Law of the People’s Republic of China on the Prevention and Control of Atmospheric Pollution

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Atmospheric Environmental Quality Standards and Pollutant Emission Standards 2

Chapter III — Prevention and Control of Atmospheric Pollution from Coal Combustion 2

Chapter IV — Prevention and Control of Atmospheric Pollution from Industry 3

Chapter V — Prevention and Control of Atmospheric Pollution from Motor Vehicles and Vessels 3

Chapter VI — Prevention and Control of Atmospheric Pollution from Fugitive Dust 4

Chapter VII — Legal Liability 4

Chapter VIII — Supplementary Provisions 4

Table of Contents

- Chapter I — General Provisions
- Chapter II — Atmospheric Environmental Quality Standards and Pollutant Emission Standards
- Chapter III — Prevention and Control of Atmospheric Pollution from Coal Combustion
- Chapter IV — Prevention and Control of Atmospheric Pollution from Industry
- Chapter V — Prevention and Control of Atmospheric Pollution from Motor Vehicles and Vessels
- Chapter VI — Prevention and Control of Atmospheric Pollution from Fugitive Dust
- Chapter VII — Legal Liability
- Chapter VIII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted to protect and improve the environment, prevent and control atmospheric pollution, safeguard public health, promote the construction of an ecological civilization, and promote sustainable economic and social development.

Article 2 — This Law shall apply to the prevention and control of atmospheric pollution within the territory of the People’s Republic of China. This Law shall apply to the prevention and control of atmospheric pollution by marine engineering projects and vessels within the sea areas and islands under the jurisdiction of the People’s Republic of China.

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Article 3 — The prevention and control of atmospheric pollution shall be centered on improving the quality of the atmospheric environment, adhere to source control, planning first, changing the development mode, and optimizing industrial structure and energy structure.

Article 4 — The state shall establish a joint prevention and control mechanism for atmospheric pollution in key regions, coordinate the prevention and control of atmospheric pollution in key regions, and implement unified planning, unified standards, unified monitoring, and unified prevention and control measures.

Article 5 — The competent department of ecological environment under the State Council shall exercise unified supervision and administration over the prevention and control of atmospheric pollution nationwide. Relevant departments of the State Council shall exercise supervision and administration over the prevention and control of atmospheric pollution within their respective responsibilities.

Article 6 — Enterprises, public institutions, and other business operators shall take effective measures to prevent and reduce atmospheric pollution and shall bear liability for damage caused in accordance with law. Citizens shall enhance their awareness of atmospheric environmental protection and adopt a low-carbon and frugal lifestyle.

Chapter II — Atmospheric Environmental Quality Standards and Pollutant Emission Standards

Article 7 — The competent department of ecological environment under the State Council shall formulate national atmospheric environmental quality standards. People's governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate local atmospheric environmental quality standards for pollutants not covered by national standards. Local standards may be stricter than national standards.

Article 8 — The competent department of ecological environment under the State Council shall, based on national atmospheric environmental quality standards and national economic and technological conditions, formulate national atmospheric pollutant emission standards. Local people's governments may formulate stricter local emission standards.

Article 9 — The state shall implement a total emission control system for key atmospheric pollutants, allocating total emission targets for key atmospheric pollutants to provinces and municipalities, which shall decompose and allocate them to emission entities step by step. New construction, renovation, and expansion projects that emit key atmospheric pollutants shall obtain total emission targets for key atmospheric pollutants.

Article 10 — The state shall implement a pollutant emission permit system. Enterprises and public institutions that emit atmospheric pollutants shall obtain an emission permit and shall emit pollutants in accordance with the permit requirements.

Chapter III — Prevention and Control of Atmospheric Pollution from Coal Combustion

Article 11 — The state shall promote the clean and efficient utilization of coal, encourage the washing and processing of coal, reduce the sulfur and ash content of coal, and restrict the mining of high-sulfur and high-ash coal.

Article 12 — The state shall prohibit the import, sale, and use of coal that does not meet quality standards. Areas designated by the state as prohibited zones for highly polluting fuels shall prohibit the sale and use of highly polluting fuels.

Article 13 — The state shall implement total coal consumption control in key regions and promote the substitution of coal with clean energy sources such as electricity and natural gas.

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Article 14 — New coal-fired generating units shall meet advanced energy efficiency and pollutant emission standards. Existing coal-fired generating units shall undergo ultra-low emission retrofits within the prescribed time limit.

Article 15 — Enterprises producing, importing, selling, and using coal shall implement coal quality management in accordance with state provisions. Enterprises and public institutions using coal-fired boilers shall adopt clean combustion technologies and install desulfurization, denitrification, and dust removal equipment.

Chapter IV — Prevention and Control of Atmospheric Pollution from Industry

Article 16 — The state shall implement a system of eliminating outdated processes and equipment that cause serious atmospheric pollution. Enterprises that fail to phase out outdated processes and equipment within the prescribed time limit shall be ordered to cease operation or close down.

Article 17 — Enterprises and public institutions that emit atmospheric pollutants in the course of production and operation shall install and use atmospheric pollutant treatment facilities and shall ensure their normal operation.

Article 18 — Atmospheric pollutant emission outlets shall be set up at locations convenient for monitoring and sampling in accordance with state provisions. Key emission entities shall install automatic atmospheric pollutant emission monitoring equipment and network it with the monitoring system of the ecological environment authority.

Article 19 — The discharge of atmospheric pollutants shall comply with state or local emission standards. The discharge of atmospheric pollutants by means such as evading supervision and secretly discharging or illegally discharging is prohibited.

Article 20 — The state shall strengthen the prevention and control of volatile organic compound (VOC) pollution, implement VOC content limit standards for products such as paints, inks, adhesives, and cleaning agents, and promote the use of products with low VOC content.

Article 21 — Enterprises producing and using organic solvents such as petrochemical, chemical, industrial coating, packaging and printing enterprises shall take measures such as sealed production and collection to control VOC emissions.

Article 22 — In areas with severe atmospheric pollution, more stringent emission limits shall be implemented for key industries such as steel, building materials, non-ferrous metals, petrochemicals, and chemicals.

Chapter V — Prevention and Control of Atmospheric Pollution from Motor Vehicles and Vessels

Article 23 — The state shall take measures such as emission standards, fuel quality standards, and traffic control to prevent and control atmospheric pollution from motor vehicles and vessels.

Article 24 — The state shall encourage the production and use of new-energy vehicles and vessels, and shall improve supporting infrastructure for new-energy vehicles.

Article 25 — Motor vehicles shall undergo regular emission inspections. Vehicles that fail to meet emission standards shall not be driven on roads. The public security organ traffic management department shall cooperate with the ecological environment authority in law enforcement inspections of motor vehicle emissions.

Article 26 — The use of motor vehicles failing to meet emission standards shall be restricted in areas with severe atmospheric pollution. Local people’s governments may implement traffic restriction measures during heavy pollution weather.

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Article 27 — The state shall implement a quality standard system for automotive fuels, and shall strengthen management and supervision of fuel quality throughout the entire process.

Chapter VI — Prevention and Control of Atmospheric Pollution from Fugitive Dust

Article 28 — Construction entities shall incorporate dust pollution prevention and control costs into the project cost, and shall specify dust pollution prevention and control responsibilities in the construction contract. Construction units shall formulate specific implementation plans for dust pollution prevention and control.

Article 29 — During construction, measures such as enclosing, covering, sprinkling, and washing shall be taken to control dust pollution. Construction waste shall be cleaned up and transported in a timely manner.

Article 30 — The transport of materials that easily generate dust, such as coal, garbage, dregs, sand, and earthwork, shall be conducted in sealed or covered vehicles to prevent material scattering.

Article 31 — The stacking of materials that easily generate dust, such as coal, coal gangue, coal ash, cement, lime, gypsum, sand, and earthwork, shall be enclosed. Where enclosing is not feasible, covering or sprinkling measures shall be taken.

Chapter VII — Legal Liability

Article 32 — Where an enterprise or public institution discharges atmospheric pollutants in excess of the prescribed standards or the total emission control targets, the ecological environment authority shall order it to take corrective action and impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000. Where the circumstances are serious, it shall be ordered to restrict production, suspend production for rectification, or be closed down.

Article 33 — Where an enterprise or public institution discharges atmospheric pollutants without obtaining an emission permit, the ecological environment authority shall order it to cease discharging and impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000. Where the circumstances are serious, it shall be ordered to cease operation or close down.

Article 34 — Where atmospheric pollutant treatment facilities are not properly operated, or where supervision is evaded to discharge atmospheric pollutants, the ecological environment authority shall order corrective action and impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000. The persons directly in charge and other directly liable persons shall be subject to administrative detention.

Article 35 — Where a motor vehicle fails to meet emission standards and is driven on roads, the ecological environment authority or the public security organ traffic management department shall impose a fine of not less than RMB 200 but not more than RMB 2,000 in accordance with their respective responsibilities.

Article 36 — Where a construction unit fails to take dust pollution prevention and control measures or fails to meet the requirements, the housing and urban-rural development authority shall order corrective action and impose a fine of not less than RMB 10,000 but not more than RMB 100,000. Where the circumstances are serious, construction shall be ordered to cease.

Article 37 — Where atmospheric pollution causes damage, the polluter shall bear tort liability and environmental damage compensation liability in accordance with law. For environmental damage disputes, the polluter shall bear the burden of proof regarding the non-existence of a causal relationship between its acts and the damage.

Article 38 — Where a crime is constituted by causing a major atmospheric pollution accident, criminal liability shall be pursued in accordance with law.

Chapter VIII — Supplementary Provisions

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Article 39 — For the purposes of this Law, atmospheric pollution refers to the phenomenon in which certain substances are discharged into the atmosphere due to human activities, causing changes in the chemical, physical, biological, or radioactive characteristics of the atmosphere, thereby affecting the effective use of the atmosphere, endangering human health, or damaging the ecological environment.

Article 40 — The specific measures for the prevention and control of atmospheric pollution from marine engineering projects and vessels shall be formulated by the State Council separately.

Article 41 — This Law shall come into force on January 1, 2016. The Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution promulgated on September 5, 1987 and amended on August 29, 1995 and April 29, 2000 shall be repealed simultaneously.

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