Environmental Protection Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1. This Law is enacted for the purposes of protecting and improving the environment, preventing and controlling pollution and other public hazards, safeguarding public health, promoting ecological civilization, and facilitating sustainable economic and social development.

Article 2. “Environment” as used in this Law means the totality of natural factors and artificially modified natural factors affecting human survival and development, including the atmosphere, water, seas, land, minerals, forests, grasslands, wetlands, wildlife, natural relics, cultural relics, nature reserves, scenic spots, urban areas, and rural areas.

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

Article 4. Environmental protection is a fundamental national policy of the State. The State shall adopt economic and technological policies and measures conducive to environmental protection, resource conservation, and recycling to coordinate economic and social development with environmental protection.

Article 5. Environmental protection shall adhere to the principles of according priority to protection, focusing on prevention, exercising comprehensive governance, promoting public participation, and enforcing the accountability of those causing damage.

Article 6. All entities and individuals shall have the obligation to protect the environment. Enterprises, public institutions, and other producers and operators shall prevent and reduce environmental pollution and ecological damage, and shall bear liability for damage caused in accordance with law.

Article 7. Citizens shall enhance their awareness of environmental protection, adopt a low-carbon and conservation-oriented lifestyle, and conscientiously fulfill their obligations in environmental protection.

Chapter II — Supervision and Administration

Article 8. The competent environmental protection department under the State Council shall exercise unified supervision and administration over national environmental protection. Competent environmental protection departments of local people's governments at or above the county level shall exercise unified supervision and administration over environmental protection within their respective administrative regions.

Article 9. The State shall establish and improve environmental monitoring systems. Competent environmental protection departments shall formulate monitoring standards, organize monitoring networks, and carry out environmental quality monitoring and monitoring of pollution sources.

Article 10. The State shall implement environmental protection target responsibility and performance assessment systems. The people's governments at or above the county level shall incorporate the fulfillment of environmental protection targets into the performance assessment of the departments and personnel responsible for environmental supervision and administration under the people's government at the same level.

Article 11. Competent environmental protection departments and other departments with environmental supervision and administration functions shall have the power to conduct on-site inspections of enterprises, public institutions, and other producers and operators that discharge pollutants.

Chapter III — Protection and Improvement of the Environment

Article 12. The State shall establish ecological protection red lines for key ecological functional zones, ecologically sensitive and fragile areas, and areas with serious ecological degradation. Development and construction activities shall comply with the requirements of ecological protection red lines.

Article 13. The development and utilization of natural resources shall be carried out in a reasonable manner, and biological diversity shall be protected to ensure ecological safety.

Article 14. People's governments at all levels shall strengthen the protection of the agricultural environment, promote the application of new technologies for agricultural environmental protection, strengthen monitoring, early warning, and comprehensive prevention and control of agricultural pollution sources, and prevent and control soil pollution.

Chapter IV — Prevention and Control of Pollution and Other Public Hazards

Source: https://www.danyoungcpa.com/environmental-protection-law-prc-2014-revision-english-translation/

Article 15. Enterprises, public institutions, and other producers and operators shall implement clean production and utilize resources in a circular manner. Projects shall carry out environmental impact assessments in accordance with law. No construction project may commence until its environmental impact assessment has been approved.

Article 16. Enterprises, public institutions, and other producers and operators discharging pollutants shall comply with national and local pollutant discharge standards and total emission control indicators.

Article 17. The State shall implement a pollutant discharge permit system. Enterprises, public institutions, and other producers and operators shall discharge pollutants in accordance with the requirements of their pollutant discharge permits. No pollutant discharge is permitted without obtaining a pollutant discharge permit.

Article 18. Enterprises, public institutions, and other producers and operators shall pay pollution discharge fees in accordance with law. Pollution discharge fees collected shall be used exclusively for environmental pollution prevention and control and shall not be diverted or misappropriated.

Article 19. The State shall implement a system of total emission control of key pollutants. The total emission control indicators of key pollutants shall be assigned downward through administrative levels to enterprises, public institutions, and other producers and operators.

Article 20. Enterprises, public institutions, and other producers and operators shall install and use pollution prevention and control facilities for the pollutants they discharge. No entity or individual may dismantle or leave idle such pollution prevention and control facilities without authorization.

Article 21. Enterprises, public institutions, and other producers and operators shall formulate emergency response plans for environmental pollution incidents. Where an environmental pollution incident occurs or is likely to occur, the relevant unit shall immediately take measures, promptly notify the competent environmental protection department and other relevant departments, and inform the public about the risks and measures taken.

Chapter V — Information Disclosure and Public Participation

Article 22. Citizens, legal persons, and other organizations shall have the right to obtain environmental information, participate in environmental protection, and supervise environmental protection in accordance with law.

Article 23. Competent environmental protection departments shall publish information on environmental quality, environmental monitoring, environmental emergencies, environmental administrative permits, environmental administrative penalties, and the collection and use of pollution discharge fees in accordance with law.

Article 24. Key pollutant discharging units shall truthfully disclose to the public the names of their major pollutants, the methods of discharge, the concentration and volume of discharge, the status of exceeding discharge standards, and the construction and operation of pollution prevention and control facilities.

Article 25. Social organizations that meet the following conditions may institute public interest litigation in a people’s court with respect to conduct that pollutes the environment or causes ecological damage harming the public interest: (1) they are registered with the civil affairs department of a people’s government at or above the level of a city divided into districts; and (2) they have been specializing in environmental protection public interest activities for five or more consecutive years and have no record of violations of law.

Chapter VI — Legal Liability

Article 26. Where an enterprise, public institution, or other producer or operator discharges pollutants in violation of this Law and is fined and ordered to make correction, and such entity refuses to make correction,

the administrative organ imposing the penalty in accordance with law may impose consecutive daily fines based on the original fine amount, calculated from the day following the date on which the correction order was issued.

Article 27. The amount of daily fines shall be determined based on the operating costs of pollution prevention and control facilities, the direct loss caused by the illegal act, the illegal gains, and other factors. Daily fines shall not be subject to the maximum fine limitation.

Article 28. Where an enterprise, public institution, or other producer or operator discharges pollutants in excess of standards or in excess of total emission control indicators, the competent environmental protection department may order it to take measures such as restricting production or suspending production for rectification; where the circumstances are serious, it shall be reported to the people's government with approval authority for an order of cessation of operations or closure.

Article 29. Where the responsible person in charge and other directly responsible personnel of an enterprise, public institution, or other producer or operator engage in serious illegal acts causing environmental pollution incidents, they shall be subject to administrative detention by the public security organ; where a crime is constituted, criminal liability shall be investigated in accordance with law.

Article 30. Any entity causing environmental pollution or ecological damage shall bear tort liability in accordance with the Tort Liability Law of the People's Republic of China and other relevant laws.

Chapter VII — Supplementary Provisions

Article 31. This Law shall take effect as of January 1, 2015.

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