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# 中华人民共和国森林法（2009修正）

# Forestry Law of the People’s Republic of China (2009 Revision)

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(1984年9月20日第六届全国人民代表大会常务委员会第七次会议通过 1984年9月20日 中华人民共和国主席令第十七号公布 根据1998年4月29日第九届全国人民代表大会常务委员会第二次会议《关于修改的决定》第一次修正 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第二次修正)

(Adopted at the 7th session of the Standing Committee of the 6th National People's Congress on September 20, 1984; promulgated by the Order of the President of the People's Republic of China No. 17 on September 20, 1984; amended for the first time according to the Decision on Amendment adopted at the 2nd session of the Standing Committee of the 9th National People's Congress on April 29, 1998; and amended for the second time according to the Decision on Amending Certain Laws adopted at the 10th session of the Standing Committee of the 11th National People's Congress on August 27, 2009)

第一章 总则

Chapter 1 General Provisions

第一条   为了保护、培育和合理利用森林资源，加快国土绿化，发挥森林蓄水保土、调节气候、改善环境和提供林产品的作用，适应社会主义建设和人民生活的需要，特制定本法。

Article 1 This Law is enacted for the purpose of protecting, cultivating and rationally utilizing forest resources, speeding up afforestation of our land, giving full play to the forests' role of conserving water and soil, moderating the climate, improving the environment and providing forest products, so as to meet the needs of socialist construction and the people's life.

第二条   在中华人民共和国领域内从事森林、林木的培育种植、采伐利用和森林、林木、林地的经营管理活动，都必须遵守本法。

Article 2 Anyone who is engaged in afforestation and cultivation, felling and utilization of forests and trees as well as management and administration of forests, trees and forest land within the territory of the People's Republic of China shall observe this Law.

第三条   森林资源属于国家所有，由法律规定属于集体所有的除外。

Article 3 Forest resources, with the exception of those owned by collectives as provided for by law, are owned by the State.

国家所有的和集体所有的森林、林木和林地，个人所有的林木和使用的林地，由县级以上地方人民政府登记造册，发放证书，确认所有权或者使用权。国务院可以授权国务院林业主管部门，对国务院确定的国家所有的重点林区的森林、林木和林地登记造册，发放证书，并通知有关地方人民政府。

Local people's governments at county level and above will draw up a register of State-owned and collectively owned forests, woods and forest lands, as well as woods owned and forest lands used by individuals, and will issue certificates to confirm ownership or usage rights. The State Council may authorize its competent forestry department to have the state-owned forests, trees and forest land in key forest areas defined as such by the State Council registered, issue certificates and notify the matter to the local people's governments concerned.

森林、林木、林地的所有者和使用者的合法权益，受法律保护，任何单位和个人不得侵犯。

The lawful rights and interests of the owners and users of forests, trees and forest land shall be protected by law and may not be infringed upon by any unit or individual.

第四条   森林分为以下五类：

Article 4 Forests are classified into the following five categories:

（一）防护林：以防护为主要目的的森林、林木和灌木丛，包括水源涵养林，水土保持林，防风固沙林，农田、牧场防护林，护岸林，护路林；

1. Shelter forests: forests, woods and bushes with protection as the main aim including water source conservation forests, water and soil conservation forests, Windbreak and sand-fixation forests, farmland and pasture shelter forests, embankment protection forests and highway/road protection forests;

（二）用材林：以生产木材为主要目的的森林和林木，包括以生产竹材为主要目的的竹林；

(II) Timber forests: forests and woods with timber production as the main aim including bamboo forests with production of bamboo materials as the main aim;

（三）经济林：以生产果品，食用油料、饮料、调料，工业原料和药材等为主要目的的林木；

(III) Economic forests: forest trees that are mainly used for producing fruits, edible oils, beverages, condiments, industrial raw materials and medicinal materials;

（四）薪炭林：以生产燃料为主要目的的林木；

(IV) Firewood forests: forest trees that are used mainly for producing fuel wood; and

（五）特种用途林：以国防、环境保护、科学实验等为主要目的的森林和林木，包括国防林、实验林、母树林、环境保护林、风景林，名胜古迹和革命纪念地的林木，自然保护区的森林。

(V) Special-purpose forests: forests and woods with national defence, environmental protection and scientific experiments as the main aim including national defence forests, experimental forests, seed forests, environmental protection forests, scenic forests, forest trees at scenic spots and historical sites and revolutionary memorial places and forests in nature reserves.

第五条   林业建设实行以营林为基础，普遍护林，大力造林，采育结合，永续利用的方针。

Article 5 The guiding principles for forestry development are: put emphasis on forest management, protect forests everywhere, vigorously promote afforestation, coordinate felling with cultivation and ensure the sustained utilization of forest resources.

第六条   国家鼓励林业科学研究，推广林业先进技术，提高林业科学技术水平。

Article 6. The State will encourage forestry scientific research, promote forestry advanced technology, and improve the level of forestry science and technology.

第七条   国家保护林农的合法权益，依法减轻林农的负担，禁止向林农违法收费、罚款，禁止向林农进行摊派和强制集资。

Article 7 The State protects the lawful rights and interests of self-employed tree cultivators, lightens their burdens according to law, forbids illegal imposing of charges and fines on them and forbids imposing of donation quotas on them and raising of funds from among them by compulsory means.

国家保护承包造林的集体和个人的合法权益，任何单位和个人不得侵犯承包造林的集体和个人依法享有的林木所有权利其他合法权益。

The State protects the lawful rights and interests of the collectives and individuals that have contracted for afforestation; no unit or individual may infringe upon the lawful rights and interests enjoyed by them in the ownership of trees and other lawful rights and interests.

第八条   国家对森林资源实行以下保护性措施：

Article 8 The State adopts the following measures to protect forest resources:

（一）对森林实行限额采伐，鼓励植树造林、封山育林，扩大森林覆盖面积；

1. Implementing quota forest felling, encouraging tree planting, mountain closure for afforestation and expanding forest coverage;

（二）根据国家和地方人民政府有关规定，对集体和个人造林、育林给予经济扶持或者长期贷款；

(II) providing financial support or long-term loans to collectives and individuals for afforestation and facilitation of afforestation in accordance with the relevant regulations of the State and local people's governments;

（三）提倡木材综合利用和节约使用木材，鼓励开发、利用木材代用品；

(III) to encourage the all-purpose use and conservation of timber and the development and utilization of timber substitutes;

（四）征收育林费，专门用于造林育林；

(IV) to collect afforestation fees for the exclusive use of tree planting and forest cultivation;

（五）煤炭、造纸等部门，按照煤炭和木浆纸张等产品的产量提取一定数额的资金，专门用于营造坑木、造纸等用材林；

(V) to withdraw a certain amount of funds from the departments of coal and paper making for building timber forests that will be used for mine timber and paper-making according to the output of coal, wood pulp and paper; and

（六）建立林业基金制度。

(VI) establishing a forestry funding system.

国家设立森林生态效益补偿基金，用于提供生态效益的防护林和特种用途林的森林资源、林木的营造、抚育、保护和管理。森林生态效益补偿基金必须专款专用，不得挪作他用。具体办法由国务院规定。

The State establishes a compensation fund for the benefit of the forest ecology, which is to be used for the benefit of the afforestation, cultivation, protection and administration of forest resources and trees of the shelter forests and forests for special uses that benefit the ecology. The compensation fund for the benefit of the forest ecology shall be used for no other than the said purposes. The specific measures shall be formulated by the State Council.

第九条   国家和省、自治区人民政府，对民族自治地方的林业生产建设，依照国家对民族自治地方自治权的规定，在森林开发、木材分配和林业基金使用方面，给予比一般地区更多的自主权和经济利益。

Article 9 With regard to forestry production and development in autonomous areas of minority nationalities, the State and the people's governments of the provinces and autonomous regions shall, in accordance with the power of autonomy the State has provided for national autonomous areas, grant these areas greater decision-making power and more economic benefits than other areas in forestry development, timber distribution and use of forest fund.

第十条   国务院林业主管部门主管全国林业工作。县级以上地方人民政府林业主管部门，主管本地区的林业工作。乡级人民政府设专职或者兼职人员负责林业工作。

Article 10. The State Council principal forestry department will be responsible for national forestry work. The competent forestry departments of the people's governments at or above the county level shall be responsible for forestry work in their respective areas. Full-time or part-time posts shall be set up in people's governments at the township level to take charge of forestry work.

第十一条   植树造林、保护森林，是公民应尽的义务。各级人民政府应当组织全民义务植树，开展植树造林活动。

Article 11 Planting trees and protecting forests are the bounden duty of every citizen. People's governments at all levels shall organize voluntary tree planting by all citizens and carry out afforestation activities.

第十二条   在植树造林、保护森林、森林管理以及林业科学研究等方面成绩显著的单位或者个人，由各级人民政府给予奖励。

Article 12 Units or individuals that have achieved outstanding successes in afforestation, forest protection, forest administration and scientific research in forestry, etc. shall be rewarded by people's governments at different levels.

第二章 森林经营管理

Chapter 2 Forest Management and Administration

第十三条   各级林业主管部门依照本法规定，对森林资源的保护、利用、更新，实行管理和监督。

Article 13 The competent forestry departments at all levels shall, in accordance with the provisions of this Law, administer and supervise the protection, utilization and regeneration of forest resources.

第十四条   各级林业主管部门负责组织森林资源清查，建立资源档案制度，掌握资源变化情况。

Article 14 The competent forestry departments at all levels shall be responsible for organizing surveys and keeping files of records on forest resources so as to have a good grasp of the changes in forest resources.

第十五条   下列森林、林木、林地使用权可以依法转让，也可以依法作价入股或者作为合资、合作造林、经营林木的出资、合作条件，但不得将林地改为非林地 ：

Article 15 The following forests and trees and the right to use the following forest land may be transferred according to law and they may also be valued and converted as shares or used as funds or conditions for joint or co-operative afforestation or tree management according to law, provided that no forest land is changed into non-forest land:

（一）用材林、经济林、薪炭林；

1. timber forests, economic forests and fuel forests;

（二）用材林、经济林、薪炭林的林地使用权；

2. the right to use the land of timber forests, economic forests and fuel forests;

（三）用材林、经济林、薪炭林的采伐迹地、火烧迹地的林地使用权；

(III) the right to use the cut-over land and cut-over land of timber forests, economic forests and fuel forests; and

（四）国务院规定的其他森林、林木和其他林地使用权。

(IV) the right of use of other forests, woods and other forest lands stipulated by the State Council.

依照前款规定转让、作价入股或者作为合资、合作造林、经营林木的出资、合作条件的，已经取得的林木采伐许可证可以同时转让，同时转让双方都必须遵守本法关于森林、林木采伐和更新造林的规定。

Where the forests or trees or the right to use the forest land are transferred and where they are valued and converted as shares or used as funds or conditions for joint or co-operative afforestation or tree management in accordance with the provisions of the preceding paragraph, the licenses obtained for tree felling may be transferred at the same time, the two parties involved shall observe the provisions of this Law governing the felling of forests and trees and reafforestation.

除本条第一款规定的情形外，其他森林、林木和其他林地使用权不得转让。

No forests or trees and no right to use forest land other than the ones as provided for in the first paragraph of this Article may be transferred.

具体办法由国务院规定。

The specific measures shall be formulated by the State Council.

第十六条   各级人民政府应当制定林业长远规划。国有林业企业事业单位和自然保护区，应当根据林业长远规划，编制森林经营方案，报上级主管部门批准后实行。

Article 16 The people's governments at all levels shall each work out a long-term forestry development plan. State-owned forestry enterprises, institutions and nature reserves should compile forest management schemes in accordance with the long-term forestry planning and submit them to the competent department at the next higher level for approval before implementation.

林业主管部门应当指导农村集体经济组织和国有的农场、牧场、工矿企业等单位编制森林经营方案。

The competent forestry departments shall provide guidance to rural collective economic organizations, state-owned farms, pastures, industrial enterprises and mines in drawing up their forest management plans.

第十七条   单位之间发生的林木、林地所有权和使用权争议，由县级以上人民政府依法处理。

Article 17 Disputes arising between units over ownership or right of use of trees or forest land shall be handled by people's governments at or above the county level according to law.

个人之间、个人与单位之间发生的林木所有权和林地使用权争议，由当地县级或者乡级人民政府依法处理。

Disputes arising between individuals or between individuals and units over ownership of trees or right of use of forest land shall be handled by local people's governments at the county or township level according to law.

当事人对人民政府的处理决定不服的，可以在接到通知之日起一个月内，向人民法院起诉。

If a party refuses to accept the decision of the people's government, it may file a suit in a People's Court within one month after receiving notification of the decision.

在林木、林地权属争议解决以前，任何一方不得砍伐有争议的林木。

Pending a settlement of the dispute over woods and forest land ownership, no Party shall fell the woods in dispute.

第十八条   进行勘查、开采矿藏和各项建设工程，应当不占或者少占林地；必须占用或者征收、征用林地的，经县级以上人民政府林业主管部门审核同意后，依照有关土地管理的法律、行政法规办理建设用地审批手续，并由用地单位依照国务院有关规定缴纳森林植被恢复费。森林植被恢复费专款专用，由林业主管部门依照有关规定统一安排植树造林，恢复森林植被，植树造林面积不得少于因占用、征收、征用林地而减少的森林植被面积。上级林业主管部门应当定期督促、检查下级林业主管部门组织植树造林、恢复森林植被的情况。

Article 18 No forest land or only a small tract of forest land may be used for prospecting or exploiting mineral resources or for constructing projects. Where it is necessary to use or expropriate or requisition forest land, the unit that wishes to use the land shall, after examination and approval by the competent forestry department of the people's government at or above the county level, go through the examination and approval formalities for the use of the land for construction in accordance with laws and administrative rules and regulations regarding land administration and pay forest vegetation recovery fees in accordance with the relevant regulations of the State Council. Forest vegetation recovery fees shall be used for no other purposes; the competent forestry department shall, in accordance with relevant regulations, make unified arrangement for afforestation and forest vegetation recovery, and the afforestation area shall be no smaller than the forest vegetation area to be used or expropriated or requisitioned. The competent forestry department at a higher level shall, at regular intervals, supervise and inspect afforestation and forest vegetation recovery arranged by it.

任何单位和个人不得挪用森林植被恢复费。县级以上人民政府审计机关应当加强对森林植被恢复费使用情况的监督。

No unit or individual may divert the forest vegetation recovery fees for other purposes. Auditing organs of the people's governments at or above the county level shall exercise strict supervision over the use of the forest vegetation recovery fees.

第三章 森林保护

Chapter 3 Forest Protection

第十九条   地方各级人民政府应当组织有关部门建立护林组织，负责护林工作；根据实际需要在大面积林区增加护林设施，加强森林保护；督促有林的和林区的基层单位，订立护林公约，组织群众护林，划定护林责任区，配备专职或者兼职护林员。

Article 19 Local people's governments at various levels shall make arrangements for the relevant departments to set up organizations to be responsible for forest protection. They shall, in light of the actual needs, increase facilities in large forest areas for their effective protection, urge grass-roots units which own forests or which are located in forest areas to formulate forest protection pledges, mobilize the masses to protect the forests, delimit the areas of responsibility for forest protection and appoint full-time or part-time forest guards.

护林员可以由县级或者乡级人民政府委任。护林员的主要职责是：巡护森林，制止破坏森林资源的行为。对造成森林资源破坏的，护林员有权要求当地有关部门处理。

Forest guards may be appointed by people's governments at the county or township level. The main duties of forest rangers are: patrol the forest and stop the destruction of forest resources. Forest guards shall have the right to request the local departments concerned to deal with persons who cause damage to forest resources.

第二十条   依照国家有关规定在林区设立的森林公安机关，负责维护辖区社会治安秩序，保护辖区内的森林资源，并可以依照本法规定，在国务院林业主管部门授权的范围内，代行本法第三十九条、第四十二条、第四十三条、第四十四条规定的行政处罚权。

Article 20 Forestry public security organs, established in forest areas in accordance with the relevant regulations of the State, are in charge of maintaining public order and protecting the forest resources in the areas under their jurisdiction, and they may also, acting in accordance with the provisions of this Law and within the limits of their power authorized by the competent forestry department under the State Council, exercise the right of imposing administrative penalties as provided for in Articles 39, 42, 43 and 44 of this Law.

武装森林警察部队执行国家赋予的预防和扑救森林大灾的任务。

The Armed Forest Police Force performs the tasks entrusted by the State to prevent and fight against major forest disasters.

第二十一条   地方各级人民政府应当切实做好森林火灾的预防和扑救工作：

Article 21 Local people's governments at various levels shall adopt practical measures to prevent and fight forest fires:

（一）规定森林防火期，在森林防火期内，禁止在林区野外用火；因特殊情况需要用火的，必须经过县级人民政府或者县级人民政府授权的机关批准；

1. fix fire prevention periods in forests. During such periods, it is forbidden to use fire in the open air in a forest area. If the use of fire is necessary under special circumstances, prior approval shall be obtained from the people's government at the county level or from the agency it authorized;

（二）在林区设置防火设施；

2. install fire prevention facilities in forest regions;

（三）发生森林火灾，必须立即组织当地军民和有关部门扑救；

(III) immediately mobilize the local military and civilians as well as departments concerned to fight forest fires; and

（四）因扑救森林火灾负伤、致残、牺牲的，国家职工由所在单位给予医疗、抚恤；非国家职工由起火单位按照国务院有关主管部门的规定给予医疗、抚恤，起火单位对起火没有责任或者确实无力负担的，由当地人民政府给予医疗、抚恤。

(IV) in case that a person is wounded, disabled or killed in fighting forest fire, the unit to which he belongs shall provide medical treatment or pensions if the person is an employee of a State unit; in case that the person wounded, disabled or killed is not a State employee, the unit where the fire broke out shall, in accordance with the regulations of the relevant competent departments under the State Council, provide the medical treatment or pensions; in case the unit where the fire broke out bears no responsibility for the fire or is really incapable of bearing, the local people's government shall provide the medical treatment or pensions.

第二十二条   各级林业主管部门负责组织森林病虫害防治工作。

Article 22 The competent forestry departments at various levels shall be responsible for making arrangements for prevention and control of plant diseases and insect pests in the forests.

林业主管部门负责规定林木种苗的检疫对象，划定疫区和保护区，对林木种苗进行检疫。

The competent forestry departments shall be responsible for determining the categories of forest tree seeds and seedlings that should be quarantined, designating quarantine zones and protection zones and carrying out quarantine on forest tree seeds and seedlings.

第二十三条   禁止毁林开垦和毁林采石、采砂、采土以及其他毁林行为。

Article 23 It is forbidden to disafforest for purposes of reclaiming land, quarrying stone and digging sand or earth as well as other purposes.

禁止在幼林地和特种用途林内砍柴、放牧。

Cutting of firewood and grazing in young forest lands and special-purpose forests are prohibited.

进入森林和森林边缘地区的人员，不得擅自移动或者损坏为林业服务的标志。

Any person entering a forest or its fringe areas shall be forbidden to move or damage without authorization any mark set up in the service of forestry.

第二十四条   国务院林业主管部门和省、自治区、直辖市人民政府，应当在不同自然地带的典型森林生态地区、珍贵动物和植物生长繁殖的林区、天然热带雨林区和具有特殊保护价值的其他天然林区，划定自然保护区，加强保护管理。

Article 24 The competent department of the State Council for forestry as well as the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, for the purpose of better protection and administration, set up nature reserves in areas with typical forest ecology in different natural zones, forest areas where rare animals and plants propagate, natural tropical rain forests and other natural forest areas calling for special protection.

自然保护区的管理办法，由国务院林业主管部门制定，报国务院批准施行。

Administrative measures for nature reserves shall be formulated by the competent department of forestry under the State Council and implemented after approval by the State Council.

对自然保护区以外的珍贵树木和林区内具有特殊价值的植物资源，应当认真保护；未经省、自治区、直辖市林业主管部门批准，不得采伐和采集。

Rare trees growing outside the nature reserves as well as plant species of special value in the forest areas shall be well protected; and none of them may be felled or collected without approval obtained from the competent departments of forestry of the provinces, autonomous regions and municipalities directly under the Central Government.

第二十五条   林区内列为国家保护的野生动物，禁止猎捕；因特殊需要猎捕的，按照国家有关法规办理。

Article 25 It is forbidden to hunt wild animals that are under State protection in the forest areas. Where such animals have to be hunted for special needs, the matter shall be dealt with in accordance with the relevant laws and regulations of the State.

第四章 植树造林

Chapter 4 Afforestation

第二十六条   各级人民政府应当制定植树造林规划，因地制宜地确定本地区提高森林覆盖率的奋斗目标。

Article 26 The people's governments at various levels shall work out afforestation plans and, in light of the specific local conditions, set forth targets for increasing the forest coverage of their own areas.

各级人民政府应当组织各行各业和城乡居民完成植树造林规划确定的任务。

People's governments at all levels should organize all trades and professions and urban and rural residents to fulfill the tasks assigned in the afforestation plans.

宜林荒山荒地，属于国家所有的，由林业主管部门和其他主管部门组织造林；属于集体所有的，由集体经济组织组织造林。

Afforestation on State-owned barren hills and wastelands that are suitable for afforestation shall be organized by the competent forestry departments and other competent departments; afforestation on collectively owned barren hills and wastelands shall be organized by collective economic organizations.

铁路公路两旁、江河两侧、湖泊水库周围，由各有关主管单位因地制宜地组织造林；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，由各该单位负责造林。

Afforestation of areas on both sides of railways, highways and rivers and around lakes and reservoirs shall be organized by the competent departments concerned in light of the local conditions; afforestation in industrial and mining areas, on grounds occupied by government departments and schools, in army barracks as well as in areas managed by farms, grazing grounds and fishing grounds shall be the responsibility of the said units.

国家所有和集体所有的宜林荒山荒地可以由集体或者个人承包造林。

State-owned and collective-owned barren hills and wastelands suitable for afforestation may be contracted out to collectives or individuals for afforestation.

第二十七条   国有企业事业单位、机关、团体、部队营造的林木，由营造单位经营并按照国家规定支配林木收益。

Article 27 The trees planted by State-owned enterprises and institutions, government departments, public organizations and army units shall be managed by them and the proceeds therefrom shall be controlled by them in accordance with State regulations.

集体所有制单位营造的林木，归该单位所有。

Trees planted by units under collective ownership shall be owned by such units.

农村居民在房前屋后、自留地、自留山种植的林木，归个人所有。城镇居民和职工在自有房屋的庭院内种植的林木，归个人所有。

Trees planted by rural residents in front of and behind their houses, on private plots of land and on private hills shall be owned by them. Trees planted by urban residents and staff and workers in the courtyard of their own houses shall be owned by themselves.

集体或者个人承包国家所有和集体所有的宜林荒山荒地造林的，承包后种植的林木归承包的集体或者个人所有；承包合同另有规定的，按照承包合同的规定执行。

In cases where a collective or an individual contracts to afforest State-owned or collectively owned barren hills or wastelands that are suitable for afforestation, the trees planted pursuant to the contract shall be owned by the said collective or individual; if the contract provides otherwise, the provisions of the contract shall be followed.

第二十八条   新造幼林地和其他必须封山育林的地方，由当地人民政府组织封山育林。

Article 28 Local people's governments shall be responsible for closing the newly cultivated young growth land and the hillsides that must be closed to facilitate afforestation.

第五章 森林采伐

Chapter 5 Forest Felling

第二十九条   国家根据用材林的消耗量低于生长量的原则，严格控制森林年采伐量。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，制定年采伐限额，由省、自治区、直辖市林业主管部门汇总，经同级人民政府审核后，报国务院批准。

Article 29. The State will strictly control annual forest felling volume based on the principle of the commercial forest consumption being less than forest growth. Annual felling quotas will be formulated by a State-owned forestry enterprise or institutional unit, farm, factory or mine as a unit for State-owned forests and woods, and by a county as a unit for collectively-owned forests and woods and individually-owned woods. The principal forestry department of the province, autonomous region or directly administered municipality will consolidate the quotas and, after the examination and verification by the same level people's government, will submit them to the State Council for approval.

第三十条   国家制定统一的，年度木材生产计划。年度木材生产计划不得超过批准的年采伐限额。计划管理的范围由国务院规定。

Article 30. The State will formulate uniform annual timber production plans. The annual timber production plan must not exceed the approved annual felling quotas. The scope of plan control shall be defined by the State Council.

第三十一条   采伐森林和林木必须遵守下列规定：

Article 31 The felling of forests and woods must comply with the following provisions:

（一）成熟的树林应当根据不同情况，分别采取择伐、皆伐和渐伐方式，皆伐应当严格控制，并在采伐的当年或者次年内完成更新造林；

1. For mature timber forests the modes of selective felling, clear felling or gradual felling should be employed in the light of different conditions. Clear felling shall be strictly controlled and reafforestation shall be completed within the same year of felling or the following year.

（二）防护林和特种用途林中的国防林、母树林、环境保护林、风景林，只准进行抚育和更新性质的采伐；

(II) Only felling in the nature of tending and regeneration is permitted in shelter forests and such special-purpose forests as national defence forests, seed forests, environmental protection forests and scenic forests.

（三）特种用途林中的名胜古迹和革命纪念地的林木、自然保护区的森林，严禁采伐。

(III) It is strictly forbidden to fell trees in such forests for special uses as forest trees at scenic and historical sites and places of historic significance in the Chinese revolution as well as the forests in nature reserves.

第三十二条   采伐林木必须申请采伐许可证，按许可证的规定进行采伐；农村居民采伐自留地和房前屋后个人所有的零星林木除外。

Article 32 Anyone who wishes to fell trees shall apply for a felling license and do the felling according to the provisions of the felling license, but exceptions shall be made for rural inhabitants who wish to fell their own trees growing here and there on their private plots or around their houses.

国有林业企业事业单位、机关、团体、部队、学校和其他国有企业事业单位采伐林木，由所在地县级以上林业主管部门依照有关规定审核发放采伐许可证。

State-owned forestry enterprises and institutions, government departments, public organizations, army units, schools as well as other State-owned enterprises and institutions that wish to fell trees shall be issued felling licenses, after examination and in accordance with relevant regulations, by the competent forestry departments at or above the county level in the places where they are located.

铁路、公路的护路林和城镇林木的更新采伐，由有关主管部门依照有关规定审核发放采伐许可证。

When felling protective belts along railways and roads, or the regeneration felling of urban and township woods is carried out, the relevant principal department will examine and verify the application, and issue a felling permit in accordance with relevant regulations.

农村集体经济组织采伐林木，由县级林业主管部门依照有关规定审核发放采伐许可证。

When rural collective economic organisations fell timber, the county level principal forestry department will examine and verify the application, and issue a felling permit in accordance with relevant regulations.

农村居民采伐自留山和个人承包集体的林木，由县级林业主管部门或者其委托的乡、镇人民政府依照有关规定审核发放采伐许可证。

When rural residents fell timber on private hillsides and individuals contract to fell collectively-owned timber, the county level principal forestry department or the village or township people's government commissioned by the county level principal forestry department will examine and verify the application, and issue a felling permit in accordance with relevant regulations.

采伐以生产竹材为主要目的的竹林，适用以上各款规定。

The provisions of the paragraphs above shall apply to the felling of bamboo in bamboo forests cultivated mainly for producing bamboo timber.

第三十三条   审核发放采伐许可证的部门，不得超过批准的年采伐限额发放采伐许可证。

Article 33. Departments which examine, verify and issue felling permits must not exceed the approved annual felling quota when issuing felling permits.

第三十四条   国有林业企业事业单位申请采伐许可证时，必须提出伐区调查设计文件。其他单位申请采伐许可证时，必须提出有关采伐的目的、地点、林种、林况、面积、蓄积、方式和更新措施等内容的文件。

Article 34 When applying for felling licenses, State-owned forestry enterprises and institutions shall submit documents of survey and design of the felling area. When any other unit applies for a felling license, it must submit documents which state the felling purpose, location, type of forest, forest conditions, area of land, amount of forest retained, felling method, regeneration measures, etc.

对伐区作业不符合规定的单位，发放采伐许可证的部门有权收缴采伐许可证，中止其采伐，直到纠正为止。

The department which issued the felling license shall have the right to revoke the license of a unit which, in violation of the regulations, carries out felling operations in an felling area, to suspend its felling operations until it is rectified.

第三十五条   采伐林木的单位或者个人，必须按照采伐许可证规定的面积、株数、树种、期限完成更新造林任务，更新造林的面积和株数不得少于采伐的面积和株数。

Article 35 Units or individuals that are to fell trees shall complete the task of reforestation in terms of the area, number of trees, types of trees and time limit as provided for in the felling licenses, and the area of reforestation and the number of trees required to be planted shall be no smaller than the original area and the number of trees felled.

第三十六条   林区木材的经营和监督管理办法，由国务院另行规定。

Article 36 Measures for the management, supervision and administration of timber in forest areas shall be separately formulated by the State Council.

第三十七条   从林区运出木材，必须持有林业主管部门发给的运输证件，国家统一调拨的木材除外。

Article 37 A transport license issued by the competent forestry department shall be required for transporting timber out of a forest area, except for timber under unified distribution by the State.

依法取得采伐许可证后，按照许可证的规定采伐的木材，从林区运出时，林业主管部门应当发给运输证件。

After the issue of a felling permit in accordance with the law, the principal forestry department must issue a transportation certificate when transporting out of the forest area timber which has been felled pursuant to the provisions of the felling permit.

经省、自治区、直辖市人民政府批准，可以在林区设立木材检查站，负责检查木材运输。对未取得运输证件或者物资主管部门发给的调拨通知书运输木材的，木材检查站有权制止。

With the approval of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government, timber inspection stations may be set up in forest areas to be responsible for the inspection of timber transportation. A timber inspection station will have the right to stop anyone who transports timber without a transportation permit or allocation notice issued by the principal commodities department.

第三十八条   国家禁止限制出口珍贵树木及其制品、衍生物。禁止、限制出口的珍贵树木及其制品、衍生物的名录和年度限制出口总量，由国务院林业主管部门会同国务院有关部门制定，报国务院批准。

Article 38 The State prohibits or restricts the export of rare and precious trees and their products and derivatives. The State Council principal forestry department, in conjunction with other relevant State Council departments, will formulate a catalogue of rare trees and their products and derivatives whose export is prohibited or restricted, and the total annual restricted export volume, and will submit these to the State Council for approval.

出口前款规定限制出口的珍贵树木或者其制品、衍生物的，必须经出口人所在地省、自治区、直辖市人民政府林业主管部门审核，报国务院林业主管部门批准，海关凭国务院林业主管部门的批准文件放行。进出口的树木或者其制品、衍生物属于中国参加的国际公约限制进出口的濒危物种的，并必须向国家濒危物种进出口管理机构申请办理允许进出口证明书，海关并凭允许进出口证明书放行。

A party which wants to export rare trees or their products or derivatives whose export is restricted by the State must, subject to examination and verification of its application by the principal forestry department of the provincial, autonomous region or directly administered municipal people's government in the exporter's locality, apply to the State Council principal forestry department for approval. Customs will base its release of the goods on presentation of the approval documents issued by the State Council principal forestry department. If trees or their products or derivatives for import or export are regarded as endangered species whose import and export is restricted under an international treaty to which China has acceded, an application must also be made to the State endangered species import and export administrative organ to obtain an authorised import or export certificate. Customs will base its release of the goods on presentation of the authorised import or export certificate.

第六章 法律责任

Chapter 6 Legal Liabilities

第三十九条   盗伐森林或者其他林木的，依法赔偿损失；由林业主管部门责令补种盗伐株数十倍的树木，没收盗伐的林木或者变卖所得，并处盗伐林木价值三倍以上十倍以下的罚款。

Article 39 Whoever illegally fells trees, bamboo, etc. shall compensate for the losses according to law; the competent forestry department shall order him to plant ten times the number of trees illegally felled, confiscate the trees illegally felled or the gains from the sale of them, and fine him not less than three times but not more than ten times the value of the trees illegally felled.

滥伐森林或者其他林木，由林业主管部门责令补种滥伐株数五倍的树木，并处滥伐林木价值二倍以上五倍以下的罚款。

Whoever indiscriminately fells trees, bamboo, etc. shall be ordered by the competent forestry department to plant five times the number of trees, etc. indiscriminately felled and shall be fined not less than two times but not more than five times the value of the trees, etc. indiscriminately felled.

拒不补种树木或者补种不符合国家有关规定的，由林业主管部门代为补种，所需费用由违法者支付。

Where a person who violates the law refuses to replant trees or fails to do so in compliance with the regulations of the State, the competent forestry department shall do the replanting instead, and the person shall pay the expense thus incurred.

盗伐、滥伐森林或者其他林木，构成犯罪的，依法追究刑事责任。

Where the unlawful felling or denudation of forests or other woods constitutes a crime, criminal liability will be pursued in accordance with the law.

第四十条   违反本法规定，非法采伐、毁坏珍贵树木的，依法追究刑事责任。

Article 40 Whoever, in violation of the provisions of this Law, illegally fells or damages rare trees shall be investigated of criminal liability in accordance with law.

第四十一条   违反本法规定，超过批准的年采伐限额发放林木采伐许可证或者超越职权发放林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，由上一级人民政府林业主管部门责令纠正，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；有关人民政府林业主管部门未予纠正的，国务院林业主管部门可以直接处理；构成犯罪的，依法追究刑事责任。

Article 41. Where the provisions of this Law are violated through the issue of forest felling permits in excess of the approved annual felling quota or through the issue of forest felling permits, timber transportation certificates, export approval documents or authorised import or export certificates outside an authority's powers of office, the principal forestry department of the people's government at the next highest level will order the matter to be rectified and will, in accordance with the law, impose administrative penalties on the principal persons in charge and the persons directly responsible. If the principal forestry department of the relevant people's government fails to rectify the matter, the State Council principal forestry department may handle the matter directly. If a case constitutes a crime, criminal liability will be pursued in accordance with the law.

第四十二条   违反本法规定，买卖林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，由林业主管部门没收违法买卖的证件、文件和违法所得，并处违法买卖证件、文件的价款一倍以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

Article 42 Where a person, in violation of the provisions of this Law, buys or sells tree felling licenses, timber transportation certificates, export permission documents or import and export permission certificates, the competent forestry department shall confiscate the said licenses, certificates or documents and the illegal gains therefrom and fine him not less than one time but not more than three times the money spent on illegally buying or gained from illegally selling such licenses, certificates or documents. If the violation constitutes a crime, the person shall be investigated for criminal responsibility in accordance with law.

伪造林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，依法追究刑事责任。

Whoever forges tree felling licenses, timber transportation certificates, export approval documents and import and export permission certificates shall be investigated for criminal responsibility in accordance with law.

第四十三条   在林区非法收购明知是盗伐、滥伐的林木的，由林业主管部门责令停止违法行为，没收违法收购的盗伐、滥伐的林木或者变卖所得，可以并处违法收购林木的价款一倍以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

Article 43 Where a person illegally buys trees in a forest area while clearly knowing that they are illegally or indiscriminately felled, the competent forestry department shall order him to stop buying the trees, or confiscate the illegally or indiscriminately felled trees he illegally buys or the gains he obtains from selling them, and it may also fine him not less than one time but not more than three times the money he spends on illegally buying the trees. If a crime is constituted, he shall be investigated for criminal responsibility in accordance with law.

第四十四条   违反本法规定，进行开垦、采石、采砂、采土、采种、采脂和其他活动，致使森林、林木受到毁坏的，依法赔偿损失；由林业主管部门责令停止违法行为，补种毁坏株数一倍以上三倍以下的树木，可以处毁坏林木价值一倍以上五倍以下的罚款。

Article 44 Whoever, in violation of the provisions of this Law, reclaims land, quarries stone, digs sand or earth, gathers seeds or resin or engages in other activities and thereby causes damage to forests and trees shall compensate the losses according to law; the competent forestry department shall order him to stop violating the provisions and to replant not less than one time but not more than three times the number of trees damaged, and it may also fine him not less than one time but not more than five times the value of the forests and trees damaged.

违反本法规定，在幼林地和特种用途林内砍柴、放牧致使森林、林木受到毁坏的，依法赔偿损失；由林业主管部门责令停止违法行为，补种毁坏株数一倍以上三倍以下的树木。

Whoever, in violation of the provisions of this Law, cuts firewood or grazes animals in young growth areas and forests for special uses and thereby causes damage to the forests and trees shall compensate the losses according to law; the competent forestry department shall order him to stop violating the provisions and to replant not less than one time but not more than three times the number of trees damaged.

拒不补种树木或者补种不符合国家有关规定的，由林业主管部门代为补种，所需费用由违法者支付。

Where a person who violates the law refuses to replant trees or fails to do so in compliance with the regulations of the State, the competent forestry department shall do the replanting instead, and the person shall pay the expense thus incurred.

第四十五条   采伐林木的单位或者个人没有按照规定完成更新造林任务的，发放采伐许可证的部门有权不再发给采伐许可证，直到完成更新造林任务为止；情节严重的，可以由林业主管部门处以罚款，对直接责任人员由所在单位或者上级主管机关给予行政处分。

Article 45 Where lumbering units or individuals fail to accomplish their tasks of regeneration of forests as required, the departments issuing felling licenses shall have the right to stop issuing them such licenses until they fulfill the tasks. If the circumstances are serious, they may be fined by the competent forestry department, and the persons who are directly responsible shall be given administrative sanctions by the units to which they belong or by the competent department at the higher level.

第四十六条   从事森林资源保护、林业监督管理工作的林业主管部门的工作人员和其他国家机关的有关工作人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

Article 46 Any member of the competent forestry department for protection of forest resources and for forestry supervision and administration or any functionary of other State organs concerned who abuses his power, neglects his duty or engages in malpractices for personal gain, if the case constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if the case is not serious enough to constitute a crime, he shall be given administrative sanction according to law.

第七章 附则

Chapter 7 Supplementary Provisions

第四十七条   国务院林业主管部门根据本法制定实施办法，报国务院批准施行。

Article 47. The State Council principal forestry department will formulate implementing measures in accordance with this Law for implementation subject to the approval by the State Council.

第四十八条   民族自治地方不能全部适用本法规定的，自治机关可以根据本法的原则，结合民族自治地方的特点，制定变通或者补充规定，依照法定程序报省、自治区或者全国人民代表大会常务委员会批准施行。

Article 48 Where the provisions of this Law cannot be completely applied in national autonomous areas, the organs of self-government there may, in light of the principles of this Law and the characteristics of those areas, formulate adoptive or supplementary provisions, which shall be submitted according to the legally prescribed procedure to the standing committee of the provincial or autonomous regional people's congress or to the Standing Committee of the National People's Congress for approval before they are implemented.

第四十九条   本法自1985年1月1日起施行。

Article 49 This Law shall go into effect as of January 1, 1985.