Black Soil Protection Law of the People’s Republic of China

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Protection, Planning and Restoration 2

Chapter III — Utilization and Monitoring 3

Chapter IV — Protection Measures 3

Chapter V — Supervision and Administration 3

Chapter VI — Legal Liability 4

Chapter VII — Supplementary Provisions 4

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Protection, Planning and Restoration
- Chapter III — Utilization and Monitoring
- Chapter IV — Protection Measures
- Chapter V — Supervision and Administration
- Chapter VI — Legal Liability
- Chapter VII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting black soil resources, steadily restoring and improving the basic fertility of black soil, promoting sustainable utilization of resources, maintaining ecological balance, and safeguarding national food security.

Article 2 — This Law applies to activities related to the protection, utilization, restoration, and management of black soil within the black soil areas of the People’s Republic of China. This Law does not apply to the protection of black soil on the islands of the South China Sea.

Article 3 — For the purposes of this Law, “black soil” means cultivated land with good traits, high fertility and a black or dark black humus topsoil layer, distributed in the relevant administrative regions of Heilongjiang Province, Jilin Province, Liaoning Province and the Inner Mongolia Autonomous Region (hereinafter referred

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to as the four provincial-level administrative regions).

Article 4 — Black soil protection shall adhere to the principles of overall planning, tailored measures based on local conditions, prioritized use for agriculture, combination of use with conservation, highlighting key areas, comprehensive policy implementation, government leadership, and public participation.

Article 5 — The State shall implement a responsibility system for the quantity and quality of black soil, incorporating black soil protection into the national economic and social development plan, and adopting comprehensive measures such as engineering, agronomic, agricultural machinery and biological measures to protect the quality and ecological environment of black soil.

Article 6 — The departments in charge of agriculture and rural affairs, natural resources, water resources, forestry and grassland, and ecological and environmental protection under the State Council shall, in accordance with their respective duties, be responsible for the supervision and administration of black soil protection.

The people's governments of the four provincial-level administrative regions shall strengthen the organization and leadership of black soil protection within their respective administrative regions, and specify the responsibilities of the relevant departments.

Article 7 — The State shall encourage and support scientific and technological research on black soil protection and the cultivation of professional personnel, promote technological innovation and the transformation of scientific and technological achievements, and raise the scientific and technological level of black soil protection.

Article 8 — All entities and individuals shall have the obligation to protect black soil and shall have the right to report any acts damaging black soil.

Chapter II — Protection, Planning and Restoration

Article 9 — The State shall conduct a survey of the quantity, quality, type and distribution of black soil, establish a black soil protection database, and implement dynamic management.

Article 10 — The people's governments at or above the county level in the four provincial-level administrative regions shall incorporate black soil protection into their national economic and social development plans and land spatial planning.

Article 11 — The State shall designate and protect black soil protection areas for black soil cultivated land with good quality conditions, centralized and contiguous distribution, and important ecological functions. The delimitation of black soil protection areas shall be scientifically demonstrated and publicly announced.

Article 12 — The conversion of black soil cultivated land to other uses shall be strictly controlled. Where black soil cultivated land within the protection areas really needs to be converted to other uses, it shall be subject to strict examination and approval, and soil stripping and reutilization shall be implemented.

Article 13 — The people's governments at or above the county level shall take measures to strengthen the construction of farmland shelterbelts, windbreak and sand-fixation forests, soil and water conservation forests, and water source conservation forests in black soil areas to improve the ecological environment of black soil.

Article 14 — The State shall support the restoration of degraded black soil by adopting measures such as returning farmland to forests and grasslands, crop rotation and fallowing, deep tillage, application of organic fertilizers, and soil improvement.

Article 15 — Where black soil is damaged due to production and construction activities, the entity responsible for the damage shall, in accordance with the relevant provisions, restore the damaged black soil or pay restoration fees.

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Chapter III — Utilization and Monitoring

Article 16 — Agricultural producers and operators shall use black soil in a rational manner, adopt protective tillage measures conducive to soil conservation, and are prohibited from engaging in acts that damage black soil.

Article 17 — Agricultural producers and operators shall, in accordance with the relevant provisions, scientifically apply chemical fertilizers, pesticides, agricultural films and other inputs, and shall not use agricultural inputs that are prohibited or restricted by the State.

Article 18 — Agricultural producers and operators are encouraged to adopt protective tillage measures such as organic fertilizer application, straw returning to fields, crop rotation, intercropping, mixed cropping, no-till or minimum tillage, to improve the physical, chemical and biological properties of black soil and enhance soil fertility.

Article 19 — The State shall establish a black soil quality monitoring network, conduct regular monitoring of the physical, chemical and biological properties and fertility of black soil, and establish a black soil quality monitoring and early warning mechanism.

Article 20 — The competent departments shall, in accordance with the monitoring data and survey results, organize periodic evaluations of black soil quality and classify black soil quality into grades, which shall serve as the basis for black soil protection, utilization and restoration.

Chapter IV — Protection Measures

Article 21 — The State shall increase investment in black soil protection, establishing a diversified investment guarantee mechanism led by government investment and supplemented by the participation of enterprises, rural collective economic organizations and individuals.

Article 22 — The State shall support black soil protection by means of treasury subsidies, government funds and other financial policies, and encourage financial institutions to provide credit support for black soil protection.

Article 23 — The people’s governments at or above the county level shall encourage and support agricultural producers and operators to adopt measures such as protective tillage, application of organic fertilizers, and crop rotation, and provide subsidies to those adopting such measures.

Article 24 — The people’s governments at or above the county level shall organize and carry out publicity and education on black soil protection to raise the public’s awareness of black soil protection.

Article 25 — The State shall strengthen the construction of black soil protection science and technology innovation platforms, support scientific research institutions, institutions of higher learning and enterprises in carrying out research and the promotion and application of black soil protection technologies.

Article 26 — The State shall support the standardized, large-scale and industrialized utilization of black soil, develop green, circular and low-carbon agriculture, and achieve a balance between black soil protection and agricultural development.

Chapter V — Supervision and Administration

Article 27 — The competent departments under the State Council shall, in accordance with their respective duties, strengthen the supervision and inspection of black soil protection and conduct performance evaluations of the black soil protection work of the people’s governments of the four provincial-level administrative regions.

Article 28 — The people’s governments at or above the county level shall organize the relevant departments to establish a black soil protection law enforcement and supervision mechanism, carry out joint law

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enforcement, and promptly investigate and punish illegal acts that damage black soil.

Article 29 — The people's governments at or above the county level shall establish a black soil protection target responsibility system and an assessment and evaluation system, incorporating black soil protection into the performance assessment of the relevant departments and their responsible persons.

Article 30 — Social organizations and individuals are encouraged to participate in black soil protection, and provisions shall be made for accepting public oversight and reporting.

Chapter VI — Legal Liability

Article 31 — Where anyone, in violation of the provisions of this Law, illegally occupies or damages black soil, the competent department shall order the violator to make corrections within a prescribed time limit, restore the original condition or adopt other remedial measures, and may impose a fine. Where losses are caused, the violator shall bear the liability for compensation in accordance with the law.

Article 32 — Where anyone steals, illegally excavates, sells or purchases black soil, the competent department shall order the violator to make corrections and impose a fine; where unlawful gains have been made, the unlawful gains shall be confiscated. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 33 — Where agricultural producers or operators damage black soil in violation of the provisions of this Law, the competent departments in charge of agriculture and rural affairs shall order them to make corrections and may impose a fine. Where the circumstances are serious, the relevant subsidies, incentives and policy support may be suspended or canceled.

Article 34 — Where a construction entity fails to implement soil stripping and reutilization in accordance with the provisions, the competent department shall order it to make corrections and impose a fine. Where losses are caused, it shall bear the liability for compensation in accordance with the law.

Article 35 — Where the competent departments and their staff members fail to perform their duties in black soil protection in accordance with the law, abuse their powers, neglect their duties, or engage in malpractices for personal gain, the person in charge who is directly responsible and other directly responsible personnel shall be subject to sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 36 — The protection of black soil on forest land, grassland, wetland, river and lake shorelines within the black soil areas shall be governed by the provisions of the relevant laws, in addition to the provisions of this Law.

Article 37 — The people's governments of the four provincial-level administrative regions may, in accordance with this Law, separately formulate specific implementation measures for black soil protection applicable to their respective administrative regions.

Article 38 — This Law shall take effect on August 1, 2022.

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