Wetlands Protection Law of the PRC

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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 ecological civilization, and achieving harmonious coexistence between man 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 in other sea areas under the jurisdiction of the People's Republic of China. For the purposes of this Law, "wetlands" mean natural or artificial, permanent or temporary water areas, with still or flowing water, or freshwater, brackish water, or saltwater bodies, including sea areas with water depth not exceeding six meters at low tide, as well as areas such as marshes, lake wetlands, river wetlands, coastal wetlands, and reservoir wetlands that are important for biodiversity protection, but excluding paddy fields and artificial waters and tidal flats used for aquaculture.

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Article 3 — Wetland protection shall adhere to the principles of giving priority to protection, strict management, systematic governance, scientific restoration, and rational utilization, and shall bring into play the multiple functions of wetlands in such aspects as water conservation, climate regulation, environmental improvement, and biodiversity maintenance.

Article 4 — People's governments at or above the county level shall incorporate wetland protection into their national economic and social development plans, and include the funds needed for wetland protection in their budgets.

Article 5 — The State shall implement a system for the management of the total amount of wetland area and shall adopt measures to ensure that the total wetland area remains stable.

Article 6 — The forestry and grassland authorities under the State Council shall be responsible for the supervision and administration of wetland resources and the formulation of wetland protection plans and standards. Other relevant authorities under the State Council shall be responsible for wetland protection and restoration work within the scope of their respective duties.

Chapter II — Protection and Management of Wetland Resources

Article 7 — The State shall implement a graded wetland management system. Wetlands shall be classified into nationally important wetlands, locally important wetlands, and general wetlands according to their ecological location, area, and importance for maintaining ecological functions and biodiversity.

Article 8 — The State shall implement a catalog-based management system for wetlands of importance. The list of nationally important wetlands shall be issued by the forestry and grassland authorities under the State Council after soliciting the opinions of the relevant authorities under the State Council. The list of locally important wetlands shall be issued by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government or their authorized authorities.

Article 9 — The State strictly controls the occupation of wetlands. The occupation of nationally important wetlands is prohibited, with the exception of major national construction projects, flood control and disaster relief projects, important water conservancy and ecological protection and restoration projects, and linear infrastructure construction projects that must cross wetlands and where no alternative can be found. Where the occupation of a wetland is truly necessary, the principles of occupying as little as possible and maintaining an overall balance shall apply, and the approval formalities shall be completed in accordance with the provisions of laws and regulations.

Article 10 — It is prohibited to engage in the following activities in wetlands: (1) Reclaiming or draining natural wetlands, or permanently cutting off the water sources of natural wetlands; (2) Discharging industrial wastewater, domestic sewage, and other waste water that does not meet discharge standards into wetlands, or dumping, stacking, discarding, or scattering solid waste; (3) Overgrazing, indiscriminate mining, or indiscriminate harvesting of wild plants in wetlands, or excessive use of chemical fertilizers, pesticides, or other inputs; and (4) Other activities damaging wetlands and their ecological functions as prohibited by laws and regulations.

Article 11 — The State shall establish a wetland ecological protection compensation system. People's governments at or above the county level shall provide compensation for wetland protection, restoration, and management.

Article 12 — Wetland nature reserves and wetland parks shall be established for wetlands with significant ecological functions. The management of wetland nature reserves shall be carried out in accordance with the provisions of relevant laws and administrative regulations on nature reserves.

Chapter III — Wetland Restoration and Utilization

Article 13 — The State shall adopt measures such as returning farmland to wetlands, returning farmland to lakes, construction of water replenishment projects, and transformation of river-lake connectivity, to restore wetlands and expand wetland areas. People's governments at or above the county level shall organize and carry out wetland restoration work, giving priority to the restoration of wetlands with seriously degraded ecological functions.

Article 14 — The utilization of wetlands shall conform to the requirements of the main functional area planning, and shall not alter the natural state of wetlands or exceed the carrying capacity of wetland resources, or damage the ecological functions of wetlands.

Article 15 — The local people's governments shall encourage and support scientific research, publicity and education, and the development of eco-tourism and other activities for the protection and rational utilization of wetlands on the premise of protecting wetland ecological functions.

Chapter IV — Supervision and Inspection

Article 16 — The forestry and grassland authorities and other relevant authorities of local people's governments at or above the county level shall, in accordance with the division of duties, supervise and inspect the protection, utilization, and restoration of wetlands, and shall have the right to take the following measures in accordance with the law: (1) Inquiring of the relevant entities and individuals and requesting them to provide documents and materials relating to the supervision and inspection matters; (2) Conducting on-site inspections; (3) Ordering the cessation of illegal acts; and (4) Sealing up or seizing places, facilities, equipment, tools or articles suspected of being used for illegal acts.

Article 17 — The State shall establish a wetland monitoring and assessment system. The forestry and grassland authorities under the State Council shall, in conjunction with the relevant authorities under the State Council, organize and carry out monitoring and assessment of the state of the national wetland ecology.

Chapter V — Legal Liability

Article 18 — Where a person, in violation of the provisions of this Law, reclaims or drains natural wetlands, or permanently cuts off the water sources of natural wetlands, the relevant authorities of the local people's government at or above the county level shall, in accordance with the division of duties, order the person to cease the illegal act, restore the original state within a specified time limit or adopt other remedial measures, and impose a fine of not less than RMB 500 but not more than RMB 5,000 per mu of illegally occupied wetland area; where the damage caused to wetland resources and ecological functions is serious, a fine of not less than RMB 5,000 but not more than RMB 50,000 per mu shall be imposed. Where a person occupies an important wetland without authorization, punishment shall be imposed in accordance with the provisions of the preceding paragraph; where the circumstances are serious, a heavier punishment may be imposed.

Article 19 — Where a person discharges waste water that does not meet the discharge standards into wetlands, or dumps, stacks, discards, or scatters solid waste, punishment shall be imposed in accordance with the provisions of relevant laws and administrative regulations on environmental protection.

Article 20 — Where a state organ or any of its functionaries abuses his or her authority, neglects his or her duties, or engages in malpractice for personal gain in wetland protection work, disciplinary action shall be taken in accordance with the law.

Article 21 — Where a person violates the provisions of this Law and causes damage to wetlands, he or she shall bear civil liability such as restoration of the original state and compensation for losses in accordance with the law.

Article 22 — Where a person violates the provisions of this Law and the act constitutes a violation of public security administration, public security administration penalties shall be imposed in accordance with the law;

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where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VI — Supplementary Provisions

Article 23 — The protection and management of wetlands within the scope of ecological protection red lines shall be implemented in accordance with the relevant State regulations.

Article 24 — This Law shall come into force on June 1, 2022.

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