

ENVIRONMENTAL
PROTECTION LAW OF PEOPLE'S
REPUBLIC OF CHINA

ENGLISH TRANSLATION
24 APRIL 2014

This is an unofficial version to English of the Environmental Protection Law of the People's Republic of China (published on 24 April 2014), undertaken by the EU – China Environmental Governance Programme for the convenience of international observers. The EU – China Environmental Governance Programme takes no liability for any errors in this translation. An official translation of the Law is expected to be published by the Chinese government in due course.

The EU-China Environmental Governance Programme (EGP) is a €15 million EU-funded programme implemented with China's Ministry of Commerce and the Ministry of Environmental Protection. It comprise four themes:

1. Public access to environmental information
2. Public participation in environmental planning and decision making
3. Access to justice in environmental matters
4. Corporate environmental responsibility

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ENVIRONMENTAL PROTECTION LAW OF PEOPLE'S REPUBLIC OF CHINA

(24 APRIL 2014)

Chapter 1 General Provisions

Article 1. This Law is formulated for the purpose of protecting and improving people's environment and the ecological environment, preventing and controlling pollution and other public hazards, safeguarding human health, promoting ecological civilization and facilitating economic and social sustainable development.

Article 2. "Environment " as used in this Law refers to the total body of all natural elements and artificially transformed natural elements affecting human existence and development, which includes the atmosphere, water, seas, land, minerals, forests, grasslands, wetland, wildlife, natural and human remains, nature reserves, historic sites and scenic spots, and urban and rural areas.

Article 3. This Law shall apply to the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

Article 4. Environmental protection is a basic national policy.

The State adopts economic and technical policies and measures that are favorable for conservation and recycling of resources, protection and improvement of environment and facilitation of harmony between human and nature, to coordinate economic and social development with environmental protection.

Article 5. Environmental protection sticks to the following principles: giving priority to protection, emphasis on prevention, integrated governance, public participation, and the one who causes damage bears the responsibility.

Article 6. All units and individuals have the obligation to protect the environment.

Governments at all levels shall be responsible for the environmental quality of their jurisdictions.

Enterprises, public institutions and any producers/operators shall prevent and reduce environmental pollution and ecological destruction, and bear responsibility for their damage by law.

Citizens shall enhance environmental protection awareness, adopt low-carbon and thrift lifestyle, and conscientiously fulfill obligations of environmental protection.

Article 7. The State supports research, development and application of environmental protection science, encourages environmental protection industries, promotes environmental protection information technologies, and improves technical level of environmental protection science.

Article 8. Governments of all levels shall increase their fiscal investment on environmental protection and improvement, and prevention & control of pollution and other public hazards, and increase efficiency of fiscal funds.

Article 9. Governments of all levels shall strengthen environmental protection propaganda and dissemination, encourage grass-root autonomous organizations, social organizations and environmental volunteers to carry out propaganda on environmental laws/regulations and knowledge to facilitate a sound atmosphere for environmental protection.

Educational departments and schools shall incorporate environmental protection knowledge into school education and nurture environmental protection awareness among students.

News media shall carry out propaganda on environmental laws/regulations and knowledge, and exercise public supervision on environmental violation activities.

Article 10. The competent department of environmental protection under the State Council shall conduct unified supervision and management of the

environmental protection work throughout the country.

The competent departments of environmental protection administration of the local governments at or above the county level shall conduct unified supervision and management of the environmental protection work within areas under their jurisdiction.

The competent departments of local governments at or above the county level and environmental departments of army shall, in accordance with the provisions of relevant laws, conduct supervision and management of the resources protection and pollution prevention & control.

Article 11. The people's government shall give awards to units and individuals that have made outstanding achievements in protecting and improving the environment.

Article 12. June 5th is designated as Environment Day

Chapter 2 Supervision and Management

Article 13. Local governments at or above county level shall incorporate environmental protection into national economy and social development plans.

The competent department of environmental protection under the State Council shall develop national environmental protection plan in accordance with national economy and social development plan, and submit to State Council for approval and issuance for implementation.

The competent departments of environmental protection administration of the local governments at or above county level, in cooperation with other relevant departments, shall develop environmental protection plans for their jurisdictions in accordance with national environmental protection plan and submit to people's government at the same level for approval and issuance for implementation.

The environmental protection plans shall include objectives, tasks and supporting measures of ecological environmental protection and pollution prevention & control, and shall align with main function zoning plans, land use master plans and urban & rural development plans.

Article 14. The relevant departments under the State Council and governments at provincial/municipal and county levels shall take full account of environmental impacts and solicit opinions from experts and relevant stakeholders when developing economic and technical policies.

Article 15. The competent department of environmental protection administration under the State Council shall establish the national standards for environment quality.

The governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for environment quality for items not specified in the national standards for environment quality, and develop stricter standards for items already included in national standards. Local environmental quality standards shall be reported to the competent department of environmental protection administration under the State Council for records.

The State encourages researches of environmental baselines.

Article 16. The competent department of environmental protection administration under the State Council shall, in accordance with the national standards for environment quality and the country's economic and technological conditions, establish the national standards for the discharge of pollutants.

The governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for the discharge of pollutants for items not specified in the national standards; with regard to items already specified in the national standards, they may set local standards which are more stringent than the national standards. Local pollutants discharge standards shall be reported to the competent department of environmental protection administration under the State Council for records.

Article 17. The State establishes and improves an environmental monitoring system. The competent department of environmental protection administration under the State Council shall formulate the monitoring norms and, in conjunction with relevant departments, organize a monitoring network, unify the planning for national environmental quality monitoring stations (points),

establish information sharing system for monitoring data, and strengthen the management of environmental monitoring.

Deployment of various environmental quality monitoring stations (points) of relevant sectors and professions shall be in conformity with laws/regulations and monitoring norms.

Monitoring institutions shall use equipment in conformity with national standards and comply with monitoring norms. Monitoring institutions and their responsible persons are liable for the authenticity and accuracy of their monitoring data.

Article 18. Governments at or above provincial level shall organize relevant departments or retain professional institutions to conduct investigation and assessment on environment, and establish monitoring and early warning mechanism for environmental resources carrying capacity.

Article 19. Compilation of development plans and construction of project with impacts on environment are subject to environmental impact assessment in accordance with relevant laws.

The development plans for which environmental impact assessment required by law has not been conducted are not allowed to be implemented. The construction projects for which environmental impact assessment haven't been conducted are not allowed to be constructed.

Article 20. The State establishes inter-jurisdiction joint prevention and control coordination mechanism for environmental pollution and ecological damage to implement unified planning, standards, monitoring and prevention & control measures.

Inter-jurisdiction environmental pollution and ecological damage other than defined above shall be resolved by coordination from upper level government or consultations of relevant local governments.

Article 21. The State will encourage and support environmental industries such as environmental protection equipment, resources recycling and environmental service industries through policies and measures of fiscal investment, taxation, pricing and government procurement.

Article 22. Governments shall use fiscal, taxation, pricing and government procurement policies and measures to encourage and support those enterprises, institutions and other producers/operators that achieved further pollution reduction beyond compliance of applicable discharge standards.

Article 23. Governments shall provide support to those enterprises, institutions and other producers/operators that will be relocated or shut down by regulations for the sake of environmental improvement.

Article 24. The competent departments of environmental protection administration of the governments at or above the county level and environmental supervision institutions entrusted by them, or other departments invested by law with power to conduct environmental supervision and management shall be empowered to make on-site inspections on enterprises, institutions and producers/operators that discharge pollutants. The units being inspected shall truthfully report the situation to them and provide them with the necessary information. The inspecting departments, institutions and their staff shall keep confidential the business secrets of the units inspected.

Article 25. For those enterprises, institutions and producers/operators that discharge pollutants violating laws/regulations and cause or may cause potential severe pollution, the competent departments of environmental protection administration of the governments at or above the county level and other departments invested by law with power to conduct environmental supervision and management have the power to close down and detain the equipment and facility that discharge pollutants.

Article 26. The State adopts environmental protection target accountability and performance evaluation system. Governments at or above county level shall incorporate fulfillment of environmental protection targets as key criteria into the performance evaluation system for the departments with environmental supervision responsibilities at the same level government and their responsible persons, as well as performance evaluation for the lower level governments and their responsible persons. The evaluation results shall be disclosed to the public.

Article 27. Governments at or above county level shall report every-year to the same level people's congress or its standing committee on the environmental

status and fulfillment of environmental protection targets. They shall also timely report any significant environmental incidents to the standing committee of the same level people's congress, and receive supervision in accordance with laws.

Chapter 3 Protection and Improvement of Environment

Article 28. Local governments at various levels shall take effective measures to improve environmental quality according to environmental protection targets and pollution control tasks.

For those regions and basins where environmental quality is not in compliance with national standards, the local governments shall develop time-bound compliance plan and take measures to achieve the compliance target on time.

Article 29. The State defines ecological redline for strict protection on key ecological functional zones, areas of sensitive and fragile ecological environment.

The governments at various levels shall take measures to protect regions representing various types of natural ecological systems, regions with a natural distribution of rare and endangered wild animals and plants, regions where major sources of water are conserved, geological structures of major scientific and cultural value, famous regions where karst caves and fossil deposits are distributed, traces of glaciers, volcanoes and hot springs, traces of human history, and ancient and precious trees. Damage to the above shall be strictly forbidden.

Article 30. Exploitation and utilization of natural resources shall be developed in a way that is rational, protect biodiversity and ensure ecological security. Ecological protection and restoration plan shall be developed in accordance with laws and be implemented.

For introduction of foreign species and R & D and application of bio technology, measures shall be taken to prevent destruction on biodiversity.

Article 31. The State establishes and improves eco-compensation system.

The State will increase fiscal transfer to areas of ecological environment protection. Relevant local governments shall secure eco-compensation fund to

ensure its use on eco-compensation.

The State provides guidance to the governments of beneficiary areas and ecological protection areas to implement eco-compensation via consultation or market rules.

Article 32. The State strengthens protection on of air, water and soil, establishes and improves relevant investigation, monitoring, assessment and remediation systems.

Article 33. Governments at various levels shall enhance the protection on agricultural environment, promote the application of new technologies of agricultural environment protection, strengthen the monitoring and early warning system for agricultural pollution sources, coordinate relevant departments to prevent and control soil pollution, desertification and alkalization of land, impoverishment of soil, rocky desertification and land subsidence, prevent ecological imbalance such as damage of vegetation, soil erosion, depletion of water sources, extinction of species and the occurrence and development of other ecological imbalances, and extend integrated pest management.

County and township level governments shall improve public service of rural environmental protection, and implement integrated rural environmental management.

Article 34. The State Council and governments at various levels in coastal areas shall provide better protection for the marine environment. The discharge of pollutants and the dumping of wastes into the seas, the construction of coastal and ocean projects must be conducted in compliance with legal provisions and relevant standards so as to guard against the pollution and damage of the marine environment.

Article 35. In urban and rural construction, vegetation, waters and the natural landscape shall be protected and attention paid to the construction and management of gardens, green land and historic sites and scenic spots in the cities in the light of the special features of the local natural environment.

Article 36. The State encourages and guides citizens, legal persons and other organizations to use environmental-friendly products and recycled products to

reduce the waste generation.

Governmental departments and other institutions financed by fiscal fund shall give priority to procure and use energy-efficient, water-efficient and material-efficient products, equipment and facilities.

Article 37. Local governments at various levels shall take measures to organize the sorting and separation of municipal solid waste and recycling.

Article 38. Citizens shall abide by environmental protection laws and regulations, support the implementation of environmental protection measures, carry out sorting and separation of municipal solid waste to reduce environmental damage of daily life.

Article 39. The State establishes and improves environment and health monitoring, investigation and risk assessment system; encourages and organizes researches on public health impacts of environmental quality, and take measures to prevent and control environmental pollution-related deceases.

Chapter 4 Prevention and Control of Environmental Pollution and Other Public Hazards

Article 40. The State promotes cleaner production and resources recycling.

Relevant departments of the State Council and local governments at various levels shall take measures to promote the production and use of cleaner energy.

Enterprises shall give priority to use cleaner energy, adopt high resource efficient and low pollution processes/equipment, comprehensive waste utilization technologies and waste disposal technologies to reduce waste generation.

Article 41. Installations for the prevention and control of pollution at a construction project must be designed, built and commissioned together with the principal part of the project. Pollution prevention and control facility must comply with the requirements of the approved environmental impact assessment, and is not allowed to be dismantled or left idle without authorization.

Article 42. Enterprises, institutions and other producers/operators that discharge pollutants shall take measures to prevent and control the pollution and hazards of waste gas, waste water, waste residues, medical waste, dust, malodorous gases, radioactive substances, noise, vibration and electromagnetic radiation generated in the course of production, construction or other activities.

Enterprises and institutions that discharge pollutants shall establish environmental protection accountability system to explicitly identify the responsibilities of the responsible persons and relevant staff.

Key pollutants-discharging units shall install monitoring equipment according to national regulations and guidelines, and ensure normal operation monitoring equipment and keep the original records of monitoring data.

It is strictly forbidden to discharge pollutants illegally through underground pipe, seepage wells, pits and injection, or modification/falsification of monitoring data, or not operating pollution control facilities properly.

Article 43. Enterprises, institutions and other producers/operators that discharge pollutants shall pay pollution fee according to state provisions. Pollution fee shall be exclusively used for environmental pollution prevention and control, and shall not be withheld, misappropriated or diverted other purposes by nay units and individuals.

Pollution fee does not apply to those that are subject to environmental protection tax.

Article 44. The State adopts total pollutants emission control system. The total quota of key pollutants is assigned by the State Council, and broken down to provincial, autonomous region and provincial-level municipality governments for implementation. While conforming to national and local pollutants discharge standards, enterprises and institutions shall also fulfill the total emission control quota for key pollutants as assigned to them.

For regions that fail to fulfill the total emission control quota or achieve the environmental quality targets assigned by the State, environmental departments at or above provincial level governments shall suspend the EIA approval for new construction projects that will increase the total emission of the key pollutants in the region.

Article 45. The State implements pollution permit system according to provisions of laws and regulations.

Enterprises, institutions and other producers/operators that are subject to pollution permit system shall discharge pollutants as per the requirement of their permits. No pollutants discharge is allowed without pollution permit.

Article 46. The State adopts elimination system for pollution-intensive process, equipment and products. Any unit and individual is not allowed to produce, sale or transfer and use process, equipment, material and product that seriously pollute environment.

It is forbidden to import technology, equipment, material and product that are not in compliance with national environmental guidelines.

Article 47. Governments at various levels and relevant departments, enterprises and institutions shall do good work on risk control, emergency preparedness, emergency response and post restoration of environmental accidents in accordance with Emergency Response Law.

Governments at or above county level shall establish public monitoring and early warning mechanism for environmental pollution, and organize the development of early warning program; timely publicize early warning information as required by law and start emergency response measures.

Enterprises and institutions shall develop environmental emergency response plan in accordance with national regulations, and report to competent environmental authorities and other relevant departments. In case of occurrence (or potential occurrence) of environmental accidents, enterprises and institutions shall take immediate measures to handle the situation, timely inform units and residents that are potentially affected and report to the competent environmental authorities and other relevant departments.

After the completion of emergency response works, relevant governments shall immediately organize the assessment of environmental impacts and loss, and timely disclose the evaluation results to public.

Article 48. The production, storage, transportation, sale and use of toxic chemicals and materials containing radioactive substances must comply with

the relevant state provisions so as to prevent environmental pollution.

Article 49. Governments at various levels and their agriculture departments and institutions shall guide agricultural producers/operators to exercise scientific plantation and cultivation, rationally apply pesticides and fertilizers, properly handle agricultural waste such as agricultural films and stalk, and prevent non-point sources agricultural pollution.

It is forbidden to apply solid waste and wastewater that can not meet agricultural use standards to farmland. Measures must be adopted, when applying pesticides and fertilizers or irrigating, to prevent environmental pollution from heavy metals and other hazardous substance.

Site selection, construction and management of livestock and poultry farms, breeding zones and designated slaughtering enterprises shall comply with laws and regulations. Enterprises and individuals engaging in livestock and poultry breeding and slaughtering shall take measures to dispose of manure, body and wastewater in a scientific manner to prevent environmental pollution.

County level governments are responsible for organizing the disposal of rural domestic waste.

Article 50. Governments of various levels shall allocate fund in their fiscal budget to support rural drinking water sources protection, treatment of domestic sewage and other waste, pollution prevention & control of livestock and poultry breeding and slaughtering, soil pollution control and rural industrial and mining pollution control.

Article 51. Governments at various levels shall ensure urban and rural coordination for construction of environmental sanitary facilities such as wastewater treatment facilities and network, solid waste collection/transportation and disposal facilities, central disposal facilities/sites for hazardous waste and other public facilities of environmental protection, and guarantee normal operation of these facilities.

Article 52. The State encourages participation in environmental pollution liability insurance.

Chapter 5 Information Disclosure and Public Participation

Article 53. Citizens, legal persons and other organization have right to access to environmental information, participate and supervise environmental protection.

Environmental departments and other departments with environmental protection supervision responsibilities of governments at various levels shall disclose environmental information in accordance with laws, improve public participation procedures and facilitate participation and supervision of citizens, legal persons and other organizations.

Article 54. The competent environmental department under the State Council publishes national environmental quality, monitoring information of key pollution sources and other major environmental information. The competent environmental departments of governments at or above provincial level regularly publish environmental status bulletin.

Environmental departments and other departments with environmental protection supervision responsibilities of governments at county levels or above shall disclose environmental quality, environmental monitoring, environmental accidents, and information about environmental administrative permits, environmental administrative punishment, collection and use of pollution fee.

Environmental departments and other departments with environmental protection supervision responsibilities of governments at county levels or above shall incorporate environmental violation information of enterprises, institutions and other producer/operators into social credit archive system, and timely disclose the list of violators.

Article 55. Key pollution emission units shall publicly disclose their main pollutants, ways of discharge, emission concentration and total amount, standard-exceeding emission status and construction and operation of pollution prevention and control facilities, and receive public supervision.

Article 56. For those projects that require environmental impact assessment reports as per laws/regulations, the project owners shall present the information to the public that are potentially affected by the project and solicit public opinions.

Government departments responsible for EIA review and approval shall, once receive the EIA reports of the construction projects, disclose the full EIA reports to the general public except for the parts related to national security and commercial secrets; and shall request the project proponents to conduct public consultation for those construction projects where no consultation has been done.

Article 57. Citizens, legal persons and other organizations have the right to report environmental pollution and ecological damage activities of any units and individuals to competent environmental authorities and other departments with environmental protection supervision responsibilities.

When citizens, legal persons and other organizations find that governments at various levels, environmental departments of governments at or above county level and other departments with environmental protection supervision responsibilities fail to fulfill their responsibilities, they have the right to report to upper level governments or supervisory departments.

Departments receiving reports shall keep the secret of information about reporters, and protect their legal rights.

Article 58. For activities that pollute environment, damage ecology and harm social public interests, the following social organizations may file litigations to courts:

- (1) Have their registration in civil affairs department of governments at municipal or above level;
- (2) Specialize in environmental protection public interest activities for consecutive 5 years or more, and without law-violation records.

Courts shall accept the litigations filed by social organizations that meet the above criteria.

The social organizations that file such litigations are not allowed to pursue economic benefits through litigations.

Chapter 6 Legal Liability

Article 59. For those enterprises, institutions and other producers/operators

that illegally discharge pollutants and are fined and ordered to take corrective actions but yet refuse to take corrective actions, government departments that originally issued the punishment can impose continuous fines calculated on a daily basis (according to the original fines) since the second day after the date of ordered correction.

The above-mentioned fines shall be implemented in accordance with laws/regulations and take into the considerations of operating cost of pollution control facilities, direct loss of violation activities and revenues of such violations.

Local regulations can broaden the coverage of types of violation activities that are subject to daily-based fines as stipulated above according to actual demand of environmental protection.

Article 60. For those enterprises, institutions and other producers/operators that exceed emission standards or exceed the total emission quota for key pollutants, environmental departments of governments at county or above level can order them to take measures such as strict production and stop production for remediation; and in case of severe violation, order them to be closed and shut down with approval of competent governments.

Article 61. For project owners who start project construction without submitting EIA reports or such reports are not approved, departments with environmental protection supervision responsibility shall order to stop the construction, impose fine penalty and require restoration to original status.

Article 62. For those key pollution emission enterprises that violate this law and do not disclose their environmental information or disclose false information, environmental departments of government at or above county level will order them to disclose such information, impose fine penalty and issue public notice on their violation.

Article 63. If enterprises, institutions and other producers/operators have one of the following behaviors but yet do not commit a crime, then besides deserved punishment according to laws and regulations, environmental departments of governments at or above county level or other relevant departments will transfer the case to police departments which can impose 10 – 15 days detention to the responsible persons in charge and the direct

responsible person; and 5-10 days detention for not serious cases:

- (1) Construction project has not been through EIA as per requirements and is ordered to stop, however, the project owner refuses to stop;
- (2) The project violates this law by discharging pollutants without pollution permit and thus is ordered to stop pollution discharge, however, the project owner refuses to stop;
- (3) Illegally discharge pollutants through ways avoiding supervision such as underground pipes, seepage wells, pits and injection, or modification/falsification of monitoring data, or not operating pollution control facilities properly.
- (4) Those who produce and use pesticides that are explicitly forbidden by the State and thus are ordered to correct, however, refuse to correct.

Article 64. Those who cause damages through environmental pollution and ecological destruction shall bear liabilities from infringement in accordance with Liabilities for Infringement Law.

Article 65. Those EIA institutions, environmental monitoring institutions and those responsible for maintenance and operation of environmental monitoring equipment and pollution control facilities who commit fraud and are responsible for the environmental pollution and ecological damage as a result of their fraud, shall bear joint liability together with others responsible for pollution and damage, besides deserved punishment as per laws and regulations.

Article 66. The validity period for filing an environmental damage litigation is three years, from the day when the party concerned knows or should know the damage to it.

Article 67. Higher level governments and their environmental departments shall strengthen supervision on environmental protection work of lower level governments and their relevant departments. For those staff who are found with violation behavior of laws and should be subject to punishment, suggestions of punishment shall be proposed to their organizations and supervisory departments.

For those who should be subject to administrative punishment and yet relevant environmental departments do not issue the punishment, the environmental departments of upper level government can directly make decision on

administrative punishment.

Article 68. If local governments at various level, environmental departments of governments at or above county level and departments with environmental supervision responsibilities have one of the following behavior, their responsible person in charge and other persons with direct responsibility shall be given punishment of demerits, serious demerits or demotion; and in case of serious consequences, they shall be removed from the position or fired, and the key person in charge shall resign for mistakes:

- (1) Grant administrative permits to those do not meet requirements;
- (2) Cover up illegal activities violating environmental laws and regulations;
- (3) Should but fail to make an order decision on stopping production and shutting down;
- (4) Find or receive reporting on illegal activities but fail to act on, such as pollution discharge over standards, pollution discharge in ways escaping supervision, environmental accidents and ecological destruction due to inaction on ecological environment protection measures;
- (5) Illegally seal and seize equipment and facilities of enterprises, institutions and other producers/operators;
- (6) Modify, falsify or let others to modify and falsify monitoring data;
- (7) Should but fail to disclose environmental information according to legal provisions;
- (8) Hold, misappropriate or divert pollution fee;
- (9) Other illegal activities as per laws and regulations

Article 69. Those violate this law and commit a crime shall be prosecuted for their criminal liabilities.

Chapter 7 Supplementary Provisions

Article 70. This law is effective since January 1, 2015.



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