

【Title】 Cultural Relics Protection Law of the People's Republic of China (2013 Amendment) [Effective]

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【法规标题】 中华人民共和国文物保护法(2013修正) [现行有效]

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Cultural Relics Protection Law of the People's Republic of China
(Adopted at the 25th Session of the Standing Committee of the Fifth National People's Congress on November 19,1982; amended for the first time in accordance with the Decision on Revising [Article 30](#) 、 [31](#) of the [Cultural Relics Protection Law of the People's Republic of China](#) as adopted at the 20th Session of the Standing Committee of the Seventh National People's Congress on June 29,1991; revised at the 30th Session of the Standing Committee of the Ninth National People's Congress on October 28, 2002; amended for the second time in accordance with the [Decision on Amending the Cultural Relics Protection Law of the People's Republic of China](#) as adopted at 31st Session of the Standing Committee of the Tenth National People's Congress on December 29,2007; and amended for the third time in accordance with the [Decision of the Standing Committee of the National People's Congress on Amending the Cultural Relics Protection Law of the People's Republic of China and Other Eleven Laws](#) as adopted at the Third Session of the Standing Committee of the Twelfth National People's Congress on June 29, 2013)

中华人民共和国文物保护法

(1982年11月19日第五届全国人民代表大会常务委员会第二十五次会议通过 根据1991年6月29日第七届全国人民代表大会常务委员会第二十次会议《[关于修改〈中华人民共和国文物保护法〉第三十条、第三十一条的决定](#)》第一次修正 2002年10月28日第九届全国人民代表大会常务委员会第三十次会议修订 根据2007年12月29日第十届全国人民代表大会常务委员会第三十一次会议《[关于修改〈中华人民共和国文物保护法〉的决定](#)》第二次修正 根据2013年6月29日第十二届全国人民代表大会常务委员会第三次会议《[关于修改〈中华人民共和国文物保护法〉等十二部法律的决定](#)》第三次修正)

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Chapter I General Rules

第一章 总则

Article 1 With a view to strengthening the protection of cultural relics, inheriting the splendid historical and cultural legacy of the Chinese Nation, promoting the scientific research, conducting education in patriotism and revolutionary tradition, and building the socialist spiritual and material civilization, this Law is formulated in accordance with the [Constitution](#).

第一条 为了加强对文物的保护，继承中华民族优秀的历史文化遗产，促进科学研究工作，进行爱国主义和革命传统教育，建设社会主义精神文明和物质文明，根据《[宪法](#)》，制定本法。

Article 2 The state shall place under its protection, within the boundaries of the People's Republic of China, the following cultural relics:

第二条 在中华人民共和国境内，下列文物受国家保护：

(1) Sites of ancient culture, ancient tombs, ancient architectural structures, cave temples, stone carvings and mural paintings that are of historical, artistic or scientific value;

(一) 具有历史、艺术、科学价值的古文化遗址、古墓葬、古建筑、石窟寺和石刻、壁画；

(2) Important historical sites, material objects and typical buildings of modern and contemporary times related to major historical events, revolutionary movements or famous people that are highly memorable or are of great significance for education or for the preservation of historical data;

(二) 与重大历史事件、革命运动或者著名人物有关的以及具有重要纪念意义、教育意义或者史料价值的近代现代重要史迹、实物、代表性建筑；

(3) Valuable works of art and handicraft articles dating from various historical periods;

(三) 历史上各时代珍贵的艺术品、工艺美术品；

(4) Important documents as well as manuscripts, books and materials, etc., that are of historical, artistic or scientific value dating from various historical periods; and

(四) 历史上各时代重要的文献资料以及具有历史、艺术、科学价值的手稿和图书资料等；

(5) Typical material objects reflecting the social system, social production or the life of various nationalities in different historical periods.
The criteria and measures for the determination of cultural relics shall be formulated by the department of cultural relics administration under the State Council, which shall report such measures to the State Council for approval.
Fossils of paleo vertebrates and paleo anthropoids of scientific value shall be protected by the state in the same way as cultural relics.

(五) 反映历史上各时代、各民族社会制度、社会生产、社会生活的代表性实物。
文物认定的标准和办法由国务院文物行政部门制定，并报国务院批准。
具有科学价值的古脊椎动物化石和古人类化石同文物一样受国家保护。

Article 3 Unmovable cultural relics, such as sites of ancient culture, ancient tombs, ancient architectural structures, cave

第三条 古文化遗址、古墓葬、古建筑、石窟寺、石刻、

temples, stone carvings, mural paintings, and important historical sites and typical buildings of modern and contemporary times, etc., may be determined as major historical and cultural sites protected at the national level, historical and cultural sites protected at the province level and historical and cultural sites protected at the level of city or county.

Movable cultural relics, such as important material objects, artworks, documents, manuscripts, books and materials, and typical material objects, etc., are divided into valuable cultural relics and ordinary cultural relics; valuable cultural relics are divided into Grade 1 cultural relics, Grade 2 cultural relics and Grade 3 cultural relics.

Article 4 The principles of focus on protection, giving first place to rescue, reasonably utilization and strengthening the management shall be followed in the work concerning cultural relics protection.

Article 5 All cultural relics remaining underground or in the inland waters or territorial seas within the boundaries of the People's Republic of China shall belong to the state.

Sites of ancient culture, ancient tombs and cave temples shall belong to the state. Unmovable cultural relics, such as memorial buildings, ancient architectural structures, stone carvings, mural paintings and typical buildings of modern and contemporary times, etc. designated for protection by the state, shall belong to the state, unless it is otherwise provided by the state.

Ownership of state-owned unmovable cultural relics shall not be changed as a result of the change of ownership of or use right to the land to which the cultural relics are attached. The following movable cultural relics shall belong to the state:

(1) Cultural relics unearthed within China, except otherwise provided for by the state;

(2) Cultural relics in the collection and preservation by collection entities of state-owned cultural relics, as well as other state organs, armed forces, state-owned enterprises and public institutions, etc;

(3) Cultural relics collected and purchased by the state;

(4) Cultural relics donated to the state by citizens, legal persons and other organizations;

(5) Other cultural relics owned by the state as provided for by the law.

Ownership of state-owned movable cultural relics shall not be changed as a result of the termination or alteration of the collection or preservation entities.

Ownership of state-owned cultural relics shall be protected by law and shall not be infringed upon.

壁画、近代现代重要史迹和代表性建筑等不可移动文物，根据它们的历史、艺术、科学价值，可以分别确定为全国重点文物保护单位，省级文物保护单位，市、县级文物保护单位。

历史上各时代重要实物、艺术品、文献、手稿、图书资料、代表性实物等可移动文物，分为珍贵文物和一般文物；珍贵文物分为一级文物、二级文物、三级文物。

第四条 文物工作贯彻保护为主、抢救第一、合理利用、加强管理的方针。

第五条 中华人民共和国境内地下、内水和领海中遗存的一切文物，属于国家所有。

古文化遗址、古墓葬、石窟寺属于国家所有。国家指定保护的纪念建筑物、古建筑、石刻、壁画、近代现代代表性建筑等不可移动文物，除国家另有规定的以外，属于国家所有。

国有不可移动文物的所有权不因其所依附的土地所有权或者使用权的改变而改变。

下列可移动文物，属于国家所有：

(一) 中国境内出土的文物，国家另有规定的除外；

(二) 国有文物收藏单位以及其他国家机关、部队和国有企业、事业组织等收藏、保管的文物；

(三) 国家征集、购买的文物；

(四) 公民、法人和其他组织捐赠给国家的文物；

(五) 法律规定属于国家所有的其他文物。

属于国家所有的可移动文物的所有权不因其保管、收藏单位的终止或者变更而改变。

国有文物所有权受法律保护，不容侵犯。

Article 6 The ownership of memorial buildings, ancient architectural structures and cultural relics handed down from generation to generation that belong to collectives or individuals shall be protected by law. Owners of the cultural relics must abide by the relevant state regulations governing the protection and control of cultural relics.

Article 7 All government organs, public organizations and individuals have the obligation to protect cultural relics pursuant to law.

Article 8 The department of cultural relics administration under the State Council shall take charge of the work concerning cultural relics protection throughout the country. Local people's governments at various levels shall be responsible for the work of protecting cultural relics in their respective administrative jurisdictions. The departments of local people's governments at and above the county level that undertakes the protection of cultural relics shall supervise and administrate cultural relics protection within their respective administrative jurisdictions. The relevant administrative departments of local people's governments at and above the county level shall be responsible for the relevant cultural relics protection work within their respective scope of duties.

Article 9 The people's governments at various levels shall stress the protection of cultural relics, properly handle the relationship between economic construction, social development, and cultural relics protection, and ensure the safety of cultural relics. Infrastructure constructions and tourism development must comply with the principles for the protection of cultural relics, and may not damage cultural relics. Public security bodies, industry and commerce administrations, customs offices, urban and rural construction planning bodies and other relevant state organs shall earnestly perform their duties of cultural relics protection and maintain the order of cultural relics administration pursuant to law.

Article 10 The state develops the cause of cultural relics protection. The people's governments at and above the county level shall bring the cause of cultural relics protection into the national economic and social development planning of the corresponding levels, and the expenses needed shall be listed in the budgets of the government of corresponding levels. The state financial allocation used in cultural relics protection shall be increased with the increase of financial revenue. The public income of state-owned museums, memorials, and cultural relics protection entities shall be especially used in cultural relics protection, and no entity or individual may take into their own possession or misappropriate the fund. The state encourages the establishment of social foundations

第六条 属于集体所有和私人所有的纪念建筑物、古建筑和祖传文物以及依法取得的其他文物，其所有权受法律保护。文物的所有者必须遵守国家有关文物保护的法律、法规的规定。

第七条 一切机关、组织和个人都有依法保护文物的义务。

第八条 国务院文物行政部门主管全国文物保护工作。地方各级人民政府负责本行政区域内的文物保护工作。县级以上地方人民政府承担文物保护工作的部门对本行政区域内的文物保护实施监督管理。县级以上人民政府有关行政部门在各自的职责范围内，负责有关的文物保护工作。

第九条 各级人民政府应当重视文物保护，正确处理经济建设、社会发展与文物保护的关系，确保文物安全。基本建设、旅游发展必须遵守文物保护工作的方针，其活动不得对文物造成损害。公安机关、工商行政管理部门、海关、城乡建设规划部门和其他有关国家机关，应当依法认真履行所承担的保护文物的职责，维护文物管理秩序。

第十条 国家发展文物保护事业。县级以上人民政府应当将文物保护事业纳入本级国民经济和社会发展规划，所需经费列入本级财政预算。国家用于文物保护的财政拨款随着财政收入增长而增加。国有博物馆、纪念馆、文物保护单位等的事业性收入，专门用于文物保护，任何单位或者个人不得侵占、挪用。国家鼓励通过捐赠等方式设立文物保护社会基金，专门用于文物保护，任何单位或者个人不得侵占、挪用。

for cultural relics protection, especially used in cultural relics protection, through donation and other forms, and no entity or individual may take into their own possession or misappropriate the fund.

Article 11 Cultural relics are non-renewable cultural resources. The state shall strengthen the propaganda and education on cultural relics protection, enhance the sense of cultural relics protection of the people, encourage the scientific research of cultural relics protection, and improve the scientific and technological level of cultural relics protection.

Article 12 The state shall give moral encouragement or material awards to entities or persons for any of the following performances:

- (1) Serious implementation of the laws and regulations concerning cultural relics and remarkable achievements in protecting cultural relics;
- (2) Resolute struggle against criminal acts in the interest of protecting cultural relics;
- (3) Donation of important cultural relics in one's own collection to the state or making donations for the cause of cultural relics protection;
- (4) Timely communication of information on, or delivery of, the cultural relics discovered, which facilitates their protection;
- (5) Major contribution in archaeological excavations.
- (6) Important inventions and innovations in, or other major contributions to, the science and techniques for the protection of cultural relics;
- (7) Meritorious service in rescuing cultural relics in danger of being destroyed; and
- (8) Long-time service and outstanding achievements in the field of cultural relics.

Chapter II Unmovable Cultural Relics

Article 13 The department of cultural relics administration under the State Council shall select, from among the historical and cultural sites protected at the levels of province, city and county, those of significant historical, artistic or scientific value as major historical and cultural sites protected at the national level, or shall directly

第十一条 文物是不可再生的文化资源。国家加强文物保护的宣传教育，增强全民文物保护的意识，鼓励文物保护的科学研究，提高文物保护的科学技术水平。

第十二条 有下列事迹的单位或者个人，由国家给予精神鼓励或者物质奖励：

- (一) 认真执行文物保护法律、法规，保护文物成绩显著的；
- (二) 为保护文物与违法犯罪行为作坚决斗争的；
- (三) 将个人收藏的重要文物捐献给国家或者为文物保护事业作出捐赠的；
- (四) 发现文物及时上报或者上交，使文物得到保护的；
- (五) 在考古发掘工作中作出重大贡献的；
- (六) 在文物保护科学技术方面有重要发明创造或者其他重要贡献的；
- (七) 在文物面临破坏危险时，抢救文物有功的；
- (八) 长期从事文物工作，作出显著成绩的。

第二章 不可移动文物

第十三条 国务院文物行政部门在省级、市、县级文物保护单位中，选择具有重大历史、艺术、科学价值的确定为全国重点文物保护单位，或者直接确定为全国重点文物保护

designate such sites and report them to the State Council for approval and announcement.

Sites protected at the level of province shall be subject to the approval and announcement of the people's governments at the levels of province, autonomous region, and municipality directly under the Central Government, and be reported to the State Council for record.

Sites protected at the level of city and county shall be subject to the approval and announcement of the people's governments at the level of city divided into districts, autonomous prefecture and county, and be reported to the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government for record.

Unmovable cultural relics not approved and announced as protected historical and cultural sites shall be registered and announced by the departments of cultural relics administration of the people's governments at the county level.

Article 14 A city with an unusual wealth of cultural relics of high historical value and major revolutionary significance may be famous city of historical and cultural value, which shall be subject to the approval and announcement of the State Council.

A town, street, or village with an unusual wealth of cultural relics of high historical value and major revolutionary significance may be a street, village or towns of historical and cultural value, which shall be subject to the approval and announcement of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government, and shall be reported to the State Council for record.

The local people's governments at and above the county level of the place where the famous cities, streets, villages and towns of historical and cultural value are located shall organize the formulation of plans on protection of those famous cities, streets, villages and towns, and bring that planning into the overall city planning.

Measures for the protection of famous cities, the streets, villages and towns of historical and cultural value shall be formulated by the State Council.

Article 15 The people's government of the provinces, autonomous regions, and municipalities directly under the Central Government and of cities and counties shall delimit the necessary scope of protection, put up signs and notices, and establish records and files for the historical and cultural sites protected at different levels and shall, in the light of different circumstances, establish special organs or assign full-time personnel to be responsible for the administration of these sites. The scope of protection and records and files for the major historical and cultural sites protected at the national level shall be reported by the departments of cultural relics administration of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government to the department of cultural

单位，报国务院核定公布。
省级文物保护单位，由省、自治区、直辖市人民政府核定公布，并报国务院备案。

市级和县级文物保护单位，分别由设区的市、自治州和县级人民政府核定公布，并报省、自治区、直辖市人民政府备案。

尚未核定公布为文物保护单位的不可移动文物，由县级人民政府文物行政部门予以登记并公布。

第十四条 保存文物特别丰富并且具有重大历史价值或者革命纪念意义的城市，由国务院核定公布为历史文化名城。保存文物特别丰富并且具有重大历史价值或者革命纪念意义的城镇、街道、村庄，由省、自治区、直辖市人民政府核定公布为历史文化街区、村镇，并报国务院备案。

历史文化名城和历史文化街区、村镇所在地的县级以上地方人民政府应当组织编制专门的历史文化名城和历史文化街区、村镇保护规划，并纳入城市总体规划。

历史文化名城和历史文化街区、村镇的保护办法，由国务院制定。

第十五条 各级文物保护单位，分别由省、自治区、直辖市人民政府和市、县级人民政府划定必要的保护范围，作出标志说明，建立记录档案，并区别情况分别设置专门机构或者专人负责管理。全国重点文物保护单位的保护范围和记录档案，由省、自治区、直辖市人民政府文物行政部门报国务院文物行政部门备案。

县级以上地方人民政府文物行政部门应当根据不同文物的保护需要，制定文物保护单位和

relics administration under the State Council for record. The departments of cultural relics administration of the local people's governments at and above the county level shall, according to the demand for protecting different cultural relics, work out specific protective measures for the unmovable cultural relics of the protected historical and cultural sites and those not approved as protected sites, and shall announce and implement such measures.

Article 16 When drawing up plans for urban and rural construction, the people's governments at various levels must, according to the needs of cultural relics protection, see to it that the protective measures for the historical and cultural sites protected at different levels are first worked out through consultation by the departments of urban and rural construction planning in conjunction with the departments of cultural relics administration, and that such measures are included in the plans.

Article 17 No additional construction projects or operations such as explosion, drilling or excavation, etc. may be undertaken within the scope of protection of a protected historical and cultural site. However, if additional construction projects or operations such as explosion, drilling or excavation need to be undertaken within the scope of protection of such a site due to special reasons, the safety of the site must be guaranteed, and approval must be obtained from the people's government which made the original approval and announcement on the designation of the site, with consent first obtained from the department of cultural relics administration of the people's government at the next higher level; If additional construction projects or operations such as explosion, drilling or excavation are to be undertaken within the scope of protection of a major historical and cultural site protected at the national level, approval must be obtained from the people's government of the relevant province, autonomous region, or municipality directly under the Central Government, with consent first obtained from the department of cultural relics administration under the State Council.

Article 18 According to the actual needs for the protection of cultural relics and with the approval of the people's government of the province, autonomous region or municipality directly under the Central Government, a certain area for construction control may be delimited around a protected historical and cultural site and be announced. Construction projects in such an area shall not deform the historical features of the protected historical and cultural site; the project design scheme must, according to the level of the site, be subject to the consent of the corresponding department of cultural relics administration before it is submitted to the department of urban and rural construction planning for approval.

未核定为文物保护单位的不可移动文物的具体保护措施，并公告施行。

第十六条 各级人民政府制定城乡建设规划，应当根据文物保护的需要，事先由城乡建设规划部门会同文物行政部门商定对本行政区域内各级文物保护单位的保护措施，并纳入规划。

第十七条 文物保护单位的保护范围内不得进行其他建设工程或者爆破、钻探、挖掘等作业。但是，因特殊情况需要在文物保护单位的保护范围内进行其他建设工程或者爆破、钻探、挖掘等作业的，必须保证文物保护单位的安全，并经核定公布该文物保护单位的人民政府批准，在批准前应当征得上一级人民政府文物行政部门同意；在全国重点文物保护单位的保护范围内进行其他建设工程或者爆破、钻探、挖掘等作业的，必须经省、自治区、直辖市人民政府批准，在批准前应当征得国务院文物行政部门同意。

第十八条 根据保护文物的实际需要，经省、自治区、直辖市人民政府批准，可以在文物保护单位的周围划出一定的建设控制地带，并予以公布。在文物保护单位的建设控制地带内进行建设工程，不得破坏文物保护单位的历史风貌；工程设计方案应当根据文物保护单位的级别，经相应的文物行政部门同意后，报城乡建设规划部门批准。

Article 19 Within the scope of protection and the area for construction control of a protected historical and cultural site, no facility that pollutes the site and the environment thereof may be constructed, neither may any activity that may affect the safety and environment of that site be carried out. The existing facilities that pollute protected historical and cultural sites and the environment thereof shall be disposed of within the prescribed time limits.

Article 20 Unmovable cultural relics shall be avoided in the choosing of construction sites by whatever possible means; if a protected historical and cultural site can't be avoided for special circumstances, the original site shall be protected by whatever possible means.

Where the original site is to be protected, the construction entity shall work out protective measures in advance, and, according to the level of the protected historical and cultural site, submit such measures to the corresponding department of cultural relics administration for approval, and shall list the protective measures in the feasibility study report or the planning project description.

Where the original site can't be protected and removal for protection in other place or dismantling must be carried out, the matter shall be submitted for approval to the people's government of the province, autonomous region or municipality directly under the Central Government; for removal or dismantling of a historical and cultural site protected at the provincial level, consent of the department of cultural relics administration under the State Council must be obtained before the matter is submitted for approval. No major historical and cultural site protected at the national level may be dismantled, if it is needed to remove such a site, the people's government of the province, autonomous region or municipality directly under the Central Government shall submit the matter to the State Council for approval.

Mural paintings, sculptures, and construction components that are included in state-owned unmovable cultural relics dismantled pursuant to the preceding paragraph and that have collection values shall be collected by the cultural relics collection entities designated by the departments of cultural relics administration.

The expenses needed for protection of the original site, for removal and dismantling provided for in this article shall be listed in the project budget of the construction entity.

Article 21 Repairs and maintenance of state-owned unmovable cultural shall be taken care of by the users, and repairs and maintenance of non-state-owned cultural relics shall be taken care of by the owners. Where any non-state-owned cultural relics are in danger of being damaged and the owner is incapable of repairing, the local people's government shall give assistance; where the owner is capable of repairing but refuses to perform the repair obligation, the people's government at or above the county level shall rescue and repair the culture relics, and the

第十九条 在文物保护单位的保护范围和建设控制地带内，不得建设污染文物保护单位及其环境的设施，不得进行可能影响文物保护单位安全及其环境的活动。对已有的污染文物保护单位及其环境的设施，应当限期治理。

第二十条 建设工程选址，应当尽可能避开不可移动文物；因特殊情况不能避开的，对文物保护单位应当尽可能实施原址保护。

实施原址保护的，建设单位应当事先确定保护措施，根据文物保护单位的级别报相应的文物行政部门批准，并将保护措施列入可行性研究报告或者设计任务书。

无法实施原址保护，必须迁移异地保护或者拆除的，应当报省、自治区、直辖市人民政府批准；迁移或者拆除省级文物保护单位的，批准前须征得国务院文物行政部门同意。全国重点文物保护单位不得拆除；需要迁移的，须由省、自治区、直辖市人民政府报国务院批准。

依照前款规定拆除的国有不可移动文物中具有收藏价值的壁画、雕塑、建筑构件等，由文物行政部门指定的文物收藏单位收藏。

本条规定的原址保护、迁移、拆除所需费用，由建设单位列入建设工程预算。

第二十一条 国有不可移动文物由使用人负责修缮、保养；非国有不可移动文物由所有人负责修缮、保养。非国有不可移动文物有损毁危险，所有人不具备修缮能力的，当地人民政府应当给予帮助；所有人具备修缮能力而拒不依法履行修缮义务的，县级以上人民政府可以给予抢救修缮，所需

expenses incurred thereby shall be borne by the owner. Repairing of a protected historical and cultural site shall be submitted for approval to the corresponding department of cultural relics administration according to the site's level; repairing of unmovable culture relics which haven't been determined as protected historical and culture sites shall be submitted for approval to the department of cultural relics administration of the people's governments at the county level which accepted the registration. Repairing, removal and reconstruction of a protected historical and culture site shall be undertaken by an entity with the qualification certificate for cultural relics project. The principle of keeping the cultural relics in their original state must be adhered to in the repairing, maintenance and removal of unmovable cultural relics.

Article 22 Where unmovable cultural relics have been ruined completely, the relics ruins shall be protected, and no reconstruction shall be conducted on the original site. However, if it is necessary to reconstruct on the original site for special circumstances, the department of cultural relics administration of the people's government of the province, autonomous region, or municipality directly under the Central Government shall report the situation to the people's government of the province, autonomous region, or municipality directly under the Central Government for approval; where it is necessary to reconstruct on the original site of a piece of major historical and cultural relic protected at the national level, the people's government of the province, autonomous region, or municipality directly under the Central Government shall report the situation to the State Council for approval.

Article 23 Where it is necessary to use a memorial building or an ancient architectural structure owned by the state at a place designated as a protected historical and cultural site for purposes other than the establishment of a museum, a cultural relics preservation institute or a tourist site, if it is a historical and cultural site protected at the municipal or county level, such situation shall be reported by the department of cultural relics administration of the people's government that originally approved and announced the said site to the people's government which originally approved and announced the designation of the site for approval after obtaining the consent of the department of cultural relics administration at the next higher level; if it is a historical and cultural site protected at the provincial level, such situation shall be reported to the provincial people's government for approval after obtaining the consent of the department of cultural relics administration of the provincial people's government that originally approved and announced the said site; if it is a major historical and cultural site protected at the national level, the situation shall be reported by the people's government of the province, autonomous region, or municipality directly under the Central Government to the State Council for approval. If it is necessary to use for other purposes any unmovable

费用由所有人负担。对文物保护单位进行修缮，应当根据文物保护单位的级别报相应的文物行政部门批准；对未核定为文物保护单位的不可移动文物进行修缮，应当报登记的县级人民政府文物行政部门批准。文物保护单位的修缮、迁移、重建，由取得文物保护工程资质证书的单位承担。对不可移动文物进行修缮、保养、迁移，必须遵守不改变文物原状的原则。

第二十二条 不可移动文物已经全部毁坏的，应当实施遗址保护，不得在原址重建。但是，因特殊情况需要在原址重建的，由省、自治区、直辖市人民政府文物行政部门报省、自治区、直辖市人民政府批准；全国重点文物保护单位需要在原址重建的，由省、自治区、直辖市人民政府报国务院批准。

第二十三条 核定为文物保护单位的属于国家所有的纪念建筑物或者古建筑，除可以建立博物馆、保管所或者辟为参观游览场所外，作其他用途的，市、县级文物保护单位应当经核定公布该文物保护单位的人民政府文物行政部门征得上一级文物行政部门同意后，报核定公布该文物保护单位的人民政府批准；省级文物保护单位应当经核定公布该文物保护单位的省级人民政府的文物行政部门审核同意后，报该省级人民政府批准；全国重点文物保护单位作其他用途的，应当由省、自治区、直辖市人民政府报国务院批准。国有未核定为文物保护单位的不可移动文物作其他用途的，应当报告县级人民政府文物行政部门。

cultural relics not defined as a protected historical and cultural site, the situation shall be reported to the department of cultural relics administration of the people's government at the county level.

Article 24 State-owned immovable cultural relics may not be transferred or mortgaged. A state-owned protected historical and cultural site, on which a museum, preservation institute is established or which is used as a tourist site, may not be operated as the assets of an enterprise.

Article 25 Non-state-owned immovable cultural relics may not be transferred or mortgaged to foreigners. Where any non-state-owned immovable cultural relics are transferred, mortgaged, or the use thereof is changed, the matter shall be submitted to the corresponding department of cultural relics administration for record according to the protection level thereof.

Article 26 Those using immovable cultural relics must observe the principle of keeping the cultural relics in their original state, be responsible for the safety of the buildings and of the affiliated cultural relics, and may not damage, reconstruction, extend or dismantle them. With respect to the constructions and structures that harm the safety of protected historical and cultural sites and damage the historical features of such sites, the local people's government shall investigate and deal with the matter without delay, and shall remove or dismantle the said constructions and structures if necessary.

Chapter III Archaeological Excavations

Article 27 The procedure of submitting reports for approval must be performed for all archaeological excavations; entities engaging in archaeological excavations shall be subject to the approval of the department of cultural relics administration under the State Council. No entity or individual may conduct excavations of cultural relics buried underground without permission.

Article 28 To conduct archaeological excavations for the purpose of scientific research, entities undertaking the excavations shall submit their excavation plans to the department of cultural relics administration under the State Council for approval; archaeological excavation plans which have to be carried out at major historical and cultural sites protected at the national level shall be submitted to the department of cultural relics administration under the State Council for examination before they are forwarded to the State Council for approval. The department of cultural relics administration under the State Council shall, before granting

第二十四条 国有不可移动文物不得转让、抵押。建立博物馆、保管所或者辟为参观游览场所的国有文物保护单位，不得作为企业资产经营。

第二十五条 非国有不可移动文物不得转让、抵押给外国人。非国有不可移动文物转让、抵押或者改变用途的，应当根据其级别报相应的文物行政部门备案。

第二十六条 使用不可移动文物，必须遵守不改变文物原状的原则，负责保护建筑物及其附属文物的安全，不得损毁、改建、添建或者拆除不可移动文物。对危害文物保护单位安全、破坏文物保护单位历史风貌的建筑物、构筑物，当地人民政府应当及时调查处理，必要时，对该建筑物、构筑物予以拆迁。

第三章 考古发掘

第二十七条 一切考古发掘工作，必须履行报批手续；从事考古发掘的单位，应当经国务院文物行政部门批准。地下埋藏的文物，任何单位或者个人都不得私自发掘。

第二十八条 从事考古发掘的单位，为了科学研究进行考古发掘，应当提出发掘计划，报国务院文物行政部门批准；对全国重点文物保护单位的考古发掘计划，应当经国务院文物行政部门审核后报国务院批准。国务院文物行政部门在批准或者审核前，应当征求社会科学研究机构及其他科研机构及有关专家的意见。

approval or making examination, seek opinions from social science research institutions and other scientific research institutions and the relevant experts.

Article 29 Before carrying out a large-scale capital construction project, the construction entity shall first request the department of cultural relics administration of the province, autonomous region or municipality directly under the Central Government to organize entities which engage in archaeological excavations to conduct archaeological investigation or prospecting related to cultural relics at places where such relics may be buried underground within the area designated for the project. If cultural relics are discovered in the course of archaeological investigation and prospecting, protective measures should be jointly decided upon by the department of cultural relics administration of the province, autonomous region or municipality directly under the Central Government together with the construction entity through consultation; in case of important discoveries, the department of cultural relics administration of the province, autonomous region or municipality directly under the Central Government shall submit timely reports for handling to the department of cultural relics administration under the State Council.

Article 30 With regard to archaeological excavations which have to be carried out along with a construction project, the department of cultural relics administration of the province, autonomous region or municipality directly under the Central Government shall submit an excavation plan based on the prospecting to the department of cultural relics administration under the State Council for approval. The department of cultural relics administration under the State Council shall, before granting approval, seek opinions from social science research institutions and other scientific research institutions and the relevant experts. In case the time limit for completing the project is pressing or it is in danger of natural damage so that it is truly urgent to rescue the sites of ancient culture and ancient tombs, the department of cultural relics administration of the people's government of the province, autonomous region or municipality directly under the Central Government may organize excavations while going through the procedures for examination and approval.

Article 31 The expenses needed for the archaeological investigations, prospecting and excavations which have to be carried out because of capital construction or construction for productive purposes shall be included in the project budget of the construction entity.

Article 32 In construction projects or agricultural production, any entity or individual that discovers cultural relics shall protect the scene and immediately report the discoveries to the local department of cultural relics

第二十九条 进行大型基本建设工程，建设单位应当事先报请省、自治区、直辖市人民政府文物行政部门组织从事考古发掘的单位在工程范围内有可能埋藏文物的地方进行考古调查、勘探。考古调查、勘探中发现文物的，由省、自治区、直辖市人民政府文物行政部门根据文物保护的要求会同建设单位共同商定保护措施；遇有重要发现的，由省、自治区、直辖市人民政府文物行政部门及时报国务院文物行政部门处理。

第三十条 需要配合建设工程进行的考古发掘工作，应当由省、自治区、直辖市文物行政部门在勘探工作的基础上提出发掘计划，报国务院文物行政部门批准。国务院文物行政部门在批准前，应当征求社会科学研究机构及其他科研机构及有关专家的意见。确因建设工期紧迫或者有自然破坏危险，对古文化遗址、古墓葬急需进行抢救发掘的，由省、自治区、直辖市人民政府文物行政部门组织发掘，并同时补办审批手续。

第三十一条 凡因进行基本建设和生产建设需要的考古调查、勘探、发掘，所需费用由建设单位列入建设工程预算。

第三十二条 在进行建设工程或者在农业生产中，任何单位或者个人发现文物，应当保护现场，立即报告当地文物行

administration, which shall hurriedly go to the scene upon receipt of the report if there are no special circumstances, and shall give opinions on handling within 7 days; discoveries of important cultural relics shall be immediately reported to the department of cultural relics administration under the State Council, which shall give opinions on handling within 15 days from the day of receipt of the report.

Cultural relics discovered pursuant to the preceding paragraph shall belong to the state, and no entity or individual may take into its or his own possession, secretly share or hide them.

Article 33 No foreigner or foreign organization may engage in archaeological investigations, prospecting or excavations within the boundaries of the People's Republic of China without the special permission granted by the State Council on the basis of the report from the department of cultural relics administration under the State Council.

Article 34 The results of archaeological investigations, prospecting or excavations shall be reported to the department of cultural relics administration under the State Council and the departments of cultural relics administration of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government

Cultural relics excavated shall be registered and appropriately kept, and be transferred to state-owned museums, libraries or other state-owned cultural relics collection entities designated by the departments of cultural relics administration of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government, or by the department of cultural relics administration under the State Council. Upon the approval of the departments of cultural relics administration of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government, or the department of cultural relics administration under the State Council, the entities undertaking archaeological excavations may keep small amount of unearthed cultural relics as samples for scientific research.

No entity or individual may take any of the cultural relics excavated into its or his own possession.

Article 35 With a view to ensuring the safety of cultural relics, conducting scientific research and making full use of cultural relics, the departments of cultural relics administration of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government may, upon the approval of the people's governments at the corresponding level, transfer and use the cultural relics unearthed within their respective administrative jurisdictions; the department of cultural relics

政部门, 文物行政部门接到报告后, 如无特殊情况, 应当在二十四小时内赶赴现场, 并在七日内提出处理意见。文物行政部门可以报请当地人民政府通知公安机关协助保护现场; 发现重要文物的, 应当立即上报国务院文物行政部门, 国务院文物行政部门应当在接到报告后十五日内提出处理意见。依照前款规定发现的文物属于国家所有, 任何单位或者个人不得哄抢、私分、藏匿。

第三十三条 非经国务院文物行政部门报国务院特别许可, 任何外国人或者外国团体不得在中华人民共和国境内进行考古调查、勘探、发掘。

第三十四条 考古调查、勘探、发掘的结果, 应当报告国务院文物行政部门和省、自治区、直辖市人民政府文物行政部门。

考古发掘的文物, 应当登记造册, 妥善保管, 按照国家有关规定移交给由省、自治区、直辖市人民政府文物行政部门或者国务院文物行政部门指定的国有博物馆、图书馆或者其他国有收藏文物的单位收藏。经省、自治区、直辖市人民政府文物行政部门或者国务院文物行政部门批准, 从事考古发掘的单位可以保留少量出土文物作为科研标本。

考古发掘的文物, 任何单位或者个人不得侵占。

第三十五条 根据保证文物安全、进行科学研究和充分发挥文物作用的需要, 省、自治区、直辖市人民政府文物行政部门经本级人民政府批准, 可以调用本行政区域内的出土文物; 国务院文物行政部门经国务院批准, 可以调用全国的重要出土文物。

administration under the State Council may, upon the approval of the State Council, transfer and use major cultural relics unearthed anywhere in the country.

Chapter IV Cultural Relics in the Institution Collection

第四章 馆藏文物

Article 36 Museums, libraries and other institutions as well as other cultural relics collection entities must classify the cultural relics in their collection by different grades, compile files for the relics kept thereby, establish a strict system of control and report for record with the competent departments of cultural relics administration. Departments of cultural relics administration of the local people's governments at and above the county level shall compile files for the cultural relics in the collection of cultural institutions within their respective administrative jurisdictions; the department of cultural relics administration under the State Council shall compile files for Grade 1 cultural relics of the state and for the cultural relics in the collection of state-owned cultural relics collection entities governed by it.

第三十六条 博物馆、图书馆和其他文物收藏单位对收藏的文物，必须区分文物等级，设置藏品档案，建立严格的管理制度，并报主管的文物行政部门备案。

县级以上地方人民政府文物行政部门应当分别建立本行政区域内的馆藏文物档案；国务院文物行政部门应当建立国家一级文物藏品档案和其主管的国有文物收藏单位馆藏文物档案。

Article 37 A cultural relics collection entity may obtain culture relics through the following methods:

第三十七条 文物收藏单位可以通过下列方式取得文物：

- (1) Purchasing;
- (2) Accepting donations;
- (3) Exchanging according to law;
- (4) Other methods provided for by laws and administrative regulations.

- (一) 购买；
- (二) 接受捐赠；
- (三) 依法交换；
- (四) 法律、行政法规规定的其他方式。

A collection entity of state-owned cultural relics may also obtain culture relics by designated keeping or allocation by the departments of cultural relics administration.

国有文物收藏单位还可以通过文物行政部门指定保管或者调拨方式取得文物。

Article 38 A cultural relics collection entity shall, according to the needs of protection of the cultural relics in its collection, establish and perfect the system of control pursuant to the relevant state regulations, and put on record with the competent department of cultural relics administration.

第三十八条 文物收藏单位应当根据馆藏文物的保护需要，按照国家有关规定建立、健全管理制度，并报主管的文物行政部门备案。未经批准，任何单位或者个人不得调取馆藏文物。

No entity or individual may obtain any cultural relics in institution collection without approval. The legal representative of a cultural relics collection entity shall be responsible for the safety of the cultural relics in institution collection. Where the legal representative of a state-owned cultural relics collection entity leaves the post, he shall go through the procedures for handover of the cultural relics in institution collection according to the files thereof.

文物收藏单位的法定代表人对馆藏文物的安全负责。国有文物收藏单位的法定代表人离任时，应当按照馆藏文物档案办理馆藏文物移交手续。

Article 39 The department of cultural relics administration under the State Council may allocate state-owned cultural

第三十九条 国务院文物行政部门可以调拨全国的国有馆

relics in institution collection throughout the country. The departments of cultural relics administration of the people's government of the provinces, autonomous regions, and municipalities directly under the Central Government may allocate the cultural relics in collection of state-owned culture relics collection entities governed by them within their respective administrative jurisdictions; allocation of Grade 1 state-owned cultural relics in institution collection shall be put on record with the department of cultural relics administration under the State Council.

A collection entity of state-owned cultural relics may apply for allocation of state-owned cultural relics in institution collection.

Article 40 Cultural relics collection entities shall make full use of the cultural relics in their collection, and, by holding exhibitions and conducting scientific research, etc., strengthen the propaganda and education of the splendid historical culture and revolutionary traditions of the Chinese Nation.

Borrow of culture relics in museum collection between state-owned cultural relics collection entities for the purpose of exhibition or scientific research shall be reported to the competent department of cultural relics administration for record; and borrow of Grade 1 cultural relics in museum collection shall be subject to approval of the department of cultural relics administration of people's government of the province, autonomous region, or municipality directly under the Central Government, and reported to the department of cultural relics administration under the State Council for record.

Where collection entities of non-state-owned cultural relics or other entities borrow state-owned culture relics in institution collection, they shall report to the competent departments of cultural relics administration for approval; borrowing of Grade 1 state-owned culture relics in institution collection shall be subject to the approval of the department of cultural relics administration under the State Council.

The period for borrowing cultural relics between cultural relics collection entities may not exceed 3 years at maximum.

Article 41 Collection entities of state-owned cultural relics which have compiled files of the cultural relics in their collection may exchange their cultural relics with other collection entities of state-owned cultural relics upon the approval of the departments of cultural relics administration of the people's government of the provinces, autonomous regions, and municipalities directly under the Central Government, and shall put on record with the department of cultural relics administration under the State Council; exchange of Grade 1 cultural relics in institution collection must be subject to the approval of the department of cultural relics administration under the State Council.

藏文物。省、自治区、直辖市人民政府文物行政部门可以调拨本行政区域内其主管的国有文物收藏单位馆藏文物；调拨国有馆藏一级文物，应当报国务院文物行政部门备案。国有文物收藏单位可以申请调拨国有馆藏文物。

第四十条 文物收藏单位应当充分发挥馆藏文物的作用，通过举办展览、科学研究等活动，加强对中华民族优秀的历史文化和革命传统的宣传教育。

国有文物收藏单位之间因举办展览、科学研究等需借用馆藏文物的，应当报主管的文物行政部门备案；借用馆藏一级文物的，应当经省、自治区、直辖市人民政府文物行政部门批准，并报国务院文物行政部门备案。

非国有文物收藏单位和其他单位举办展览需借用国有馆藏文物的，应当报主管的文物行政部门批准；借用国有馆藏一级文物，应当经国务院文物行政部门批准。

文物收藏单位之间借用文物的最长期限不得超过三年。

第四十一条 已经建立馆藏文物档案的国有文物收藏单位，经省、自治区、直辖市人民政府文物行政部门批准，并报国务院文物行政部门备案，其馆藏文物可以在国有文物收藏单位之间交换；交换馆藏一级文物的，必须经国务院文物行政部门批准。

Article 42 Collection entities of state-owned cultural relics which haven't compiled files of the cultural relics in their collection may not dispose of those cultural relics pursuant to Articles 40 and 41 of this Law.

Article 43 Cultural relics collection entities that obtain cultural relics by allocation, exchange and borrowing of state-owned culture relics in institution collection according to law may give reasonable compensation to the cultural relics collection entities supplying the cultural relics, specific measures for administration thereof shall be formulated by the department of cultural relics administration under the State Council.

The compensation obtained by collection entities of state-owned cultural relics for allocation, exchange and lending of cultural relics must be used in improving the preservation conditions and collection of new cultural relics, and use for other purposes is not allowed; no entity or individual may take the fund into its or his own possession.

The cultural relics allocated, exchanged and borrowed must be strictly kept, and may not be lost and damaged.

Article 44 Collection entities of state-owned cultural relics are prohibited from presenting, leasing or selling cultural relics in their collection to other entities or individuals.

Article 45 Measures for disposition of the cultural relics no longer in the collection of state-owned cultural relics collection entities shall be formulated by the State Council separately.

Article 46 The original state of cultural relics in institution collection shall not be changed in repairing; no damages may be caused to cultural relics in institution collection in reproduction, photographing or carving on rubbings. The specific measures for administration shall be formulated by the State Council.

Repairing, reproduction, photographing and carving on rubbings unmovable cultural relics shall be governed by the preceding paragraph.

Article 47 Museums, libraries and other entities collecting cultural relics shall be equipped with facilities for fire control, theft prevention and prevention of natural damages pursuant to the relevant provisions of the state, to ensure the safety of the cultural relics in institution collection.

Article 48 Damages of Grade 1 cultural relics in institution collection shall be reported to the department of cultural relics administration under the State Council for investigation and handling. Damages of other cultural relics in institution collection shall be reported to the departments of cultural relics administration of the people's governments of provinces, autonomous regions, and municipalities

第四十二条 未建立馆藏文物档案的国有文物收藏单位，不得依照本法第四十条、第四十一条的规定处置其馆藏文物。

第四十三条 依法调拨、交换、借用国有馆藏文物，取得文物的文物收藏单位可以对提供文物的文物收藏单位给予合理补偿，具体管理办法由国务院文物行政部门制定。

国有文物收藏单位调拨、交换、出借文物所得的补偿费用，必须用于改善文物的收藏条件和收集新的文物，不得挪作他用；任何单位或者个人不得侵占。

调拨、交换、借用的文物必须严格保管，不得丢失、损毁。

第四十四条 禁止国有文物收藏单位将馆藏文物赠与、出租或者出售给其他单位、个人。

第四十五条 国有文物收藏单位不再收藏的文物的处置办法，由国务院另行制定。

第四十六条 修复馆藏文物，不得改变馆藏文物的原状；复制、拍摄、拓印馆藏文物，不得对馆藏文物造成损害。具体管理办法由国务院制定。

不可移动文物的单体文物的修复、复制、拍摄、拓印，适用前款规定。

第四十七条 博物馆、图书馆和其他收藏文物的单位应当按照国家有关规定配备防火、防盗、防自然损坏的设施，确保馆藏文物的安全。

第四十八条 馆藏一级文物损毁的，应当报国务院文物行政部门核查处理。其他馆藏文物损毁的，应当报省、自治区、直辖市人民政府文物行政部门核查处理；省、自治区、直辖市人民政府文物行政部门

directly under the Central Government for investigation and handling, and the said departments shall report the results of the investigation and handling to the department of cultural relics administration under the State Council for record. If any cultural relics in institution collection have been stolen, robbed or lost, the cultural relics collection entity shall immediately report the case to the public security body, and report to the competent department of cultural relics administration at the same time.

Article 49 Staff members of the departments of cultural relics administration and state-owned cultural relics collection entities may not borrow any of the state-owned cultural relics, neither may they illegally take any of them into their own possession.

Chapter V Cultural Relics in Civil Collections

Article 50 Citizens, legal persons and other organizations other than cultural relics collection entities may collect the cultural relics obtained through the following methods:

- (1) Legal inheritance or accepting donations;
- (2) Purchasing from cultural relics shops;
- (3) Purchasing from enterprises undertaking cultural relics auctions;
- (4) Exchanging or transferring cultural relics legally owned by individual citizens pursuant to law;
- (5) Other legal methods provided for by the state. Cultural relics, prescribed in the preceding paragraph, that are collected by citizens, legal persons and other organizations other than cultural relics collection entities may be circulated pursuant to law.

Article 51 Citizens, legal persons and other organizations may not trade any of the following cultural relics:

- (1) State-owned cultural relics, except those of which trading is permitted by the state;
- (2) Non-state-owned valuable cultural relics in institution collection;
- (3) Mural paintings, sculptures and construction components, etc. included in state-owned unmovable culture relics, however, with the exception of the mural paintings, sculptures and construction components, etc.

应当将核查处理结果报国务院文物行政部门备案。
馆藏文物被盗、被抢或者丢失的，文物收藏单位应当立即向公安机关报案，并同时向主管的文物行政部门报告。

第四十九条 文物行政部门和国有文物收藏单位的工作人员不得借用国有文物，不得非法侵占国有文物。

第五章 民间收藏文物

第五十条 文物收藏单位以外的公民、法人和其他组织可以收藏通过下列方式取得的文物：

- (一) 依法继承或者接受赠与；
- (二) 从文物商店购买；
- (三) 从经营文物拍卖的拍卖企业购买；
- (四) 公民个人合法所有的文物相互交换或者依法转让；
- (五) 国家规定的其他合法方式。
文物收藏单位以外的公民、法人和其他组织收藏的前款文物可以依法流通。

第五十一条 公民、法人和其他组织不得买卖下列文物：

- (一) 国有文物，但是国家允许的除外；
- (二) 非国有馆藏珍贵文物；
- (三) 国有不可移动文物中的壁画、雕塑、建筑构件等，但是依法拆除的国有不可移动文物中的壁画、雕塑、建筑构件

included in state-owned unmovable culture relics that have been dismantled pursuant to law, and those that don't fall within the range of cultural relics which shall be collected by culture relics collection entities as provided for in Item 4) of Article 20 of this Law;

(4) Cultural relics of which the sources don't conform to Article 50 of this Law.

Article 52 The state encourages citizens, legal persons and other organizations other than cultural relics collection entities to donate the cultural relics they collect to collection entities of state-owned cultural relics or lend them to cultural relics collection entities for exhibition and research. Collection entities of state-owned cultural relics shall respect and follow the will of the donators, and appropriately collect, keep and display the donated cultural relics. Cultural relics prohibited by the state from exiting China may not be transferred, leased or pledged to foreigners.

Article 53 Cultural relics shops shall be established upon the approval of the department of cultural relics administration under the State Council or the departments of cultural relics administration of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government, and be run pursuant to law. Cultural relics shops may not engage cultural relics auctions, neither may they establish auction enterprises engaging in cultural relics auctions.

Article 54 Auction enterprises established pursuant to law that engage in cultural relics auctions shall obtain a permit for cultural relics auction issued by the department of cultural relics administration under the State Council. Auction enterprises engaging in cultural relics auctions may not purchase or sell any of the cultural relics, neither may they establish cultural relics shops.

Article 55 Functionaries of the departments of cultural relics administrations may not initiate or participate in the initiation of cultural relics shops or auctions enterprises engaging in cultural relics auctions. Cultural relics collection entities may not initiate or participate in the initiation of cultural relics shops or auctions enterprises engaging in cultural relics auctions. It is prohibited to establish Chinese-foreign equity joint, Chinese-foreign contractual joint or solely foreign-funded cultural relics shops or auctions enterprises engaging in cultural relics auctions. Except the approved cultural relics shops or auctions enterprises engaging in cultural relics auctions, no other entity or individual may engage in the business activities concerning cultural relics.

Article 56 Cultural relics for sale by cultural relics shops shall be examined before sale by the departments of cultural

等不属于本法第二十条第四款规定的应由文物收藏单位收藏的除外;

(四) 来源不符合本法第五十条规定的文物。

第五十二条 国家鼓励文物收藏单位以外的公民、法人和其他组织将其收藏的文物捐赠给国有文物收藏单位或者出借给文物收藏单位展览和研究。国有文物收藏单位应当尊重并按照捐赠人的意愿,对捐赠的文物妥善收藏、保管和展示。国家禁止出境的文物,不得转让、出租、质押给外国人。

第五十三条 文物商店应当由国务院文物行政部门或者省、自治区、直辖市人民政府文物行政部门批准设立,依法进行管理。文物商店不得从事文物拍卖经营活动,不得设立经营文物拍卖的拍卖企业。

第五十四条 依法设立的拍卖企业经营文物拍卖的,应当取得国务院文物行政部门颁发的文物拍卖许可证。经营文物拍卖的拍卖企业不得从事文物购销经营活动,不得设立文物商店。

第五十五条 文物行政部门的工作人员不得举办或者参与举办文物商店或者经营文物拍卖的拍卖企业。文物收藏单位不得举办或者参与举办文物商店或者经营文物拍卖的拍卖企业。禁止设立中外合资、中外合作和外商独资的文物商店或者经营文物拍卖的拍卖企业。除经批准的文物商店、经营文物拍卖的拍卖企业外,其他单位或者个人不得从事文物的商业经营活动。

第五十六条 文物商店销售的文物,在销售前应当经省、

relics administration of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government, which shall mark those permitted for sale.

Cultural relics for auction by auction enterprises shall be examined before auction by the departments of cultural relics administration of the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government, and reported to the department of cultural relics administration under the State Council for record.

Article 57 When cultural relics shops purchase and sell cultural relics or auction enterprises auction cultural relics, they shall make records pursuant to the relevant state provisions, and put on record with the departments of cultural relics administration that originally made the examination.

If the trustor or buyer requests his identification to be kept confidential in the auction of cultural relics, the department of cultural relics administration shall do so, unless it is otherwise provided for by laws and administrative regulations.

Article 58 In examination of cultural relics to be auctioned, the departments of cultural relics administration may designate collection entities of state-owned cultural relics to purchase the valuable cultural relics among those examined by priority. The purchase price shall be determined by the representative of the cultural relics collection entity and the trustor of the cultural relics thorough negotiation.

Article 59 Banks, smelting plants, paper plants and recycling entities of waste and old materials shall, jointly with the local departments of cultural relics administration, be responsible for sorting out cultural relics from among gold and silver wares and waste materials. The cultural relics thus obtained, except for coins and other kinds of currency of past ages that are needed by research of the banks and that may be kept by the banks, shall be turned over to the local departments of cultural relics administration. Reasonable compensation shall be made for turning over the cultural relics sorted out.

Chapter VI Entry and Exit of Cultural Relics

Article 60 State-owned cultural relics, valuable non-state owned cultural relics and other cultural relics prohibited from exiting the boundary by the state may not be taken out of China, except those taken out of China for exhibitions pursuant to this Law or upon the approval of the State Council for special needs.

自治区、直辖市人民政府文物行政部门审核；对允许销售的，省、自治区、直辖市人民政府文物行政部门应当作出标识。

拍卖企业拍卖的文物，在拍卖前应当经省、自治区、直辖市人民政府文物行政部门审核，并报国务院文物行政部门备案。

第五十七条 文物商店购买、销售文物，拍卖企业拍卖文物，应当按照国家有关规定作出记录，并报原审核的文物行政部门备案。

拍卖文物时，委托人、买受人要求对其身份保密的，文物行政部门应当为其保密；但是，法律、行政法规另有规定的除外。

第五十八条 文物行政部门在审核拟拍卖的文物时，可以指定国有文物收藏单位优先购买其中的珍贵文物。购买价格由文物收藏单位的代表与文物的委托人协商确定。

第五十九条 银行、冶炼厂、造纸厂以及废旧物资回收单位，应当与当地文物行政部门共同负责拣选掺杂在金银器和废旧物资中的文物。拣选文物除供银行研究所必需的历史货币可以由人民银行留用外，应当移交当地文物行政部门。移交拣选文物，应当给予合理补偿。

第六章 文物出境进境

第六十条 国有文物、非国有文物中的珍贵文物和国家规定禁止出境的其他文物，不得出境；但是依照本法规定出境展览或者因特殊需要经国务院批准出境的除外。

Article 61 Exit of cultural relics shall be subject to the examination of the cultural relics entry and exit examination body designated by the department of cultural relics administration under the State Council. The department of cultural relics administration under the State Council shall issue a permit for cultural relics exit to those permitted to exit China after examination, and those cultural relics shall exit China from the port designated by the department of cultural relics administration under the State Council. Any entities or individuals that transport, mail or carry cultural relics out of China shall make declarations to the customs; which shall release the cultural relics on the basis of the permit for cultural relics exit.

Article 62 Exit of cultural relics for exhibition shall be reported to the department of cultural relics administration under the State Council for approval; if the quantity of Grade 1 cultural relics exceeds that provided for by the State Council, the exit shall be reported to the State Council for approval.

Unique items and fragile items among Grade 1 cultural relics are prohibited from exiting China for exhibition. Exit of cultural relics for exhibition shall be subject to the examination and registration of the cultural relics entry and exit examination body. The customs shall release the cultural relics on the basis of the documents of approval of the department of cultural relics administration under the State Council or of the State Council. Re-entry of cultural relics that have been taken out of China for exhibition shall be subject to the examination and verification of the cultural relics entry and exit examination body that originally made the examination.

Article 63 Declaration shall be made to the customs for temporary entry of cultural relics, and the entry shall be reported to the cultural relics entry and exit examination body for examination and registration.

Re-exit of cultural relics that have been taken into China temporarily shall be subject to the examination and verification of the cultural relics entry and exit examination body that originally made the examination and registration; if no error is found through the examination and verification, the department of cultural relics administration under the State Council shall issue a permit for cultural relics exit, and the customs shall release the cultural relics on the basis of that permit.

Chapter VII Legal Responsibilities

Article 64 If any of the following acts is committed and a crime is constituted, the offender shall be subject to criminal liabilities according to law:

第六十一条 文物出境，应当经国务院文物行政部门指定的文物进出境审核机构审核。经审核允许出境的文物，由国务院文物行政部门发给文物出境许可证，从国务院文物行政部门指定的口岸出境。任何单位或者个人运送、邮寄、携带文物出境，应当向海关申报；海关凭文物出境许可证放行。

第六十二条 文物出境展览，应当报国务院文物行政部门批准；一级文物超过国务院规定数量的，应当报国务院批准。

一级文物中的孤品和易损品，禁止出境展览。

出境展览的文物出境，由文物进出境审核机构审核、登记。海关凭国务院文物行政部门或者国务院的批准文件放行。出境展览的文物复进境，由原文物进出境审核机构审核查验。

第六十三条 文物临时进境，应当向海关申报，并报文物进出境审核机构审核、登记。

临时进境的文物复出境，必须经原审核、登记的文物进出境审核机构审核查验；经审核查验无误的，由国务院文物行政部门发给文物出境许可证，海关凭文物出境许可证放行。

第七章 法律责任

第六十四条 违反本法规定，有下列行为之一，构成犯罪的，依法追究刑事责任：

- (1) Excavating sites of ancient culture or ancient tombs without permission;
- (2) Willfully or negligently damaging valuable cultural relics under state protection;
- (3) Selling or privately giving state-owned cultural relics in institution collection to non-state-owned entities or individuals as presents without authorization;
- (4) Privately selling or giving valuable cultural relics prohibited by the state from exiting China to foreigners as presents;
- (5) Unlawfully trading for profit cultural relics prohibited from business operations by the state;
- (6) Smuggling cultural relics;
- (7) Sealing, plundering, secretly sharing or illegally taking state-owned cultural relics into possession;
- (8) Other acts hampering the administration of cultural relics which shall be subject to criminal liabilities.

Article 65 Any one who violates the present Law by causing losses of or damages to cultural relics shall bear civil liabilities pursuant to law.

Any one who violates the present Law by committing acts against public security administration shall be given administrative punishments concerning public security.

Where any one who violates the present Law by smuggling, but the case is not serious enough to constitute a crime, the customs shall punish him pursuant to the relevant laws and regulations.

Article 66 For those committing any of the following acts and the case is not serious enough to constitute a crime, the department of cultural relics administration of the people's governments at and above the county level shall order the offender to get right, and impose on them a fine ranging from RMB 50,000 to RMB 500,000 if serious consequences are caused. The original certificate-issuing body shall revoke the qualification certificate if the circumstances are serious:

- (1) Undertaking construction projects or operations such as explosion, drilling or excavation within the scope of protection of a protected historical and cultural site;
- (2) Undertaking construction projects within the area for construction control of a protected historical and cultural site without obtaining consent from the department of cultural relics administration for the design scheme and submitting the scheme to the urban and rural construction planning body for approval, and thus damaging the historical features of the said site;

(一) 盗掘古文化遗址、古墓葬的;

(二) 故意或者过失损毁国家保护的珍贵文物的;

(三) 擅自将国有馆藏文物出售或者私自送给非国有单位或者个人的;

(四) 将国家禁止出境的珍贵文物私自出售或者送给外国人的;

(五) 以牟利为目的倒卖国家禁止经营的文物的;

(六) 走私文物的;

(七) 盗窃、哄抢、私分或者非法侵占国有文物的;

(八) 应当追究刑事责任的其他妨害文物管理行为。

第六十五条 违反本法规定,造成文物灭失、损毁的,依法承担民事责任。

违反本法规定,构成违反治安管理行为的,由公安机关依法给予治安管理处罚。

违反本法规定,构成走私行为,尚不构成犯罪的,由海关依照有关法律、行政法规的规定给予处罚。

第六十六条 有下列行为之一,尚不构成犯罪的,由县级以上人民政府文物主管部门责令改正,造成严重后果的,处五万元以上五十万元以下的罚款;情节严重的,由原发证机关吊销资质证书:

(一) 擅自在文物保护单位的保护范围内进行建设工程或者爆破、钻探、挖掘等作业的;

(二) 在文物保护单位的建设控制地带内进行建设工程,其工程设计方案未经文物行政部门同意、报城乡建设规划部门批准,对文物保护单位的历史风貌造成破坏的;

(3) Removing or dismantling unmovable cultural relics without authorization;

(4) Repairing unmovable cultural relics without authorization and markedly changing the original state of the culture relics;

(5) Reconstructing unmovable cultural relics, which have been completely ruined, on the original site without authorization, and causing damages to the cultural relics;

(6) Construction entities' repairing, removing or reconstructing culture relics without obtaining qualification certificate for cultural relics protection project. For those carving, bedaubing or damaging culture relics without serious circumstances, or those damaging the marks and signs of protected historical and cultural sites set up pursuant to Paragraph 1 of Article 15, the public security bodies or the entities to which the cultural relics belong shall give them a warning and may impose on a fine concurrently.

Article 67 For those constructing facilities polluting a protected historical and cultural site and the environment thereof within the scope of protection or the area for construction control of that site, or those failing to finish treatment within the prescribed time limit of the existing facilities that pollute a protected historical and cultural site and the environment thereof, the departments of environment protection administration shall give them punishments pursuant to the relevant laws and administrative regulations.

Article 68 For those committing any of the following acts, the departments of cultural relics administration of the people's governments at and above the county level shall order them to get right, confiscate the illegal proceeds, if the illegal proceeds are more than RMB 10,000, a fine of more than 2 times but less than 5 times the illegal gains shall be imposed on concurrently; if the illegal proceeds are less than RMB 10,000, a fine of ranging from 5 RMB 5,000 to RMB 20,000 shall be imposed on concurrently:

(1) Transferring or mortgaging state-owned unmovable cultural relics, or operating state-owned unmovable cultural relics as enterprise assets;

(2) Transferring or mortgaging non-state-owned unmovable cultural relics to foreigners;

(3) Changing the use of a state-owned historical and cultural site without authorization.

Article 69 If the layout, environment, or historical features of a famous historical and cultural city have been seriously damaged, the State Council shall cancel its title as a famous historical and cultural city; if the layout, environment, or

(三)擅自迁移、拆除不可移动文物的;

(四)擅自修缮不可移动文物,明显改变文物原状的;

(五)擅自在原址重建已全部毁坏的不可移动文物,造成文物破坏的;

(六)施工单位未取得文物保护单位资质证书,擅自从事文物修缮、迁移、重建的。刻划、涂污或者损坏文物尚不严重的,或者损毁依照本法第十五条第一款规定设立的文物保护单位标志的,由公安机关或者文物所在单位给予警告,可以并处罚款。

第六十七条 在文物保护单位的保护范围内或者建设控制地带内建设污染文物保护单位及其环境的设施的,或者对已有的污染文物保护单位及其环境的设施未在规定的期限内完成治理的,由环境保护行政主管部门依照有关法律、法规的规定给予处罚。

第六十八条 有下列行为之一的,由县级以上人民政府文物主管部门责令改正,没收违法所得,违法所得一万元以上的,并处违法所得二倍以上五倍以下的罚款;违法所得不足一万元的,并处五千元以上二万元以下的罚款:

(一)转让或者抵押国有不可移动文物,或者将国有不可移动文物作为企业资产经营的;

(二)将非国有不可移动文物转让或者抵押给外国人的;

(三)擅自改变国有文物保护单位用途的。

第六十九条 历史文化名城的布局、环境、历史风貌等遭到严重破坏的,由国务院撤销其历史文化名城称号;历史文

historical features of a famous historical and cultural town, street or village layout, environment, or historical features of a famous historical and cultural, the people's government of the relevant province, autonomous region, or municipality directly under the Central Government shall cancel its title as historical and cultural town, street or village; the responsible personnel in charge and other directly responsible personnel shall be given administrative sanctions pursuant to law.

Article 70 For those committing any of the following acts, if the case is not serious enough to constitute a crime, the department of cultural relics administration of the people's government at or above the county level shall order the offender to correct and may impose on it a fine of less than RMB 200,000 concurrently. If there are any illegal proceeds, such proceeds shall be confiscated:

(1) A cultural relics collection entity fails to be equipped with the facilities for fire control, theft prevention, and prevention of natural damages pursuant to the relevant state provisions;

(2) When leaving the post, the legal representative of a collection entity of state-owned cultural relics fails to hand over the cultural relics in collection according to the files thereof, or the cultural relics handed over are not in accordance with the files;

(3) Presenting, releasing or selling state-owned cultural relics in institution collection to other entities or individuals;

(4) Disposing of state-owned cultural relics in institution collection in violation of Articles 40, 41 and 45 of this Law;

(5) Embezzling or misappropriating, in violation of Article 43 of this Law, the compensation obtained for allocation, exchange or lending of cultural relics pursuant to law.

Article 71 For those trading cultural relics prohibited by the state from trading, or transferring, leasing or pledging cultural relics prohibited from exiting China to foreigners, if the case is not serious enough to constitute a crime, the departments of cultural relics administration of the people's governments at and above the county level shall order the offender to get right, confiscate the illegal proceeds, and if the illegal business income is more than RMB 10,000, may impose on a fine of more than 2 times but less than 5 times the illegal business income concurrently; if the illegal business income is less than RMB 10,000, may impose on a fine ranging from RMB 5,000 to RMB 20,000 concurrently.

Article 72 For those, without authorization, establishing

化城镇、街道、村庄的布局、环境、历史风貌等遭到严重破坏的，由省、自治区、直辖市人民政府撤销其历史文化街区、村镇称号；对负有责任的主管人员和其他直接责任人员依法给予行政处分。

第七十条 有下列行为之一，尚不构成犯罪的，由县级以上人民政府文物主管部门责令改正，可以并处二万元以下的罚款，有违法所得的，没收违法所得：

(一) 文物收藏单位未按照国家有关规定配备防火、防盗、防自然损坏的设施的；

(二) 国有文物收藏单位法定代表人离任时未按照馆藏文物档案移交馆藏文物，或者所移交的馆藏文物与馆藏文物档案不符的；

(三) 将国有馆藏文物赠与、出租或者出售给其他单位、个人的；

(四) 违反本法第四十条、第四十一条、第四十五条规定处置国有馆藏文物的；

(五) 违反本法第四十三条规定挪用或者侵占依法调拨、交换、出借文物所得补偿费用的。

第七十一条 买卖国家禁止买卖的文物或者将禁止出境的文物转让、出租、质押给外国人，尚不构成犯罪的，由县级以上人民政府文物主管部门责令改正，没收违法所得，违法经营额一万元以上的，并处违法经营额二倍以上五倍以下的罚款；违法经营额不足一万元的，并处五千元以上二万元以下的罚款。

第七十二条 未经许可，擅

cultural relics shops or auction enterprises engaging in cultural relics auctions, or engaging in business activities concerning cultural relics, if the case is not serious enough to constitute a crime, the department of industry and commerce administration shall stop such acts, confiscate the illegal proceeds and the cultural relics illegally operated, and if the illegal business income is more than RMB 50,000, impose on a fine of more than 2 times but less than 5 times the illegal business income concurrently; if the illegal business income is less than RMB 50,000, impose on a fine ranging from RMB 20,000 to RMB 100,000 concurrently.

Article 73 In any of the following cases, the department of industry and commerce administration shall stop the acts, confiscate the illegal proceeds and the cultural relics illegally managed, and if the illegal business income is more than RMB 50,000, impose on a fine of more than 1 time but less than 3 times the illegal business income concurrently; if the illegal business income is less than RMB 50,000, impose on a fine ranging from RMB 5,000 to RMB 50,000 concurrently; if the circumstances are serious, the original certificate-issuing body shall revoke the permit:

- (1) A cultural relics shop undertakes cultural relics auctions;
- (2) An auction enterprise engaging in cultural relics auctions undertakes purchase and sale of cultural relics;
- (3) The cultural relics for sold by a cultural relics shop or the cultural relics auctioned by an auction enterprises haven't been examined;
- (4) A cultural relics collection entity engages in business activities concerning cultural relics.

Article 74 If any of the following acts is committed and the case is not serious enough to constitute a crime, the department of cultural relics administration of the people's government at or above the county level shall, in conjunction with the public security body, recover the cultural relics; if the circumstances are serious, a fine ranging from RMB 5,000 to RMB 500,000 shall be imposed:

- (1) Concealing and not reporting the cultural relics discovered or refusing to turn over such cultural relics;
- (2) Failing to hand over or sort out cultural relics pursuant to the provisions.

Article 75 If any of the following acts is committed, the department of cultural relics administration of the people's government at or above the county level shall order the offender to get right:

- (1) Failing to report the change of the use of unmovable cultural relics, which haven't been defined as a protected

自设立文物商店、经营文物拍卖的拍卖企业，或者擅自从事文物的商业经营活动，尚不构成犯罪的，由工商行政管理部门依法予以制止，没收违法所得、非法经营的文物，违法经营额五万元以上的，并处违法经营额二倍以上五倍以下的罚款；违法经营额不足五万元的，并处二万元以上十万元以下的罚款。

第七十三条 有下列情形之一的，由工商行政管理部门没收违法所得、非法经营的文物，违法经营额五万元以上的，并处违法经营额一倍以上三倍以下的罚款；违法经营额不足五万元的，并处五千元以上五万元以下的罚款；情节严重的，由原发证机关吊销许可证书：

- (一) 文物商店从事文物拍卖经营活动的；
- (二) 经营文物拍卖的拍卖企业从事文物购销经营活动的；
- (三) 文物商店销售的文物、拍卖企业拍卖的文物，未经审核的；
- (四) 文物收藏单位从事文物的商业经营活动的。

第七十四条 有下列行为之一，尚不构成犯罪的，由县级以上人民政府文物主管部门会同公安机关追缴文物；情节严重的，处五千元以上五万元以下的罚款：

- (一) 发现文物隐匿不报或者拒不上交的；
- (二) 未按照规定移交拣选文物的。

第七十五条 有下列行为之一的，由县级以上人民政府文物主管部门责令改正：

- (一) 改变国有未核定为文物保护单位不可移动文物的用

historical and cultural site, pursuant to this Law;

(2) Failing to put on record the transfer, pledge of non-state-owned unmovable cultural relics or the change of use thereof pursuant to this Law;

(3) User of state-owned unmovable cultural relics refusing to perform the obligation of repairing pursuant to law;

(4) Archaeological excavation entity conducting archaeological excavations without permission or failing to faithfully report the results of archaeological excavations;

(5) Cultural relics entity failing to compile files of the cultural relics in its collection, to establish the system of control, or failing to put on record the files of cultural relics in its collection or the system of control pursuant to the relevant state provisions;

(6) Transferring and using cultural relics in institution collection without approval in violation of Article 38 of this Law;

(7) Failing to report the damage of cultural relics in institution collection to the department of cultural relics administration for verification and handling, or the cultural relics collection entity failing to immediately report the theft, robbery or lose of cultural relics in institution collection to the public security body or the department of cultural relics administration;

(8) In sale or auction of cultural relics, a cultural relics shop or auction enterprise failing to make records or failing to put on record the records made with the department of cultural relics administration.

Article 76 If the staff members of the departments of cultural relics administration, cultural relics collection entities, cultural relics shops and auction enterprises engaging in cultural relics auctions commit any of the following acts, they shall be given administrative sanctions. If the circumstances are serious, they shall be removed from their office or their practice qualifications shall be revoked pursuant to law. If any crime is constituted, they shall be subject to criminal liabilities:

(1) Any staff member of the departments of cultural relics administration, in violation of this Law, abuses his power of examination and approval, fails to perform their duties or to investigate and punish the illegal acts found out, and thus cause serious consequences:

(2) Staff members of the departments of cultural relics administration and state-owned cultural relics collection

途，未依照本法规定报告的；

(二) 转让、抵押非国有不可移动文物或者改变其用途，未依照本法规定备案的；

(三) 国有不可移动文物的使用人拒不依法履行修缮义务的；

(四) 考古发掘单位未经批准擅自进行考古发掘，或者不如实报告考古发掘结果的；

(五) 文物收藏单位未按照国家有关规定建立馆藏文物档案、管理制度，或者未将馆藏文物档案、管理制度备案的；

(六) 违反本法第三十八条规定，未经批准擅自调取馆藏文物的；

(七) 馆藏文物损毁未报文物行政部门核查处，或者馆藏文物被盗、被抢或者丢失，文物收藏单位未及时向公安机关或者文物行政部门报告的；

(八) 文物商店销售文物或者拍卖企业拍卖文物，未按照国家有关规定作出记录或者未将所作记录报文物行政部门备案的。

第七十六条 文物行政部门、文物收藏单位、文物商店、经营文物拍卖的拍卖企业的工作人员，有下列行为之一的，依法给予行政处分，情节严重的，依法开除公职或者吊销其从业资格；构成犯罪的，依法追究刑事责任：

(一) 文物行政部门的工作人员违反本法规定，滥用审批权限、不履行职责或者发现违法行为不予查处，造成严重后果的；

(二) 文物行政部门和国有文物收藏单位的工作人员借用或

entities borrow or illegally take into their own possession state-owned cultural relics;

(3) Staff members of the departments of cultural relics administration initiate or participate in the initiation of cultural relics shops or run auction enterprises engaging in cultural relics auctions;

(4) Causing damages to protected historical and cultural sites or lose of valuable cultural relics due to irresponsibility;

(5) Embezzling or misappropriating cultural relics protection funds.

The personnel who are removed from office or whose practice qualification are revoked pursuant to the preceding paragraph may not assume as cultural relics administration personnel or engage in business operations concerning cultural relics within 10 years from the day of dismissal from office or revocation of practice qualification.

Article 77 In case of any of the acts listed in Articles 66, 68, 70, 71, 74 and 75 of this Law, if the responsible personnel in charge and other directly responsible personnel are state functionaries, they shall be given administrative sanctions pursuant to law.

Article 78 If the public security bodies, industry and commerce administrations, customs, urban and rural construction planning bodies and other state organs, in violation of this Law, abuse their powers, neglect their duties, seek private benefits through wrongful means, and thus cause damages to or lose of precious cultural relics under state protection, the responsible personnel in charge and other directly responsible personnel shall be given administrative sanctions; if a crime is constituted, they shall be subject to criminal liabilities pursuant to law.

Article 79 The people's courts, people's procuratorates, public security bodies, customs and industry and commerce administrations shall register and list the cultural relics they confiscate, keep them appropriately, and, after the cases are concluded, hand them over free of charge to the departments of cultural relics administration, which shall designate collection entities of state-owned cultural relics to collect them.

Chapter VIII Supplementary Provisions

Article 80 This Law shall come into force on the day of promulgation.

者非法侵占国有文物的;

(三) 文物行政部门的工作人员举办或者参与举办文物商店或者经营文物拍卖的拍卖企业的;

(四) 因不负责任造成文物保护单位、珍贵文物损毁或者流失的;

(五) 贪污、挪用文物保护经费的。

前款被开除公职或者被吊销从业资格的人员, 自被开除公职或者被吊销从业资格之日起十年内不得担任文物管理人员或者从事文物经营活动。

第七十七条 有本法第六十六条、第六十八条、第七十条、第七十一条、第七十四条、第七十五条规定所列行为之一的, 负有责任的主管人员和其他直接责任人员是国家工作人员的, 依法给予行政处分。

第七十八条 公安机关、工商行政管理部门、海关、城乡建设规划部门和其他国家机关, 违反本法规定滥用职权、玩忽职守、徇私舞弊, 造成国家保护的珍贵文物损毁或者流失的, 对负有责任的主管人员和其他直接责任人员依法给予行政处分; 构成犯罪的, 依法追究刑事责任。

第七十九条 人民法院、人民检察院、公安机关、海关和工商行政管理部门依法没收的文物应当登记造册, 妥善保管, 结案后无偿移交文物行政部门, 由文物行政部门指定的国有文物收藏单位收藏。

第八章 附则

第八十条 本法自公布之日起施行。

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