Wetland Protection Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening wetland protection, maintaining the ecological functions and biodiversity of wetlands, ensuring ecological security, promoting the construction of ecological civilization, and achieving harmonious coexistence between human beings and nature.

Article 2 — This Law applies to the protection, utilization, restoration and related management activities of wetlands within the territory of the People’s Republic of China and other sea areas under the jurisdiction of the People’s Republic of China.

For the purposes of this Law, “wetlands” means natural or artificial, permanent or temporary areas of still water, flowing water, fresh water, brackish water or salt water, including water areas where the water depth does not exceed six meters at low tide, having significant ecological functions. This Law does not apply to

the protection and management of paddy fields and artificial waters and beaches used for aquaculture.

Article 3 — Wetland protection shall adhere to the principles of giving priority to protection, stringent management, systematic governance, scientific restoration, and rational utilization, and shall give full play to the multiple functions of wetlands in conserving water sources, regulating climate, improving the environment, and maintaining biodiversity.

Article 4 — The people's governments at or above the county level shall strengthen the leadership of wetland protection, incorporate wetland protection into their national economic and social development plans, and include the funds required for wetland protection in their fiscal budgets at the corresponding level.

Article 5 — The State shall implement a responsibility system for wetland protection targets, incorporating indicators such as wetland area, wetland protection rate and wetland ecological status into the comprehensive evaluation system for ecological civilization construction.

Article 6 — The department in charge of forestry and grassland under the State Council shall be responsible for the supervision and administration of wetland resources and the overall planning, organization, coordination and guidance of wetland protection. The departments in charge of natural resources, water resources, housing and urban-rural development, ecological and environmental protection, and agriculture and rural affairs under the State Council shall be responsible for wetland protection and management in accordance with their respective duties.

Article 7 — The State shall encourage entities and individuals to participate in wetland protection through donations, funding, volunteer service and other means. Entities and individuals that have made outstanding achievements in wetland protection shall be commended and rewarded.

Article 8 — All entities and individuals shall have the obligation to protect wetlands and shall have the right to report and file complaints against acts that damage wetlands.

Article 9 — The State shall support scientific and technological research on wetland protection, promote the research, development, popularization and application of wetland protection and restoration technologies, and strengthen the cultivation of professional personnel for wetland protection.

Chapter II — Wetland Resource Management

Article 10 — The State shall implement a system of classified and graded management of wetlands and establish a wetland protection list system.

Wetlands shall be classified as important wetlands and general wetlands. Important wetlands shall include wetlands of international importance, wetlands of national importance, and wetlands of importance at the provincial level. Important wetlands shall be included in the ecological protection red lines in accordance with the law.

Article 11 — The State shall carry out surveys and evaluations of wetland resources, ascertain the type, distribution, area, utilization status and ecological status of wetland resources, and establish a unified wetland resource information release and sharing mechanism.

Article 12 — Wetlands of international importance shall be designated by the department in charge of forestry and grassland under the State Council in conjunction with the relevant departments and submitted to the State Council for approval and publication. Wetlands of national importance shall be designated and published by the department in charge of forestry and grassland under the State Council in conjunction with the relevant departments. Wetlands of importance at the provincial level shall be designated and published by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government or the departments authorized by them.

Article 13 — The designation of important wetlands shall comply with the national land spatial planning and the overall plan for the system of protected natural areas, and shall take into full consideration the representativeness, rarity, naturalness, integrity and other characteristics of the ecological functions and biodiversity of the wetlands.

Article 14 — The people's governments at or above the county level shall formulate wetland protection plans and organize the implementation thereof. Wetland protection plans shall specify the objectives, tasks, key areas and safeguard measures for wetland protection.

Article 15 — The State shall exercise strict control over the occupation of wetlands. It is prohibited to occupy wetlands of international importance and wetlands of national importance, unless for major national projects, flood prevention and disaster mitigation projects, important water conservancy and protection facilities projects, or projects for the protection of wetlands themselves.

Article 16 — Where the occupation of important wetlands is approved in accordance with the law, entities or individuals occupying the wetlands shall be responsible for restoring or rebuilding wetlands of an area and quality equivalent to the occupied wetlands, or pay wetland restoration fees.

Article 17 — It is prohibited to discharge industrial wastewater or domestic sewage that does not meet the discharge standards into wetlands, or to dump, pile up, discard or scatter solid waste into wetlands.

Article 18 — It is prohibited to reclaim (enclose for cultivation) natural wetlands or to cut off the water sources of natural wetlands without authorization. Where there is a genuine need for the utilization of water resources from wetlands for ecological purposes, the ecological flow of the wetlands shall be ensured.

Chapter III — Wetland Protection and Restoration

Article 19 — The State shall establish a wetland protection management information system, monitor and assess the status of wetland resources in real time, and issue early warnings regarding changes in the status of important wetlands.

Article 20 — The people's governments at or above the county level shall, based on the actual conditions of wetland protection, establish a system for the management and protection of wetlands, designate management and protection responsible entities, and strengthen routine patrols and management of wetlands.

Article 21 — The people's governments at or above the county level shall, in accordance with the wetland protection plans, take measures such as returning farmland to wetlands, returning farmland to lakes, and restricting groundwater extraction according to local conditions to restore the area and ecological functions of wetlands.

Article 22 — The restoration of wetlands shall adhere to the principles of natural restoration supplemented by artificial restoration. Wetland restoration measures shall be compatible with the characteristics of the wetlands and consistent with the overall ecosystem.

Article 23 — The introduction and release of alien species into wetlands shall be subject to scientific assessment and approval in accordance with the law to prevent damage to the wetland ecosystem.

Article 24 — The people's governments at or above the county level shall strengthen the protection and management of wetland nature reserves and wetland parks, maintain the authenticity and integrity of the wetland ecosystem, and prevent the degradation of ecological functions.

Article 25 — The State shall establish a wetland ecological compensation system, gradually realizing compensation for wetland ecological protection, and encouraging the development of carbon sink trading for wetlands.

Chapter IV — Wetland Utilization

Article 26 — The utilization of wetland resources shall conform to the overall plan for wetland protection and shall not change the natural state and ecological functions of wetlands or exceed the carrying capacity of wetland resources.

Article 27 — The people's governments at or above the county level shall adopt measures to guide and support the scientific utilization of wetlands around wetland nature reserves and wetland parks, and develop industries such as eco-tourism, eco-education and eco-agriculture that are compatible with wetland protection.

Article 28 — In utilizing wetland resources, entities and individuals shall adopt measures to reduce adverse impacts on the wetland ecosystem. Where a wetland ecosystem is damaged as a result of utilization activities, the entity or individual responsible shall restore it.

Article 29 — Grazing, farming, tree cutting, plant collecting, hunting, fishing and other activities within wetlands shall comply with the provisions of laws, regulations and wetland protection plans and shall not damage the ecological functions and biodiversity of wetlands.

Article 30 — The State shall encourage the exploration of mechanisms for realizing the value of wetland ecological products and promote the eco-friendly and sustainable utilization of wetlands.

Chapter V — Supervision and Inspection

Article 31 — The competent departments of the people's governments at or above the county level shall strengthen supervision and inspection of wetland protection, promptly investigate and address illegal acts that damage wetlands, and supervise the rectification.

Article 32 — When carrying out supervision and inspection of wetland protection, the competent departments shall have the authority to take the following measures:

(1) Inquire of the entities and individuals under inspection and require them to provide documents and materials relating to wetland protection;

(2) Conduct on-site inspections of wetlands and require the entities and individuals under inspection to make statements on the relevant matters;

(3) Order the entities and individuals under inspection to cease illegal acts that are being committed; and

(4) Other measures as prescribed by laws and regulations.

Article 33 — The competent departments shall establish a mechanism for sharing wetland protection supervision information and strengthen coordination and cooperation to enhance supervision efficiency.

Article 34 — The State shall implement a wetland protection inspection system, under which the people's governments at or above the provincial level shall organize inspections of the implementation of wetland protection by the people's governments at lower levels.

Chapter VI — Legal Liability

Article 35 — Where an entity or individual illegally occupies an important wetland, the competent department in charge of forestry and grassland shall order it to cease the illegal act, dismantle the illegal structures or facilities within a prescribed time limit, restore the wetland, and impose a fine of not less than 500 yuan but not more than 5,000 yuan per square meter of the illegally occupied wetland area. Where the circumstances are serious, a fine of not less than 5,000 yuan but not more than 10,000 yuan per square meter shall be imposed.

Source: https://www.danyoungcpa.com/wetland-protection-law-prc-2021/

Article 36 — Where an entity or individual reclaims (encloses for cultivation) or cuts off the water source of a natural wetland without authorization, the competent department shall order it to cease the illegal act, restore the wetland within a prescribed time limit, and impose a fine of not less than 200 yuan but not more than 2,000 yuan per square meter of the damaged wetland area.

Article 37 — Where an entity or individual discharges industrial wastewater or domestic sewage that does not meet the standards into wetlands, the competent department in charge of ecological and environmental protection shall impose penalties in accordance with the provisions of the Law on the Prevention and Control of Water Pollution and other relevant laws and regulations.

Article 38 — Where an entity or individual dumps, piles up, discards or scatters solid waste into wetlands, the competent department in charge of ecological and environmental protection shall impose penalties in accordance with the provisions of the Law on the Prevention and Control of Environmental Pollution by Solid Wastes and other relevant laws and regulations.

Article 39 — Where an entity or individual damages the wetland ecosystem in violation of the provisions of this Law, the competent department shall order it to restore the wetland within a prescribed time limit and may impose a fine of not less than 1,000 yuan but not more than 10,000 yuan per square meter of the damaged area. Where the circumstances are serious, a fine of not less than 10,000 yuan but not more than 50,000 yuan per square meter shall be imposed.

Article 40 — Where an entity or individual, after being ordered to restore wetlands, fails to do so within the prescribed time limit, the competent department may organize restoration or entrust a third party to carry out the restoration, and the required costs shall be borne by the entity or individual that caused the damage.

Chapter VII — Supplementary Provisions

Article 41 — This Law shall take effect on June 1, 2022.

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