Air Pollution Prevention and Control Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting and improving the environment, preventing and controlling atmospheric pollution, safeguarding public health, promoting ecological civilization, and

facilitating the sustainable development of the economy and society.

Article 2 — This Law shall apply to the prevention and control of atmospheric pollution within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

Article 3 — The state shall take comprehensive measures to coordinate the prevention and control of atmospheric pollution from the burning of coal, motor vehicles and vessels, dust, agriculture, and other sources, and to jointly prevent and control atmospheric pollution in key regions.

Article 4 — The local people's governments at all levels shall be responsible for the quality of the atmospheric environment in their respective administrative regions and shall incorporate the prevention and control of atmospheric pollution into their national economic and social development plans.

Article 5 — The competent department of ecology and environment under the State Council shall exercise unified supervision and administration over the prevention and control of atmospheric pollution nationwide. The relevant departments under the State Council shall, within their respective functions, exercise supervision and administration over the prevention and control of atmospheric pollution.

Article 6 — The state shall encourage and support scientific and technological research on the prevention and control of atmospheric pollution, promote the application of advanced technologies for atmospheric pollution prevention and control, and encourage the development of environmental protection industries.

Article 7 — The state shall adopt fiscal, tax, pricing, government procurement, and other policies and measures to encourage and support industries and enterprises such as those in environmental protection equipment, comprehensive utilization of resources, and environmental services.

Article 8 — All entities and individuals shall have the obligation to protect the atmospheric environment. Enterprises, public institutions, and other producers and operators shall adopt effective measures to prevent and reduce atmospheric pollution and shall bear liability for damage caused by atmospheric pollution.

Chapter II — Standards and Air Quality Objectives

Article 9 — The competent department of ecology and environment under the State Council shall establish national ambient air quality standards. The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may establish local ambient air quality standards for matters not covered by the national standards.

Article 10 — The competent department of ecology and environment under the State Council shall, in accordance with the national ambient air quality standards and the economic and technological conditions, establish national emission standards for atmospheric pollutants. Provinces may establish local emission standards that are stricter than national ones.

Article 11 — The local people's governments at or above the county level shall incorporate the ambient air quality standards into their environmental protection plans and formulate plans for meeting the standards within a prescribed timeframe.

Article 12 — The state shall establish and improve an atmospheric environment monitoring and evaluation system. The competent department of ecology and environment under the State Council shall formulate atmospheric environment monitoring and evaluation standards.

Article 13 — The total discharge of major atmospheric pollutants shall be subject to control. The State Council shall set total discharge volume control targets and reduce and control the total discharge volume of major atmospheric pollutants.

Article 14 — The state shall implement a licensing system for the discharge of atmospheric pollutants. Enterprises, public institutions, and other producers and operators shall discharge atmospheric pollutants in accordance with the types, concentrations, and total volumes specified in their discharge permits.

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Chapter III — Supervision and Administration

Article 15 — The competent departments of ecology and environment under the people's governments at or above the county level shall, in conjunction with the relevant departments, conduct supervision and inspection of the prevention and control of atmospheric pollution.

Article 16 — In conducting on-site inspections of enterprises, public institutions, and other producers and operators, the competent departments of ecology and environment and their environmental law enforcement agencies may adopt measures such as on-site monitoring, collecting samples, consulting and reproducing relevant materials.

Article 17 — The state shall establish an online monitoring system for key sources of atmospheric pollution. Key pollutant-discharging entities shall install and use automatic monitoring equipment and maintain the normal operation of the monitoring equipment.

Article 18 — The state shall promote the construction of an atmospheric environment improvement target responsibility system and an evaluation and assessment system. The people's governments at or above the provincial level shall evaluate and assess the implementation of atmospheric environment improvement targets.

Article 19 — Citizens, legal persons, and other organizations shall have the right to report acts that pollute the atmospheric environment. The competent departments of ecology and environment and other relevant departments shall keep the information on whistleblowers confidential.

Chapter IV — Prevention and Control Measures

Article 20 — The state shall promote the clean and efficient use of coal. Local people's governments at all levels shall take measures to strengthen the management of the distribution and use of coal for civil use.

Article 21 — The state shall implement control over the total volume of coal consumption. The people's governments at the provincial level shall, in accordance with the requirements of the State Council, reduce the total volume of coal consumption in their respective administrative regions.

Article 22 — No new construction, expansion, or renovation projects with high coal consumption or high pollution may be approved in key areas for air pollution prevention and control unless the projects meet the total volume control requirements and obtain an emission permit.

Article 23 — The state shall eliminate backward production processes, equipment, and products that seriously pollute the atmospheric environment. The relevant departments under the State Council shall formulate comprehensive plans for the elimination of outdated production capacity.

Article 24 — Enterprises, public institutions, and other producers and operators shall install and use dust removal, desulfurization, and denitrification equipment, or adopt other technical measures to control the emission of atmospheric pollutants such as dust, sulfur dioxide, and nitrogen oxides.

Article 25 — The people's governments at or above the county level shall, in accordance with the requirements of the State Council, delimit areas as high-pollution fuel combustion restricted zones. No new coal-fired boilers shall be constructed in such restricted zones.

Article 26 — Enterprises discharging volatile organic compounds shall install and use pollution prevention and control facilities or adopt other effective measures to reduce the emission of volatile organic compounds in accordance with the law.

Article 27 — The state shall strengthen the prevention and control of motor vehicle and vessel atmospheric pollution. The people's governments at all levels shall give priority to the development of public transport and promote the use of new-energy vehicles.

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Article 28 — The state shall implement motor vehicle emission standards. No motor vehicle that exceeds the emission standards may be manufactured, sold, or registered.

Article 29 — The people's governments at all levels may, based on the need for the prevention and control of atmospheric pollution, implement traffic restriction measures, designate no-motor-vehicle zones, and restrict the use of high-emission motor vehicles.

Article 30 — The quality of fuel oil shall comply with the relevant national standards. The relevant departments of the State Council shall formulate standards for the quality of fuel oil.

Article 31 — Dust pollution shall be prevented and controlled. Construction entities shall incorporate dust pollution prevention and control costs into the project cost and specify dust pollution prevention and control requirements in construction contracts.

Article 32 — In engaging in activities such as the loading and unloading, or transportation of materials that are likely to generate dust pollution, enterprises, public institutions, and other producers and operators shall adopt sealing, spraying, covering, or other measures to prevent and control dust pollution.

Article 33 — The prevention and control of atmospheric pollution from agriculture shall be strengthened. The competent departments of agriculture shall promote the application of technologies for the comprehensive utilization of straw and prohibit open-air burning of straw.

Article 34 — Emission of malodorous gases shall be prevented and controlled. Enterprises, public institutions, and other producers and operators that discharge malodorous gases shall select their sites scientifically, install deodorization equipment, and discharge pollutants in compliance with standards.

Article 35 — The people's governments at all levels shall strengthen the prevention and control of atmospheric pollution from the catering services industry. Catering service operators shall install soot purification facilities and ensure their normal use.

Article 36 — The state shall encourage and support the clean use of scattered coal and promote the substitution of coal with electricity or natural gas. Local people's governments shall provide subsidies or other support measures to promote the substitution of coal with clean energy.

Chapter V — Joint Prevention and Control in Key Areas

Article 37 — The state shall establish a mechanism for joint prevention and control of atmospheric pollution in key areas, such as the Beijing-Tianjin-Hebei region, the Yangtze River Delta, and the Pearl River Delta and shall coordinate the prevention and control of atmospheric pollution in key areas.

Article 38 — The competent department of ecology and environment under the State Council shall, in accordance with the main functional area plans, regional air quality, and atmospheric pollution transport patterns, delimit key areas for the prevention and control of atmospheric pollution.

Article 39 — The people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in key areas shall regularly hold joint meetings to study and resolve major issues concerning the prevention and control of atmospheric pollution in key areas.

Article 40 — In key areas, unified planning, unified standards, unified monitoring, and unified prevention and control measures shall be implemented for the prevention and control of atmospheric pollution. The construction of projects with high energy consumption and high pollution shall be strictly controlled.

Article 41 — The relevant departments under the State Council and the people's governments at the provincial level in key areas shall promote the optimization and upgrading of the industrial structure and energy structure in key areas.

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Article 42 — The state shall establish a mechanism for information sharing on the prevention and control of atmospheric pollution in key areas. The relevant people's governments in key areas shall share information on ambient air quality, emission of atmospheric pollutants, meteorological conditions, and forecasts of heavy pollution weather.

Article 43 — The competent department of ecology and environment under the State Council shall, in conjunction with the relevant departments and the people's governments of the relevant provinces, conduct consultations on air quality forecasts in key areas.

Chapter VI — Response to Heavy Pollution Weather

Article 44 — The state shall establish a heavy pollution weather monitoring and early warning system. The competent department of ecology and environment under the State Council shall, in conjunction with the meteorological authority, establish a consultation and early warning mechanism for heavy pollution weather.

Article 45 — The people's governments at the provincial level shall, based on the level of the heavy pollution weather early warning, promptly activate emergency response plans and may adopt emergency measures such as ordering relevant enterprises to suspend or limit production and restricting the passage of some motor vehicles.

Article 46 — Where a heavy pollution weather early warning is issued, no outdoor activities shall be organized on a large scale, and enterprises and public institutions may adopt measures such as flexible working hours and off-peak commuting as needed.

Article 47 — During an emergency period for heavy pollution weather, enterprises, public institutions, and other producers and operators shall implement emergency response measures such as the suspension or limitation of production in accordance with the requirements of the emergency response plan.

Chapter VII — Legal Liability

Article 48 — Where a violation of the provisions of this Law involves the discharge of atmospheric pollutants by any means that evade supervision, such as secretly discharging atmospheric pollutants without a permit or through irregular discharge, a fine shall be imposed of not less than 100,000 yuan but not more than 1 million yuan; and where the circumstances are serious, the operation shall be suspended or closed down.

Article 49 — Where the amount of a fine is calculated on the basis of the volume of atmospheric pollutants discharged, the calculation method shall be in accordance with the relevant provisions of the state.

Article 50 — Where an enterprise or public institution discharges atmospheric pollutants in excess of the emission standards or the total discharge volume control targets, the competent department of ecology and environment may order it to restrict production or suspend production for rectification; where the circumstances are serious, the operation shall be suspended or closed down.

Article 51 — Where a violator refuses to accept an on-site inspection or resorts to deception during an inspection, the competent department of ecology and environment or other department shall order it to make corrections and impose a fine.

Article 52 — Administrative penalties and daily accumulating fines may be imposed in accordance with the Environmental Protection Law of the PRC for continuous violations.

Article 53 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

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Article 54 — This Law shall come into force on January 1, 2016. The amendments adopted on October 26, 2018 shall come into force on the date of promulgation.

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