

PRC Atmospheric Pollution Prevention Law

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of protecting and improving the environment, preventing and controlling atmospheric pollution, safeguarding public health, advancing ecological civilization, and promoting sustainable economic and social development.

Article 2 — This Law applies to the prevention and control of atmospheric pollution within the territory of the People's Republic of China. This Law applies to the prevention and control of atmospheric pollution from marine vessels within the sea areas under the jurisdiction of the People's Republic of China.

Article 3 — Local people's governments at all levels shall be responsible for the atmospheric environmental quality within their respective administrative regions, shall formulate plans, adopt measures, and control or gradually reduce the discharge of atmospheric pollutants so that the atmospheric environmental quality meets the prescribed standards.

Article 4 — The environmental protection department under the State Council or other departments prescribed by the state shall establish atmospheric environmental quality standards and atmospheric pollutant discharge standards. Provinces, autonomous regions, and municipalities directly under the Central Government may establish local standards for items not covered by the national standards; with respect to items already covered by the national standards, they may establish local standards that are stricter than the national standards.

Article 5 — People's governments at or above the county level shall incorporate atmospheric environmental protection work into their national economic and social development plans, and shall increase fiscal investment in the prevention and control of atmospheric pollution. Enterprises, public institutions, and other producers and operators shall adopt effective measures to prevent and reduce atmospheric pollution and shall bear liability for damage caused in accordance with the law. Citizens shall enhance their awareness of atmospheric environmental protection, adopt a low-carbon and conservation-oriented lifestyle, and voluntarily fulfill their obligations to protect the atmospheric environment.

Chapter II — Atmospheric Pollution Prevention Standards and Attainment Plans

Article 6 — The state shall implement a system of total discharge control of key atmospheric pollutants. The total discharge control indicators for key atmospheric pollutants shall be assigned by the State Council to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for breakdown implementation. Enterprises, public institutions, and other producers and operators shall discharge within the total discharge control indicators and permit limits.

Article 7 — The state shall establish a trading system for discharge rights of key atmospheric pollutants. The State Council shall formulate specific implementation measures and management provisions. The emission of atmospheric pollutants shall comply with the atmospheric pollutant discharge standards.

Article 8 — The environmental protection department under the State Council or the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in light of atmospheric environmental quality standards and the economic and technological conditions of the regions, formulate local atmospheric pollutant discharge standards for items not covered by the national atmospheric pollutant discharge standards. Where there are national atmospheric pollutant discharge standards, local standards stricter than the national standards may be formulated.

Chapter III — Supervision Over Prevention of Atmospheric Pollution

Article 9 — Enterprises, public institutions, and other producers and operators that discharge atmospheric pollutants shall obtain a pollutant discharge permit. The measures for the administration of pollutant discharge permits shall be prescribed by the State Council.

Article 10 — Enterprises, public institutions, and other producers and operators discharging atmospheric pollutants shall, in accordance with relevant provisions and monitoring standards, conduct self-monitoring of the atmospheric pollutants they discharge, keep original monitoring records, and install, use, and maintain atmospheric pollutant discharge automatic monitoring equipment. Monitoring equipment shall be networked with the monitoring equipment of the environmental protection department.

Article 11 — Enterprises, public institutions, and other producers and operators discharging atmospheric pollutants shall pay environmental protection taxes for atmospheric pollutants in accordance with the provisions of the state. The state shall implement elimination systems for outdated processes and equipment that seriously pollute the atmospheric environment.

Chapter IV — Measures for Prevention of Atmospheric Pollution

Article 12 — The state shall promote the clean utilization of coal, encourage the washing and processing of coal, reduce the sulfur and ash content in coal, and restrict the mining of high-sulfur and high-ash coal. It is prohibited to import, sell, or burn coal that does not meet quality standards.

Article 13 — The State Council and the relevant departments shall adopt measures to promote the transformation of the energy structure, promote the production and use of clean energy, optimize the use of coal, and promote the substitution of coal by clean and low-carbon energy.

Article 14 — The state shall implement elimination systems for motor vehicles that do not meet the fuel consumption limits and emission standards. The state shall encourage and support the use of new energy motor vehicles such as pure electric vehicles, hybrid electric vehicles, and fuel cell vehicles. The state shall adopt measures such as finance, taxation, and government procurement to promote the application of energy-saving and environmentally friendly vehicles.

Article 15 — Construction entities and construction units shall prevent and control dust pollution at construction sites. Construction entities shall include the costs of dust pollution prevention and control in the project cost, and the construction units shall formulate specific implementation plans for dust pollution prevention and control.

Article 16 — The state shall encourage and support the comprehensive utilization of crop straw and prohibit the open burning of crop straw. It is prohibited to burn garbage, asphalt, linoleum, rubber, plastic, leather, or other substances that produce toxic and harmful smoke, dust, or odorous gases in densely populated areas or other areas that need special protection in accordance with the law.

Chapter V — Joint Prevention and Control of Atmospheric Pollution in Key Areas

Article 17 — The state shall establish a mechanism for joint prevention and control of atmospheric pollution in key areas, coordinate the prevention and control of atmospheric pollution in key areas, and uniformly plan, uniformly set standards, uniformly monitor, and uniformly implement prevention and control measures for atmospheric pollution. The key areas for atmospheric pollution prevention and control shall be delineated by the environmental protection department under the State Council.

Article 18 — The environmental protection department under the State Council shall, in conjunction with the relevant departments under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in key areas, formulate plans for joint prevention and control of atmospheric pollution in key areas, and organize their implementation.

Chapter VI — Response to Heavy Pollution Weather

Article 19 — The state shall establish a monitoring and early warning system for heavy pollution weather. The environmental protection department under the State Council shall, in conjunction with the meteorological department under the State Council and other relevant departments, establish an early consultation mechanism for heavy pollution weather monitoring and early warning.

Article 20 — People's governments of provinces, autonomous regions, municipalities directly under the Central Government, cities divided into districts, and county-level people's governments shall incorporate heavy pollution weather response into their emergency response systems. Based on the level of the heavy pollution weather early warning, emergency response measures such as restricting the use of some motor vehicles, restricting or ceasing construction operations, and restricting or ceasing the production and discharge of some enterprises shall be activated in a timely manner.

Chapter VII — Legal Liability

Article 21 — Where an enterprise, public institution, or other producer or operator discharges atmospheric pollutants in excess of the prescribed standards or in excess of the total discharge control indicators for key atmospheric pollutants, the environmental protection department under the people's government at or above the county level shall order it to make corrections or restrict production, suspend production for rectification, and impose a fine; where the circumstances are serious, it shall be ordered to cease operations or close down with the approval of the people's government with the authority of approval.

Article 22 — Where an enterprise, public institution, or other producer or operator discharges atmospheric pollutants by means such as evading supervision through irregular discharge, tampering with monitoring data, or temporarily ceasing production to avoid on-site inspection, the environmental protection department shall order it to make corrections or restrict production, suspend production for rectification, and impose a fine; where the circumstances are serious, it shall be ordered to cease operations or close down.

Article 23 — Where atmospheric pollutant discharge permit requirements are violated, the environmental protection department shall order it to make corrections or restrict production, suspend production for rectification, and impose a fine; where the circumstances are serious, the pollutant discharge permit shall be revoked.

Article 24 — Where, in violation of the provisions of this Law, the construction of a project causes atmospheric pollution, the environmental protection department shall order the cessation of construction and impose a fine. Where, in violation of the provisions of this Law, dust pollution prevention measures are not taken, the relevant departments shall order corrections and impose fines in accordance with their functions.

Article 25 — Where the provisions of this Law are violated and the violation constitutes a crime, criminal liability shall be investigated in accordance with the law. Where atmospheric pollution causes damage, the infringing party shall bear tort liability in accordance with the law; where there is any dispute over the liability for damage or the amount of compensation, the parties may request mediation by the environmental protection department or bring a lawsuit in a people's court.

Chapter VIII — Supplementary Provisions

Article 26 — The prevention and control of atmospheric pollution from marine vessels entering the inland rivers of the People's Republic of China shall be governed by the Marine Environmental Protection Law of the People's Republic of China.

Article 27 — This Law shall come into force on June 1, 1988. The amendment to this Law shall come into force on the date of its promulgation.

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