Law on the Ecological Protection of the Qinghai-Tibet Plateau of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the ecological protection of the Qinghai-Tibet Plateau, preventing and controlling ecological risks, safeguarding ecological security, building a national ecological civilization highland, promoting sustainable economic and social development, and achieving harmonious coexistence between humans and nature.

Article 2 — This Law shall apply to activities carried out in, or involving, the ecological protection of the Qinghai-Tibet Plateau; where this Law is silent, the provisions of other relevant laws shall apply.

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For the purposes of this Law, "the Qinghai-Tibet Plateau" means all the administrative areas of the Tibet Autonomous Region and Qinghai Province, and the relevant county-level administrative areas of the Xinjiang Uygur Autonomous Region, Sichuan Province, Gansu Province and Yunnan Province.

Article 3 — The ecological protection of the Qinghai-Tibet Plateau shall respect nature, follow nature and protect nature; adhere to the principle of putting ecological protection first and relying mainly on natural restoration, and guard the boundaries of natural ecological security; and adhere to overall coordination, categorized policies, scientific prevention and control, and systematic governance.

Article 4 — The State shall establish a coordination mechanism for the ecological protection of the Qinghai-Tibet Plateau, make overall plans for, guide and comprehensively coordinate the work of ecological protection of the Qinghai-Tibet Plateau, review major policies, major plans and major projects for its ecological protection, coordinate major issues across regions and departments, and urge and inspect the implementation of relevant important work.

The relevant departments of the State Council shall be responsible for the relevant work of ecological protection of the Qinghai-Tibet Plateau in accordance with the division of duties.

Article 5 — Local people's governments at all levels of the Qinghai-Tibet Plateau shall fulfill their responsibilities for ecological protection and restoration, ecological risk prevention and control, optimizing the industrial structure and layout, and safeguarding the ecological security of the Qinghai-Tibet Plateau within their respective administrative areas.

Relevant localities of the Qinghai-Tibet Plateau shall, as needed, strengthen cooperation in the formulation of local regulations and local government rules, plan preparation, supervision and law enforcement, and other aspects, and jointly advance the ecological protection of the Qinghai-Tibet Plateau.

Article 6 — The State Council and local people's governments at or above the county level of the Qinghai-Tibet Plateau shall incorporate the ecological protection of the Qinghai-Tibet Plateau into the national economic and social development plans.

The relevant departments of the State Council shall, in accordance with the division of duties, organize the preparation of special plans for the ecological protection and restoration of the Qinghai-Tibet Plateau, organize the implementation of major ecological restoration and other projects, and make overall plans for advancing the ecological protection and restoration of the Qinghai-Tibet Plateau. Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall, in accordance with the relevant provisions of the State, organize the implementation of special plans for the ecological protection and restoration of the Qinghai-Tibet Plateau within their respective administrative areas. The preparation of special plans for the ecological protection and restoration of the Qinghai-Tibet Plateau shall be subject to scientific demonstration and evaluation.

Article 7 — The State shall strengthen the investigation of natural resources and the state of the ecological environment of the Qinghai-Tibet Plateau, such as land, forests, grasslands, rivers, lakes, wetlands, glaciers, deserts and wild animals and plants, carry out assessment of the carrying capacity of regional resources and the environment and the suitability of territorial spatial development, improve the monitoring network system for the ecological environment, natural resources, biodiversity, hydrology, meteorology, geology, water and soil conservation and natural disasters of the Qinghai-Tibet Plateau, and promote comprehensive, coordinated and regular monitoring. Investigation, assessment and monitoring information shall be shared in accordance with the relevant provisions of the State.

Article 8 — The State encourages and supports scientific investigation and research on the Qinghai-Tibet Plateau, strengthens research on major scientific and technological issues and the construction of major scientific and technological infrastructure in fields such as climate change, biodiversity, ecological protection and restoration, hydrology and water resources, snow mountains, glaciers and frozen soil, water and soil

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conservation, desertification prevention and control, river and lake evolution, geological environment, natural disaster monitoring, early warning, prevention and control, the development, utilization and protection of energy and climate resources, and ecosystem carbon sinks, promotes long-term research work, and masters the ecological baseline of the Qinghai-Tibet Plateau and its changes.

The State shall make overall arrangements for scientific and technological innovation platforms for the ecological protection of the Qinghai-Tibet Plateau, intensify the training of scientific and technological professionals, make full use of the results of scientific investigation and research on the Qinghai-Tibet Plateau, promote and apply advanced and applicable technologies, promote the transformation of scientific and technological achievements, and give play to the supporting role of science and technology in the ecological protection of the Qinghai-Tibet Plateau.

Article 9 — The relevant departments of the State Council and local people's governments at all levels shall take effective measures to protect the traditional ecological cultural heritage of the Qinghai-Tibet Plateau and carry forward its fine ecological culture.

The relevant departments of the State Council and local people's governments at all levels shall strengthen publicity, education and scientific popularization of the ecological protection of the Qinghai-Tibet Plateau, disseminate the concept of ecological civilization, advocate green and low-carbon lifestyles, improve the ecological civilization literacy of the whole people, and encourage and support units and individuals to participate in activities related to the ecological protection of the Qinghai-Tibet Plateau.

News media shall carry out publicity and reports on the ecological protection of the Qinghai-Tibet Plateau in various forms, and conduct supervision by public opinion over illegal acts in accordance with the law.

Article 10 — Units and individuals that have made outstanding contributions to the ecological protection of the Qinghai-Tibet Plateau shall be commended and rewarded in accordance with the relevant provisions of the State.

Chapter II — Ecological Security Layout

Article 11 — The State shall make overall plans for the ecological security layout of the Qinghai-Tibet Plateau, promote comprehensive, systematic and source-level governance of mountains, waters, forests, farmlands, lakes, grasslands, deserts and glaciers, implement major projects for the protection and restoration of important ecosystems, optimize the ecological security barrier system of the Qinghai-Tibet Plateau whose main ecological functions include water conservation, biodiversity protection, water and soil conservation, wind prevention and sand fixation, and ecosystem carbon sinks, improve the quality, diversity, stability and sustainability of ecosystems, enhance the capacity to supply ecological products and the functions of ecosystem services, and build a strategic national ecological security barrier.

Article 12 — Local people's governments at or above the county level of the Qinghai-Tibet Plateau organizing the preparation of territorial spatial plans for their respective administrative areas shall implement the relevant State requirements for the territorial spatial development and protection of the Qinghai-Tibet Plateau, arrange in detail functional spaces such as agricultural, ecological and urban spaces, and delimit in a coordinated manner cultivated land and permanent basic farmland, ecological protection red lines and urban development boundaries. Special plans involving the territorial spatial utilization of the Qinghai-Tibet Plateau shall be aligned with territorial spatial plans.

Article 13 — Territorial spatial development and utilization activities on the Qinghai-Tibet Plateau shall comply with the requirements of territorial spatial use control. The conversion of uses within the ecological space of the Qinghai-Tibet Plateau shall be conducive to enhancing the ecological functions of ecosystems such as forests, grasslands, rivers, lakes, wetlands, glaciers and deserts.

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Provincial people's governments of the Qinghai-Tibet Plateau shall strengthen the supervision and administration of human activities within ecological protection red lines, and regularly assess the effectiveness of ecological protection.

Article 14 — Provincial people's governments of the Qinghai-Tibet Plateau shall, based on the state of the ecological environment and resource utilization in their respective administrative areas and in accordance with the requirements of the ecological protection red line, the environmental quality bottom line and the resource utilization upper limit, strictly formulate ecological environment zoning control plans and ecological environment access lists, and implement them after filing with the ecological environment competent department of the State Council. Ecological environment zoning control plans and ecological environment access lists shall be aligned with territorial spatial plans.

Article 15 — The State shall strengthen the protection of ecosystems on the Qinghai-Tibet Plateau such as forests, alpine meadows, grasslands, rivers, lakes, wetlands, snow mountains and glaciers, plateau permafrost, deserts and spring areas, and consolidate and enhance the ecological functions of key national ecological function zones, such as the Sanjiangyuan (the source of the Yangtze, Yellow and Lancang Rivers) grassland-meadow-wetland ecological function zone, the Zoige grassland-wetland ecological function zone, the Gannan Yellow River important water supply ecological function zone, the Qilian Mountains glacier and water conservation ecological function zone, the Altun grassland desertification prevention and control ecological function zone, the Sichuan-Yunnan forest and biodiversity ecological function zone, the southeastern Tibet plateau-edge forest ecological function zone, the northwestern Tibet Qiangtang plateau desert ecological function zone, and the Mount Qomolangma biodiversity protection and water conservation ecological function zone, in terms of water conservation, biodiversity protection, water and soil conservation, wind prevention and sand fixation, and other ecological functions.

Article 16 — The State supports the construction of the system of natural protected areas on the Qinghai-Tibet Plateau. The State Council and provincial people's governments of the Qinghai-Tibet Plateau shall, in accordance with the law, establish natural protected areas such as national parks, nature reserves and nature parks in areas such as the complete distribution areas of important typical ecosystems, ecologically sensitive areas, and areas of natural concentration of rare and endangered or endemic wild animals and plants and their important habitats, important natural relics and important natural landscapes on the Qinghai-Tibet Plateau, promote the construction of natural protected areas such as Sanjiangyuan, Qilian Mountains, Qiangtang, Mount Qomolangma, Gaoligong Mountains and Gongga Mountains, and maintain the authenticity and integrity of important natural ecosystems.

Article 17 — The industrial structure and layout of the Qinghai-Tibet Plateau shall be compatible with the ecosystems and the carrying capacity of resources and the environment of the Qinghai-Tibet Plateau. The relevant departments of the State Council and local people's governments at or above the county level of the Qinghai-Tibet Plateau shall, in accordance with the requirements of territorial spatial plans, adjust the industrial structure, optimize the distribution of productive forces, give priority to developing resource-conserving and environment-friendly industries, moderately develop regional ecological industries with distinctive characteristics such as ecotourism, characteristic culture, characteristic agriculture and animal husbandry, and ethnic characteristic handicrafts, and establish and improve a green, low-carbon and circular economic system.

New and expanded industrial projects on the Qinghai-Tibet Plateau shall comply with the regional main function positioning and the requirements of national industrial policies, and strictly implement the provisions on natural resource development and industrial access and exit.

Chapter III — Ecological Protection and Restoration

Article 18 — The State shall strengthen the ecological protection and restoration of the Qinghai-Tibet Plateau, adhere to the integrated protection and restoration of mountains, waters, forests, farmlands, lakes,

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grasslands, deserts and glaciers, and implement systematic governance that relies mainly on natural restoration and combines natural restoration with artificial restoration.

Article 19 — The relevant departments of the State Council and relevant local people's governments shall strengthen the ecological protection and restoration of the Sanjiangyuan area, carry out systematic protection and zoned and categorized management of national parks established in accordance with the law, scientifically adopt measures such as grazing bans and enclosure for restoration, intensify the control of degraded grasslands, degraded wetlands and desertified land and the prevention and control of water and soil loss, and comprehensively remediate severely degraded land; and strictly prohibit various resource development and utilization activities that damage ecological functions or do not comply with differentiated control requirements.

Article 20 — The relevant departments of the State Council and local people's governments at or above the county level of the Qinghai-Tibet Plateau shall establish and improve the protection system for snow mountains, glaciers and permafrost on the Qinghai-Tibet Plateau, and strengthen the monitoring, early warning and systematic protection of snow mountains, glaciers and permafrost.

Provincial people's governments of the Qinghai-Tibet Plateau shall include large ice caps and glaciers and small-scale glacier clusters in ecological protection red lines, implement closed protection of important snow mountains and glaciers, and take effective measures to strictly control human disturbance.

Provincial people's governments of the Qinghai-Tibet Plateau shall delimit the protection scope of permafrost areas, strengthen the protection of permafrost areas and medium-deep seasonal frozen soil areas, strictly control resource development in permafrost areas, and strictly examine and approve major engineering projects such as urban planning and transport, pipelines, and power transmission and transformation in permafrost areas.

Provincial people's governments of the Qinghai-Tibet Plateau shall carry out coordinated protection of snow mountains, glaciers, permafrost and surrounding ecosystems, and maintain the natural ecological environment conducive to the protection of snow mountains, glaciers and permafrost.

Article 21 — The relevant departments of the State Council and local people's governments at all levels of the Qinghai-Tibet Plateau shall establish and improve the management and protection systems for rivers and lakes on the Qinghai-Tibet Plateau, improve the river and lake chief system, and intensify the protection of key rivers such as the Yangtze, Yellow, Lancang, Yarlung Zangbo and Nujiang Rivers and key lakes such as Qinghai Lake, Zhaling Lake, Eling Lake, Siling Co, Nam Co, Yamdrok Co and Mapam Yumco.

The management scope of rivers and lakes on the Qinghai-Tibet Plateau shall be scientifically delimited and published by the relevant local people's governments at or above the county level in accordance with the law. It is prohibited to illegally utilize or occupy the waters and shorelines of rivers and lakes on the Qinghai-Tibet Plateau.

Article 22 — The development and utilization of water resources on the Qinghai-Tibet Plateau shall comply with comprehensive river basin plans, adhere to scientific development and rational utilization, coordinate various water use needs, take into account the interests of upstream and downstream areas, main streams and tributaries, and left and right banks, give full play to the comprehensive benefits of water resources, and safeguard water use security and ecological security.

Article 23 — The State shall strictly protect the natural grasslands in important ecological locations such as the sources of major rivers on the Qinghai-Tibet Plateau, and delimit as basic grasslands, in accordance with the law, the grasslands that play the most basic and important role in safeguarding national ecological security and ensuring the healthy development of grassland animal husbandry. Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall strengthen grassland protection on the Qinghai-Tibet Plateau, implement stricter protection and management of basic grasslands, and ensure that

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their area does not decrease, their quality does not decline, and their use does not change.

The State shall strengthen the ecological protection and restoration of alpine meadows and grasslands on the Qinghai-Tibet Plateau. Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall optimize the construction of grassland fencing, take effective measures to protect the original vegetation of grasslands, scientifically advance the ecological restoration of degraded grasslands, and implement comprehensive control of degraded grasslands such as "black soil patches".

Article 24 — Local people's governments at or above the county level of the Qinghai-Tibet Plateau and their relevant departments shall make overall plans for and coordinate grassland ecological protection and animal husbandry development, regularly verify the livestock carrying capacity of grasslands in light of local actual conditions, implement the balance between grassland and livestock, scientifically delimit grazing-prohibited areas, and prevent overgrazing. Grazing prohibition and grazing rest systems shall be implemented for grasslands that are severely degraded, desertified, salinized or rocky-desertified and grasslands in ecologically fragile areas.

Grassland contract operators shall rationally utilize grasslands and shall not exceed the verified livestock carrying capacity; they shall adopt measures such as planting and storing forage and feed, increasing forage and feed supply, adjusting and disposing of livestock, and optimizing herd structure to maintain the balance between grassland and livestock.

Article 25 — The State shall comprehensively strengthen the protection of natural forests on the Qinghai-Tibet Plateau, strictly restrict the logging of natural forests, strengthen the protection of original zonal vegetation, optimize the structure of forest ecosystems, and improve the shelter forest systems in important river basins. The State Council and provincial people's governments of the Qinghai-Tibet Plateau shall, in accordance with the law, delimit public welfare forests in important ecological areas and ecologically fragile areas on the Qinghai-Tibet Plateau and implement strict management.

Local people's governments at or above the county level of the Qinghai-Tibet Plateau and their relevant departments shall scientifically implement territorial greening, rationally allocate tree, shrub and grass vegetation in light of local conditions, give priority to native tree and grass species, improve the quality of greening, and strengthen the control of harmful organisms and the prevention of forest and grassland fires.

Article 26 — The State shall strengthen the protection and restoration of wetlands on the Qinghai-Tibet Plateau, enhance the ecological functions of wetlands such as water conservation, climate regulation and biodiversity protection, and improve the carbon sequestration capacity of wetlands.

Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall strengthen coordination of wetland protection, take effective measures, implement the requirements of the total wetland area control targets, optimize the spatial layout of wetland protection, strengthen the overall protection of river sources, upper and middle reaches and peat swamp wetlands, and carry out comprehensive remediation and restoration of wetlands whose ecological functions have seriously degraded.

It is prohibited to mine peat in peat swamp wetlands such as Xingxiuhai, Zhaling Lake, Eling Lake and Zoige. It is prohibited to reclaim or drain natural wetlands and to engage in other acts that damage wetlands and their ecological functions.

Article 27 — Local people's governments at all levels of the Qinghai-Tibet Plateau and their relevant departments shall implement the strictest cultivated land protection system, take effective measures to improve the basic fertility of cultivated land, enhance the ecological functions of cultivated land, and protect and improve the ecological environment of cultivated land; encourage and support agricultural producers and operators to scientifically utilize cultivated land through methods such as combining cultivation with nurturing, improving saline-alkali land, ecological recycling and comprehensive utilization of waste, promote and use green and efficient agricultural production technologies, strictly control the application of chemical

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fertilizers and pesticides, and scientifically dispose of agricultural waste such as agricultural film and crop straw.

Article 28 — The forestry and grassland and agricultural and rural competent departments of the State Council shall, together with the relevant departments of the State Council and provincial people's governments of the Qinghai-Tibet Plateau, carry out surveys of wild animal and plant species in accordance with the division of duties, put forward opinions on the implementation of protection measures based on the survey results, improve the relevant list systems, strengthen the protection of important habitats of wild animals, migration channels, and the original habitats of wild plants, and implement key protection of rare and endangered or endemic wild animal and plant species of the Qinghai-Tibet Plateau, such as the wild yak, Tibetan antelope, Przewalski's gazelle, snow leopard, giant panda, Gaoligong white-browed gibbon, black-necked crane, Sichuan taimen, lip-boned Yellow River fish, black-spotted glarid, bighead asp, sharp-snouted naked carp, and Rhodiola crenulata, Tibetan lady's-slipper orchid and snow lotus.

The State shall support the construction of bases for the rescue, breeding and reintroduction of wild animals, as well as botanical gardens and plateau biological germplasm resource banks, and strengthen the rescue and ex-situ conservation of rare and endangered or endemic wild animal and plant species of the Qinghai-Tibet Plateau.

Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall organize relevant units and individuals to actively carry out comprehensive prevention and control of damage caused by wild animals. Where wild animals cause casualties or losses to livestock, crops or other property, compensation shall be given in accordance with the law.

Article 29 — The State shall strengthen the protection of biodiversity on the Qinghai-Tibet Plateau, implement major biodiversity protection projects, and prevent damage to biodiversity.

The relevant departments of the State Council and local people's governments at all levels of the Qinghai-Tibet Plateau shall take effective measures to establish and improve ecological corridors and improve the integrity and connectivity of ecosystems.

Article 30 — Local people's governments at or above the county level of the Qinghai-Tibet Plateau and their forestry and grassland competent departments shall take measures such as closed protection of desertified land and vegetation protection and restoration to strengthen desert ecological protection and comprehensive control of desertified land.

Article 31 — Provincial people's governments of the Qinghai-Tibet Plateau shall take measures such as closure for nurturing, rotational closure and rotational grazing, and relocation, implement key control projects in plateau mountains and farmland wind-sand zones, riverbank zones, ecological protection belts and other areas, and improve water and soil conservation functions.

Article 32 — The water administrative competent department of the State Council and provincial people's governments of the Qinghai-Tibet Plateau shall take effective measures to strengthen the prevention and control of water and soil loss in the source areas of important rivers such as the Sanjiangyuan, the Heihe River basin of the Qilian Mountains, the upper reaches of the Jinsha River and Minjiang River, the Yarlung Zangbo River, and the area where the Jinsha, Lancang and Nujiang Rivers flow in parallel, in key prevention and control areas of water and soil loss, and in relatively densely populated plateau river valley areas.

It is prohibited to carry out production and construction activities that may cause water and soil loss in areas of the Qinghai-Tibet Plateau with serious water and soil loss and fragile ecology. Where construction is indeed necessary for the national development strategy and the national economy and people's livelihood, it shall be subject to scientific demonstration, go through examination and approval procedures in accordance with the law, and strictly control the scope of disturbance.

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Article 33 — The establishment of prospecting rights and mining rights on the Qinghai-Tibet Plateau shall comply with the requirements of territorial spatial plans and mineral resource plans. It is prohibited in accordance with the law to engage in sand mining and mining activities that do not comply with ecological protection control requirements within the natural protected areas at the sources of rivers such as the Yangtze, Yellow, Lancang, Yarlung Zangbo and Nujiang Rivers.

When engaging in mineral resource exploration and mining activities on the Qinghai-Tibet Plateau, prospecting right holders and mining right holders shall adopt advanced and applicable techniques, equipment and products, choose environment-friendly and safe exploration and mining technologies and methods, and avoid or reduce damage to mineral resources and the ecological environment; the use of techniques, equipment and products that the State has expressly eliminated shall be prohibited. Mineral resource exploration and mining activities in ecologically sensitive areas shall comply with relevant control requirements and adopt protective measures such as avoidance, mitigation and timely restoration and reconstruction to prevent environmental pollution and ecological damage.

Article 34 — Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall, in light of local conditions, take measures such as eliminating geological disaster hazards, land reclamation, vegetation restoration and pollution prevention and control, accelerate the ecological restoration of historically abandoned mines, strengthen the supervision and administration of mines under construction and in operation, and urge mining right holders to perform their obligations of mine pollution prevention and control and ecological restoration in accordance with the law.

When mining mineral resources on the Qinghai-Tibet Plateau, mineral resource mining plans and mining area ecological restoration plans shall be scientifically prepared. New mines shall be planned, designed, constructed, operated and managed strictly in accordance with green mine construction standards. Operating mines shall implement green upgrading and transformation, strengthen the operation and management of tailings ponds, and prevent and defuse environmental and safety risks.

Chapter IV — Ecological Risk Prevention and Control

Article 35 — The State shall establish and improve the ecological risk prevention and control system of the Qinghai-Tibet Plateau, take effective measures to improve the capacity and level of ecological risk prevention and control such as natural disaster prevention and control and climate change response, and safeguard the ecological security of the Qinghai-Tibet Plateau.

Article 36 — The State shall strengthen the investigation, assessment, monitoring and early warning of natural disasters on the Qinghai-Tibet Plateau.

The relevant departments of the State Council and local people's governments at or above the county level of the Qinghai-Tibet Plateau and their relevant departments shall strengthen the investigation, assessment, monitoring and early warning of natural disasters such as earthquakes, avalanches, ice avalanches, flash floods, mountain collapses, landslides, debris flows, glacial lake outbursts, permafrost melting, forest and grassland fires, heavy rain (snow) and drought.

When carrying out engineering construction in areas prone to geological disasters, geological disaster risk assessment shall be conducted in accordance with the relevant provisions, and measures such as engineering control or relocation and avoidance shall be taken in a timely manner.

Article 37 — The relevant departments of the State Council and local people's governments at or above the county level of the Qinghai-Tibet Plateau shall strengthen comprehensive control of natural disasters, raise the standards of natural disaster prevention projects such as those for earthquakes, flash floods, glacial lake outbursts and geological disasters, and establish natural disaster prevention engineering and non-engineering systems compatible with the ecological protection of the Qinghai-Tibet Plateau.

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Construction and operation units of infrastructure projects such as transport, water conservancy, electric power, municipal facilities and border ports shall bear the obligation of natural disaster prevention and control in accordance with the law, take comprehensive control measures, strengthen natural disaster prevention and control during engineering construction and operation, and safeguard the safety of people's lives and property.

Article 38 — Where a major engineering project may affect the ecological and geological environment, the construction unit shall, based on the condition of ecologically and geologically sensitive and fragile areas along the project, formulate an ecological and geological environment monitoring plan for the route, and carry out full-life-cycle monitoring of the impact on the ecological and geological environment, including baseline monitoring before the project starts, monitoring of the impact on the ecological and geological environment during construction, and tracking monitoring of changes in the ecological and geological environment and protection and restoration during the operation period of the project.

Major engineering construction shall avoid important habitats of wild animals, migration channels, and areas of natural concentration of nationally protected wild plants; where avoidance is impossible, measures such as the construction of wildlife passages and ex-situ conservation shall be taken to avoid or reduce the impact on natural ecosystems and wild animals and plants.

Article 39 — Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall strengthen the protection and management of germplasm resources on the Qinghai-Tibet Plateau, organize the investigation and collection of germplasm resources, and improve the relevant resource protection facilities and databases.

It is prohibited to collect or fell nationally protected natural germplasm resources on the Qinghai-Tibet Plateau. Where collection or felling is necessary for scientific research, the control of harmful organisms, natural disaster prevention and control, and other needs, approval shall be obtained in accordance with the law.

Article 40 — The relevant departments of the State Council and provincial people's governments of the Qinghai-Tibet Plateau shall, in accordance with the division of duties, make overall plans for advancing regional prevention and control of invasive alien species, implement examination and approval management of the introduction of alien species, strengthen port prevention and control of invasive species, and strengthen the investigation, monitoring, early warning, control, assessment, elimination and ecological restoration of invasive alien species.

No unit or individual may, without approval, introduce, release or discard alien species.

Article 41 — The State shall strengthen the monitoring of climate change and its comprehensive impacts, establish a prediction system for the impacts of climate change on the ecosystems, climate system, water resources, rare and endangered or endemic wild animals and plants, snow mountains, glaciers and permafrost, and natural disasters of the Qinghai-Tibet Plateau, improve the ecological risk reporting and early warning mechanisms, and strengthen the assessment of the impacts of climate change on the Qinghai-Tibet Plateau and the evolution of plateau ecosystems.

Provincial people's governments of the Qinghai-Tibet Plateau shall carry out monitoring and risk assessment of the impacts of the melting and degradation of snow mountains, glaciers and permafrost on regional ecosystems.

Chapter V — Safeguards and Supervision

Article 42 — The State shall increase fiscal investment in the ecological protection and restoration of the Qinghai-Tibet Plateau, and the central finance shall arrange special funds for the ecological protection and restoration and ecological risk prevention and control of the Qinghai-Tibet Plateau. Investment from the

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central budget shall be inclined toward the construction of infrastructure and basic public service facilities on the Qinghai-Tibet Plateau.

Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall increase capital investment and give priority support to the construction of ecological protection and restoration projects on the Qinghai-Tibet Plateau.

Article 43 — The State shall increase fiscal transfer payments, and compensate areas with important ecological functions of the Qinghai-Tibet Plateau by means such as raising transfer payment coefficients and additionally calculating ecological and environmental protection expenditures. Provincial people's governments of the Qinghai-Tibet Plateau shall fully incorporate areas with important ecological functions into the scope of provincial-to-lower-level ecological protection compensation transfer payments, and promote the combination of ecological protection with the improvement of people's livelihoods.

The State shall, through carrying out unified registration of rights to natural resources, explore and determine the ownership of rights and responsibilities for ecological products of the Qinghai-Tibet Plateau, improve the mechanism for the operation and development of ecological products, encourage the creation of regional public brands of characteristic ecological products of the Qinghai-Tibet Plateau, and form diversified paths for realizing the value of ecological products.

Article 44 — The State shall provide support for the ecological protection of the Qinghai-Tibet Plateau, implement financial and tax policies conducive to water conservation, energy conservation, water and soil conservation, environmental protection and comprehensive utilization of resources, and encourage the development of financial products such as green credit, green bonds and green insurance.

The State shall encourage and support public welfare organizations and social capital to participate in the ecological protection and restoration of the Qinghai-Tibet Plateau, and carry out activities such as the development of ecological products, industrial development, scientific and technological innovation and technical services.

Article 45 — The State shall support the construction, in light of local conditions, of an energy system on the Qinghai-Tibet Plateau with clean energy such as wind power, photovoltaic power, hydropower, water-wind-solar complementary power, solar thermal power and geothermal energy as the mainstay, strengthen the construction of clean energy transmission channels, and promote the green and low-carbon transformation of energy.

Except for ensuring residential electricity supply and consolidating border defense, it is prohibited to build new small hydropower projects on the Qinghai-Tibet Plateau.

Article 46 — The development of ecotourism on the Qinghai-Tibet Plateau shall comply with the requirements of resource and ecological protection, respect and maintain local traditional culture and customs, and protect and rationally utilize tourism resources.

Local people's governments at all levels and their relevant departments shall, in accordance with the relevant provisions of the State, scientifically develop ecotourism products and design tourism routes on the Qinghai-Tibet Plateau, and rationally control the number of tourists and the scale of related infrastructure construction.

Those organizing or participating in tourism, mountain outdoor sports and other activities on the Qinghai-Tibet Plateau shall comply with safety regulations and civilized behavior norms, and meet the control and normative requirements for regional ecotourism and mountain outdoor sports; it is prohibited to damage natural landscapes and grassland vegetation, and to hunt and collect wild animals and plants.

Those organizing or participating in tourism, mountain outdoor sports and other activities on the Qinghai-Tibet Plateau shall take away the garbage they produce or place it at designated locations; it is prohibited to dump or scatter domestic garbage at will.

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Article 47 — Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall, based on the carrying capacity of regional resources and the environment, make overall plans for advancing the construction of major infrastructure such as transport, water conservancy and energy and environmental infrastructure such as domestic sewage and garbage collection and treatment facilities, strengthen ecological protection and restoration within cities and in adjacent surrounding areas, make overall plans for the construction of comprehensive service facilities in urban and rural communities, and accelerate the equalization of basic public services.

Local people's governments at all levels of the Qinghai-Tibet Plateau shall take effective measures to promote the treatment of rural domestic sewage and garbage, promote the renovation of rural sanitary toilets and rural greening, continuously improve the rural living environment, shape rural features, and build ecologically livable and beautiful villages.

Article 48 — The relevant departments of the State Council and the relevant departments of local people's governments at or above the county level of the Qinghai-Tibet Plateau shall, in accordance with the division of duties, supervise and inspect various activities of ecological protection of the Qinghai-Tibet Plateau, investigate and deal with illegal acts, disclose information related to the ecological protection of the Qinghai-Tibet Plateau in accordance with the law, and improve the procedures for public participation.

Units and individuals have the right to report and accuse, in accordance with the law, illegal acts that pollute the environment and damage the ecology of the Qinghai-Tibet Plateau.

Article 49 — The relevant departments of the State Council and local people's governments at or above the county level of the Qinghai-Tibet Plateau and their relevant departments shall strengthen capacity building for the supervision and administration of the ecological protection of the Qinghai-Tibet Plateau, improve the level of science and technology and informatization, establish a law enforcement coordination mechanism, and carry out joint law enforcement in accordance with the law against major illegal cases and illegal cases across administrative regions and in ecologically sensitive areas.

Article 50 — The State shall implement a performance evaluation and assessment system for the ecological protection of the Qinghai-Tibet Plateau, incorporating indicators such as the improvement of environmental quality, the effectiveness of ecological protection and the capacity to supply ecological products into the indicator system.

Article 51 — The State shall strengthen the construction of judicial safeguards for the ecological protection of the Qinghai-Tibet Plateau, and encourage relevant units to provide legal services for the ecological protection of the Qinghai-Tibet Plateau.

Where administrative law enforcement organs at all levels, people's courts and people's procuratorates of the Qinghai-Tibet Plateau discover suspected criminal conduct in the course of investigating and dealing with illegal acts of ecological protection of the Qinghai-Tibet Plateau in accordance with the law or handling lawsuits for compensation for damage to natural resources and the ecological environment, public interest litigation and the like, they shall transfer the criminal clues to organs with investigation powers.

Article 52 — Local people's governments at or above the county level of the Qinghai-Tibet Plateau shall regularly report to the people's congress at the corresponding level or its standing committee on the work of ecological protection of the Qinghai-Tibet Plateau carried out by the people's government at the corresponding level.

Chapter VI — Legal Liability

Article 53 — Where the relevant departments of the State Council and local people's governments at all levels and their relevant departments violate the provisions of this Law and commit acts of negligence of duty, abuse of power or malpractice for personal gain in performing their relevant duties, the directly

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responsible persons in charge and other directly responsible persons shall be given sanctions such as warning, recording of demerit, recording of major demerit or demotion in accordance with the law; where serious consequences are caused, they shall be given sanctions of removal from office or expulsion, and their principal responsible persons shall resign to assume responsibility.

Article 54 — Where the provisions of this Law are violated and any of the following acts is committed on the Qinghai-Tibet Plateau, heavier punishment shall be imposed in accordance with the provisions of relevant laws and regulations:

(1) engaging in resource development and utilization activities in national parks, causing ecological damage;

(2) mining peat or reclaiming or draining natural wetlands in peat swamp wetlands such as Xingxiuhai, Zhaling Lake, Eling Lake and Zoige;

(3) carrying out production and construction activities that may cause water and soil loss in areas with serious water and soil loss and fragile ecology;

(4) collecting or felling nationally protected natural germplasm resources;

(5) introducing, releasing or discarding alien species without approval;

(6) damaging natural landscapes or grassland vegetation; or

(7) hunting or collecting nationally or locally protected wild animals and plants.

Article 55 — Where the provisions of this Law are violated and the waters and shorelines of rivers and lakes on the Qinghai-Tibet Plateau are utilized or occupied, the water administrative competent departments of people's governments at or above the county level shall order the illegal acts to cease, order dismantling within a time limit and restoration to the original condition, and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan; where dismantling or restoration to the original condition is not carried out within the time limit, compulsory dismantling or restoration on behalf of the violator shall be carried out, and the expenses incurred shall be borne by the violator.

Article 56 — Where the provisions of this Law are violated and mining activities that do not comply with ecological protection control requirements are engaged in within the natural protected areas at the sources of rivers such as the Yangtze, Yellow, Lancang, Yarlung Zangbo and Nujiang Rivers, the natural resources and ecological environment competent departments shall, in accordance with the division of duties, order corrections, and confiscate the illegal gains and the equipment and tools directly used for illegal mining; where the illegal gains are 100,000 yuan or more, a fine of not less than ten times but not more than twenty times the illegal gains shall be concurrently imposed; where the illegal gains are less than 100,000 yuan, a fine of not less than 1 million yuan but not more than 10 million yuan shall be concurrently imposed.

Article 57 — Where the provisions of this Law are violated and a construction unit builds a new small hydropower project, the local people's government at or above the county level shall order the construction to cease, order restoration to the original condition based on the circumstances of the violation and the harmful consequences, and impose a fine of not less than 1 percent but not more than 5 percent of the total investment of the construction project.

Article 58 — Where the provisions of this Law are violated and domestic garbage is dumped or scattered at will during tourism or mountain outdoor sports, the environmental sanitation competent department or the department designated by the local people's government at or above the county level shall order corrections, impose a fine of not less than 100 yuan but not more than 500 yuan on individuals, and where the circumstances are serious, impose a fine of not less than 500 yuan but not more than 10,000 yuan; a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed on units.

Article 59 — Where pollution of the environment and damage to the ecology of the Qinghai-Tibet Plateau cause damage to others, the infringer shall bear tort liability.

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Where damage to the ecological environment of the Qinghai-Tibet Plateau is caused in violation of State provisions, the organs prescribed by the State or the organizations prescribed by law have the right to request the infringer to bear the responsibility of restoration, compensate for losses and relevant expenses.

Article 60 — Where the provisions of this Law are violated and an act constitutes a violation of public security administration, public security administration punishment shall be given in accordance with the law; where a crime is constituted, criminal liability shall be investigated in accordance with the law.

Chapter VII — Supplementary Provisions

Article 61 — The relevant county-level administrative areas provided for in the second paragraph of Article 2 of this Law shall be determined by the departments authorized by the State Council.

Article 62 — Provinces and autonomous regions of the Qinghai-Tibet Plateau, cities divided into districts, and autonomous prefectures may, in light of local actual conditions, formulate specific measures for the ecological protection of the Qinghai-Tibet Plateau.

Article 63 — This Law shall come into force on September 1, 2023.

Disclaimer: This is an unofficial English translation of the Law of the People's Republic of China on the Ecological Protection of the Qinghai-Tibet Plateau, prepared by Dan Young Business Consultancy for general information purposes only. It is provided as a convenience and reference for foreign investors and businesses operating in China and does not constitute legal advice. In the event of any discrepancy, the original Chinese text adopted by the National People's Congress shall prevail. For advice on how this law may apply to your specific circumstances, please consult a qualified legal professional.