

Ecological Environment Code of the PRC — Book V: Legal Liability and Supplementary Provisions

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Chapter I — General Provisions on Legal Liability

Section 1 — General Provisions

Article 1052 — Where any unit or individual commits an act of polluting the environment, damaging the ecology, or violating green and low-carbon obligations, its or their legal liability shall be strictly pursued in accordance with the law. The determination of legal liability shall be commensurate with the facts, nature, circumstances, and harmful consequences of the act of polluting the environment, damaging the ecology, or violating green and low-carbon obligations.

Article 1053 — Whoever commits an illegal act such as polluting the environment or damaging the ecology shall bear administrative liability unless there is evidence sufficient to prove that he or she was not at fault. Whoever commits an act such as polluting the environment or damaging the ecology and thereby causes damage to the civil rights and interests of another person shall bear civil liability regardless of fault.

Article 1054 — An illegal act that causes harmful consequences such as environmental pollution or ecological damage shall be subject to administrative penalty in accordance with the law if it is discovered within five years; other illegal acts shall be subject to administrative penalty in accordance with the law if discovered within two years. The aforesaid periods shall be computed from the date on which the illegal act occurs; where an illegal act is of a continuous or continuing nature, the period shall be computed from the date on which the act ends. The limitation period for filing an ecological environment civil lawsuit is five years. The limitation period shall be computed from the date on which the party concerned knew or should have known of the damage and the person responsible.

Article 1055 — Where the same illegal act violates multiple ecological environment legal norms and a fine is to be imposed, the penalty shall be imposed in accordance with the provision stipulating the higher amount of fine.

Article 1056 — Whoever commits an illegal act such as polluting the environment or damaging the ecology shall be given a heavier penalty in accordance with the law where there are statutory circumstances such as maliciously harming the ecological environment, refusing to rectify the illegal act, causing serious harmful consequences, or committing illegal acts repeatedly and having been penalized. Whoever commits an illegal act such as polluting the environment or damaging the ecology shall be given a lighter or mitigated penalty in accordance with the law where there are statutory circumstances such as proactively eliminating or mitigating the harmful consequences, effectively adopting ecological environment restoration measures, or paying compensation in a timely manner. Where an illegal act is minor and is rectified in a timely manner without causing harmful consequences, no penalty shall be imposed; where the act is a first-time offense with minor harmful consequences and is rectified in a timely manner, no penalty may be imposed.

Article 1057 — In imposing administrative penalties, the provisions of ecological environment laws, regulations, and rules in force at the time the illegal act occurred shall apply. However, where, by the time the administrative penalty decision is made, the ecological environment laws, regulations, or rules have been amended or repealed, and the new provisions provide for a lighter penalty or do not regard the act as illegal, the new provisions shall apply.

Article 1058 — Where a person shall bear civil, administrative, or criminal liability for an act such as polluting the environment or damaging the ecology, the bearing of administrative or criminal liability shall not affect the bearing of civil liability. Where the property is insufficient for payment, civil liability shall be borne with priority. Where an illegal act such as polluting the environment or damaging the ecology constitutes a crime, and the people's court sentences the offender to criminal detention or fixed-term imprisonment, any administrative detention already imposed by an administrative organ shall be deducted from the corresponding term of imprisonment in accordance with the law, and any administrative fine already imposed shall be deducted from the corresponding criminal fine in accordance with the law.

Article 1059 — No liability for compensation shall be borne for damage caused by pollution of the environment or damage to the ecology resulting from force majeure, except as otherwise provided by law. With respect to pollution damage caused to the marine environment, the provisions of paragraph 3 of this Article shall apply. Where the damage is caused intentionally by the victim, the persons responsible shall not bear liability for compensation; where the damage is caused by the gross negligence of the victim, liability for compensation may be mitigated. Where the pollution damage to the marine environment is entirely attributable to any of the following circumstances and could not be avoided even after reasonable measures were taken in a timely manner, the persons responsible for the pollution damage shall be exempted from liability: (1) war; (2) irresistible natural disasters; or (3) negligence or other wrongful acts of the competent departments responsible for lighthouses or other navigational aids in the performance of their duties.

Article 1060 — Where enterprises, public institutions, and other producers and operators that illegally discharge, dump, or dispose of pollutants, wastes, or other substances are fined and ordered to make rectification, the department or institution that lawfully makes the penalty decision shall organize a review; where it is discovered that they continue to commit the illegal act, refuse to make rectification, or refuse or obstruct the review, a fine may be imposed on a daily basis at the original fine amount starting from the day following the date of the order to make rectification, and timely measures shall be taken to stop the illegal act. The original fine amount specified in the preceding paragraph shall be determined within the statutory range on the basis of factors such as the operating costs of the pollution prevention and control facilities, the direct losses caused by the illegal act, or the illegal gains. Local regulations may, in light of the actual needs of ecological environment protection, add types of illegal acts subject to the daily fines specified in paragraph 1.

Section 2 — Responsible Subjects

Article 1061 — Where a local people's government fails to perform its duties in accordance with the law, thereby causing prominent ecological environment quality problems or deterioration of the ecological environment in its region, the persons in charge shall be given sanctions or other disposition in accordance with the law, and this may be disclosed to the public.

Article 1062 — Where local people's governments at all levels or the departments or institutions responsible for the supervision and administration of ecological environment protection fall under any of the following circumstances, the leading personnel and directly responsible personnel shall be given demerit, major demerit, or demotion sanctions; where serious consequences are caused, they shall be given dismissal from office or expulsion sanctions: (1) failing to lawfully make administrative licenses or handle approval documents; (2) shielding illegal acts concerning the ecological environment; (3) failing to make decisions ordering suspension of business or closure that should be made in accordance with the law; (4) failing to promptly investigate and handle, in accordance with the law, upon discovery or receipt of reports, acts such as discharging pollutants not in accordance with the provisions of permits, discharging pollutants by evading supervision, causing environmental pollution or ecological damage accidents, or causing ecological damage by failing to implement ecological protection measures; (5) illegally sealing up or seizing relevant premises, vessels, facilities, equipment, tools, or articles of enterprises, public institutions, and other producers and operators; (6) tampering with or forging monitoring data, or instigating others to tamper with or forge monitoring data; (7) failing to disclose ecological environment information that should be disclosed in accordance with the law; (8) illegally collecting fees, or withholding, diverting, or misappropriating fees lawfully collected; (9) failing to transfer cases that should be transferred to relevant organs for handling in accordance with the law; or (10) other illegal circumstances prescribed by laws and regulations.

Article 1063 — Where a planning organ fails to lawfully organize ecological environment impact assessment, or engages in fraud or dereliction of duty in organizing ecological environment impact assessment, thereby causing the ecological environment impact assessment to be seriously inaccurate; or where a planning examination and approval organ illegally approves a draft plan for which the chapter or explanation

concerning ecological environment impacts should have been prepared in accordance with the law but was not, or a draft special plan to which an ecological environment impact report should have been attached in accordance with the law but was not, the leading personnel and directly responsible personnel shall be given sanctions in accordance with the law. Where an ecology and environment competent department illegally collects fees, solicits or accepts property, or seeks other improper benefits in the examination and approval, review, or filing of ecological environment impact reports, report forms, or registration forms, it shall be ordered to return the fees or the fees shall be confiscated, and the leading personnel and directly responsible personnel shall be given sanctions in accordance with the law.

Article 1064 — Enterprises, public institutions, other producers and operators, and individuals that pollute the environment, damage the ecology, or fall under other illegal circumstances prescribed by this Law shall bear legal liability in accordance with the law; where environmental pollution or ecological damage accidents are caused or there are other statutory circumstances, the legal representatives, principal persons in charge, directly responsible persons in charge, and other directly responsible personnel of enterprises, public institutions, and other producers and operators shall bear legal liability in accordance with the law.

Article 1065 — Enterprises, public institutions, other producers and operators, and individuals that cause environmental pollution or ecological damage shall bear, in accordance with the law, the responsibility for eliminating the pollution and restoring the damaged ecological environment; where elimination or restoration is impossible, alternative treatment or restoration measures shall be implemented. Where the offender changes, the subject that succeeds to its rights and obligations shall be responsible for the treatment or restoration.

Article 1066 — Where the persons responsible for soil pollution and the related groundwater pollution cannot be identified, and the holder of the land use right fails to perform the obligations of pollution risk control and restoration in accordance with this Law, thereby causing damage to the civil rights and interests of another person, the holder shall bear civil tort liability in accordance with the law. Where motor vehicles, vessels, non-road mobile machinery, or engines sold do not conform to the pollutant emission standards in violation of this Law, the seller shall be responsible for repair, replacement, or return; where losses are caused to the purchaser, the seller shall compensate for the losses.

Article 1067 — Where an ecological environment technical service institution entrusted to engage in ecological environment service activities violates this Law and is responsible for the resulting environmental pollution, ecological damage, or the like, it shall, in addition to being penalized in accordance with this Law and relevant laws and regulations, bear joint and several liability with the principal that caused the environmental pollution, ecological damage, or the like.

Article 1068 — Where units approved to dump marine wastes and units that generate industrial solid waste, in violation of this Law, fail to perform their obligations of verification and supervision and entrust others with marine dumping operations of wastes or with the transportation, utilization, or disposal of industrial solid waste, they shall, in addition to being penalized in accordance with this Law and relevant laws and regulations, bear joint and several liability with the entrusted parties that caused the environmental pollution or ecological damage. Where solid waste, radioactive waste, or radioactive-contaminated articles from outside the People's Republic of China are brought into the territory in violation of this Law, the carrier shall bear joint and several liability with the importer for the return shipment and disposal of the solid waste, radioactive waste, and radioactive-contaminated articles.

Article 1069 — Where an enterprise or public institution falls under an illegal circumstance prescribed by this Law, and its responsible leading personnel and directly responsible personnel are public officials, they shall be given sanctions in accordance with the law.

Article 1070 — Where civil liability shall be borne for damage to the civil rights and interests of another person caused by pollution of the environment, damage to the ecology, or the like, and this Law does not

provide otherwise, civil liability shall be borne in accordance with the provisions of the Civil Code of the People's Republic of China.

Article 1071 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Section 3 — Accountability

Article 1072 — The departments and institutions responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, promptly investigate and handle ecological environment violation cases and pursue legal liability in accordance with the law. Where an administrative penalty should be imposed in accordance with the law but has not been imposed, the department of the people's government at a higher level responsible for the supervision and administration of ecological environment protection may directly make the administrative penalty decision.

Article 1073 — Where an act such as polluting the environment or damaging the ecology in violation of the law causes losses to the State, the local people's government at or above the level of a city divided into districts, or a department or institution designated by it, shall conduct consultations with the person responsible in accordance with relevant provisions and require the person to bear liability for compensation for ecological environment damage; where no agreement is reached through consultation, a lawsuit may be filed with the people's court. Where the local people's government, department, or institution specified in the preceding paragraph fails to conduct consultation, or fails to reach an agreement through consultation and fails to file a lawsuit, the people's procuratorate may file a lawsuit with the people's court against the person responsible in accordance with the law.

Article 1074 — Where pollution of the marine environment or damage to the marine ecology causes losses to the State, the department exercising the power of marine ecological environment supervision and administration in accordance with this Law shall make a claim for damages against the person responsible and may file a lawsuit with the people's court. Where the person responsible does not bear liability for damages, and the department specified in the preceding paragraph does not file a lawsuit, the people's procuratorate may file a lawsuit with the people's court in accordance with the law.

Article 1075 — Where an act such as polluting the environment or damaging the ecology in violation of the law harms the public interest, the people's procuratorate or social organizations that meet the conditions prescribed by this Law may file a lawsuit with the people's court in accordance with the law.

Article 1076 — Where, in the performance of its duties, the people's procuratorate discovers that a local people's government or a department or institution responsible for the supervision and administration of ecological environment protection illegally exercises its powers or fails to act, thereby causing losses to the State or harming the public interest, it may file a lawsuit in accordance with the law.

Article 1077 — Disputes arising from infringement of the lawful rights and interests of another person by pollution of the environment, damage to the ecology, or the like may be resolved through consultation between the parties, or an application may be made to the department or institution responsible for the supervision and administration of ecological environment protection for mediation; where mediation fails, a lawsuit may be filed with the people's court. The parties may also directly file a lawsuit with the people's court.

Article 1078 — The State shall encourage units that discharge noise, cooking fumes, or odors, managers of public places, and the like to conduct friendly consultations with the units and individuals harmed, and to properly resolve disputes by means such as adjusting the timing of production, business, and construction operations, adopting preventive and remedial measures, paying compensation, or relocating elsewhere.

Article 1079 — Where an act such as polluting the environment or damaging the ecology is being committed or is about to be committed, and failure to stop it in a timely manner would create a major risk of irreparable

damage to the lawful rights and interests of the parties or to the ecological environment, an application may be made to the people's court, in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China, for the adoption of injunctive preservation measures ordering the immediate cessation of the act of polluting the environment or damaging the ecology.

Article 1080 — Where damage is caused to another person by pollution of the environment, damage to the ecology, or the like, the actor shall bear the burden of proof, in accordance with the law, as to the circumstances prescribed by law under which liability is not borne or is mitigated, and as to the absence of a causal relationship between the act and the damage.

Article 1081 — The organs and organizations filing lawsuits with the people's court in accordance with Articles 1073 and 1075 of this Law shall provide the following proof: (1) that the actor committed an act such as polluting the environment or damaging the ecology; (2) that the act violated the provisions of law; (3) the circumstances of the ecological environment damage; (4) the costs of ecological environment losses, ecological environment restoration, and other expenses; and (5) other matters that should be proved. Where a lawsuit is filed in accordance with Article 1074 of this Law, the proof specified in items (1) and (3) through (5) of the preceding paragraph shall be provided.

Article 1082 — The departments and institutions responsible for the supervision and administration of ecological environment protection, the people's procuratorates, and others may, in accordance with the law, support parties harmed by pollution of the environment or damage to the ecology in filing lawsuits with the people's court. The State shall encourage legal service institutions and lawyers to provide legal aid to the parties specified in the preceding paragraph.

Article 1083 — Where, in the course of accepting reports, conducting supervision and inspection, or investigating and handling cases, a relevant department discovers illegal clues or cases that fall within the duties of the departments or institutions responsible for the supervision and administration of ecological environment protection, it shall promptly transfer them. Where the departments and institutions responsible for the supervision and administration of ecological environment protection, as well as the people's courts and people's procuratorates, discover suspected criminal conduct in the course of investigating and handling ecological environment violations or handling related cases in accordance with the law, they shall transfer the matter to the organs with the power of investigation and inquiry.

Article 1084 — The people's government at a higher level and its ecology and environment competent department shall strengthen supervision over the ecological environment protection work of people's governments at lower levels and their relevant departments and institutions. Where it is discovered that relevant staff members have committed illegal acts for which sanctions should be imposed in accordance with the law, the matter shall be transferred to the organs or units that appointed or removed them or to the supervisory organs for handling in accordance with the law.

Chapter II — Specific Provisions on Legal Liability

Section 1 — Violations of Ecological Environment Monitoring Administration Provisions

Article 1085 — Administrative penalties for violations of the provisions of Chapter IV of Book I of this Law and other relevant provisions shall be imposed in accordance with the provisions of this Section.

Article 1086 — Where a violation of this Law falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, it may order restriction of production or suspension of production for rectification: (1) failing to conduct self-monitoring of the discharged pollutants, aquaculture tail water, or soil pollution status, failing to formulate a self-monitoring plan, failing to establish management ledgers, failing to preserve the original monitoring records and management ledgers, and

failing to report truthfully; (2) failing to install, use, maintain, and normally operate automatic pollutant discharge monitoring and surveillance equipment, failing to connect such equipment to the surveillance equipment of the competent departments, failing to preserve the original monitoring records, and failing to report truthfully; or (3) failing to monitor the discharge outlets discharging toxic and harmful pollutants and the surrounding environment, and failing to disclose information on toxic and harmful pollutants. Where a household waste treatment unit, in violation of this Law, fails to install and use pollutant discharge monitoring equipment to monitor pollutant discharges in real time and disclose pollution discharge data, the ecology and environment competent department shall order rectification and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan; where rectification is refused, a fine of not less than 500,000 yuan but not more than 1,000,000 yuan shall be imposed.

Article 1087 — Where enterprises, public institutions, and other producers and operators, in violation of this Law, use monitoring facilities or equipment that do not conform to the provisions of laws and administrative regulations and national standards in carrying out ecological environment monitoring, or fail to comply with monitoring specifications, thereby causing distortion of monitoring data, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, it shall order restriction of production or suspension of production for rectification.

Article 1088 — Where enterprises, public institutions, and other producers and operators, in violation of this Law, falsify ecological environment monitoring data, or instigate the ecological environment monitoring institutions they entrust to falsify monitoring data, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification, impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan, and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan on the directly responsible persons in charge and other directly responsible personnel; where the circumstances are serious, it shall order restriction of production or suspension of production for rectification.

Article 1089 — Where an ecological environment monitoring institution, in violation of this Law, does not possess the corresponding facilities, equipment, technical personnel, technical capacity, or management capacity, or fails to file for record in accordance with the law, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, it shall order suspension of business after reporting to and obtaining approval from the people's government with the power of approval. Where an ecological environment monitoring institution engaged in radioactive pollution monitoring, in violation of this Law, fails to obtain a license or fails to carry out monitoring business in accordance with the license, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 50,000 yuan but not more than 500,000 yuan; where rectification is refused, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1090 — Where an ecological environment monitoring institution, in violation of this Law, uses monitoring facilities or equipment that do not conform to the provisions of laws and administrative regulations and national standards, or fails to comply with monitoring specifications, thereby causing distortion of monitoring data, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, the license shall be revoked if the institution holds one, and suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval.

Article 1091 — Where an ecological environment monitoring institution, in violation of this Law, falsifies monitoring data, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, confiscate the illegal gains and impose a concurrent fine of not less than 100,000 yuan but not more than 500,000 yuan; where the circumstances are serious, it shall also impose a fine of not less than 500,000 yuan but not more than 2,000,000 yuan, revoke the license if the institution holds one, prohibit it from engaging in monitoring business, and order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where the circumstances specified in the preceding paragraph exist, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on the directly responsible persons in charge and other directly responsible personnel, and prohibit them from engaging in the business specified in the preceding paragraph for five years; where the circumstances are serious, they shall be prohibited from engaging in the business for ten years.

Article 1092 — Where monitoring facilities or equipment that do not conform to the provisions of laws and administrative regulations and national standards are produced, imported, or sold in violation of this Law, the market regulation department and the customs shall, in accordance with the division of duties, order the cessation of production, import, or sale, confiscate the illegal gains and the illegally produced, imported, or sold facilities and equipment, and impose a concurrent fine of not less than one time but not more than five times the value of the illegally produced, imported, or sold facilities and equipment, with a minimum of 50,000 yuan where the value is less than 50,000 yuan; where the circumstances are serious, the license shall be revoked.

Article 1093 — Where units or individuals, in violation of this Law, interfere with or damage ecological environment monitoring facilities or equipment by means such as occupying, damaging, or arbitrarily moving or altering them, or instigate the interference with or damage to ecological environment monitoring facilities or equipment, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where the act constitutes a violation of public security administration, the public security organ shall impose penalties in accordance with the law.

Section 2 — Violations of Ecological Environment Impact Assessment Provisions

Article 1094 — Administrative penalties for violations of the provisions of Chapter V of Book I of this Law and other relevant provisions shall be imposed in accordance with the provisions of this Section.

Article 1095 — Where a construction unit, in violation of this Law, fails to submit for approval in accordance with the law, or fails to re-submit for approval or re-apply for re-review of the ecological environment impact report or report form in accordance with the relevant provisions of this Law, and starts construction without authorization before the ecological environment impact report or report form of the construction project has been approved or re-approved through re-review by the original examination and approval department, the ecology and environment competent department and the coast guard shall, in accordance with the division of duties, order it to stop construction and may order restoration of the original state; where the approval or review type is an ecological environment impact report, a fine of not less than 200,000 yuan but not more than 1,000,000 yuan shall be imposed, and where the circumstances are serious, a fine of not less than 1,000,000 yuan but not more than 10,000,000 yuan shall be imposed; where the approval or review type is an ecological environment impact report form, a fine of not less than 100,000 yuan but not more than 500,000 yuan shall be imposed, and where the circumstances are serious, a fine of not less than 500,000 yuan but not more than 5,000,000 yuan shall be imposed. Where a construction unit falls under the circumstances specified in the preceding paragraph and refuses to comply after being ordered to stop construction or restore the original state, the public security organ or the coast guard shall, in accordance

with the division of duties, impose detention of not less than ten days but not more than fifteen days on the directly responsible persons in charge and other directly responsible personnel; where the circumstances are relatively minor, detention of not less than five days but not more than ten days shall be imposed. Where a construction unit, in violation of this Law, fails to file the ecological environment impact registration form of a construction project with the ecology and environment competent department in accordance with the law, the ecology and environment competent department shall order rectification and may impose a fine of not more than 50,000 yuan. Where there are illegal circumstances specified in paragraphs 1 through 3 in the siting, construction, operation, or decommissioning of nuclear facilities or in the development and utilization of nuclear technology, uranium (thorium) mines, or associated radioactive mines in violation of this Law, penalties shall be imposed by applying the provisions of paragraphs 1 through 3.

Article 1096 — Where the ecological environment impact report or report form of a construction project, in violation of this Law, has serious quality problems such as clearly untrue basic data, major defects, omissions, or falsehoods in its content, or incorrect or unreasonable ecological environment impact assessment conclusions, the ecology and environment competent department and the coast guard shall, in accordance with the division of duties, impose a fine of not less than 500,000 yuan but not more than 2,000,000 yuan on the construction unit, and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan on the legal representative, principal persons in charge, directly responsible persons in charge, and other directly responsible personnel of the construction unit; where the circumstances are serious, they shall order restriction of production or suspension of production for rectification. Where a construction unit that prepares the ecological environment impact report or report form on its own falls under the illegal circumstances specified in the preceding paragraph, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed on the persons in charge of the preparation and the principal preparers, and they shall be prohibited from engaging in the preparation of ecological environment impact reports and report forms for five years; where the circumstances are serious, they shall be prohibited from engaging in such preparation for ten years.

Article 1097 — Where a technical unit entrusted to prepare the ecological environment impact report or report form of a construction project for the construction unit, in violation of this Law, violates the provisions of the State's relevant ecological environment impact assessment standards and technical specifications, thereby causing serious consequences such as clearly untrue basic data, major defects, omissions, or falsehoods in the content of the report or report form it prepared, or incorrect or unreasonable ecological environment impact assessment conclusions, the ecology and environment competent department and the coast guard shall, in accordance with the division of duties, confiscate the illegal gains and impose a concurrent fine of not less than 100,000 yuan but not more than 500,000 yuan; where the circumstances are serious, they shall also impose a fine of not less than 500,000 yuan but not more than 2,000,000 yuan, prohibit it from engaging in the preparation of ecological environment impact reports and report forms, and order suspension of business after reporting to and obtaining approval from the people's government with the power of approval. Where a technical unit falls under the illegal circumstances specified in the preceding paragraph, the principal persons in charge of the preparation shall be prohibited from engaging in the preparation of ecological environment impact reports and report forms for five years; where the circumstances are serious, they shall be prohibited from engaging in such preparation for ten years.

Article 1098 — Where a technical unit and its personnel entrusted to prepare the ecological environment impact report or report form of a construction project for the construction unit have an interest relationship with the department responsible for examination and approval, or where the technical unit fails to file for record with the ecology and environment competent department in accordance with the law, in violation of this Law, the ecology and environment competent department and the coast guard shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, they shall order suspension of business after reporting to and obtaining approval from the people's government with the power of approval.

Article 1099 — Where, in the course of the construction or operation of a construction project, the ecological environment protection countermeasures proposed in the ecological environment impact report or report form and the examination and approval opinions of the examination and approval department are not implemented, in violation of this Law, the ecology and environment competent department and the coast guard shall, in accordance with the division of duties, impose a fine of not less than 50,000 yuan but not more than 500,000 yuan on the construction unit; where the circumstances are serious, a fine of not less than 500,000 yuan but not more than 2,000,000 yuan shall be imposed. Where this Law provides otherwise, such provisions shall apply.

Article 1100 — Where, in violation of this Law, ecological environment protection facilities are not designed, constructed, and put into use simultaneously with the principal project, or the facilities are put into production or use before being completed or before meeting the prescribed requirements, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan, or a fine of not less than 1,000,000 yuan but not more than 2,000,000 yuan where rectification is refused; a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible personnel; where major environmental pollution or ecological damage is caused, production or use shall be ordered to cease, or suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval.

Section 3 — Violations of Pollutant Discharge Permit Provisions

Article 1101 — Administrative penalties for violations of the provisions of Chapter II of Sub-book One of Book II of this Law and other relevant provisions shall be imposed in accordance with the provisions of this Section.

Article 1102 — Where pollutants are discharged without obtaining a pollutant discharge permit in accordance with the law, in violation of this Law, the ecology and environment competent department shall order rectification, impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan, and may order restriction of production or suspension of production for rectification; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where the pollutant is industrial noise, the amount of the fine shall be not less than 20,000 yuan but not more than 200,000 yuan. Where the discharge of pollutants is not ceased, the ecology and environment competent department shall transfer the case to the public security organ, which shall impose detention of not less than ten days but not more than fifteen days on the directly responsible persons in charge and other directly responsible personnel; where the circumstances are relatively minor, detention of not less than five days but not more than ten days shall be imposed.

Article 1103 — Where pollutants are discharged not in accordance with the types of pollutants set forth in the pollutant discharge permit, or in excess of the permitted discharge concentrations, permitted discharge volumes, or permitted discharge limits set forth therein, in violation of this Law, the ecology and environment competent department shall order rectification, impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan, and may order restriction of production or suspension of production for rectification; where the circumstances are serious, it shall revoke the pollutant discharge permit and order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where the pollutant is industrial noise, the amount of the fine shall be not less than 20,000 yuan but not more than 200,000 yuan.

Article 1104 — Where pollution prevention and control facilities are not operated and maintained in accordance with the provisions of the pollutant discharge permit, in violation of this Law, the ecology and environment competent department shall order rectification and impose a fine of not less than 20,000 yuan but not more than 50,000 yuan; where the pollution prevention and control facilities are rendered unable to

function normally, but this does not constitute discharging pollutants by evading supervision, the ecology and environment competent department shall order rectification and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; where the circumstances are serious, it shall order restriction of production or suspension of production for rectification. Where pollution prevention and control facilities are dismantled without authorization, in violation of this Law, the ecology and environment competent department shall order rectification and impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan; where rectification is refused, it shall order restriction of production or suspension of production for rectification; where the circumstances are serious, it shall revoke the pollutant discharge permit and order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1105 — Where a pollutant discharge permit is obtained by applying through improper means such as deception or bribery, in violation of this Law, the ecology and environment competent department shall revoke the pollutant discharge permit in accordance with the law and impose a fine of not less than 200,000 yuan but not more than 500,000 yuan.

Article 1106 — Where enterprises, public institutions, and other producers and operators required to fill in pollutant discharge registration forms fail to fill in the pollutant discharge information in accordance with the law, in violation of this Law, the ecology and environment competent department shall order rectification and may impose a fine of not more than 50,000 yuan.

Article 1107 — Where pollutants are discharged in excess of the pollutant discharge standards or in excess of the total emission control indicators for key pollutants, in violation of this Law, the ecology and environment competent department shall order rectification, impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan, and may order restriction of production or suspension of production for rectification; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where the pollutant is industrial noise, the amount of the fine shall be not less than 20,000 yuan but not more than 200,000 yuan.

Article 1108 — Where pollutants are discharged by means of evading supervision, such as through concealed pipes, seepage wells, seepage pits, or by filling, fissures, or caves, by tampering with or forging monitoring data, by temporary suspension of production for the purpose of evading on-site inspection, by opening emergency discharge channels under non-emergency circumstances, or by failing to normally operate pollution prevention and control facilities, in violation of this Law, the ecology and environment competent department shall order rectification, impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan, order restriction of production or suspension of production for rectification, and transfer the case to the public security organ, which shall impose detention of not less than five days but not more than ten days on the directly responsible persons in charge and other directly responsible personnel; where the circumstances are serious, the pollutant discharge permit shall be revoked, suspension of business or closure shall be ordered after reporting to and obtaining approval from the local people's government with the power of approval, and the public security organ shall impose detention of not less than ten days but not more than fifteen days on the directly responsible persons in charge and other directly responsible personnel.

Article 1109 — Where pollutant discharge outlets are set up in violation of this Law and other laws and regulations, the provisions of the ecology and environment competent department of the State Council, or the pollutant discharge permit, except as provided in paragraph 2 of this Article, the ecology and environment competent department shall order removal within a prescribed time limit; where removal is not carried out within the time limit, compulsory removal shall be carried out, with the necessary expenses borne by the offender, and a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed; where the circumstances are serious, a fine of not less than 100,000 yuan but not more than 500,000 yuan

shall be imposed and restriction of production or suspension of production for rectification shall be ordered. Where pollutant discharge outlets are set up within drinking water source protection zones, or new pollutant discharge outlets are set up in water bodies of special economic and cultural value such as water bodies in protected natural areas, in ecological protection red line areas, or in other areas requiring special protection, in violation of this Law, the local people's government at or above the county level shall order removal within a prescribed time limit; where removal is not carried out within the time limit, compulsory removal shall be carried out, with the necessary expenses borne by the offender, and the ecology and environment competent department shall impose a fine of not less than 100,000 yuan but not more than 500,000 yuan; where the circumstances are serious, a fine of not less than 500,000 yuan but not more than 1,000,000 yuan shall be imposed and restriction of production or suspension of production for rectification shall be ordered. Where a pollutant discharge outlet into the sea is set up without filing for record, in violation of this Law, the ecology and environment competent department shall order rectification and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan.

Article 1110 — Where ecological environment information such as pollutant discharge information or greenhouse gas emission information is not disclosed to the public or is not truthfully disclosed, in violation of this Law, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, it shall order restriction of production or suspension of production for rectification and announce the aforesaid ecological environment information.

Article 1111 — Where a construction unit, in violation of this Law, fails to include the funds needed for pollution prevention and control in the project cost, the ecology and environment competent department shall order rectification and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan; where rectification is refused, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed and suspension of production for rectification shall be ordered.

Article 1112 — Where solid waste, radioactive waste, or radioactive-contaminated articles from outside the People's Republic of China are brought into the territory in violation of this Law, the customs shall order the return shipment of the solid waste, radioactive waste, and radioactive-contaminated articles and impose a fine of not less than 500,000 yuan but not more than 5,000,000 yuan. Where they have already illegally entered the territory, the ecology and environment competent department of the people's government at or above the provincial level shall put forward handling opinions to the customs in accordance with the law, and the customs shall handle the matter in accordance with the aforesaid provisions; where environmental pollution has already been caused, the ecology and environment competent department of the people's government at or above the provincial level shall order the importer to eliminate the pollution. Where wastes from outside the People's Republic of China are brought into and dumped in the sea areas under the jurisdiction of the People's Republic of China in violation of this Law, the coast guard shall order rectification and impose a fine of not less than 500,000 yuan but not more than 5,000,000 yuan.

Section 4 — Violations of Air Pollution Prevention and Control Provisions

Article 1113 — Administrative penalties for violations of the provisions of Sub-book Two of Book II of this Law shall be imposed in accordance with the provisions of this Section.

Article 1114 — Where a violation of this Law falls under any of the following circumstances, the energy competent department shall order rectification and impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan; where rectification is refused, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) a coal mine fails to construct supporting coal washing facilities; (2) coal-fired power plants and other coal-burning units fail to construct supporting dust removal, desulfurization, denitrification, and other devices or fail to adopt technical renovation or other measures to control the discharge of atmospheric pollutants; or (3) enterprises

in the steel, building materials, non-ferrous metals, petroleum, chemical, and other industries that discharge dust, sulfides, and nitrogen oxides in the production process fail to construct supporting dust removal, desulfurization, denitrification, and other devices or fail to adopt technical renovation or other measures to control the discharge of atmospheric pollutants. Where coal containing radioactive substances and toxic and harmful substances such as arsenic in excess of the prescribed standards is mined in violation of this Law, the people's government at or above the county level shall, within the authority prescribed by the State Council, order suspension of business or closure.

Article 1115 — Where a violation of this Law falls under any of the following circumstances, the market regulation department shall order rectification, confiscate the raw materials, products, and illegal gains, and impose a concurrent fine of not less than one time but not more than five times the value of the goods: (1) selling coal or petroleum coke that does not conform to quality standards; (2) selling high-pollution fuels within fuel-forbidden zones; (3) producing or selling raw and auxiliary materials and products whose content of volatile organic compounds does not conform to quality standards or requirements; or (4) producing or selling fuels for motor vehicles, vessels, and non-road mobile machinery, engine oils, nitrogen oxide reducing agents, fuel and lubricant additives, and other additives that do not conform to the standards.

Article 1116 — Where a violation of this Law falls under any of the following circumstances, the customs shall order return shipment, confiscate the illegal gains, and impose a concurrent fine of not less than one time but not more than five times the value of the goods; where return shipment is impossible, the raw materials and products shall be confiscated: (1) importing coal or petroleum coke that does not conform to quality standards; (2) importing raw and auxiliary materials and products whose content of volatile organic compounds does not conform to quality standards or requirements; or (3) importing fuels for motor vehicles, vessels, and non-road mobile machinery, engine oils, nitrogen oxide reducing agents, fuel and lubricant additives, and other additives that do not conform to the standards.

Article 1117 — Where a unit burns coal that does not conform to quality standards or uses petroleum coke that does not conform to quality standards, in violation of this Law, the ecology and environment competent department shall order rectification and impose a fine of not less than one time but not more than five times the value of the goods.

Article 1118 — Where a vessel uses fuel oil that does not conform to the standards or requirements, in violation of this Law, the maritime administrative authority and the fishery administration competent department shall, in accordance with the division of duties, impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 1119 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall confiscate the facilities burning high-pollution fuels and the coal-fired heating boilers, organize their demolition, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan: (1) newly constructing or expanding facilities burning high-pollution fuels within fuel-forbidden zones; (2) failing to cease burning high-pollution fuels within fuel-forbidden zones; (3) newly constructing or expanding scattered coal-fired heating boilers in areas covered by urban central heating pipeline networks; or (4) failing to demolish, within the required time limit, coal-fired heating boilers that have been built but cannot meet discharge standards. Where boilers that do not conform to the prescribed standards or requirements are produced, imported, or sold in violation of this Law, the market regulation department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 20,000 yuan but not more than 200,000 yuan; where boilers that do not conform to the prescribed standards or requirements are used, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 20,000 yuan but not more than 200,000 yuan.

Article 1120 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order rectification and impose a fine of not less than 20,000 yuan

but not more than 200,000 yuan; where rectification is refused, it shall order suspension of production for rectification: (1) industrial coating enterprises and the like fail to use raw and auxiliary materials and products with low volatile organic compound content; (2) in producing and using raw and auxiliary materials and products that generate volatile organic compounds, operations are not carried out in enclosed spaces or equipment with pollution prevention and control facilities installed and used, or measures to reduce waste gas emissions are not adopted; (3) enterprises producing and using organic solvents in the petroleum, chemical, and other industries fail to take measures for the routine maintenance and repair of pipelines and equipment, or fail to promptly collect and treat leaked materials; (4) oil storage depots, gas stations, tank trucks, and the like fail to install and normally use oil and gas recovery devices in accordance with State regulations; (5) enterprises in the steel, building materials, non-ferrous metals, petroleum, chemical, pharmaceutical, and mineral mining industries and other industrial production enterprises fail to adopt measures such as centralized collection and treatment, enclosure, fencing, covering, sweeping, and water spraying to control and reduce the discharge of dust and gaseous pollutants; (6) combustible gases generated from industrial production, landfill, or other activities are not recovered and utilized, and pollution prevention and control treatment is not carried out where the conditions for recovery and utilization are absent; (7) combustible gas recovery and utilization devices fail to operate normally and are not promptly repaired or replaced; or (8) combustible gases are discharged during the period when the combustible gas recovery and utilization devices fail to operate normally, without adopting measures to control the discharge of atmospheric pollutants. Where crude oil and refined oil terminals, vessels transporting crude oil and refined oil, or railway tank cars fail to install and normally use oil and gas recovery devices in accordance with State regulations, in violation of this Law, the ecology and environment, transportation, maritime administration, and other departments shall, in accordance with the division of duties, impose penalties in accordance with the preceding paragraph.

Article 1121 — Where motor vehicles, vessels, non-road mobile machinery, or engines that do not conform to the atmospheric pollutant emission standards are produced in violation of this Law, the ecology and environment competent department of the people's government at or above the provincial level shall order rectification, confiscate the illegal gains, impose a concurrent fine of not more than three times the value of the goods, and confiscate and destroy the motor vehicles, vessels, non-road mobile machinery, or engines that cannot meet the pollutant emission standards; where rectification is refused, it shall order restriction of production or suspension of production for rectification, and the relevant production competent departments of the State Council shall, in accordance with the division of duties, order cessation of the production of that type of vehicle (vessel or machinery). Where enterprises producing motor vehicles, non-road mobile machinery, or engines falsify or pass off inferior products as good ones with respect to engines or emission control systems and sell them from the factory as products that have passed emission inspection, in violation of this Law, the ecology and environment competent department of the people's government at or above the provincial level shall order suspension of production for rectification, confiscate the illegal gains, impose a concurrent fine of not less than one time but not more than three times the value of the goods, confiscate and destroy the motor vehicles, non-road mobile machinery, or engines that cannot meet the pollutant emission standards, and the relevant production competent departments of the State Council shall, in accordance with the division of duties, order cessation of the production of that type of vehicle (machinery).

Article 1122 — Where motor vehicles, vessels, non-road mobile machinery, or engines exceeding the pollutant emission standards are imported or sold in violation of this Law, the market regulation department and the customs shall, in accordance with the division of duties, confiscate the illegal gains, impose a concurrent fine of not more than three times the value of the goods, and confiscate and destroy the motor vehicles, vessels, non-road mobile machinery, or engines that cannot meet the pollutant emission standards.

Article 1123 — Where enterprises producing or importing motor vehicles or non-road mobile machinery, in violation of this Law, fail to disclose to the public, in accordance with regulations, the emission inspection information or pollution control technical information of the motor vehicle models or non-road mobile

machinery models they produce or import, the ecology and environment competent department of the people's government at or above the provincial level shall order rectification and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan. Where enterprises producing or importing motor vehicles or non-road mobile machinery, in violation of this Law, fail to disclose to the public, in accordance with regulations, the relevant maintenance technical information of the motor vehicle models or non-road mobile machinery models they produce or import, the transportation competent department of the people's government at or above the provincial level shall order rectification and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 1124 — Where, in violation of this Law, a person passes the emission inspection of motor vehicles, vessels, or non-road mobile machinery by fraudulent means such as temporarily replacing, tampering with, shielding, or forging emission control systems, or damages, dismantles, tampers with, shields, or forges the emission control systems of motor vehicles, vessels, or non-road mobile machinery, the ecology and environment competent department, the maritime administrative authority, and the fishery administration competent department shall, in accordance with the division of duties, order rectification, impose a fine of 5,000 yuan per vehicle (vessel) on the owner, and impose a fine of 5,000 yuan per vehicle (vessel) on the maintenance unit.

Article 1125 — Where devices capable of tampering with, shielding, or forging the emission inspection data of motor vehicles, vessels, non-road mobile machinery, or engines, or inspection equipment providing conditions for false emission inspections, are produced, imported, or sold in violation of this Law, the ecology and environment competent department, the market regulation department, and the customs shall, in accordance with the division of duties, confiscate the illegal gains, confiscate and destroy the illegal devices and inspection equipment, and impose a concurrent fine of not less than one time but not more than five times the value of the goods, with a minimum of 50,000 yuan where the value is less than 50,000 yuan; where the circumstances are serious, they shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1126 — Where a motor vehicle driver, in violation of this Law, drives on the road a motor vehicle that has failed the emission inspection, the traffic management department of the public security organ shall impose a penalty in accordance with the law.

Article 1127 — Where non-road mobile machinery, railway diesel locomotives, or vessels that fail the emission inspection are used, or where heavy-duty vehicles, vessels, or non-road mobile machinery in use are not equipped with or replaced with emission control systems that meet the requirements and other effective measures are not adopted, in violation of this Law, the ecology and environment, maritime administration, fishery administration, and other departments shall, in accordance with the division of duties, order rectification and impose a fine of 5,000 yuan per vehicle (vessel). Where high-emission non-road mobile machinery is used in areas where the use of such machinery is prohibited, in violation of this Law, the ecology and environment competent department shall order rectification and impose a fine of 5,000 yuan per vehicle.

Article 1128 — Where a construction unit falls under any of the following circumstances, in violation of this Law, the housing and urban-rural development and other departments shall, in accordance with the division of duties, order rectification and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; where rectification is refused, they shall order suspension of work for rectification: (1) failing to set up rigid enclosures at the construction site, or failing to adopt effective dust prevention and suppression measures such as covering, sectional operations, construction at selected times, water spraying for dust suppression, or washing the ground and vehicles; or (2) failing to promptly remove construction earth, or failing to cover it with enclosed dust-proof nets when stored on site. Where a construction unit, in violation of this Law, fails to cover the exposed ground of construction land that cannot be started temporarily, or fails to green, pave, or cover the exposed ground of construction land that cannot be started for more than three months, the

housing and urban-rural development and other departments shall, in accordance with the division of duties, impose penalties in accordance with the preceding paragraph.

Article 1129 — Where vehicles and vessels transporting bulk or fluid materials such as coal, garbage, slag, sand and gravel, earth, or mortar, in violation of this Law, fail to take sealing or other measures to prevent the scattering of materials, or fail to travel along the prescribed routes, the supervisory and administrative department designated by the local people's government at or above the county level and the maritime administrative authority shall, in accordance with the division of duties, order rectification and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; where rectification is refused, the vehicles shall not be driven on roads.

Article 1130 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment and other departments shall, in accordance with the division of duties, order rectification and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; where rectification is refused, they shall order suspension of work or suspension of business for rectification: (1) failing to adopt sealing, water spraying, or other methods to prevent and control dust pollution in loading and unloading materials; (2) failing to store materials prone to generating dust, such as coal, coal gangue, coal slag, coal ash, cement, lime, gypsum, sand, and iron ore, in an enclosed manner; (3) failing to set up tight enclosures not lower than the height of the piled materials for dust-prone materials that cannot be stored in an enclosed manner, or failing to adopt effective covering measures to prevent and control dust pollution; (4) units storing coal, coal gangue, coal slag, coal ash, and other materials fail to adopt fire prevention measures; (5) docks, mines, landfills, and disposal sites fail to implement sectional operations and adopt effective measures to prevent and control dust pollution; (6) enterprises and public institutions discharging the toxic and harmful atmospheric pollutants listed in the catalogue of toxic and harmful atmospheric pollutants fail to build environmental risk early warning systems, investigate and rectify potential environmental safety hazards, and adopt effective measures to prevent environmental risks; (7) enterprises, public institutions, and other producers and operators discharging persistent organic pollutants into the atmosphere, as well as the operating units of waste incineration facilities, fail to adopt technical methods and processes conducive to reducing the discharge of persistent organic pollutants or equip themselves with effective purification devices; or (8) failing to adopt effective measures to prevent the discharge of malodorous gases.

Article 1131 — Where, in violation of this Law, highly toxic or toxic pesticides are sprayed on trees, flowers, and grass in densely populated areas, or straw, fallen leaves, or other substances producing smoke and dust pollution are burned in the open air in areas and during periods where burning is prohibited, the supervisory and administrative department designated by the local people's government at or above the county level shall order rectification and may impose a fine of not less than 500 yuan but not more than 2,000 yuan. Where pesticides whose production and use are expressly prohibited by the State are produced or used in violation of this Law, and rectification is refused after being ordered, the agriculture and rural affairs competent department shall impose penalties in accordance with the provisions of relevant laws and regulations and transfer the case to the public security organ, which shall impose detention of not less than ten days but not more than fifteen days on the directly responsible persons in charge and other directly responsible personnel; where the circumstances are relatively minor, detention of not less than five days but not more than ten days shall be imposed. Where, in violation of this Law, asphalt, asphalt felt, rubber, plastics, leather, garbage, and other substances producing toxic and harmful smoke and dust or malodorous gases are burned in densely populated areas or other areas requiring special protection in accordance with the law, the supervisory and administrative department designated by the people's government at the county level shall order rectification and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on units, or a fine of not less than 500 yuan but not more than 2,000 yuan on individuals. Where fireworks and firecrackers are set off during periods or in areas where setting off is prohibited, in violation of this Law, the supervisory and administrative department designated by the local people's government at or above the county level shall impose penalties in accordance with the law.

Article 1132 — Where catering service operators discharging cooking fumes, in violation of this Law, fail to install pollution prevention and control facilities such as fume purification facilities, fail to keep such facilities in normal use, or fail to adopt other fume purification measures, thereby discharging fume pollutants in excess of the discharge standards, the supervisory and administrative department designated by the local people's government at or above the county level shall order rectification and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; where rectification is refused, it shall order suspension of business for rectification. Where catering service projects producing fumes, odors, or waste gas are newly constructed, renovated, or expanded in residential buildings, in commercial and residential complexes without dedicated flues, or on commercial floors adjacent to residential floors within commercial and residential complexes, in violation of this Law, the supervisory and administrative department designated by the local people's government at or above the county level shall order rectification; where rectification is refused, it shall order closure and impose a concurrent fine of not less than 10,000 yuan but not more than 100,000 yuan. Where food is barbecued in the open air, or premises are provided for open-air barbecue, during periods or in areas prohibited by the local people's government, in violation of this Law, the supervisory and administrative department designated by the local people's government at or above the county level shall order rectification, confiscate the barbecue tools and illegal gains, and impose a concurrent fine of not less than 500 yuan but not more than 5,000 yuan; where rectification is refused, a fine of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed.

Article 1133 — Where, in violation of this Law, operators engaged in service activities such as garment dry cleaning and motor vehicle maintenance fail to install pollution prevention and control facilities such as odor and waste gas treatment devices and keep them in normal use, the ecology and environment competent department shall order rectification and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; where rectification is refused, it shall order suspension of business for rectification.

Article 1134 — Where, in violation of this Law, heavy pollution weather forecast and early warning information is released to the public without authorization, and the act constitutes a violation of public security administration, the public security organ shall impose a penalty in accordance with the law. Where, in violation of this Law, the heavy pollution weather response measures such as stopping earthwork operations at construction sites or building demolition work are refused to be implemented, the supervisory and administrative department designated by the local people's government at or above the county level shall impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Section 5 — Violations of Water Pollution Prevention and Control Provisions

Article 1135 — Administrative penalties for violations of the provisions of Sub-book Three of Book II of this Law shall be imposed in accordance with the provisions of this Section.

Article 1136 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order cessation of the illegal act, adopt treatment measures to eliminate the pollution, impose a fine, and may order measures such as restriction of production or suspension of production for rectification; where treatment measures are refused, it may designate a unit with treatment capacity to carry out treatment on its behalf, with the necessary expenses borne by the offender; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) discharging oils, acid liquids, or alkaline liquids into water bodies; (2) discharging highly toxic waste liquids into water bodies, or discharging or dumping into water bodies, or directly burying underground, soluble highly toxic waste residues containing mercury, cadmium, arsenic, chromium, lead, cyanide, yellow phosphorus, or the like; (3) washing vehicles or containers that have held oils or toxic and harmful pollutants in water bodies; (4) discharging hot wastewater or sewage containing pathogens into water bodies in violation of State regulations or standards; or (5) discharging or dumping industrial waste residues, urban garbage, or other wastes into water bodies, or dumping, stacking, or storing solid waste or other pollutants on rivers, lakes,

canals, channels, or reservoirs, on the beaches or banks below their highest water levels, or at other places prescribed by laws and regulations. Where the circumstances in items (3) or (4) of the preceding paragraph exist, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed; where the circumstances in items (1) or (5) exist, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed; where the circumstances in item (2) exist, a fine of not less than 200,000 yuan but not more than 2,000,000 yuan shall be imposed.

Article 1137 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order cessation of the illegal act, adopt treatment measures to eliminate the pollution, impose a fine, and may order measures such as restriction of production or suspension of production for rectification; where treatment measures are refused, it shall designate a unit with treatment capacity to carry out treatment on its behalf, with the necessary expenses borne by the offender; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) failing to adopt anti-seepage and other measures or failing to construct groundwater quality monitoring wells for monitoring; (2) failing to use double-layer tanks or adopt other effective measures such as constructing anti-seepage pools for the underground oil tanks of gas stations, oil extraction plants, and the like, or failing to conduct anti-seepage monitoring; (3) using ditches, pits, ponds, and the like without anti-seepage measures to transport or store wastewater containing toxic and harmful pollutants, sewage containing pathogens, or other wastes; or (4) failing to adopt protective measures in accordance with regulations. Where the circumstances in items (1) or (2) of the preceding paragraph exist, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed; where the circumstances in items (3) or (4) exist, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed.

Article 1138 — Where construction projects causing groundwater pollution are newly constructed, renovated, or expanded, in violation of this Law, within spring field protection areas or in areas with strongly developed karst and numerous sinkholes and karst funnels, the ecology and environment competent department shall impose a fine of not less than 100,000 yuan but not more than 500,000 yuan and order demolition or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1139 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order rectification, impose a fine, and may order measures such as restriction of production or suspension of production for rectification; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) failing to adopt effective measures, thereby causing firefighting wastes generated in handling production safety accidents that may seriously pollute water bodies to be discharged directly into water bodies; (2) discharging industrial wastewater containing toxic and harmful water pollutants after dilution, but not constituting the discharge of pollutants by evading supervision; (3) discharging industrial wastewater or medical sewage into farmland irrigation channels; or (4) discharging urban sewage, as well as aquaculture tail water and agricultural product processing wastewater that have not been comprehensively utilized, into farmland irrigation channels, thereby causing the water quality at the nearest downstream irrigation water intake point to fail to conform to the water quality standards for farmland irrigation water. Where the circumstances in items (3) or (4) of the preceding paragraph exist, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed; where the circumstances in items (1) or (2) exist, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed.

Article 1140 — Where industrial wastewater that does not conform to the requirements of the treatment process is discharged into centralized sewage treatment facilities in violation of this Law, the ecology and environment competent department shall order rectification or order restriction of production or suspension of production for rectification, and impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan; where the circumstances are serious, it shall order suspension of business or closure after reporting to

and obtaining approval from the people's government with the power of approval.

Article 1141 — Where production projects such as small-scale papermaking, tanning, printing and dyeing, dye manufacturing, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticide manufacturing, asbestos, cement, glass, steel, thermal power, and other projects seriously polluting the water environment are constructed in violation of this Law and in nonconformity with the State's industrial policies, the people's government of the city divided into districts or the county where the project is located shall order closure.

Article 1142 — Where a vessel, in violation of this Law, is not equipped with the corresponding anti-pollution equipment and materials, or does not hold lawful and valid certificates and documents for the prevention and control of water environment pollution, the maritime administrative authority and the fishery administration competent department shall, in accordance with the division of duties, order rectification within a prescribed time limit and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; where rectification is not carried out within the time limit, the vessel shall be ordered to suspend navigation temporarily. Where a vessel, in violation of this Law, carries out discharges and operations involving pollutants, ballast water, and the like without complying with the operating procedures, without implementing monitoring and surveillance, or without truthfully recording and preserving the records, the maritime administrative authority and the fishery administration competent department shall, in accordance with the division of duties, order rectification and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan.

Article 1143 — Where a violation of this Law falls under any of the following circumstances, the maritime administrative authority and the fishery administration competent department shall, in accordance with the division of duties, order cessation of the illegal act and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; where water pollution is caused, they shall order the adoption of treatment measures to eliminate the pollution within a prescribed time limit and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where treatment measures are not adopted within the time limit, a unit with treatment capacity shall be designated to carry out treatment on their behalf, with the necessary expenses borne by the vessel: (1) a vessel dumps garbage into water bodies or discharges residual oil, waste oil, oily sewage, or domestic sewage from the vessel; (2) a vessel carrying oil or toxic and harmful cargo fails to adopt measures to prevent overflow and seepage; (3) a vessel and relevant operating units engaged in operating activities with pollution risks fail to adopt pollution prevention and control measures; or (4) a vessel conducting lightering operations of bulk liquid cargo with pollution hazards fails to prepare a plan or fails to obtain approval in accordance with regulations. Where vessel dismantling operations are carried out by beaching in violation of this Law, the maritime administrative authority and the fishery administration competent department shall, in accordance with the division of duties, order cessation of the illegal act and impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan. Where a vessel on an international route entering the inland waters of the People's Republic of China discharges ballast water that does not conform to regulations, in violation of this Law, the maritime administrative authority and the fishery administration competent department shall, in accordance with the division of duties, order cessation of the illegal act and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Article 1144 — Where a violation of this Law falls under any of the following circumstances, the maritime administrative authority and the fishery administration competent department shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan: (1) ports, wharves, loading and unloading stations, and ship building and repair yards fail to equip or effectively operate facilities for receiving vessel pollutants and wastes in accordance with regulations; or (2) operators engaged in receiving vessel pollutants and wastes and in cabin cleaning activities do not possess the corresponding receiving and treatment capacity.

Article 1145 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order cessation of the illegal act, impose a fine of not less than

100,000 yuan but not more than 500,000 yuan, and order demolition or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) newly constructing, renovating, or expanding construction projects unrelated to water supply facilities and water source protection within the first-class protection zones of drinking water sources; (2) newly constructing, renovating, or expanding construction projects discharging pollutants within the second-class protection zones of drinking water sources; or (3) newly constructing or expanding construction projects seriously polluting water bodies within the quasi-protection zones of drinking water sources, or renovating construction projects to increase the volume of pollutants discharged. Where cage aquaculture is carried out, or tourism, fishing, or other activities that may pollute drinking water bodies are organized, within the first-class protection zones of drinking water sources in violation of this Law, the ecology and environment competent department shall order cessation of the illegal act and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan. Where an individual swims, fishes, or engages in other activities that may pollute drinking water bodies within the first-class protection zones of drinking water sources, the ecology and environment competent department shall order cessation of the illegal act and may impose a fine of not more than 500 yuan. Where the quality of water supplied by a drinking water supply unit does not conform to the standards prescribed by the State, in violation of this Law, the water supply competent department shall order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where the circumstances are serious, it may order suspension of business for rectification after reporting to and obtaining approval from the people's government with the power of approval.

Section 6 — Violations of Marine Pollution Prevention and Control Provisions

Article 1146 — Administrative penalties for violations of the provisions of Sub-book Four of Book II of this Law shall be imposed in accordance with the provisions of this Section.

Article 1147 — Where a violation of this Law falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification, impose a fine, and may order measures such as restriction of production or suspension of production for rectification; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) discharging oils, acid liquids, or alkaline liquids into sea areas; (2) discharging residual oil or waste oil from marine oil and gas equipment into sea areas; (3) discharging highly toxic waste liquids into sea areas; (4) discharging oil-based mud and other toxic composite mud used in drilling into sea areas; (5) discharging oily sewage and oily mixtures that do not meet the standards into sea areas; (6) disposing of oil-bearing industrial solid waste in sea areas; (7) discharging hot wastewater, medical sewage, domestic sewage, and industrial wastewater containing pathogens, or wastewater containing organic matter or heavy metals that are not readily degradable, into sea areas in violation of State regulations or standards; or (8) abandoning, stacking, or treating solid waste on beaches. Where any of the circumstances in the preceding paragraph other than item (3) exists, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed; where the circumstance in item (3) exists, a fine of not less than 200,000 yuan but not more than 2,000,000 yuan shall be imposed. Where an individual abandons, stacks, or treats domestic garbage on beaches without authorization, a fine of not less than 100 yuan but not more than 1,000 yuan shall be imposed for each occurrence.

Article 1148 — Where, in violation of this Law, mariculture activities fall under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; where the circumstances are serious, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed and suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval: (1) violating the provisions on aquaculture scale or stocking density; or (2) violating the

provisions on baiting, fertilizing, feeding, or medicating.

Article 1149 — Where coastal engineering or marine engineering construction projects that pollute the environment or damage the ecology are constructed, or other activities are carried out, in protected natural areas, important fishery waters, and other areas requiring special protection designated in accordance with the law, or where production projects not conforming to the State's industrial policies are constructed in coastal land areas, in violation of this Law, the people's government at or above the county level shall, within its administrative authority, order closure.

Article 1150 — Where a coastal engineering or marine engineering construction project, in violation of this Law, falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order cessation of the illegal act and elimination of the hazards, and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) using materials containing radioactive substances in excess of the standards or materials from which toxic and harmful substances are readily leached; (2) causing erosion, siltation, or damage to the territorial sea baselines and their surrounding environment; or (3) endangering the stability of the territorial sea baselines.

Article 1151 — Where marine oil and gas exploration and development activities carried out in violation of this Law cause marine environmental pollution, the coast guard shall order rectification, issue a warning, and impose a concurrent fine of not less than 200,000 yuan but not more than 1,000,000 yuan.

Article 1152 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department of the State Council and its dispatched agencies in sea areas, the maritime administrative authority, or the coast guard shall, in accordance with the division of duties, order rectification, impose a fine, temporarily withhold or revoke the dumping permit, and may seize the vessel where necessary; where the circumstances are serious, they shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) dumping wastes into the sea without obtaining a dumping permit; (2) dumping wastes not in accordance with the provisions of the dumping permit; (3) failing to install and use marine dumping online monitoring equipment that meets the requirements and connect it to the supervision system; (4) failing to report the dumping situation in accordance with regulations; (5) a vessel carrying wastes for dumping leaves port without reporting; (6) a unit approved to dump wastes fails to entrust the implementation of marine dumping operations in accordance with this Law or fails to supervise the implementation; or (7) incinerating wastes at sea. Where the circumstance in item (5) of the preceding paragraph exists, a fine of not less than 3,000 yuan but not more than 30,000 yuan shall be imposed on the owner, operator, or manager of the offending vessel, and a fine of not less than 500 yuan but not more than 5,000 yuan shall be imposed on the master, responsible crew members, or other responsible personnel; where the circumstance in item (4) exists, a fine of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed for each occurrence; where the circumstance in item (3) exists, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed; where the circumstance in item (6) exists, a fine of not less than 30,000 yuan but not more than 300,000 yuan shall be imposed; where the circumstance in item (1) exists, a fine of not less than 200,000 yuan but not more than 2,000,000 yuan shall be imposed; where the circumstance in item (7) exists, a fine of not less than 500,000 yuan but not more than 5,000,000 yuan shall be imposed. Where either of the circumstances in items (1) or (7) of the preceding paragraph exists and the person has been subject to administrative penalties three or more times within two years, the person shall not engage in marine dumping of wastes for three years; where the circumstance in item (2) exists, a fine of not less than 200,000 yuan but not more than 1,000,000 yuan shall be imposed, and where the dumping permit is revoked, the person shall not engage in marine dumping of wastes for three years. Where a dumping permit is obtained

by applying through improper means such as deception or bribery, in violation of this Law, the ecology and environment competent department of the State Council and its dispatched agencies in sea areas shall revoke the dumping permit in accordance with the law and impose a concurrent fine of not less than 200,000 yuan but not more than 500,000 yuan; the person shall not apply for a dumping permit again within three years.

Article 1153 — Where a violation of this Law falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine: (1) a vessel discharges into sea areas pollutants such as vessel garbage, domestic sewage, oily sewage, sewage containing toxic and harmful substances, or waste gas, as well as wastes and other harmful substances; (2) discharging vessel ballast water and sediments that do not conform to regulations into the sea; (3) a vessel carrying cargo with pollution hazards enters or leaves a port or conducts loading and unloading operations without approval; (4) a vessel conducting lightering operations of bulk liquid cargo with pollution hazards fails to prepare an operation plan or fails to obtain approval in accordance with regulations; or (5) in the loading and unloading of oils and toxic and harmful cargo, the ship and shore parties fail to comply with the safety and anti-pollution operating procedures. Where any of the circumstances in items (2) through (5) of the preceding paragraph exists, a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed; where the circumstance in item (1) exists, a fine of not less than 100,000 yuan but not more than 500,000 yuan shall be imposed.

Article 1154 — Where a violation of this Law falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine: (1) the materials, structure, and equipped anti-pollution equipment and materials of a vessel do not conform to the State's provisions on the prevention and control of vessel pollution of the marine environment or have not passed inspection; (2) a vessel does not hold the certificates and documents for the prevention and control of marine environmental pollution; (3) a vessel carries out discharges and operations involving vessel pollutants, ballast water, and sediments without monitoring and surveillance in accordance with regulations, or without truthfully recording and preserving the records; (4) failing to keep a list of hazardous materials on board, failing to continuously update the list of hazardous materials during the construction, operation, and maintenance of the vessel, or failing to provide the list of hazardous materials to the unit engaged in vessel dismantling before dismantling; (5) the measures adopted by a vessel to improve energy efficiency do not meet the relevant provisions; (6) a vessel entering a vessel pollutant discharge control area does not conform to the relevant control requirements for vessel pollutant discharge; (7) a vessel with shore power conditions berthing at a port fails to use shore power in accordance with State regulations; or (8) port operators with shore power supply capacity and shore power supply enterprises fail to provide shore power to vessels with shore power conditions in accordance with State regulations. Where the circumstance in item (4) of the preceding paragraph exists, a fine of not more than 20,000 yuan shall be imposed; where either of the circumstances in items (1) or (2) exists, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed, and where rectification is refused, the vessel shall be ordered to suspend navigation temporarily; where either of the circumstances in items (3) or (5) exists, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed; where the circumstance in item (6) exists, a fine of not less than 30,000 yuan but not more than 300,000 yuan shall be imposed; where either of the circumstances in items (7) or (8) exists, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed, and where the circumstances are serious, a fine of not less than 100,000 yuan but not more than 500,000 yuan shall be imposed.

Article 1155 — Where a violation of this Law falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine: (1) operators engaged in

receiving vessel pollutants and wastes and in tank cleaning and hold washing operations do not possess the corresponding receiving and treatment capacity; (2) ports, wharves, loading and unloading stations, and vessel building, repair, and dismantling units fail to equip or effectively operate facilities for receiving vessel pollutants and wastes in accordance with regulations; (3) operators engaged in vessel dismantling, old vessel modification, salvage, and other water and underwater construction operations cause marine environmental pollution damage; or (4) vessel dismantling operations are carried out on the coast by beaching. Where either of the circumstances in items (1) or (2) of the preceding paragraph exists, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed; where the circumstance in item (3) exists, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed; where the circumstance in item (4) exists, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed.

Article 1156 — Where a violation of this Law falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine: (1) failing to report or falsely reporting the items to be declared in advance for the carriage of cargo with pollution hazards by vessel; (2) a shipper fails to truthfully inform the carrier of the formal name, pollution hazards, and protective measures to be adopted for the cargo with pollution hazards consigned; (3) the documents, packaging, markings, or quantity limits of the cargo with pollution hazards delivered by a shipper to the carrier do not conform to the relevant provisions for the delivered cargo; (4) a shipper conceals cargo with pollution hazards in ordinary cargo consigned, or falsely declares cargo with pollution hazards as ordinary cargo; or (5) cargo with unclear pollution hazards required to be carried by vessel is not assessed in advance in accordance with regulations. Where the circumstance in item (1) of the preceding paragraph exists, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed; where either of the circumstances in items (3) or (5) exists, a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed; where the circumstance in item (2) exists, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed; where the circumstance in item (4) exists, a fine of not less than 100,000 yuan but not more than 200,000 yuan shall be imposed.

Article 1157 — Where dumping fees are not paid in accordance with State regulations, in violation of this Law, the ecology and environment competent department of the State Council and its dispatched agencies in sea areas shall order payment within a prescribed time limit; where payment is refused after the time limit, a fine of not less than one time but not more than three times the amount of dumping fees payable shall be imposed, and suspension of business or closure may be ordered after reporting to and obtaining approval from the people's government with the power of approval.

Section 7 — Violations of Soil Pollution Prevention and Control Provisions

Article 1158 — Administrative penalties for violations of the provisions of Sub-book Five of Book II of this Law shall be imposed in accordance with the provisions of this Section.

Article 1159 — Where a violation of this Law falls under any of the following circumstances, the department of the local people's government responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine; where rectification is refused, it shall order restriction of production or suspension of production for rectification: (1) a key soil pollution supervision unit fails to establish and implement a system for investigating and rectifying hidden soil and groundwater pollution hazards; (2) a key soil pollution supervision unit demolishes facilities, equipment, buildings, or structures without formulating and implementing a soil pollution prevention and control work plan; (3) facilities, equipment, buildings, or structures are demolished without adopting soil pollution prevention and control measures; (4) the operating or managing unit of a tailings pond fails to adopt effective measures to prevent soil pollution in accordance with regulations, fails to adopt corresponding measures against risk hazards, or, in the case of the operating or managing unit of a

tailings pond requiring key supervision, fails to conduct soil pollution status monitoring or periodic assessment; or (5) centralized sewage treatment facilities or solid waste disposal facilities are constructed and operated without adopting effective measures to prevent soil pollution in accordance with the requirements of laws, regulations, and relevant standards. Where any of the circumstances in the preceding paragraph exists, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed; where any of the circumstances in items (2) through (5) of the preceding paragraph exists and serious consequences are caused, a fine of not less than 200,000 yuan but not more than 2,000,000 yuan shall be imposed.

Article 1160 — Where sewage or sludge containing heavy metals or other toxic and harmful substances in excess of the standards, as well as dredged sediment, tailings, slag, and the like that may cause soil pollution, are discharged onto agricultural land in violation of this Law, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 100,000 yuan but not more than 500,000 yuan; where the circumstances are serious, it shall also impose a fine of not less than 500,000 yuan but not more than 2,000,000 yuan and transfer the case to the public security organ, which shall impose detention of not less than five days but not more than fifteen days on the directly responsible persons in charge and other directly responsible personnel.

Article 1161 — Where producers, sellers, or users of agricultural inputs, in violation of this Law, fail to promptly recover the packaging wastes of agricultural inputs such as pesticides and fertilizers, or agricultural film, or fail to hand over pesticide packaging wastes to special institutions or organizations for harmless treatment, the agriculture and rural affairs competent department shall order rectification and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; where the user of agricultural inputs is an individual, a fine of not less than 200 yuan but not more than 2,000 yuan may be imposed.

Article 1162 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 100,000 yuan but not more than 500,000 yuan; where the circumstances are serious, it shall also impose a fine of not less than 500,000 yuan but not more than 1,000,000 yuan; and a fine of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible personnel: (1) using resistance-reducing products with heavy metal content in excess of the standards in soil; (2) failing to separately collect and store the topsoil stripped during development and construction; (3) carrying out risk control or restoration activities without adopting treatment or disposal measures for the pollutants generated, or causing new pollution to the soil or surrounding environment; (4) where the transported polluted soil is hazardous waste, the restoration construction unit fails to dispose of it in accordance with the law; (5) transporting polluted soil without reporting in advance the transport time, manner, and route, as well as the quantity, destination, and final disposal measures of the polluted soil, to the ecology and environment competent departments of the place of origin and the place of receipt; (6) newly constructing construction projects that may cause soil pollution in concentrated areas of permanent basic farmland; or (7) starting construction of projects unrelated to risk control or restoration on construction land plots that have not met the risk control or restoration objectives determined in the soil pollution risk assessment report, or where the soil pollution status investigation, soil pollution risk assessment, risk control, restoration, risk control effect assessment, or restoration effect assessment have not been carried out in accordance with regulations.

Article 1163 — Where industrial solid waste, domestic garbage, or polluted soil containing heavy metals or other toxic and harmful substances in excess of the standards is used for land reclamation in violation of this Law, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 100,000 yuan but not more than 1,000,000 yuan.

Article 1164 — Where the person responsible for soil pollution or the holder of the land use right, in violation of this Law, fails to implement post-restoration management as required, the department responsible for the

supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; where the circumstances are serious, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed.

Article 1165 — Where the person responsible for soil pollution or the holder of the land use right, in violation of this Law, falls under any of the following circumstances, the department of the local people's government responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, a fine of not less than 200,000 yuan but not more than 1,000,000 yuan shall be imposed, another person shall be entrusted to perform the obligations, with the necessary expenses borne by the person responsible for soil pollution or the holder of the land use right; and a fine of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible personnel: (1) failing to conduct a soil pollution status investigation of construction land plots shown by soil pollution status censuses, detailed surveys, monitoring, or on-site inspection to have soil pollution risks, including plots whose use is changed to residential or public administration and public service land; (2) failing to conduct a soil pollution status investigation before the change of use of the production and business land of a key soil pollution supervision unit or before the recovery or transfer of the land use right; (3) failing to conduct a soil pollution risk assessment of construction land plots for which the review of the soil pollution status investigation report shows that the pollutant content exceeds the soil pollution risk control standards; (4) failing to adopt corresponding risk control measures for safely utilized and strictly controlled agricultural land plots, or for plots listed in the catalogue of risk control and restoration of construction land soil pollution; (5) failing to implement restoration in accordance with regulations; or (6) failing to separately entrust relevant units to assess the risk control effect and restoration effect after the completion of risk control or restoration activities. Where the person responsible for soil pollution or the holder of the land use right falls under either of the circumstances in items (4) or (5) of the preceding paragraph, and the circumstances are serious, the department responsible for the supervision and administration of ecological environment protection shall transfer the case to the public security organ, which shall impose detention of not less than five days but not more than fifteen days on the directly responsible persons in charge and other directly responsible personnel.

Article 1166 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department, the agriculture and rural affairs competent department, and the forestry and grassland competent department shall, in accordance with the division of duties, order rectification; where rectification is refused, a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed: (1) a key soil pollution supervision unit fails to report the discharge of toxic and harmful substances on an annual basis; (2) a key soil pollution supervision unit fails to report the information on underground storage tanks storing toxic and harmful substances to the ecology and environment competent department; (3) the holder of the land use right fails to submit the soil pollution investigation report in accordance with the law; (4) the person responsible for soil pollution or the holder of the land use right fails to submit the soil pollution risk assessment report in accordance with the law; (5) the person responsible for soil pollution fails to report the risk control measures in accordance with the law; or (6) the person responsible for soil pollution or the holder of the land use right fails to file the restoration plan and effect assessment report for record in accordance with the law.

Article 1167 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department and the industry and information technology competent department shall, in accordance with the division of duties, order rectification; where rectification is refused, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed: (1) a key soil pollution supervision unit fails to file the soil pollution prevention and control work plan for record; or (2) the holder of the land use

right fails to file the soil pollution status investigation report for record.

Section 8 — Violations of Solid Waste Pollution Prevention and Control Provisions

Article 1168 — Administrative penalties for violations of the provisions of Sub-book Six of Book II of this Law shall be imposed in accordance with the provisions of this Section.

Article 1169 — Where solid waste is dumped, piled, discarded, scattered, left behind, or incinerated without authorization in violation of this Law, the ecology and environment competent department, the urban drainage competent department, and the environmental sanitation competent department shall, in accordance with the division of duties, order cessation of the illegal act, adopt treatment measures to eliminate the pollution, confiscate the illegal gains, and impose a concurrent fine of not less than 100,000 yuan but not more than 1,000,000 yuan; where the circumstances are serious, they shall order restriction of production or suspension of production for rectification; where treatment measures are refused, a unit with treatment capacity shall be designated to carry out treatment on its behalf, with the necessary expenses borne by the offender. Where the solid waste specified in the preceding paragraph is hazardous waste, sludge generated by urban sewage treatment facilities, or treated sludge, a fine of not less than 200,000 yuan but not more than 2,000,000 yuan shall be imposed; a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible personnel; and where serious consequences are caused, a fine of not less than 2,000,000 yuan but not more than 5,000,000 yuan shall be imposed. Where an individual dumps, piles, discards, scatters, leaves behind, or incinerates the domestic garbage or construction waste generated by himself or herself without authorization, the environmental sanitation competent department shall order rectification and impose a fine of not less than 100 yuan but not more than 1,000 yuan.

Article 1170 — Where, in violation of this Law, preventive measures are not adopted, thereby causing the dispersion, loss, or seepage of industrial solid waste or other environmental pollution, the ecology and environment competent department shall order rectification and impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where the industrial solid waste is hazardous waste, the amount of the fine shall be not less than 200,000 yuan but not more than 2,000,000 yuan.

Article 1171 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a fine; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) constructing facilities and sites for the centralized storage, utilization, or disposal of industrial solid waste, construction waste, or hazardous waste, or domestic garbage landfills, within ecological protection red line areas, concentrated areas of permanent basic farmland, or other areas requiring special protection; (2) transferring solid waste out of the administrative region of a province, autonomous region, or municipality directly under the Central Government for storage or disposal without approval; (3) transferring solid waste out of the administrative region of a province, autonomous region, or municipality directly under the Central Government for utilization without submitting information in advance; (4) units generating industrial solid waste entrusting others to transport, utilize, or dispose of industrial solid waste in violation of this Law; (5) storing industrial solid waste without adopting protective measures that conform to the State's ecological environment protection standards; or (6) units and other producers and operators violating other requirements for solid waste management, thereby polluting the environment or damaging the ecology. Where the circumstance in item (3) of the preceding paragraph exists, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed; where any of the circumstances in the preceding paragraph other than item (3) exists, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed. Where relevant laws or administrative regulations provide otherwise for the penalty for the circumstance in item (6) of the

preceding paragraph, such provisions shall apply. Where a unit generating industrial solid waste, in violation of this Law, fails to establish an industrial solid waste management ledger and record it truthfully, the ecology and environment competent department shall order rectification; where rectification is refused, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed.

Article 1172 — Where the operating unit of centralized urban sewage treatment facilities or the unit for the harmless treatment and disposal of sludge, in violation of this Law, fails to track and record the flow, use, and quantity of sludge, or where the sludge after treatment and disposal does not conform to national standards, the urban drainage competent department shall order rectification and issue a warning; where serious consequences are caused, a concurrent fine of not less than 100,000 yuan but not more than 200,000 yuan shall be imposed; where rectification is refused, a unit with treatment capacity shall be designated to carry out treatment on its behalf, with the necessary expenses borne by the offender.

Article 1173 — Where mining solid waste storage facilities for tailings, coal gangue, waste rock, and the like are not closed in accordance with the State's relevant provisions on ecological environment protection and other provisions after ceasing to be used, in violation of this Law, the ecology and environment competent department shall order rectification and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan.

Article 1174 — Where a violation of this Law falls under any of the following circumstances, the environmental sanitation competent department shall order rectification, confiscate the illegal gains, and impose a fine: (1) closing, leaving idle, or dismantling domestic garbage treatment facilities or sites without authorization; (2) units that generate or collect kitchen waste and other producers and operators failing to hand over kitchen waste to units with corresponding qualifications for harmless treatment; (3) construction units failing to utilize or dispose of the construction waste generated in the course of construction in accordance with regulations; or (4) construction units failing to prepare a construction waste treatment plan and file it for record, or failing to promptly remove the construction waste generated in the course of construction. Where a unit falls under any of the circumstances in the preceding paragraph, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed; where an individual falls under the circumstance in item (2) of the preceding paragraph, a fine of not less than 100 yuan but not more than 500 yuan shall be imposed. Where domestic garbage is not sorted and deposited at the designated places, in violation of this Law, the environmental sanitation competent department shall order rectification; where rectification is refused, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed on units, and fines shall be imposed on individuals in accordance with the law.

Article 1175 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a fine; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) failing to set up hazardous waste identification signs; (2) failing to formulate a hazardous waste management plan or failing to declare relevant materials concerning hazardous waste; (3) failing to establish a hazardous waste management ledger and record it truthfully; (4) failing to store, utilize, or dispose of hazardous waste in accordance with State regulations and ecological environment protection standards, or mixing hazardous waste into non-hazardous waste for storage; (5) providing or entrusting hazardous waste to units without licenses or other producers and operators to carry out related activities; (6) mixed collection, storage, transportation, or disposal of hazardous wastes of incompatible properties without safety treatment; (7) failing to fill in and operate hazardous waste transfer manifests; (8) transferring hazardous waste without approval; (9) carrying hazardous waste on the same means of transport as passengers; (10) without decontamination treatment, converting the sites, facilities, equipment, containers, packaging, and other articles used for the collection, storage, transportation, utilization, or disposal of hazardous waste to other uses; or (11) failing to formulate preventive measures and emergency plans for hazardous waste accidents. Where any of the circumstances

in items (1), (2), (3), (4), (6), (7), (9), (10), or (11) of the preceding paragraph exists, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed, or a fine of not less than 200,000 yuan but not more than 1,000,000 yuan where rectification is refused; where either of the circumstances in items (5) or (8) exists, a fine of not less than 200,000 yuan but not more than 2,000,000 yuan shall be imposed.

Article 1176 — Whoever produces, sells, or uses building materials or decoration materials with toxic and harmful substances in excess of the national standards shall be pursued for legal liability in accordance with the Product Quality Law of the People's Republic of China and relevant civil and criminal laws.

Article 1177 — Where a hazardous waste generator, in violation of this Law, fails to dispose of the hazardous waste it generates in accordance with regulations and refuses to rectify after being ordered to do so, the ecology and environment competent department shall organize disposal on its behalf, with the disposal expenses borne by the hazardous waste generator, and impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan.

Article 1178 — Where enterprises or public institutions, in violation of this Law, engage in business activities of collecting, storing, utilizing, or disposing of hazardous waste without a license, the ecology and environment competent department shall order rectification, confiscate the illegal gains, impose a concurrent fine of not less than 200,000 yuan but not more than 1,000,000 yuan on the business activities of collecting and storing hazardous waste and a concurrent fine of not less than 1,000,000 yuan but not more than 5,000,000 yuan on the business activities of utilizing and disposing of hazardous waste, and order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval; a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed on the legal representatives, principal persons in charge, directly responsible persons in charge, and other directly responsible personnel. Where enterprises or public institutions, in violation of this Law, engage in business activities of collecting, storing, utilizing, or disposing of hazardous waste not in accordance with the provisions of the license, the ecology and environment competent department shall order rectification, confiscate the illegal gains, order restriction of production or suspension of production for rectification, impose a concurrent fine of not less than 100,000 yuan but not more than 500,000 yuan on the business activities of collecting and storing hazardous waste and a concurrent fine of not less than 500,000 yuan but not more than 2,000,000 yuan on the business activities of utilizing and disposing of hazardous waste; a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed on the legal representatives, principal persons in charge, directly responsible persons in charge, and other directly responsible personnel; where the circumstances are serious, suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval, and the license-issuing organ shall revoke the license. Where other producers and operators fall under the illegal circumstances in the preceding two paragraphs, the ecology and environment competent department shall order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 20,000 yuan but not more than 100,000 yuan; where the circumstances are serious, a concurrent fine of not less than 100,000 yuan but not more than 500,000 yuan shall be imposed.

Article 1179 — Where a violation of this Law falls under any of the following circumstances, the public security organ shall impose detention of not less than ten days but not more than fifteen days on the legal representatives, principal persons in charge, directly responsible persons in charge, and other directly responsible personnel; where the circumstances are relatively minor, detention of not less than five days but not more than ten days shall be imposed: (1) dumping, piling, discarding, scattering, leaving behind, or incinerating solid waste without authorization, causing serious consequences; (2) failing to adopt preventive measures, causing the dispersion, loss, or seepage of hazardous waste or other serious consequences; (3) transferring hazardous waste without approval; (4) constructing facilities and sites for the centralized storage, utilization, or disposal of industrial solid waste, construction waste, or hazardous waste, or domestic garbage landfills, within ecological protection red line areas, concentrated areas of permanent basic

farmland, or other areas requiring special protection; (5) engaging in business activities of collecting, storing, utilizing, or disposing of hazardous waste without a license or not in accordance with the provisions of the license; or (6) providing or entrusting hazardous waste to units or individuals without licenses to carry out related activities.

Article 1180 — Where the person responsible for solid waste seized in the course of law enforcement cannot be identified or the solid waste cannot be returned, the local people's government at or above the county level where the solid waste is located shall organize the handling.

Section 9 — Violations of Noise Pollution Prevention and Control Provisions

Article 1181 — Administrative penalties for violations of the provisions of Sub-book Seven of Book II of this Law shall be imposed in accordance with the provisions of this Section.

Article 1182 — Where products exceeding the noise limits are produced, imported, or sold in violation of this Law, the market regulation department and the customs shall, in accordance with the division of duties, order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than one time but not more than five times the value of the goods; where the circumstances are serious, they shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1183 — Where a construction unit, in violation of this Law, constructs noise-sensitive buildings that do not conform to the sound insulation design standards for civil buildings, the housing and urban-rural development competent department shall order rectification and impose a fine of not less than 2 percent but not more than 4 percent of the construction contract price. Where a construction unit, in violation of this Law, newly constructs noise-sensitive buildings unrelated to aviation in areas where the construction of noise-sensitive buildings is prohibited, the department designated by the local people's government shall order cessation of the illegal act, impose a fine of not less than 2 percent but not more than 10 percent of the construction contract price, and order demolition after reporting to and obtaining approval from the people's government with the power of approval.

Article 1184 — Where industrial enterprises discharging noise are newly constructed in concentrated areas of noise-sensitive buildings, in violation of this Law, the ecology and environment competent department shall order cessation of the illegal act, impose a fine of not less than 100,000 yuan but not more than 500,000 yuan, and order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where industrial enterprises are renovated or expanded in concentrated areas of noise-sensitive buildings, in violation of this Law, without adopting effective measures to prevent industrial noise pollution, the ecology and environment competent department shall order rectification and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan; where rectification is refused, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1185 — Where a construction unit or a construction contractor, in violation of this Law, falls under any of the following circumstances, the department designated by the people's government of the place where the project is located shall order rectification and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; where rectification is refused, it may order suspension of construction: (1) discharging construction noise in excess of the noise emission standards; or (2) carrying out noise-generating construction operations at night in concentrated areas of noise-sensitive buildings without obtaining a continuous construction operation certificate in accordance with the law.

Article 1186 — Where a violation of this Law falls under any of the following circumstances, the department designated by the people's government of the place where the project is located shall order rectification and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; where rectification is refused, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed: (1) a construction

contractor fails to formulate a noise pollution prevention and control implementation plan in accordance with regulations, or fails to adopt effective measures to reduce vibration and noise; (2) a construction unit fails to supervise the construction contractor in implementing the noise pollution prevention and control implementation plan; or (3) a construction unit or construction contractor that has lawfully obtained a continuous construction operation certificate fails to notify nearby residents in accordance with regulations.

Article 1187 — Where, in violation of this Law, a person drives a motor vehicle that has been modified without authorization by removing or damaging the muffler or adding exhaust pipes and causes roaring or speeding, fails to use the sound devices in accordance with regulations while the motor vehicle is in operation, or violates the provisions on road sections and times where motor vehicle driving and the use of sound devices are prohibited, the traffic management department of the public security organ shall issue a warning and impose penalties such as a fine of not less than 200 yuan but not more than 2,000 yuan and temporary withholding of the motor vehicle driving license. Where means of transport such as railway locomotives and rolling stock, urban rail transit vehicles, or motorized vessels, in violation of this Law, fail to use sound devices in accordance with regulations during operation, the transportation competent department, the railway supervision and administration department, the maritime administrative authority, or the relevant department for urban rail transit designated by the local people's government shall, in accordance with the division of duties, order rectification and impose a fine of not less than 5,000 yuan but not more than 10,000 yuan.

Article 1188 — Where a violation of this Law falls under any of the following circumstances, the transportation competent department, the railway supervision and administration department, the civil aviation competent department, or the relevant department for urban roads or urban rail transit designated by the local people's government shall, in accordance with the division of duties, order rectification and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; where rectification is refused, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed: (1) highway maintenance and management units, urban road maintenance units, urban rail transit operating units, or railway transport enterprises fail to perform their maintenance obligations or fail to keep the facilities for reducing vibration and noise in normal operation; (2) where noise-sensitive buildings are constructed in restricted construction areas, the construction unit fails to carry out building sound insulation design or fails to conform to the sound insulation design standards for civil buildings; (3) civil airport management bodies, air transport enterprises, or general aviation enterprises fail to adopt measures to prevent or mitigate noise pollution from civil aircraft; or (4) responsible enterprises and public institutions fail to adopt effective measures to mitigate noise pollution in accordance with the requirements of the comprehensive noise pollution control plan.

Article 1189 — Where a violation of this Law falls under any of the following circumstances, the department designated by the local people's government shall order rectification and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; where rectification is refused, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed, and suspension of business may be ordered after reporting to and obtaining approval from the people's government with the power of approval: (1) discharging community noise in excess of the noise emission standards; (2) using high-decibel loudspeakers or adopting other methods of continuously and repeatedly emitting high noise for advertising and publicity in commercial business activities; or (3) failing to adopt effective measures against other noise generated in commercial business activities, thereby causing noise pollution.

Article 1190 — Where a violation of this Law falls under any of the following circumstances, the department designated by the local people's government shall carry out persuasion and education and order rectification; where rectification is refused, a warning shall be issued, a fine of not less than 200 yuan but not more than 1,000 yuan may be imposed on individuals, and a fine of not less than 2,000 yuan but not more than 20,000 yuan may be imposed on units: (1) using high-decibel loudspeakers in concentrated areas of

noise-sensitive buildings; (2) organizing or carrying out entertainment, fitness, and other activities in public places without complying with the provisions of the public place managers on activity areas, periods, and volume, failing to adopt effective measures thereby causing noise pollution, or using audio equipment in violation of regulations to produce excessive volume; (3) carrying out interior decoration of buildings that have been completed and delivered for use outside the limited working hours, or failing to adopt effective measures thereby causing noise pollution; or (4) other violations of laws and regulations causing community noise pollution.

Article 1191 — Where a real estate developer of newly built residential housing, in violation of this Law, fails to publicize at the sales premises the circumstances under which the housing may be affected by noise and the prevention and control measures adopted or to be adopted, or fails to include them in the sale and purchase contract, or fails to specify in the sale and purchase contract the locations of the shared facilities and equipment of the housing or the building sound insulation conditions, the housing and urban-rural development competent department shall order rectification and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; where rectification is refused, it shall order suspension of sales. Where a violation of this Law falls under any of the following circumstances, the department designated by the local people's government shall order rectification and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; where rectification is refused, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed: (1) shared facilities and equipment are installed in residential areas with unreasonable settings or without adopting measures to reduce vibration and noise, failing to conform to the sound insulation design standards for civil buildings; or (2) the shared facilities and equipment of residential areas that have been built and put into use are not maintained and managed, failing to conform to the sound insulation design standards for civil buildings.

Article 1192 — Where community noise is generated in violation of this Law and, after dissuasion, mediation, and handling, cannot be stopped, thereby continuously interfering with the normal life, work, and study of others, or where there are other violations of public security administration such as disturbing public order or impairing social management, the public security organ shall impose public security administration penalties in accordance with the law.

Section 10 — Violations of Radioactive Pollution Prevention and Control Provisions

Article 1193 — Administrative penalties for violations of the provisions of Sub-book Eight of Book II of this Law and other relevant provisions shall be imposed in accordance with the provisions of this Section.

Article 1194 — Where radioactive waste gas or waste liquid prohibited from discharge is discharged into the environment, or radioactive solid waste is dumped, in violation of this Law, the ecology and environment competent department shall order cessation of the illegal act, require the adoption of treatment measures to eliminate the pollution within a prescribed time limit, and impose a fine of not less than 200,000 yuan but not more than 2,000,000 yuan; where treatment measures are not adopted within the time limit, a unit with treatment capacity shall be designated to carry out treatment on its behalf, with the necessary expenses borne by the offender; where the circumstances are serious, suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval.

Article 1195 — Where radioactive solid waste or radioactive substances are disposed of in inland waters or at sea in violation of this Law, the ecology and environment competent department shall order cessation of the illegal act, require the adoption of treatment measures to eliminate the pollution within a prescribed time limit, and impose a fine of not less than 500,000 yuan but not more than 2,000,000 yuan; where treatment measures are not adopted within the time limit, a unit with treatment capacity shall be designated to carry out treatment on its behalf, with the necessary expenses borne by the offender.

Article 1196 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department and the nuclear industry competent department shall, in accordance

with the division of duties, order rectification within a prescribed time limit and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is not carried out within the time limit, they shall order restriction of production or suspension of production for rectification: (1) failing to set up radioactive signs, markings, and Chinese warning instructions in accordance with regulations; (2) failing to establish and improve safety and security systems in accordance with regulations; (3) failing to store radioactive isotopes separately in accordance with regulations; (4) failing to adopt safety and protective measures in accordance with regulations; or (5) failing to provide radioactive safety education and training to their staff members or to adopt effective protective safety measures.

Article 1197 — Where the operating unit of a nuclear facility, in violation of this Law, carries out activities such as the siting, construction, operation, or decommissioning of a nuclear facility without a nuclear facility safety license, legal liability shall be pursued in accordance with the Nuclear Safety Law of the People's Republic of China.

Article 1198 — Where radioactive isotopes, radiation devices, or instruments equipped with radioactive isotopes are produced, sold, used, transferred, imported, exported, or stored in violation of this Law, the ecology and environment competent department, the market regulation department, and the customs shall, in accordance with the division of duties, order cessation of the illegal act, require rectification within a prescribed time limit, confiscate the illegal gains, and impose a concurrent fine of not less than 50,000 yuan but not more than 500,000 yuan; where rectification is not carried out within the time limit, a fine of not less than one time but not more than five times the illegal gains shall be imposed, with a minimum of 500,000 yuan where the illegal gains are less than 500,000 yuan, and restriction of production, suspension of production for rectification, or revocation of the license shall be ordered. Where radioactive isotopes and radiation devices are sold online in violation of this Law, the market regulation department shall order cessation of the illegal act, require rectification within a prescribed time limit, confiscate the illegal gains, and impose a concurrent fine of not less than one time but not more than five times the illegal gains, with a minimum of 500,000 yuan where the illegal gains are less than 500,000 yuan.

Article 1199 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order cessation of the illegal act, require rectification within a prescribed time limit, and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan; where rectification is not carried out within the time limit, the original license-issuing organ shall designate a unit with treatment capacity to carry out treatment on its behalf or implement decommissioning, with the expenses borne by the units producing, selling, or using radioactive isotopes and radiation devices: (1) units producing radioactive sources and other producers and operators fail to recover and utilize waste radioactive sources in accordance with regulations; (2) units using radioactive sources and other producers and operators fail to return or hand over waste radioactive sources in accordance with regulations; or (3) sites using radioactive sources with a relatively high degree of potential harm to human health and the ecological environment, sites producing radioactive isotopes, and radiation devices that produce radioactive pollution after terminating operation are not decommissioned in accordance with the law.

Article 1200 — Where the loss or theft of radioactive sources is not reported in accordance with regulations, in violation of this Law, the public security organ, the health competent department, and the ecology and environment competent department shall, in accordance with the division of duties, order rectification within a prescribed time limit and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan; where the circumstances are serious, they shall order restriction of production or suspension of production for rectification.

Article 1201 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department shall order cessation of the illegal act, require rectification within a prescribed time limit, and impose a fine: (1) units producing or using radioactive isotopes and radiation devices and other producers and operators fail to collect, package, or store the radioactive waste generated

in accordance with regulations; (2) tailings pond and other facilities are not constructed, or the constructed tailings pond and other facilities do not conform to the requirements for radioactive pollution prevention and control, for storing and disposing of radioactive solid waste such as the tailings of uranium (thorium) mines and associated radioactive mines; (3) radioactive waste liquid that must not be discharged into the environment is not treated or stored in accordance with regulations; (4) radioactive waste liquid is discharged not in the manner prescribed; or (5) radioactive waste is provided or entrusted to units or individuals without licenses for storage, treatment, and disposal. Where either of the circumstances in items (1) or (3) of the preceding paragraph exists, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed; where any of the circumstances in items (2), (4), or (5) exists, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed.

Article 1202 — Where a radioactive solid waste generator, in violation of this Law, fails to treat and dispose of the radioactive solid waste it generates in accordance with State regulations, the ecology and environment competent department shall order cessation of the illegal act, require rectification within a prescribed time limit, and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; where rectification is not carried out within the time limit, a unit with treatment capacity shall be designated to carry out treatment and disposal on its behalf, with the necessary expenses borne by the radioactive solid waste generator, and a concurrent fine of not less than 200,000 yuan but not more than 1,000,000 yuan shall be imposed.

Article 1203 — Where activities of storing, treating, and disposing of radioactive waste are engaged in without a license, in violation of this Law, the ecology and environment competent department of the people's government at or above the provincial level shall confiscate the illegal gains, impose a concurrent fine of not less than 1,000,000 yuan but not more than 5,000,000 yuan, and order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where activities of storing, treating, and disposing of radioactive waste are engaged in not in accordance with the provisions of the license, in violation of this Law, the ecology and environment competent department of the people's government at or above the provincial level shall order rectification within a prescribed time limit, confiscate the illegal gains, and impose a concurrent fine of not less than 500,000 yuan but not more than 5,000,000 yuan; where the circumstances are serious, it shall order restriction of production, suspension of production for rectification, or revocation of the license.

Section 11 — Violations of Chemical Substance Pollution Risk Control and Electromagnetic Radiation and Light Pollution Prevention and Control Provisions

Article 1204 — Administrative penalties for violations of the provisions of Sub-book Nine of Book II of this Law shall be imposed in accordance with the provisions of this Section.

Article 1205 — Where chemical substances listed in the list of key controlled new pollutants are produced or imported, or chemical substances listed in the list of key controlled new pollutants are used to produce products, in violation of this Law and without complying with the requirements of the environmental risk control measures prohibiting or restricting key controlled new pollutants, the ecology and environment competent department or other departments responsible for the supervision and administration of the production, import, and use of chemical substances shall, in accordance with the division of duties, order rectification and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan; where rectification is refused, a fine of not less than 500,000 yuan but not more than 1,000,000 yuan shall be imposed and restriction of production or suspension of production for rectification shall be ordered; where the circumstances are serious, suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval.

Article 1206 — Where new chemical substances are produced or imported not in accordance with the requirements of the new chemical substance environmental management registration certificate, in violation of this Law, the ecology and environment competent department or other departments responsible for the supervision and administration of the production and import of chemical substances shall, in accordance with

the division of duties, order rectification and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan; where rectification is refused, a fine of not less than 1,000,000 yuan but not more than 2,000,000 yuan shall be imposed and restriction of production or suspension of production for rectification shall be ordered; where the circumstances are serious, the new chemical substance environmental management registration certificate shall be revoked, and suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval.

Article 1207 — Where new chemical substances are produced or imported without a new chemical substance environmental management registration certificate, or new chemical substances produced or imported by enterprises or public institutions without such certificates are used to produce products, in violation of this Law, the ecology and environment competent department or other departments responsible for the supervision and administration of the production, import, and use of chemical substances shall, in accordance with the division of duties, order rectification and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan; where rectification is refused, a fine of not less than 1,000,000 yuan but not more than 2,000,000 yuan shall be imposed and restriction of production or suspension of production for rectification shall be ordered; where the circumstances are serious, suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval.

Article 1208 — Where enterprises or public institutions not subject to pollutant discharge permit administration, in violation of this Law, fall under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, it may order restriction of production or suspension of production for rectification: (1) discharging electromagnetic radiation in excess of the electromagnetic radiation emission standards; or (2) failing to adopt electromagnetic radiation pollution prevention and control measures in accordance with the law to prevent or mitigate electromagnetic radiation pollution.

Article 1209 — Where products exceeding the electromagnetic radiation limits are produced, imported, or sold in violation of this Law, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than one time but not more than five times the value of the goods; where the circumstances are serious, it shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1210 — Where advertising screens, billboards, light boxes, media facade walls, roads, stadiums, construction sites, and the like, in violation of this Law, fail to adopt effective measures to prevent or mitigate light pollution, thereby interfering with the normal life of others or traffic, the housing and urban-rural development competent department, the ecology and environment competent department, the transportation competent department, and the traffic management department of the public security organ shall, in accordance with the division of duties, order rectification; where rectification is refused, a fine of not less than 5,000 yuan but not more than 50,000 yuan shall be imposed.

Section 12 — Violations of Ecological Protection Administration Provisions

Article 1211 — Where land development and utilization activities are carried out within areas where reclamation is prohibited in violation of territorial spatial plans, or the use of land or sea areas is changed without authorization, in violation of this Law, the natural resources, forestry and grassland, and other departments shall, in accordance with the division of duties, impose penalties in accordance with the provisions of laws and regulations such as the Land Administration Law of the People's Republic of China, the Law of the People's Republic of China on the Administration of the Use of Sea Areas, and the Water Law of the People's Republic of China.

Article 1212 — Where important ecosystems such as forests, grasslands, or wetlands are damaged, or the waters or shorelines of rivers and lakes are illegally occupied, unlawfully utilized, or unlawfully encroached upon, in violation of this Law, the forestry and grassland, water administration, ecology and environment, and other departments shall, in accordance with the division of duties, impose penalties in accordance with the provisions of laws and regulations such as the Forest Law of the People's Republic of China, the Grassland Law of the People's Republic of China, and the Wetland Protection Law of the People's Republic of China.

Article 1213 — Where alien species are introduced, released, or discarded without authorization in violation of this Law, the agriculture and rural affairs competent department, the forestry and grassland competent department, and the customs shall, in accordance with the division of duties and in accordance with the provisions of laws and regulations such as the Biosecurity Law of the People's Republic of China and the Wildlife Protection Law of the People's Republic of China, confiscate the species or order their recapture or recovery within a prescribed time limit, and impose fines.

Article 1214 — Where, in violation of this Law, the shorelines of rivers and lakes in important basins such as the Yangtze River and the Yellow River are illegally occupied, unlawfully utilized, or unlawfully encroached upon, or production and construction activities that may cause water and soil erosion are carried out without approval in areas with severe water and soil erosion or ecologically fragile areas, penalties shall be imposed in accordance with the provisions of laws and regulations such as the Yangtze River Protection Law of the People's Republic of China and the Yellow River Protection Law of the People's Republic of China.

Article 1215 — Where, in violation of this Law, there are circumstances such as damaging the signs marking protection boundaries or harming wild animals and plants in important areas such as protected natural areas and the Qinghai-Tibet Plateau, penalties shall be imposed in accordance with the provisions of laws and regulations such as the National Park Law of the People's Republic of China and the Ecological Protection Law of the Qinghai-Tibet Plateau of the People's Republic of China.

Article 1216 — Where damage to marine ecosystems such as coral reefs is caused in violation of the provisions of this Law on marine ecological protection, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and the adoption of remedial measures, impose a fine of not less than 1,000 yuan but not more than 10,000 yuan per square meter, and confiscate the illegal gains if any.

Article 1217 — Where a violation of the provisions of this Law on marine ecological protection falls under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine: (1) occupying or damaging natural shorelines; (2) mining sea sand within the strictly protected shoreline areas; (3) developing and utilizing sea sand resources in areas other than the strictly protected shoreline areas without adopting strict measures to protect the marine ecology in accordance with the law; (4) sea sand miners failing to provide, in accordance with the law, lawful source certificates for the vessels carrying sea sand; or (5) carrying sea sand resources without holding lawful source certificates. Where the circumstance in item (1) of the preceding paragraph exists, a fine of not less than 500 yuan but not more than 10,000 yuan per meter shall be imposed; where the circumstance in item (2) exists, a fine of not less than two times but not more than twenty times the value of the goods shall be imposed, or a fine of not less than 200,000 yuan but not more than 2,000,000 yuan where the value of the goods is less than 100,000 yuan; where any of the circumstances in items (3), (4), or (5) exists, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed.

Article 1218 — Where groundwater is extracted without authorization, in violation of this Law and relevant laws and regulations, the water administrative competent department shall order cessation of the illegal act, require the adoption of remedial measures within a prescribed time limit, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where groundwater is extracted without authorization within groundwater extraction prohibition areas or restricted extraction areas, a fine of not less than 50,000 yuan

but not more than 500,000 yuan shall be imposed.

Article 1219 — Where ecological protection obligations under this Law are violated and this Section does not prescribe an administrative penalty, penalties shall be imposed in accordance with the provisions of relevant laws.

Section 13 — Violations of Green and Low-Carbon Development Administration Provisions

Article 1220 — Where an enterprise producing large mechanical and electrical equipment, motorized means of transport, and other products designated by the industry and information technology competent department of the State Council, in violation of this Law, fails to indicate the material composition of the products or fails to indicate it truthfully, the market regulation department shall order rectification within a prescribed time limit; where rectification is refused, a fine of not more than 50,000 yuan shall be imposed.

Article 1221 — Where compulsory cleaner production audits are not implemented, or fraud is committed in cleaner production audits, or enterprises implementing compulsory cleaner production audits fail to report or fail to truthfully report the audit results, in violation of this Law, the development and reform department and the ecology and environment competent department shall, in accordance with the division of duties, order rectification within a prescribed time limit; where rectification is refused, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed. Where the departments or units undertaking evaluation and acceptance work and their staff members, in violation of this Law, charge fees to the enterprises being evaluated and accepted, fail to truthfully conduct evaluation and acceptance or commit fraud in evaluation and acceptance, or seek benefits by taking advantage of their positions, the responsible leading personnel and directly responsible personnel shall be given sanctions in accordance with the law.

Article 1222 — Where equipment, materials, or products prohibited or eliminated in the relevant catalogues or lists of the State are produced, imported, sold, or used, or technologies or processes prohibited or eliminated in such catalogues or lists are adopted, or eliminated equipment, materials, or products, or equipment, materials, or products to be eliminated within a prescribed time limit, are transferred to others for use, in violation of this Law, the department designated by the people's government at or above the county level and the customs shall, in accordance with the division of duties, order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than one time but not more than five times the value of the goods; where the circumstances are serious, they shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1223 — Where producers of electrical and electronic products, motor vehicles, lead-acid batteries, power batteries, and other products, in violation of this Law, fail to establish waste product recovery systems commensurate with their product sales volumes and make them public in accordance with regulations, the industry and information technology, commerce, and other departments shall, in accordance with the division of duties, order rectification; where rectification is refused, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed.

Article 1224 — Where producers and operators, in violation of this Law, fail to comply with the mandatory standards restricting excessive packaging of goods, the market regulation department and relevant departments shall, in accordance with the division of duties, order rectification; where rectification is refused, a fine of not less than 2,000 yuan but not more than 20,000 yuan shall be imposed; where the circumstances are serious, a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed.

Article 1225 — Where the State's provisions prohibiting or restricting the production and sale of non-degradable plastic bags and other disposable plastic products are not complied with, in violation of this Law, the market regulation department shall order cessation of production and sale, confiscate the illegally produced or sold products, and impose a concurrent fine of not less than one time but not more than three times the value of the illegally produced or sold products; where there are illegal gains, they shall be confiscated; where the circumstances are serious, the license shall be revoked. Where the State's provisions

prohibiting or restricting the use of non-degradable plastic bags and other disposable plastic products are not complied with, in violation of this Law, the commerce, postal administration, and other departments shall, in accordance with the division of duties, order rectification, impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on enterprises and public institutions, and impose a fine of not less than 500 yuan but not more than 5,000 yuan on other producers and operators. Where the use and recovery of plastic bags and other disposable plastic products are not reported in accordance with State regulations, in violation of this Law, penalties shall be imposed in accordance with the relevant provisions of the preceding paragraph.

Article 1226 — Where key greenhouse gas emitters included in the national carbon emission trading market, in violation of this Law, fail to submit emission statistics and accounting data or annual emission reports, the ecology and environment competent department shall order rectification and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan; where rectification is refused, it may order suspension of production for rectification. Where key greenhouse gas emitters included in the national carbon emission trading market, in violation of this Law, fail to fully surrender carbon emission allowances within the prescribed time limit, the ecology and environment competent department shall order rectification within a prescribed time limit and impose a fine of not less than 1,000,000 yuan but not more than 5,000,000 yuan; where the surrender is not completed within the time limit, a fine of not less than five times but not more than ten times the average market transaction price of the carbon emission allowances in the month preceding the surrender deadline for the unsold allowances shall be imposed, and suspension of production for rectification may be ordered.

Article 1227 — Where green and low-carbon obligations under this Law are violated and this Section does not prescribe an administrative penalty, penalties shall be imposed in accordance with the provisions of laws and regulations such as the Law of the People's Republic of China on Promoting the Circular Economy, the Energy Law of the People's Republic of China, the Energy Conservation Law of the People's Republic of China, and the Renewable Energy Law of the People's Republic of China.

Section 14 — Other Illegal Acts

Article 1228 — Administrative penalties for violations of this Law other than those specified in Sections 1 through 13 of this Chapter shall be imposed in accordance with the provisions of this Section.

Article 1229 — Where, in violation of this Law, supervision and inspection or the investigation and handling of sudden ecological environment incidents is refused or obstructed by means such as delaying, besieging, or detaining law enforcement personnel, or where fraud is committed or the necessary materials are refused to be provided when accepting supervision and inspection or investigation and handling, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; a fine of not less than 5,000 yuan but not more than 50,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible personnel; where the act constitutes a violation of public security administration, the public security organ and the coast guard shall impose penalties in accordance with the law in accordance with the division of duties.

Article 1230 — Where ecological environment technical service institutions engaged in activities such as motor vehicle and vessel emission inspection, soil pollution investigation and assessment, maintenance or operation of pollution prevention and control facilities, or identification of solid waste or hazardous waste, in violation of this Law, fail to use facilities or equipment that conform to the provisions of laws and administrative regulations and national standards, or fail to comply with relevant technical specifications, thereby causing distortion of data, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification, confiscate the illegal gains, and impose a concurrent fine of not less than 20,000 yuan but not more than 200,000 yuan; where rectification is refused, it shall order suspension of business after reporting to and obtaining approval from the people's government with the power of approval. Where the institutions

listed in the preceding paragraph, in violation of this Law, commit fraud or issue false reports in ecological environment service activities, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, confiscate the illegal gains and impose a concurrent fine of not less than 100,000 yuan but not more than 500,000 yuan; where the circumstances are serious, it shall also impose a fine of not less than 500,000 yuan but not more than 2,000,000 yuan, revoke the license if the institution holds one, prohibit it from engaging in the aforesaid business, and order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval. Where the circumstances specified in the preceding paragraph exist, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on the directly responsible persons in charge and other directly responsible personnel, and prohibit them from engaging in the business specified in the preceding paragraph for five years; where the circumstances are serious, they shall be prohibited from engaging in the business for ten years.

Article 1231 — Where a violation of this Law falls under any of the following circumstances, the ecology and environment competent department and the environmental sanitation competent department shall, in accordance with the division of duties, order rectification and may impose a fine of not more than 100,000 yuan; where the circumstances are serious, they shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval: (1) engaging in large-scale livestock and poultry farming without promptly collecting, storing, removing, treating, or utilizing wastes such as livestock and poultry manure and carcasses generated in the farming process; (2) livestock and poultry farms using kitchen waste that has not been harmlessly treated to feed livestock and poultry; or (3) discharging livestock and poultry farming manure and sewage that has not been comprehensively utilized into farmland irrigation channels, thereby causing the water quality at the nearest downstream irrigation water intake point to fail to conform to the water quality standards for farmland irrigation water.

Article 1232 — Where hazardous waste is transferred in transit through the People's Republic of China, or radioactive waste and radioactive-contaminated articles are brought into the territory of the People's Republic of China or transferred through the territory, in violation of this Law, the customs and the maritime administrative authority shall, in accordance with the division of duties, order return shipment or order the vessel illegally transporting the hazardous waste to withdraw from the sea areas under the jurisdiction of the People's Republic of China, and impose a concurrent fine of not less than 500,000 yuan but not more than 5,000,000 yuan. Where hazardous waste is transferred through other sea areas under the jurisdiction of the People's Republic of China without obtaining the prior written consent of the ecology and environment competent department of the State Council, in violation of this Law, the maritime administrative authority shall order the vessel illegally transporting the hazardous waste to withdraw from the sea areas under the jurisdiction of the People's Republic of China and impose a fine of not less than 500,000 yuan but not more than 5,000,000 yuan.

Article 1233 — Where enterprises or public institutions discharging pollutants, in violation of this Law, fail to establish a pollution prevention and control responsibility system, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification; where rectification is refused, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed; where the circumstances are serious, restriction of production or suspension of production for rectification may be ordered.

Article 1234 — Where production and construction activities are carried out not in accordance with the provisions of the ecological environment access list, in violation of this Law, the ecology and environment competent department and the natural resources competent department shall, in accordance with the division of duties, order cessation of the illegal act, confiscate the illegal gains, require demolition and

restoration of the original state within a prescribed time limit, with the necessary expenses borne by the offender, impose a concurrent fine of not less than 500,000 yuan but not more than 5,000,000 yuan, and impose a fine of not less than 50,000 yuan but not more than 100,000 yuan on the directly responsible persons in charge and other directly responsible personnel; where the circumstances are serious, they shall order suspension of business or closure after reporting to and obtaining approval from the people's government with the power of approval.

Article 1235 — Where enterprises, public institutions, and other producers and operators, in violation of this Law, fall under any of the following circumstances, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification; where the circumstances are serious, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed: (1) failing to formulate emergency plans for environmental pollution or ecological damage accidents or sudden ecological environment incidents; (2) failing to file the emergency plans for record; or (3) failing to equip emergency equipment and materials.

Article 1236 — Where an environmental pollution or ecological damage accident is caused in violation of this Law, in addition to bearing liability for compensation in accordance with the law, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order the adoption of treatment measures within a prescribed time limit and impose a fine in accordance with the provisions of paragraphs 2 and 3 of this Article; a fine of not more than 50 percent of the income obtained from the enterprise or public institution in the previous year may be imposed on the directly responsible persons in charge and other directly responsible personnel; where a major or especially major environmental pollution or ecological damage accident is caused, suspension of business or closure shall be ordered after reporting to and obtaining approval from the people's government with the power of approval. Where treatment measures are not adopted as required, a unit with treatment capacity shall be designated to carry out treatment on its behalf, with the necessary expenses borne by the offender. Where an ordinary environmental pollution or ecological damage accident is caused, a fine of not less than 300,000 yuan but not more than 1,000,000 yuan shall be imposed; where a relatively major environmental pollution or ecological damage accident is caused, a fine of not less than 1,000,000 yuan but not more than 2,000,000 yuan shall be imposed; where a major environmental pollution or ecological damage accident is caused, a fine of not less than 2,000,000 yuan but not more than 10,000,000 yuan shall be imposed; where an especially major environmental pollution or ecological damage accident is caused, a fine of not less than 10,000,000 yuan but not more than 20,000,000 yuan shall be imposed. Where an environmental pollution or ecological damage accident occurs with especially serious circumstances and especially bad influence, the department or institution responsible for the supervision and administration of ecological environment protection may impose a fine of not less than two times but not more than five times the fine amounts specified in the preceding paragraph on the responsible enterprises, public institutions, or other producers and operators.

Article 1237 — Where, in violation of this Law, an accident or other sudden event causes or may cause an environmental pollution or ecological damage incident, and any of the following circumstances exists, the department or institution responsible for the supervision and administration of ecological environment protection shall, in accordance with the division of duties, order rectification and impose a fine: (1) failing to promptly notify or report; (2) failing to immediately adopt effective measures or fleeing; or (3) failing to adopt necessary response measures, thereby causing the expansion of ecological disaster hazards. Where the circumstance in item (1) of the preceding paragraph exists, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible personnel, and the relevant qualification licenses for holding office may be temporarily withheld or revoked; where either of the circumstances in items (2) or (3) exists, a fine of not less than 200,000 yuan but not more than 2,000,000 yuan shall be imposed.

Article 1238 — Where, in violation of this Law, a person retaliates against a whistleblower by terminating or changing the labor contract or employment contract or by other means, the person shall bear liability in accordance with the provisions of relevant laws.

Chapter III — Supplementary Provisions

Article 1239 — Where other laws contain specific or further provisions on fields related to ecological environment protection such as ecological protection and green and low-carbon development, such provisions shall apply.

Article 1240 — Where the State adjusts the ecological environment supervision and administration system in light of actual needs, the adjustment shall be governed by the relevant provisions.

Article 1241 — The State Council and the Central Military Commission may, in accordance with the principles prescribed by this Law, formulate specific administrative measures for the ecological environment protection work of the military.

Article 1242 — This Law shall come into force on August 15, 2026. The Environmental Protection Law of the People's Republic of China, the Environmental Impact Assessment Law of the People's Republic of China, the Marine Environment Protection Law of the People's Republic of China, the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution, the Law of the People's Republic of China on the Prevention and Control of Water Pollution, the Law of the People's Republic of China on the Prevention and Control of Soil Pollution, the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste, the Law of the People's Republic of China on the Prevention and Control of Noise Pollution, the Law of the People's Republic of China on the Prevention and Control of Pollution by Radioactive Substances, and the Law of the People's Republic of China on Promoting Cleaner Production shall be repealed simultaneously.

Disclaimer: This is an unofficial English translation of Book V (Legal Liability and Supplementary Provisions) of the Ecological Environment Code of the People's Republic of China, prepared for general informational and reference purposes only. It is not an official translation and has no legal effect. In the event of any discrepancy between this translation and the original Chinese text, the original Chinese text shall prevail. Readers should consult qualified legal counsel for advice on any specific matter.