

Environmental Protection Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com
Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents	1
Chapter I — General Provisions	1
Chapter II — Supervision and Administration	2
Chapter III — Environmental Protection and Improvement	4
Chapter IV — Prevention and Control of Pollution and Other Public Hazards	5
Chapter V — Information Disclosure and Public Participation	7
Chapter VI — Legal Liability	9
Chapter VII — Supplementary Provisions	11

Adopted at the 11th Session of the Standing Committee of the Seventh National People's Congress on December 26, 1989; revised at the Eighth Session of the Standing Committee of the Twelfth National People's Congress on April 24, 2014.
Effective: January 1, 2015

Table of Contents

- Chapter I — General Provisions
- Chapter II — Supervision and Administration
- Chapter III — Environmental Protection and Improvement
- Chapter IV — Prevention and Control of Pollution and Other Public Hazards
- Chapter V — Information Disclosure and Public Participation
- Chapter VI — Legal Liability
- Chapter VII — Supplementary Provisions

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 — For the purposes of this Law, "environment" means the totality of natural factors and artificially modified natural factors that affect human survival and development, including the atmosphere, water, seas, land, mineral resources, forests, grasslands, wetlands, wildlife, natural relics, cultural relics, nature reserves, scenic areas, urban areas, and rural areas.

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

Article 4 — Environmental protection is a fundamental national policy of the State. The State shall adopt economic and technological policies and measures that are conducive to conservation and cyclical use of resources, environmental protection and improvement, and harmony between humans and nature, so as to coordinate economic and social development with environmental protection.

Article 5 — Environmental protection shall adhere to the principles of giving priority to protection, focusing on prevention, adopting comprehensive treatment measures, engaging the general public, and enforcing accountability for damage.

Article 6 — All entities and individuals have the obligation to protect the environment. Local people's governments at all levels shall be responsible for the environmental quality of their respective administrative regions. Enterprises, public institutions, and other production operators shall prevent and reduce environmental pollution and ecological damage and shall bear liability in accordance with the law for any damage caused.

Citizens shall raise their awareness of environmental protection, adopt a low-carbon and frugal lifestyle, and conscientiously fulfill their obligations to protect the environment.

Article 7 — The State supports the research, development, and application of environmental protection science and technology, encourages the development of environmental protection industries, promotes the development of environmental protection informatization, and raises the scientific and technological level of environmental protection.

Article 8 — People's governments at all levels shall increase fiscal investment in environmental protection and improvement and in the prevention and control of pollution and other public hazards, and shall enhance the efficiency of the use of fiscal funds.

Article 9 — People's governments at all levels shall strengthen environmental protection publicity and dissemination, encourage self-governing grass-roots organizations, social organizations, and environmental protection volunteers to carry out publicity activities on environmental protection laws, regulations, and knowledge, and create a favorable atmosphere for environmental protection. Education authorities and schools shall incorporate environmental protection knowledge into school education curricula and cultivate students' awareness of environmental protection. News media shall carry out publicity on environmental protection laws, regulations, and knowledge, and shall exercise public supervision over environmental violations.

Article 10 — The environmental protection department under the State Council shall exercise unified supervision and administration over environmental protection nationwide. The 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. The relevant departments of people's governments at or above the county level and the environmental protection departments of military authorities shall exercise supervision and administration over environmental protection related to resources, ecological protection, and pollution prevention and control in accordance with the provisions of relevant laws.

Article 11 — People's governments shall reward entities and individuals that have made outstanding achievements in environmental protection and improvement.

Article 12 — June 5 of each year is designated as Environment Day.

Chapter II — Supervision and Administration

Article 13 — People's governments at or above the county level shall incorporate environmental protection work into their national economic and social development plans. The environmental protection department under the State Council shall, in conjunction with relevant departments, formulate national environmental protection plans in accordance with the national economic and social development plan, and submit such plans to the State Council for approval, promulgation, and implementation. The environmental protection departments of local people's governments at or above the county level shall, in conjunction with relevant departments, formulate environmental protection plans for their respective administrative regions in accordance with the national environmental protection plan, and submit such plans to the people's governments at the same level for approval, promulgation, and implementation. The contents of environmental protection plans shall include objectives, tasks, and safeguard measures for ecological environmental protection and pollution prevention and control, and shall be aligned with planning for main functional areas, land use, and urban and rural development.

Article 14 — When formulating economic and technological policies, relevant departments under the State Council and people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall take full account of their impact on the environment and solicit the opinions of experts and relevant parties.

Article 15 — The environmental protection department under the State Council shall establish national environmental quality standards. People's governments of provinces, autonomous regions, and municipalities directly under the Central Government may establish local environmental quality standards for items not covered by national standards, and may establish local environmental quality standards that are more stringent than national standards. Local environmental quality standards shall be reported to the environmental protection department under the State Council for filing and record.

Article 16 — The environmental protection department under the State Council shall, in accordance with national environmental quality standards and national economic and technological conditions, establish national pollutant discharge standards. People's governments of provinces, autonomous regions, and municipalities directly under the Central Government may establish local pollutant discharge standards for items not covered by national standards, and may establish local pollutant discharge standards that are more stringent than national standards for items already covered by national standards. Local pollutant discharge standards shall be reported to the environmental protection department under the State Council for filing and record.

Article 17 — The State shall establish and improve an environmental monitoring system. The environmental protection department under the State Council shall formulate monitoring norms, organize a monitoring network in conjunction with relevant departments, and plan the establishment of national environmental quality monitoring stations (points). Relevant departments and environmental protection departments of local people's governments at or above the county level shall carry out environmental quality monitoring in accordance with the norms. Enterprises, public institutions, and other production operators shall, in accordance with relevant State regulations, conduct self-monitoring and shall retain original monitoring records. Monitoring institutions and their responsible persons shall be responsible for the truthfulness and accuracy of their monitoring data.

Article 18 — People's governments at or above the provincial level shall organize relevant departments or commission professional institutions to conduct surveys and assessments of environmental conditions and to establish a monitoring, early warning, and response mechanism for environmental resources carrying capacity.

Article 19 — The formulation and implementation of development and utilization plans and the construction of projects that have or may have an impact on the environment shall be subject to environmental impact assessment in accordance with the law. Development and utilization plans that have not been subject to environmental impact assessment in accordance with the law, or the environmental impact assessment

documents of which have not been approved in accordance with the law, shall not be implemented. No construction project the environmental impact assessment documents of which have not been approved in accordance with the law may commence construction.

Article 20 — The State shall establish a joint prevention and control mechanism for environmental pollution and ecological damage across administrative regions, and shall implement unified planning, unified standards, unified monitoring, and unified prevention and control measures. Environmental pollution and ecological damage issues that extend across administrative regions shall be resolved through coordination by the people's government at the next higher level, or through consultation between the relevant local people's governments.

Article 21 — The State shall adopt fiscal, tax, pricing, and government procurement policies and measures to encourage and support the reduction of pollutant discharges by environmental protection industries, cleaner production, comprehensive utilization of resources, and other environmental protection activities. Where enterprises, public institutions, and other production operators, in the course of technological upgrading of their existing facilities, adopt technologies, techniques, and equipment that meet the relevant State requirements, they shall enjoy tax preferences, credit support, government procurement priority, and other incentives in accordance with the law.

Article 22 — Where enterprises, public institutions, and other production operators further reduce their pollutant discharges beyond the statutory discharge standards, the people's governments shall encourage and support such efforts through fiscal, tax, pricing, government procurement, and other policies and measures in accordance with the law.

Chapter III — Environmental Protection and Improvement

Article 23 — People's governments at all levels shall strengthen the protection of various types of natural ecological systems, and shall prohibit or restrict activities that cause damage to important ecological function areas and ecologically sensitive and vulnerable areas. People's governments at all levels shall strengthen the protection of representative natural ecological system areas, natural distribution areas of rare and endangered wildlife, important water source conservation areas, geological structures of great scientific and cultural value, famous karst caves and fossil distribution areas, natural relics such as glaciers, volcanoes, and hot springs, and cultural relics and ancient and famous trees, and shall prohibit their destruction.

Article 24 — People's governments at all levels shall adopt measures to protect the environment, strengthen environmental protection in urban and rural areas, prevent and treat soil pollution, land desertification and salinization, impoverishment, rocky desertification, land subsidence, prevent and control vegetation damage, soil erosion, water eutrophication, water depletion, and provenance extinction, strengthen comprehensive improvement of the ecological environment in key regions, and establish and improve ecological protection compensation mechanisms.

Article 25 — Environmental protection departments of people's governments at or above the county level and other departments bearing environmental supervision and administration responsibilities may seal up and detain facilities and equipment that cause the discharge of pollutants, and may order the cessation of illegal discharge in the case of illegal discharge, leakage, dumping, or scattering of pollutants that cause or may cause serious environmental pollution or ecological damage.

Article 26 — The State shall implement a system of objectives and accountability for environmental protection. People's governments at or above the county level shall incorporate the fulfillment of environmental protection objectives into the performance assessment of the departments bearing environmental supervision and administration responsibilities under the people's government at the same level and the people's governments at lower levels and their responsible persons, and shall use the assessment results as an important basis for evaluation and rewards and punishments. People's

governments at or above the county level and their relevant departments shall incorporate the fulfillment of environmental protection objectives into the performance assessment of the principal responsible persons of enterprises, public institutions, and other production operators within their respective administrative regions.

Article 27 — People's governments at or above the county level shall, on an annual basis, report to the people's congress at the same level or its standing committee on environmental conditions and the fulfillment of environmental protection objectives. Major environmental incidents shall be reported to the standing committee of the people's congress at the same level in a timely manner, and the standing committee may conduct supervision in accordance with the law.

Article 28 — Local people's governments at all levels shall, in accordance with environmental protection objectives and pollution control tasks, take effective measures to improve environmental quality. Local people's governments of key regions and river basins that fail to meet the national environmental quality standards shall formulate plans for meeting the standards within prescribed time limits and shall take measures to meet the standards on schedule.

Article 29 — The State shall delimit ecological protection red lines for key ecological function areas, ecologically sensitive areas, and ecologically vulnerable areas, and shall implement strict protection. People's governments at all levels shall adopt measures to protect regions representing various types of natural ecological systems, regions with natural distribution of rare and endangered wildlife, regions with important water sources, geological structures of great scientific and cultural value and other natural relics, and cultural relics and ancient and famous trees, and shall prohibit their destruction.

Article 30 — The exploitation and utilization of natural resources shall be carried out in a rational manner, biological diversity shall be protected, ecological safety shall be safeguarded, and plans for ecological protection, restoration, and management shall be formulated and implemented in accordance with the law. The introduction of alien species and the research, development, and utilization of biotechnology shall adopt measures to prevent damage to biodiversity.

Article 31 — The State shall establish and improve an ecological protection compensation system. The State shall provide guidance to the people's governments of the beneficiary regions and the ecological protection regions in providing compensation for ecological protection through consultation or market-based means.

Article 32 — The State shall strengthen the protection of the atmosphere, water, soil, and other environments, and shall establish and improve corresponding investigation, monitoring, assessment, and remediation systems.

Article 33 — 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 and early warning of agricultural pollution sources, and coordinate with relevant departments in adopting measures to prevent and control soil pollution, desertification, salinization, impoverishment, rocky desertification, land subsidence, and other ecological imbalances, water and soil loss, water eutrophication, water depletion, provenance extinction, and other ecological imbalances, and promote the comprehensive treatment of plant diseases and insect pests. People's governments at the county and township levels shall raise the level of public services for environmental protection in rural areas and promote comprehensive improvement of the rural environment.

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

Article 34 — The State shall promote clean production and the cyclical use of resources. The relevant departments under the State Council and local people's governments at all levels shall adopt measures to promote the production and use of clean energy. Enterprises shall give priority to the use of clean energy, adopt techniques and technologies with high resource utilization efficiency and low pollutant discharge, and reduce the generation of pollutants.

Article 35 — Construction projects shall prevent and reduce environmental pollution and ecological damage in accordance with the law. The environmental protection facilities of a construction project shall be designed, constructed, and put into operation simultaneously with the main part of the project. A construction project may be put into production or use only after its environmental protection facilities have been inspected and accepted.

Article 36 — Enterprises, public institutions, and other production operators that discharge pollutants shall adopt measures to prevent environmental pollution and hazards caused by waste gas, waste water, waste residues, dust, malodorous gases, radioactive substances, noise, vibration, and electromagnetic radiation generated in the course of production, construction, or other activities.

Article 37 — The discharge of pollutants by enterprises, public institutions, and other production operators shall comply with the national and local pollutant discharge standards and the total emission control indicators for major pollutants. The environmental protection departments of people's governments at or above the county level shall supervise and administer the implementation of pollutant discharge standards and total emission control indicators.

Article 38 — Enterprises, public institutions, and other production operators shall, in accordance with relevant State regulations, pay pollutant discharge fees. Pollutant discharge fees shall be used exclusively for environmental pollution prevention and control and shall not be diverted, misappropriated, or retained without authorization. No administrative charges may be imposed on pollutant discharges beyond the pollutant discharge fees.

Article 39 — The State shall implement a system of pollutant discharge permits. Enterprises, public institutions, and other production operators that discharge pollutants shall obtain pollutant discharge permits in accordance with the provisions of laws and regulations. The specific measures for the administration of pollutant discharge permits shall be prescribed by the State Council.

Article 40 — The State shall implement a system of total emission control for major pollutants. The total emission control indicators for major pollutants shall be assigned by the State Council to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for decomposition and implementation. Enterprises, public institutions, and other production operators shall, in the course of implementing total emission control indicators for major pollutants, comply with the pollutant discharge standards and the total emission control indicators for major pollutants.

Article 41 — The State shall strictly control the import of solid waste that cannot be used as raw materials or that cannot be disposed of in an environmentally sound manner, shall reduce the quantity and type of solid waste imports, and shall prohibit the import of solid waste that is not in the import list. The import list of solid waste that can be used as raw materials shall be formulated, adjusted, and published by the relevant departments under the State Council in conjunction with the environmental protection department under the State Council.

Article 42 — Enterprises, public institutions, and other production operators that discharge pollutants shall adopt measures to control the discharge of waste gas, waste water, waste residues, dust, malodorous gases, radioactive substances, noise, vibration, electromagnetic radiation, and other pollution and hazards generated in the course of production, construction, or other activities. The discharge of pollutants by enterprises, public institutions, and other production operators shall comply with the national and local pollutant discharge standards, and they shall be responsible for the environmental pollution and ecological damage caused by their production and operation activities. Key pollutant-discharging entities shall install monitoring equipment for their major pollutant discharges in accordance with relevant State regulations and monitoring norms, ensure the normal operation of monitoring equipment, and shall be responsible for the truthfulness and accuracy of their monitoring data. The monitoring data of key pollutant-discharging entities shall be networked with the monitoring equipment of the environmental protection departments.

Article 43 — Enterprises, public institutions, and other production operators that discharge pollutants shall pay pollutant discharge fees in accordance with relevant State regulations. Pollutant discharge fees shall be used exclusively for environmental pollution prevention and control and may not be diverted, misappropriated, or retained without authorization. Where pollutant discharge fees are levied in accordance with the law, no other administrative charges with respect to the same pollutant discharge shall be imposed.

Article 44 — The State shall implement a system of eliminating outdated production techniques, equipment, and products. No entity or individual may produce, sell, transfer, or use production techniques, equipment, or products that seriously pollute the environment and that have been eliminated by the State. The catalog of techniques, equipment, and products that seriously pollute the environment and that shall be eliminated shall be formulated and published by the relevant departments under the State Council.

Article 45 — In accordance with the provisions of laws and regulations, the environmental protection departments of people's governments at or above the county level and other departments bearing environmental supervision and administration responsibilities may conduct on-site inspections of enterprises, public institutions, and other production operators that discharge pollutants. The inspected entities shall truthfully report the situation and provide the necessary information. The departments conducting the inspections and their staff members shall keep confidential the trade secrets of the inspected entities.

Article 46 — The State shall implement a system of environmental pollution liability insurance. Enterprises, public institutions, and other production operators that discharge pollutants shall take out environmental pollution liability insurance in accordance with relevant State regulations.

Article 47 — People's governments at all levels and their relevant departments and enterprises, public institutions, and other production operators shall, in accordance with the provisions of the Emergency Response Law of the PRC, make good preparations for emergency response to environmental incidents and for the handling of environmental emergencies. At the same time, environmental protection departments of people's governments at or above the county level and other relevant departments shall, in accordance with the provisions on the management of emergency response plans, formulate emergency response plans for environmental emergencies and carry out timely assessment after the occurrence of an environmental emergency.

Article 48 — The production, storage, transportation, sale, use, and disposal of chemicals and materials containing radioactive substances shall comply with relevant State regulations and shall prevent environmental pollution.

Article 49 — People's governments at all levels and their agricultural and other relevant departments and institutions shall guide agricultural production operators in the scientific cultivation and application of fertilizers, pesticides, agricultural films, feed additives, and other inputs, and shall promote the comprehensive treatment of agricultural waste, prevent and control non-point source pollution of agriculture, and prohibit the use of agricultural inputs that do not meet the environmental protection standards.

Chapter V — Information Disclosure and Public Participation

Article 50 — Environmental protection departments of people's governments at all levels and other departments bearing environmental supervision and administration responsibilities shall, in accordance with the law, disclose environmental information, improve public participation procedures, and facilitate public participation in environmental protection.

Article 51 — The environmental protection department under the State Council shall uniformly publish national environmental quality, the monitoring information of key pollution sources, and other major environmental information. The environmental protection departments of people's governments at or above the provincial level shall regularly publish environmental status bulletins. Environmental protection departments of people's governments at or above the county level and other departments bearing

environmental supervision and administration responsibilities shall disclose environmental quality, environmental monitoring, environmental emergencies, environmental administrative permits, environmental administrative penalties, the collection and use of pollutant discharge fees, and other information in accordance with the law. Environmental protection departments of people's governments at or above the county level and other departments bearing environmental supervision and administration responsibilities shall compile and publish annual reports on their environmental protection work and disclose their supervision over enterprises, public institutions, and other production operators.

Article 52 — Key pollutant-discharging entities shall truthfully disclose to the public the names of their major pollutants, their discharge methods, discharge concentration and total quantity, excessive discharge situation, and the construction and operation of their pollution prevention and control facilities, and shall be subject to public supervision. The specific measures for the disclosure of environmental information by key pollutant-discharging entities shall be prescribed by the environmental protection department under the State Council.

Article 53 — Citizens, legal persons, and other organizations shall, in accordance with the law, have the right to obtain environmental information and to participate in and supervise environmental protection. Environmental protection departments of people's governments at all levels and other departments bearing environmental supervision and administration responsibilities shall, in accordance with the law, facilitate citizens, legal persons, and other organizations in obtaining environmental information and in participating in and supervising environmental protection.

Article 54 — When preparing environmental impact assessment documents for construction projects that should have such documents prepared in accordance with the law, the construction entity shall explain the situation to the potentially affected public and shall solicit their opinions. Departments responsible for examining and approving environmental impact assessment documents for construction projects shall publicly disclose the full text of such documents, except where State secrets or commercial secrets are involved. Where major environmental incidents occur that may have a serious impact on public health and environmental safety, the environmental protection departments shall, in accordance with the law, promptly release information and inform the potentially affected public.

Article 55 — Citizens, legal persons, and other organizations that discover that any entity or individual has committed an act of polluting the environment or causing ecological damage shall have the right to report such act to the environmental protection departments or other departments bearing environmental supervision and administration responsibilities. Citizens, legal persons, and other organizations that discover that any people's government at any level or any of its departments, such as the environmental protection department, has failed to perform its statutory duties in accordance with the law shall have the right to report such failure to the people's government at a higher level or to the supervisory organ. The organ receiving the report shall keep confidential the information of the reporting party and shall protect the lawful rights and interests of the reporting party. Any entity or individual shall not retaliate against the reporting party.

Article 56 — People's governments at all levels shall strengthen publicity, education, and popularization of environmental protection knowledge, encourage self-governing grass-roots organizations, social organizations, and environmental protection volunteers to carry out publicity activities on environmental protection laws, regulations, and knowledge, and create a favorable atmosphere for environmental protection. Education departments and schools shall incorporate environmental protection knowledge into school education curricula and cultivate students' awareness of environmental protection. News media shall carry out publicity on environmental protection laws, regulations, and knowledge and shall exercise public supervision over environmental violations in accordance with the law.

Article 57 — Social organizations that meet the following conditions may, in accordance with the law, file lawsuits with the people's courts against acts of polluting the environment or causing ecological damage that harm the public interest:

- (1) Having been registered with the civil affairs department of a people's government at or above the level of a city divided into districts in accordance with the law;
- (2) Having specialized in environmental protection public interest activities for five consecutive years or more and having no record of violation of law.

Where such social organizations file lawsuits in accordance with the provisions of the preceding paragraph, the people's courts shall accept such lawsuits in accordance with the law. Social organizations that file lawsuits shall not seek economic benefits from such lawsuits.

Article 58 — The State encourages and supports voluntary services for environmental protection. The relevant State organs and social organizations shall provide guidance and training for environmental protection volunteers and shall protect the lawful rights and interests of environmental protection volunteers.

Chapter VI — Legal Liability

Article 59 — Where an enterprise, public institution, or other production operator discharges pollutants in violation of the law and is subject to a fine and ordered to rectify the violation, and the violation continues after the administrative penalty decision is made, the administrative organ that made the penalty decision may, in accordance with the provisions of relevant laws, impose the fine on a daily basis based on the original fine amount, calculated from the day following the ordered date of rectification. The fine imposed in accordance with the provisions of the preceding paragraph shall be calculated on a daily basis based on the amount of the original fine and shall not be subject to any maximum limit. The provisions of the first paragraph of this Article shall apply only where laws and regulations provide that fines may be imposed for illegal pollutant discharge and that the violator may be ordered to rectify. The local regulations of a place may increase the types of illegal acts subject to daily fines in accordance with the actual needs of environmental protection.

Article 60 — Where an enterprise, public institution, or other production operator discharges pollutants in excess of the pollutant discharge standards or in excess of the total emission control indicators for major pollutants, the environmental protection department of the people's government at or above the county level may order it to restrict production or suspend production for rectification. If the circumstances are serious, the people's government with the power of approval shall order it to suspend operations or close down.

Article 61 — Where a construction entity commences construction without having submitted the environmental impact assessment documents of the construction project for approval in accordance with the law, the department bearing environmental supervision and administration responsibilities shall order it to cease construction and impose a fine, and may order it to restore the site to its original condition.

Article 62 — Where a key pollutant-discharging entity, in violation of the provisions of this Law, fails to disclose or truthfully disclose environmental information, the environmental protection department of the people's government at or above the county level shall order it to disclose the information and impose a fine, and shall make a public announcement.

Article 63 — Where an enterprise, public institution, or other production operator engages in any of the following acts and does not constitute a crime, in addition to being subject to punishment in accordance with relevant laws and regulations, the case shall be transferred by the environmental protection department of the people's government at or above the county level or another relevant department to the public security organ, and the directly responsible person in charge and other directly responsible persons shall be subject to administrative detention of not less than ten days but not more than 15 days; if the circumstances are relatively minor, such persons shall be subject to administrative detention of not less than five days but not more than ten days:

(1) Discharging pollutants by means of evading supervision, such as through concealed drains, seepage pits, seepage wells, perfusion (pouring without treatment), tampering with or forging monitoring data, or abnormal operation of pollution prevention and control facilities without justifiable reasons;

(2) Discharging pollutants that contain heavy metals, persistent organic pollutants, or other toxic or hazardous substances in excess of the pollutant discharge standards, where the discharge standards are exceeded by a relatively large margin;

(3) Discharging pollutants by means that are prohibited by laws and regulations, such as through concealed drains, seepage pits, or seepage wells that have been ordered to be dismantled but are still in use, or by diluting wastewater before discharge that has not been treated by statutory pollution prevention and control facilities;

(4) Refusing to accept supervision and inspection, or resorting to fraud in the course of accepting supervision and inspection, where the circumstances are serious.

Article 64 — Any person who causes damage due to environmental pollution or ecological damage shall bear tort liability in accordance with the relevant provisions of the Tort Liability Law of the PRC.

Article 65 — Where an environmental impact assessment institution, an environmental monitoring institution, or an institution engaged in the maintenance and operation of environmental monitoring equipment or pollution prevention and control facilities engages in fraud in the relevant environmental service activities and bears joint and several liability for environmental pollution or ecological damage caused, in addition to being subject to punishment in accordance with relevant laws and regulations, it shall bear joint and several liability for damages together with the party that caused the environmental pollution or ecological damage.

Article 66 — The limitation period for actions for compensation for environmental pollution damage shall be three years, calculated from the time when the party concerned knows or should have known of the damage.

Article 67 — People's governments at higher levels and their environmental protection departments shall strengthen supervision and inspection of the environmental protection work of people's governments at lower levels and their relevant departments. Where any staff member is found to have committed an illegal act that should be subject to disciplinary action in accordance with the law, they shall propose suggestions for disciplinary action to the appointment and removal organ or the supervisory organ of such staff member. Where the relevant people's government should impose penalties in accordance with the law but fails to do so, the people's government at a higher level shall directly impose the penalties and impose disciplinary action on the directly responsible person in charge and other directly responsible persons.

Article 68 — Where any local people's government at any level, the environmental protection department of any people's government at or above the county level, or any other department bearing environmental supervision and administration responsibilities engages in any of the following acts, the directly responsible person in charge and other directly responsible persons shall be subject to demerit recording, demerit recording with major demerit, or demotion; where serious consequences are caused, such persons shall be subject to removal from office or dismissal, and the principal responsible person shall take the blame and resign:

(1) Granting an administrative permit in violation of the provisions of laws and regulations;

(2) Covering up environmental violations;

(3) Failing to make a decision on ordering production to be suspended or closed down in accordance with the law where such a decision should be made;

(4) Imposing excessive pollutant discharge fees on enterprises, public institutions, and other production operators that discharge pollutants in excess of the standards, or collecting fees in violation of the law;

(5) Diverting, misappropriating, or retaining pollutant discharge fees without authorization;

(6) Failing to investigate and deal with environmental violations discovered or reported in accordance with the law;

(7) Other failures to perform duties in accordance with the law.

Article 69 — Any person who, in violation of the provisions of this Law, causes environmental pollution or ecological damage that constitutes a crime, shall be subject to criminal liability in accordance with the law.

Chapter VII — Supplementary Provisions

Article 70 — This Law shall enter into force on January 1, 2015.

Disclaimer: This English translation is provided for reference and informational purposes only. While every effort has been made to ensure accuracy and completeness, this translation is not an official translation and has no legal effect. The original Chinese text of the law as published by the National People's Congress of the People's Republic of China shall prevail in all legal matters. Users should consult qualified legal professionals for advice on specific situations. Dan Young Business Consultancy makes no warranty, express or implied, regarding the accuracy, completeness, or fitness for a particular purpose of this translation, and shall not be liable for any errors, omissions, or damages arising from its use.