Law of the People’s Republic of China on Environmental Protection

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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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 — The term "environment" as used in this Law refers to the totality of natural factors and artificially transformed 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 spots, historic sites, and urban and rural areas.

Article 3 — This Law shall apply to the territory and other maritime 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 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, comprehensive treatment, public participation, and liability for damage.

Article 6 — All entities and individuals shall have the obligation to protect the environment. Local people's governments at various levels shall be responsible for the environmental quality of their respective administrative areas. Enterprises, public institutions, and other producers and operators shall prevent and control environmental pollution and ecological damage. Citizens shall enhance environmental protection awareness, adopt a low-carbon and frugal lifestyle, and conscientiously fulfill their environmental protection obligations.

Article 7 — The State shall support the research, development, and application of environmental protection science and technology, encourage the development of environmental protection industries, promote the construction of environmental protection informatization, and raise the level of environmental protection science and technology.

Article 8 — The people's governments at various levels shall increase financial input in environmental protection and improvement, and the prevention and control of pollution and other public hazards, and shall enhance the efficiency of the use of fiscal funds.

Article 9 — The people's governments at various levels shall strengthen environmental protection publicity and popularization, encourage grassroots self-governing mass organizations, social organizations, and environmental protection volunteers to carry out publicity on environmental protection laws, regulations, and knowledge, and create a favorable atmosphere for environmental protection. The education administrative departments and schools shall incorporate environmental protection knowledge into school education, and cultivate students' awareness of environmental protection. The news media shall carry out publicity on environmental protection laws, regulations, and knowledge, and exercise public opinion supervision over environmental violations.

Article 10 — The competent environmental protection department of the State Council shall implement unified supervision and administration of environmental protection work nationwide. The competent environmental protection departments of the local people's governments at or above the county level shall implement unified supervision and administration of environmental protection work within their respective administrative areas. The relevant departments of the people's governments at or above the county level and the environmental protection departments of the armed forces shall exercise supervision and administration of environmental protection work such as resource protection and pollution prevention and control in accordance with the provisions of relevant laws.

Article 11 — The people's governments shall grant rewards to entities and individuals that have made outstanding achievements in protecting and improving the environment.

Article 12 — June 5 of each year shall be Environment Day.

Chapter II — Supervision and Administration

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Article 13 — The people's governments at or above the county level shall incorporate environmental protection work into their national economic and social development plans. The competent environmental protection department of 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 the same to the State Council for approval, publication, and implementation. The competent environmental protection departments of the local people's governments at or above the county level shall, in conjunction with relevant departments, formulate environmental protection plans for their respective administrative areas in accordance with the national environmental protection plan and submit the same to the people's governments at the same level for approval, publication, and implementation.

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

Article 15 — The competent environmental protection department of the State Council shall formulate national environmental quality standards. The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate local environmental quality standards for items not specified in the national environmental quality standards, and may formulate local environmental quality standards more stringent than the national environmental quality standards. Local environmental quality standards shall be reported to the competent environmental protection department of the State Council for filing.

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

Article 17 — The State shall establish and improve an environmental monitoring system. The competent environmental protection department of the State Council shall formulate monitoring specifications, organize a monitoring network in conjunction with relevant departments, unify the planning of national environmental quality monitoring stations, establish a monitoring data sharing mechanism, and strengthen the management of environmental monitoring. The relevant industries and professions shall strengthen environmental monitoring in accordance with the provisions of laws and regulations.

Article 18 — The people's governments at or above the provincial level shall organize relevant departments or entrust professional institutions to investigate and assess the environmental conditions, and establish a monitoring and early warning mechanism for environmental resources carrying capacity.

Article 19 — In the preparation of development and utilization plans and the construction of projects that have an impact on the environment, environmental impact assessments shall be conducted in accordance with law. Development and utilization plans for which an environmental impact assessment has not been conducted in accordance with law shall not be organized for implementation. Construction projects for which an environmental impact assessment has not been conducted in accordance with law shall not be commenced for construction.

Article 20 — The State shall establish a joint prevention and control mechanism for environmental pollution and ecological damage in key regions and river basins to implement unified planning, unified standards, unified monitoring, and unified prevention and control measures.

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Article 21 — The State shall adopt policies and measures in areas such as finance, taxation, pricing, and government procurement to encourage and support the development of environmental protection industries and technologies such as energy conservation, water conservation, and comprehensive utilization of resources. Enterprises, public institutions, and other producers and operators that, in accordance with the law, further reduce their pollutant discharge on the basis of their compliance with statutory emission standards, shall be encouraged and supported by the people's governments in accordance with law.

Article 22 — The people's governments at or above the county level and the competent environmental protection departments and other relevant departments may commend, reward, or provide policy support to enterprises, public institutions, and other producers and operators that apply cleaner production or have an outstanding performance in energy conservation and emission reduction.

Article 23 — Where enterprises, public institutions, and other producers and operators discharge pollutants in excess of the pollutant discharge standards or in excess of the total discharge control indicators for key pollutants, the competent environmental protection departments of the people's governments at or above the county level may order them to take measures such as restricting production or suspending production for rectification. Where the circumstances are serious, the people's governments with the power of approval shall order them to suspend operations or close down.

Article 24 — The competent environmental protection departments of the people's governments at or above the county level and their environmental law enforcement agencies and other departments responsible for environmental protection supervision and administration shall have the right to conduct on-site inspections of enterprises, public institutions, and other producers and operators that discharge pollutants. Enterprises, public institutions, and other producers and operators that are subject to inspection shall truthfully report the situation and provide necessary information.

Article 25 — Where enterprises, public institutions, and other producers and operators discharge pollutants in violation of laws and regulations, causing or possibly causing serious pollution, the competent environmental protection departments of the people's governments at or above the county level and other departments responsible for environmental protection supervision and administration may seal up and seize the facilities and equipment that cause the discharge of pollutants.

Article 26 — The State shall implement a system of environmental protection target responsibility and performance evaluation. The people's governments at or above the county level shall incorporate the completion of environmental protection targets into the assessment of the departments responsible for environmental protection supervision and administration at the same level and their responsible persons, and the people's governments at lower levels and their responsible persons, as part of the assessment content. The assessment results shall be made public.

Article 27 — The people's governments at or above the county level shall report to the standing committees of the people's congresses at the same level or the township people's congresses on the environmental conditions and the completion of environmental protection targets on an annual basis, and shall promptly report major environmental events to the standing committees of the people's congresses at the same level and the township people's congresses, and accept supervision in accordance with law.

Chapter III — Protection and Improvement of the Environment

Article 28 — Local people's governments at various levels shall take effective measures to improve environmental quality in light of environmental protection objectives and governance tasks.

Article 29 — The State shall delimit ecological protection red lines in key ecological function zones, ecologically sensitive and fragile zones, and other such areas, and implement stringent protection. The people's governments at various levels shall take measures to protect regions representative of various types of natural ecological systems, regions with rare and endangered wildlife distributed naturally, regions

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with significant water conservation functions, geological structures of major scientific and cultural value, famous karst caves and fossil deposits, glacial traces, volcanic features, hot springs, and other natural relics, as well as cultural relics and ancient and famous trees, and shall prohibit their destruction.

Article 30 — The development and utilization of natural resources shall be rationally developed and shall protect biodiversity, ensure ecological security, and formulate, implement, and rehabilitate relevant ecological protection and restoration programs in accordance with law. The introduction of alien species and the research, development, and utilization of biotechnology shall take measures to prevent damage to biodiversity.

Article 31 — The State shall establish and improve an ecological protection compensation system. The State shall increase financial transfer payments to ecological protection areas. The local people's governments shall implement ecological protection compensation funds to ensure that compensation funds are used for ecological protection compensation.

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

Article 33 — The people's governments at various levels shall strengthen the protection of the agricultural environment, promote the application of new technologies for agricultural environmental protection, strengthen the monitoring and early warning of agricultural pollution sources, and coordinate with relevant departments to take measures to prevent and control soil pollution, desertification, salinization, impoverishment, rocky desertification, ground subsidence, and other ecological imbalances, and to prevent and control vegetation damage, soil erosion, water eutrophication, water source depletion, species extinction, and other ecological imbalances, and to promote the comprehensive improvement of the plant diseases and insect pests.

Article 34 — The State Council and the people's governments at various levels in coastal areas shall strengthen the protection of the marine environment. The discharge of pollutants and the dumping of wastes into the sea shall be in compliance with the provisions of laws and administrative regulations. The relevant departments of the State Council and the people's governments at various levels in coastal areas shall strengthen the prevention and control of marine environmental pollution damage in accordance with law.

Article 35 — In urban and rural construction, the local people's governments at various levels shall, in light of the characteristics of the natural environment such as the topography, geology, meteorology, and hydrology, take comprehensive measures such as afforestation, greening, and urban landscaping, protect and improve the living environment and the ecological environment, and promote the construction of an ecological civilization.

Article 36 — The State shall encourage and guide citizens, legal persons, and other organizations to use products and recycled products conducive to environmental protection and reduce the generation of waste. State organs and other organizations that use fiscal funds shall give priority to purchasing and using products and recycled products conducive to environmental protection, such as energy conservation, water conservation, and material conservation, as well as equipment and facilities.

Article 37 — Local people's governments at various levels and rural collective economic organizations, enterprises, and public institutions shall take measures to promote cleaner production, appropriately plan the layout of urban and rural construction, and improve the comprehensive utilization rate of resources.

Article 38 — Citizens shall abide by environmental protection laws and regulations, cooperate with the implementation of environmental protection measures, classify and dispose of household waste in accordance with regulations, and reduce the damage caused by daily life to the environment.

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Article 39 — The State shall establish and improve environmental and health monitoring, investigation, and risk assessment systems, and encourage and organize research on the impact of environmental quality on public health, and adopt measures to prevent and control diseases related to environmental pollution.

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

Article 40 — The State shall promote clean production and the recycling of resources. The relevant departments of the State Council and the local people's governments at various levels shall take measures to promote the production and use of clean energy. Enterprises shall give priority to the use of clean energy, adopt processes and equipment with high resource utilization rates and low pollutant emissions, and adopt comprehensive waste utilization technologies and waste disposal technologies to reduce the generation of pollutants.

Article 41 — Pollution prevention and control facilities in construction projects shall be designed, constructed, and put into use simultaneously with the main part of the project. Pollution prevention and control facilities shall comply with the requirements of the approved environmental impact assessment documents and shall not be dismantled or left idle without authorization.

Article 42 — Enterprises, public institutions, and other producers and operators that discharge pollutants shall take measures to prevent and control the pollution and damage caused to the environment by waste gas, waste water, waste residues, medical waste, dust, malodorous gases, radioactive substances, noise, vibration, light radiation, electromagnetic radiation, and other such substances generated in the course of production, construction, or other activities. Enterprises and public institutions that discharge pollutants shall establish a system of responsibility for environmental protection and specify the responsibilities of persons in charge and relevant personnel. Key pollutant-discharging entities shall install and use monitoring equipment in accordance with relevant State regulations and monitoring specifications, ensure the normal operation of monitoring equipment, and keep original monitoring records. It shall be strictly prohibited to discharge pollutants by means of concealed pipes, seepage wells, seepage pits, perfusion, tampering with or forging monitoring data, or by means of abnormal operation of pollution prevention and control facilities to evade supervision.

Article 43 — Enterprises, public institutions, and other producers and operators that discharge pollutants shall pay pollutant discharge fees in accordance with the relevant State provisions. Pollutant discharge fees shall be used exclusively for environmental pollution prevention and control and shall not be withheld, misappropriated, or diverted for other purposes. Where the law provides otherwise, such provisions shall prevail.

Article 44 — The State shall implement a system of total discharge control of key pollutants. The total discharge control indicators for key pollutants shall be issued by the State Council and decomposed and implemented by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government. Where an enterprise or public institution discharges pollutants in excess of the total discharge control indicators for key pollutants or fails to meet the environmental quality objectives determined by the State, the competent environmental protection departments of the people's governments at or above the provincial level shall suspend the examination and approval of the environmental impact assessment documents of construction projects in the area that increase the total discharge of key pollutants.

Article 45 — The State shall, in accordance with law, implement a system of pollutant discharge permits. Enterprises, public institutions, and other producers and operators that are required to obtain a pollutant discharge permit in accordance with law shall discharge pollutants in accordance with the requirements of the pollutant discharge permit. No pollutant shall be discharged without a pollutant discharge permit.

Article 46 — The State shall implement a system of elimination of processes, equipment, and products that seriously pollute the environment. No entity or individual shall produce, sell, transfer, or use processes, equipment, or products that seriously pollute the environment. Processes, equipment, or products that do not meet the requirements of the national environmental protection standards shall be prohibited from importation.

Article 47 — The people's governments at various levels, relevant departments, enterprises, and public institutions shall, in accordance with the provisions of the Emergency Response Law, carry out emergency response work such as environmental risk control, emergency preparedness, emergency response, and post-event rehabilitation. The people's governments at or above the county level shall establish an early warning mechanism for public monitoring of environmental pollution, and organize the formulation of early warning plans. Where environmental conditions are threatened by pollution or possible pollution, the emergency plan shall be activated in accordance with law, and the units and individuals that may be endangered shall be notified in a timely manner, and measures shall be taken to deal with the situation.

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

Article 49 — The people's governments at various levels and their agricultural and other relevant departments and institutions shall guide agricultural producers and operators in the scientific cultivation and breeding, the scientific and rational application of agricultural inputs such as chemical fertilizers, pesticides, and agricultural films, and the disposal of agricultural waste such as crop straws, and prevent non-point source agricultural pollution. It shall be prohibited to apply solid waste or waste water that does not meet agricultural and irrigation standards to farmland. When applying pesticides or chemical fertilizers and carrying out irrigation, the relevant provisions shall be observed to prevent heavy metals and other toxic and hazardous substances from polluting the environment.

Article 50 — The people's governments at various levels shall arrange funds in their fiscal budgets to support the protection of rural drinking water sources, domestic sewage treatment and other waste treatment, livestock and poultry breeding and slaughtering pollution prevention and control, soil pollution prevention and control, and rural industrial and mining pollution control, among other environmental protection work.

Article 51 — The people's governments at various levels shall coordinate urban and rural construction and environmental protection, take measures to deal with the major environmental issues in urban and rural construction, and strengthen the construction of environmental sanitation facilities such as landscaping and urban and rural water supply and drainage.

Article 52 — The State shall encourage participation in environmental pollution liability insurance.

Chapter V — Information Disclosure and Public Participation

Article 53 — Citizens, legal persons, and other organizations shall have the right to obtain environmental information, participate in, and supervise environmental protection in accordance with law. The competent environmental protection departments of the people's governments at various levels and other departments responsible for environmental protection supervision and administration shall disclose environmental information, improve public participation procedures, and facilitate public participation in environmental protection in accordance with law.

Article 54 — The competent environmental protection department of the State Council shall publish national environmental quality, the monitoring data of key pollution sources, and other major environmental information in a unified manner. The competent environmental protection departments of the people's governments at or above the provincial level shall regularly publish bulletins on the environmental conditions. The competent environmental protection departments of the people's governments at or above the county

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level and other departments responsible for environmental protection supervision and administration shall disclose environmental monitoring and other environmental information, such as information on environmental quality, environmental monitoring, environmental emergencies, environmental administrative permits, and environmental administrative penalties, in accordance with law, and shall disclose information on the environmental violations of enterprises, public institutions, and other producers and operators to the public, and shall include information on enterprises, public institutions, and other producers and operators with poor environmental credit ratings in the social credit file and publish the same to the public in a timely manner.

Article 55 — Key pollutant-discharging entities shall truthfully disclose to the public the names of their major pollutants, the method of discharge, the concentration and total amount of discharge, the situation of excessive discharge, and the construction and operation of pollution prevention and control facilities, and shall accept public supervision.

Article 56 — For a construction project for which an environmental impact report should be prepared in accordance with law, the construction entity shall explain the situation to the public that may be affected and fully solicit their opinions when preparing the environmental impact report. The department responsible for examining and approving the environmental impact assessment documents of a construction project shall, after receiving the environmental impact report, disclose the full text of the report to the public, except for matters involving State secrets and trade secrets. Where the construction project fails to fully solicit public opinions, the construction entity shall be ordered to solicit the opinions of the public.

Article 57 — Citizens, legal persons, and other organizations shall have the right to report environmental pollution and ecological damage activities to the competent environmental protection departments and other departments responsible for environmental protection supervision and administration. Citizens, legal persons, and other organizations shall have the right to report the failure of the local people's governments at various levels, the competent environmental protection departments, and other departments responsible for environmental protection supervision and administration to perform their duties in accordance with law to the organs at the next higher level or to the supervisory organs. The organs that accept the report shall keep the informant's information confidential and protect the lawful rights and interests of the informant.

Article 58 — Social organizations that meet the following conditions may institute litigation in the people's court for acts that pollute the environment or damage the ecology and harm the public interest: they are registered with the civil affairs departments of the people's governments at or above the level of a city divided into districts in accordance with law; and they have specialized in environmental protection public interest activities for five consecutive years or more and have no record of violation of law. The people's courts shall accept litigation instituted by social organizations that meet the provisions of the preceding paragraph in accordance with law. Social organizations that institute litigation shall not seek economic benefits from the litigation.

Chapter VI — Legal Liability

Article 59 — Where an enterprise, public institution, or other producer or operator is fined and ordered to make rectification for illegally discharging pollutants, but refuses to make rectification, the administrative organ that made the penalty decision in accordance with law may impose continuous daily fines on a daily basis from the day following the date on which the rectification was ordered to be made, calculated according to the original amount of the fine. The fines specified in the preceding paragraph shall be calculated according to the provisions of relevant laws and regulations and in consideration of the operating costs of pollution prevention and control facilities, the losses caused by the violation, the illegal gains, and other factors. Local regulations may, in accordance with the actual needs of environmental protection, increase the types of violations that are subject to continuous daily fines as specified in the first paragraph.

Article 60 — Where an enterprise, public institution, or other producer or operator discharges pollutants in excess of the pollutant discharge standards or in excess of the total discharge control indicators for key pollutants, the competent environmental protection departments of the people's governments at or above the county level may order it to take measures such as restricting production or suspending production for rectification. Where the circumstances are serious, the people's governments with the power of approval shall order it to suspend operations or close down.

Article 61 — Where a construction entity commences construction without submitting the environmental impact assessment documents of the construction project for approval or without obtaining approval, the department responsible for environmental protection supervision and administration shall order it to stop construction, impose a fine, and may order it to restore the site to its original state.

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

Article 63 — Where an enterprise, public institution, or other producer or operator falls under any of the following circumstances and has not yet constituted a crime, the competent environmental protection department or other relevant department shall transfer the case to the public security organ in addition to imposing penalties in accordance with relevant laws and regulations, and the directly responsible person in charge and other directly responsible persons shall be detained for not less than ten days but not more than fifteen days; where the circumstances are relatively minor, they shall be detained for not less than five days but not more than ten days: discharging pollutants by means of concealed pipes, seepage wells, seepage pits, perfusion, tampering with or forging monitoring data, or by means of abnormal operation of pollution prevention and control facilities to evade supervision, where the construction project has not been subjected to an environmental impact assessment and has been ordered to stop construction but refuses to do so; or where the discharge of pollutants containing heavy metals, persistent organic pollutants, or other pollutants, in excess of the pollutant discharge standards, causes serious environmental pollution through means such as concealed pipes, seepage wells, seepage pits, or by tampering with or forging monitoring data or abnormal operation of pollution prevention and control facilities.

Article 64 — Where damage is caused by environmental pollution or ecological damage, tort liability shall be borne in accordance with the relevant provisions of the Tort Liability Law.

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 practices fraud in the course of providing relevant environmental services and bears liability for the environmental pollution or ecological damage caused, it shall bear joint and several liability with other parties responsible for the environmental pollution or ecological damage, in addition to being subject to penalties in accordance with relevant laws and regulations.

Article 66 — The limitation period for instituting litigation for compensation for environmental pollution damage shall be three years, calculated from the date on which the party knows or should have known that the damage was caused by pollution.

Article 67 — Where the people's government at a higher level, the competent environmental protection department, and other relevant departments find that the staff members of a lower-level people's government and its relevant departments have committed violations in environmental protection, and shall be subject to administrative sanctions in accordance with law, they shall make recommendations on administrative sanctions to the appointment and removal organ or the supervisory organ of such staff members. The organ receiving the recommendation on administrative sanctions shall handle the matter in a timely manner in accordance with law and shall notify the result to the recommending organ.

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Article 68 — Where a local people's government at any level, the competent environmental protection department, or other relevant department falls under any of the following circumstances, the directly responsible person in charge and other directly responsible persons shall be subject to recording of a demerit, recording of a major demerit, or demotion; where serious consequences are caused, they shall be removed from office or dismissed, and the principal responsible person shall take the blame and resign: failing to grant an administrative license in compliance with the statutory requirements; covering up environmental violations; failing to make a decision on ordering suspension of operations or closure in accordance with law where such a decision should be made; failing to promptly notify the public and take measures where environmental emergencies occur, such as excessive discharge of pollutants, ecological damage, or public health incidents caused by environmental pollution; failing to seal up or seize facilities and equipment in accordance with regulations; tampering with or forging monitoring data, or instigating the tampering with or forging of monitoring data; or failing to disclose environmental information that should be disclosed in accordance with law.

Article 69 — Where a violation of the provisions of this Law constitutes a crime, criminal liability shall be pursued in accordance with law.

Chapter VII — Supplementary Provisions

Article 70 — This Law shall take effect as of January 1, 2015.

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