Marine Environment Protection Law of the PRC

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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 marine environment, conserving marine resources, preventing pollution damage, safeguarding ecological balance, protecting human health, and promoting sustainable economic and social development.

Article 2 — This Law shall apply to the internal waters, territorial seas, contiguous zones, exclusive economic zones and continental shelves of the People’s Republic of China and all other sea areas under the jurisdiction of the People’s Republic of China.

This Law shall also apply to acts occurring outside the sea areas under the jurisdiction of the People’s Republic of China that cause pollution damage to the sea areas under the jurisdiction of the People’s Republic of China.

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Article 3 — The state shall establish and implement the key marine pollutant discharge total volume control system in key sea areas, determine the targets for the reduction of the discharge of key pollutants, and assign the discharge control targets to the main pollutant discharge entities.

Article 4 — All entities and individuals shall have the obligation to protect the marine environment and shall have the right to report or file complaints against entities and individuals that pollute or damage the marine environment, and against the illegal acts or dereliction of duty of the staff members of the marine environmental supervision and administration authorities.

Article 5 — The ecology and environment administrative department under the State Council shall exercise unified supervision and administration over the marine environmental protection work throughout the country. The relevant departments under the State Council shall be responsible for the supervision and administration of the marine environment within the scope of their respective functions.

Chapter II — Marine Environmental Supervision and Administration

Article 6 — The state shall implement a marine functional zoning system. The development and utilization of the sea shall comply with the marine functional zoning.

Article 7 — The state shall formulate the national marine environmental quality standards in accordance with the marine environmental quality conditions and the needs of national economic and technological conditions.

Article 8 — The state shall implement a system of collecting pollution discharge fees for the discharge of pollutants directly into the sea. Entities and individuals that discharge pollutants directly into the sea shall pay pollution discharge fees in accordance with the relevant state provisions.

Article 9 — The state shall strengthen marine environmental monitoring, establish a marine environmental monitoring network, and regularly evaluate the marine environmental quality.

Article 10 — The state shall formulate contingency plans for major marine environmental pollution accidents and for marine environmental emergencies.

Chapter III — Marine Ecological Protection

Article 11 — The state shall implement special protection for typical and representative marine ecosystems, the centralized distribution areas of rare and endangered marine organisms, sea areas of important economic value to marine organisms, sea areas with special protection value, and other sea areas requiring special protection, and shall establish marine nature reserves.

Article 12 — The state shall establish and improve the compensation system for marine ecological protection and shall provide compensation for damage to the marine ecology.

Article 13 — The state shall protect the marine fishery resources, implement a fishing quota system and a fishing moratorium system, and regulate the fishing intensity.

Article 14 — The development and utilization of marine resources shall be rationally planned, the marine ecological environment shall be protected, and the introduction of alien species that may cause damage to the marine ecosystem shall be strictly controlled.

Chapter IV — Prevention and Control of Pollution from Land-Based Sources

Article 15 — Entities discharging pollutants into the sea shall comply with the state or local pollutant discharge standards and shall not discharge pollutants into the sea in excess of the standards.

Article 16 — The discharge of waste water, waste gas and solid wastes containing hazardous substances into the sea shall be strictly controlled.

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Article 17 — The people's governments of coastal cities shall construct and improve the urban drainage pipe networks and sewage treatment facilities, and enhance the sewage treatment capacity.

Article 18 — The use of pesticides, chemical fertilizers and other agricultural inputs in coastal farmland and forestland shall comply with the state provisions, and precautions shall be taken to prevent non-point source pollution to the marine environment.

Chapter V — Prevention and Control of Pollution from Coastal Construction Projects

Article 19 — Coastal construction projects shall conduct environmental impact assessments in accordance with the law. Coastal construction projects that fail to pass the environmental impact assessment shall not be constructed.

Article 20 — Facilities for the prevention and control of pollution in coastal construction projects shall be designed, constructed and put into operation simultaneously with the main project.

Article 21 — The use of sea areas for coastal construction projects shall not cause damage to the marine ecological environment.

Chapter VI — Prevention and Control of Pollution from Ships

Article 22 — Ships sailing, berthing and operating in the sea areas under the jurisdiction of the People's Republic of China shall comply with the marine environmental protection provisions of the People's Republic of China and shall be equipped with pollution prevention and control equipment and facilities.

Article 23 — Ships shall not discharge oils, oil mixtures, waste water, garbage and other harmful substances into the sea in violation of the provisions.

Article 24 — Ships shall hold documents certifying their compliance with the marine environmental pollution prevention and control requirements as prescribed by the state.

Article 25 — Where a ship accident causes or may cause a major marine environmental pollution accident, the relevant authorities shall take measures to prevent or reduce the pollution damage.

Chapter VII — Legal Liability

Article 26 — Where any entity or individual, in violation of the provisions of this Law, discharges pollutants into the sea or causes damage to the marine environment, it shall bear the liability for eliminating the danger and compensating for the losses in accordance with the law. Where the damage to the marine environment causes major losses to the state, the entity or individual shall compensate the state for the losses.

Article 27 — Where any entity or individual, in violation of the provisions of this Law, causes a marine environmental pollution accident, the marine environmental supervision and administration authority shall impose a fine on the entity or individual and order the entity or individual to compensate for the losses in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 28 — Where any entity or individual, in violation of the provisions of this Law, constructs a coastal construction project that fails to pass the environmental impact assessment, the marine environmental supervision and administration authority shall order cessation of construction and impose a fine.

Article 29 — Where any staff member of the marine environmental supervision and administration authority abuses his or her power, neglects his or her duties, or engages in malpractice for personal gain, he or she shall be subject to administrative sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

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Chapter VIII — Supplementary Provisions

Article 30 — Where any international treaty relating to the marine environment protection concluded or acceded to by the People's Republic of China contains provisions differing from those of this Law, the provisions of the international treaty shall apply, unless the People's Republic of China has declared reservations to the treaty.

Article 31 — This Law shall enter into force as of April 1, 2000. The Marine Environment Protection Law of the People's Republic of China adopted at the 24th Meeting of the Standing Committee of the Ninth National People's Congress on December 25, 1999, shall enter into force as of April 1, 2000. This version incorporates the amendments adopted at the 6th Meeting of the Standing Committee of the Twelfth National People's Congress on November 4, 2017.

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