nature reserves or the organs that fail to perform the duties of

supervision and management of national nature reserves.

Article 6 The competent administrative department of environmental protection of the State Council shall publicize the relevant situation on the supervision and inspection of national nature reserves to the society and shall be subject to the supervision of the society.

Article 7 The competent administrative department of environmental protection of the State Council shall organize make regular evaluation appraisals on the construction and management of national nature reserves.

The competent administrative department of environmental protection of the State Council shall organize the establishment of the national nature reserve evaluation appraisal commission, which shall conduct evaluation an appraisal on the construction and management of national nature reserves on a regular basis and put forward suggestions on rectification according to the evaluation appraisal results.

The regular evaluation appraisals on the construction and management of each national nature reserve shall be conducted made at least once every five years.

Article 8 The content of the regular evaluation appraisal on national nature reserves shall include:

- (1) the setup of management bodies and the staffing situation thereof;
- (2) the condition of the facilities for management and maintenance;
- (3) the appropriateness of the areas and functional sub-areas, range, boundary line and allocation of land ownership and land use right;
- (4) the formulation and implementation of management rules and planning;
- (5) the background, protection and utilization of resources;
- (6) condition of situation of scientific research, monitoring, archives and specimen;
- (7) the management of the construction projects within the nature reserve;
- (8) tourism and other human activities;
- (9) relationship with the surrounding neighborhoods;
- (10) situation of publicity, education, training, exchange and cooperation;
- (11) management expenditures;
- (12) other content that shall be subject to evaluation appraisal.

The standards for the regular evaluation appraisal of national nature reserves shall be otherwise formulated by the competent administrative department of environmental protection of the State Council.

Article 9 The competent administrative department of environmental protection of the State Council shall, in organizing when making a regular evaluation appraisal on a national nature reserve, notify the management body of the evaluated appraised national nature reserve and its competent administrative department 20 workdays before the start of the evaluation appraisal.

Article 10 The evaluation appraisal results of national nature reserves are divided as four grades, namely, excellent, good, middle, and bad.

The competent administrative department of environmental protection of the State Council shall feed back the evaluation appraisal results and suggestions of rectification to the management body of the evaluated appraised national nature reserve and send a copy to the competent administrative department of this nature reserve and the provincial people's government of the place where it is located.

Where the management body of an evaluated appraised national nature reserve has objection to the evaluation appraisal results, it may send an application to the competent administrative department of

environmental protection of the State Council for recheck, which shall make a recheck and verification in a timely manner.

Article 11 The results of the regular evaluation appraisals of national nature reserves shall be published by the competent administrative department of environmental protection of the State Council in a unified way.

Article 12 The competent administrative department of environmental protection of the State Council shall conduct inspection of the law enforcement on national nature reserves.

The inspection of law enforcement includes regular inspections, special inspections, random inspections and investigation of special cases, etc.

Article 13 The content of the inspection of law enforcement of national nature reserves shall include:

- (1) whether the establishment, scope, the adjustment of functional areas or the change of name of the national nature reserve is in line with the relevant provisions;
- (2) whether there existed illegal logging, felling, grazing, hunting, fishing, herbs picking, reclaiming, burning the grass on waste land, mining, quarrying, sand quarrying, film shooting or other activities prohibited by laws and regulations within the national nature reserve;
- (3) whether there is any illegal construction project carried out within the national nature reserve, whether the discharge of pollutants of the entity that discharges pollutants complies with the laws and regulations on environmental protection and the relevant provisions on the management of nature reserves, the situation of the time limit treatment by the entities that discharge pollutants beyond the discharge standards;
- (4) as for a construction project that involves any national nature reserve and its evaluation appraisal documents on its impact on environment shall be subject to the examination and approval of examined and approved by the local competent administrative department of environmental protection according to law, whether the consent from the competent administrative department of environment protection of the State Council is obtained before its evaluation appraisal documents on the impact on environment are examined and approved;
- (5) whether there existed such behaviors as damaging, misappropriating or illegally transferring land or other natural resources of the national nature reserve;
- (6) whether the tourism program of the national nature reserve has been approved by the relevant competent administrative departments of the State Council, whether the tourism activities comply with the laws and regulations and the requirements of the construction planning (overall planning) of the nature reserve;
- (7) whether the construction of the national nature reserve is in line with the requirements of the construction planning (overall planning), whether the relevant infrastructures and equipments satisfy the relevant standards and technical norms of the state;
- (8) whether the management body of the national nature reserve performs its duties according to law;
- (9) whether the construction of the national nature reserve and the use of management expenditures are in line with the relevant provisions of the state;
- (10) other content that shall be supervised and inspected as stipulated by laws and regulations.

Article 14 Where it is found out in the regular evaluation appraisal or the inspection of law enforcement that a management body of national nature reserve has violated the provisions on the construction and management of national nature reserves, in addition to handling in accordance with the provision of Article 19 of these Measures, the competent administrative department of environmental protection of the State Council shall, in addition to handling in accordance with the provision of Article 19 of these Measures, order it to rectify within certain time limit and may circulate a notice thereon according to the actual situation.

As for a national nature reserve whose rectification is not up to fails to meet the standard

requirements, whose objects of protection are damaged seriously and which does not satisfy the conditions of national nature reserve any more, the competent administrative department of environmental protection of the State Council shall propose a suggestion of degrading this national nature reserve to the national nature reserve evaluation appraisal commission and, after the suggestion is deliberated and adopted by the commission and approved by the State Council, degrade it.

Article 15 Where a national nature reserve is degraded because of the abuse of authority, neglect of duty or self-seeking misconduct for unlawful gains by the relevant administrative organ or the management body of the national nature reserve, as for the directly responsible personnel in charge and other directly responsible personnel, the competent administrative department of environmental protection of the State Council may propose suggestions on suggest their higher authority or the relevant supervision organ imposing an the administrative penalties against on them to their higher authority or the relevant supervision organ.

Article 16 A degraded national nature reserve may not apply for establishing national nature reserve again within the future five years.

Article 17 The competent administrative department of environmental protection of the State Council shall publish the results of the inspection of law enforcement of national nature reserves, the list of the national nature reserves that are ordered to make rectifications and the result of rectification situation, and the list of the degraded national nature reserves to the society in a timely manner.

Article 18 Where a local people's government or any of its relevant competent administrative departments at or above the county level violates the relevant provisions and has any of the following behaviors, as for the directly responsible personnel in charge and other directly responsible personnel, the competent administrative department of environmental protection of the State Council may propose suggestions on the administrative penalties against them to their higher authority or the relevant supervising organ:

- (1) without being approved, unlawfully canceling the national nature reserve or adjusting or changing the range, boundary lines and functional division of areas of the national nature reserve without authorization;
- (2) illegally approving the construction of the projects that pollute or damage the ecological environment within the national nature reserve;
- (3) illegally approving the development of tourism or the exploitation of mineral resources within the national nature reserve;
- (4) failing to prevent or investigate and punish the behaviors, occurred within its jurisdiction, that violate the relevant provisions on the management of national nature reserves in the laws and regulations of environmental protection;
- (5) formulating or adopting the provisions or measures that are at variance with the relevant provisions on the management of national nature reserves in the laws and regulations of environmental protection, and failing to correct after being so pointed out;
- (6) intervening or restricting the competent administrative department of environmental protection in the supervision and inspection of national nature reserves according to law;
- (7) other behaviors that violate the relevant provisions on the management of national nature reserves.

Article 19 Where a management body of national nature reserve has any of the following behaviors by of violating the relevant provisions, the competent administrative department of environmental protection of the State Council may order it to rectify within a certain time limit; as for the directly responsible personnel in charge and other directly responsible personnel, it may propose suggestions on administrative penalties to suggest the competent administrative department of national nature reserve that establishes this management body or the relevant supervision organ to impose an

administrative punishment upon them.

- (1) unlawfully adjusting or changing the range, boundary lines and functional division of areas without authorization;
- (2) without being approved, conducting such activities as visit and tourism in the nature reserve without approval;
- (3) conducting activities of visits and or tourism that are not beneficial good for the protection of the nature reserve;
- (4) failing to conduct activities of visits and or tourism according to the approved program;
- (5) failing to prevent or investigate and punish the behaviors, which occurred within the national nature reserve, and which that violated the relevant provisions on the management of national nature reserves in the laws and regulations of environmental protection;
- (6) obstructing or impeding the personnel of supervision and inspection from performing their duties;
- (7) misappropriating or abusing the expenditures for the construction and management of the national nature reserve;
- (8) retaliating the personnel of supervision and inspection, impeaching or accusing such personnel;
- (9) other behaviors that fail to perform the duties of the construction and management of nature reserves.

Article 20 Where a management body of a national nature reserve refuses to accept the supervision and inspection of the competent administrative department of environmental protection of the State Council, or falsifies in the supervision and inspection, the competent administrative department of environmental protection of the State Council shall punish it in accordance with the relevant provisions of the Regulation on Nature Reserves.

Article 21 The supervision and inspection by the competent administrative department of environmental protection of the people's government at the provincial level on the local nature reserves within its jurisdiction may be conducted by taking these Measures as reference.

The content of the inspection of law enforcement by the competent administrative department of environmental protection of the people's government at the county level on the local nature reserves within its jurisdiction may be determined by taking these Measures as a reference; where, in the inspection of law enforcement, it is found that a management body of national nature reserve has committed any behaviors that violates the provisions on the construction and management of national nature reserves, this department may report the relevant situation to the competent administrative department of environmental protection of the State Council level by level, which shall handle in accordance with the relevant provisions of these Measures after verifying the fact.

Article 22 These Measures shall come into force as of December 1st, 2006.