Yangtze River 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 strengthening the protection and restoration of the ecological environment in the Yangtze River basin, promoting the rational and efficient use of resources,

safeguarding ecological security, ensuring the harmony between humans and nature, and achieving the sustainable development of the Chinese nation.

Article 2 — This Law shall apply to various activities for the protection of the ecological environment, the restoration of the ecological system, the conservation and efficient use of resources, as well as production, living, and development and construction activities, in the Yangtze River basin. For purposes of this Law, the Yangtze River basin means the catchment areas of the main stream, tributaries, and lakes of the Yangtze River as formed by the boundaries of relevant provincial-level administrative regions, including Qinghai, Sichuan, Tibet, Yunnan, Chongqing, Hubei, Hunan, Jiangxi, Anhui, Jiangsu, and Shanghai, as well as Gansu, Shaanxi, Henan, Guizhou, Guangxi, Guangdong, Zhejiang, and Fujian.

Article 3 — The protection of the Yangtze River basin shall adhere to the overall concept of ecological priority and green development, shall adopt a holistic strategy of making overall planning and decision-making, shall refrain from large-scale development, and shall jointly focus on large-scale protection.

Article 4 — The State shall establish a coordination mechanism for the protection of the Yangtze River basin, exercising unified guidance and overall coordination over major issues in the protection of the Yangtze River basin, and shall deliberate on major policies and plans for its protection.

Article 5 — Local people's governments at all levels within the Yangtze River basin shall be responsible for the protection of the ecological environment within their respective administrative regions, and shall implement the requirements of the national plan for the protection of the Yangtze River basin.

Chapter II — Planning and Control

Article 6 — The State shall, in accordance with the comprehensive plan for the Yangtze River basin and the territorial spatial plan, formulate a national territorial spatial plan for the Yangtze River basin, which shall serve as the basic basis for the protection, development, utilization, and restoration of various types of territorial space within the basin.

Article 7 — The relevant departments of the State Council and the provincial-level people's governments within the Yangtze River basin shall formulate plans for the protection of the ecological environment, plans for the development and utilization of water resources, and other special plans for the basin.

Article 8 — The State shall implement a system of classified management of territorial space in the Yangtze River basin. Ecological protection red lines, permanent basic farmland, and urban development boundaries shall be strictly controlled.

Article 9 — The natural shoreline of the Yangtze River basin shall be strictly protected. The retention rate of natural shorelines of the main stream and important tributaries of the Yangtze River shall be included in the assessment of local people's governments. No entity or individual may illegally occupy shorelines of the Yangtze River basin.

Article 10 — It shall be prohibited to engage in production and construction activities that are not related to ecological protection within the river courses and lakes of the Yangtze River basin. It shall be prohibited to illegally occupy river courses and lakes to reclaim land, build structures, or dump waste.

Chapter III — Resource Protection

Article 11 — The State Council's water administration department shall exercise unified allocation and dispatch of water resources in the Yangtze River basin to ensure basic ecological water use and to maintain the health of the river ecosystem.

Article 12 — The State shall strengthen the protection of drinking water sources in the Yangtze River basin. It shall be prohibited to set up outfalls in drinking water source protection zones. Existing outfalls shall be removed within a prescribed time limit.

Source: https://www.danyoungcpa.com/yangtze-river-protection-law-prc-2020-english-translation/

Article 13 — The State shall establish a system for the investigation, monitoring, assessment, and restoration of groundwater in the Yangtze River basin, and shall strengthen the prevention and control of groundwater pollution and over-extraction.

Article 14 — The State shall strictly protect arable land in the Yangtze River basin, strengthen the protection of forest resources, grasslands, and wetland resources, and maintain biodiversity in the basin.

Article 15 — The State shall implement strict fishing ban systems in key waters of the Yangtze River basin. During the fishing ban periods and in fishing ban areas, productive fishing of natural fishery resources shall be prohibited.

Article 16 — The State shall strengthen the protection of rare and endangered aquatic wild animals and plants and important aquatic biological resources in the Yangtze River basin, and shall establish necessary protection and restoration measures.

Chapter IV — Water Pollution Prevention and Control

Article 17 — The State Council's ecological environment department shall formulate water pollutant discharge standards for the Yangtze River basin and shall exercise unified supervision and management over the prevention and control of water pollution in the basin.

Article 18 — It shall be prohibited to construct or expand chemical parks and chemical projects within one kilometer of the main stream and important tributaries of the Yangtze River. Existing chemical enterprises and chemical parks shall be renovated or relocated in accordance with the prescribed timetable.

Article 19 — Local people's governments within the Yangtze River basin shall accelerate the construction of sewage collection and treatment facilities, promote classified collection and resource utilization of domestic waste, and strictly control agricultural non-point source pollution.

Article 20 — Vessels navigating in the Yangtze River basin shall be equipped with pollution prevention facilities and equipment and shall collect and store vessel pollutants. It shall be prohibited to discharge vessel pollutants directly into the water body.

Article 21 — Entities discharging pollutants into water bodies must obtain discharge permits in accordance with the law and strictly comply with the discharge permit requirements. It shall be prohibited to discharge pollutants without permits or in violation of permits.

Chapter V — Ecological Restoration

Article 22 — The State shall implement systematic restoration of the ecological environment in the Yangtze River basin, adopting measures such as afforestation and the return of farmland to forests, grasslands, and wetlands to improve the natural ecosystem.

Article 23 — The State shall strengthen the protection and restoration of important ecological systems in the Yangtze River basin, such as forests, grasslands, and wetlands, and shall implement key ecological projects including shelterbelt systems and water and soil conservation.

Article 24 — Local people's governments shall organize the treatment of soil and water loss, rocky desertification, and mine ecological restoration within their respective administrative regions, and shall restore the ecological functions of damaged areas.

Article 25 — The State shall establish a compensation mechanism for ecological protection in the Yangtze River basin and shall encourage upstream and downstream areas, left and right banks, and main streams and tributaries to carry out horizontal ecological compensation.

Chapter VI — Green Development

Article 26 — The State Council and the local people's governments within the Yangtze River basin shall, in accordance with the requirements of green development, adjust and optimize industrial structures and energy structures, eliminate outdated production capacity, and promote the transformation and upgrading of traditional industries.

Article 27 — The State shall encourage and support the development of green industries in the Yangtze River basin, including energy conservation, environmental protection, clean production, clean energy, ecological agriculture, and eco-tourism.

Article 28 — The State shall promote green transportation in the Yangtze River basin, strengthen the construction of ports and shipping infrastructure, and improve the multimodal transport system combining water, rail, and road transport.

Article 29 — Local people's governments shall promote green lifestyles, encourage citizens to conserve water and electricity, reduce household waste generation, and adopt low-carbon lifestyles.

Chapter VII — Supervision and Management

Article 30 — The State shall establish an integrated monitoring network system for the ecological environment, resources, hydrology, meteorology, shipping, and natural disasters in the Yangtze River basin and shall share monitoring information.

Article 31 — The relevant departments of the State Council and the local people's governments within the basin shall strengthen supervision and inspection of compliance with laws and regulations concerning the protection of the Yangtze River basin.

Article 32 — The State shall implement a responsibility system and an assessment and evaluation system for the protection of the ecological environment in the Yangtze River basin. The results shall serve as an important basis for the comprehensive assessment and evaluation of leading officials.

Article 33 — Citizens, legal persons, and unincorporated organizations shall have the right to access information on the protection of the ecological environment in the Yangtze River basin, and to report any illegal acts in accordance with the law.

Chapter VIII — Legal Liability

Article 34 — Where any entity, in violation of this Law, constructs chemical parks or chemical projects within one kilometer of shorelines of the main stream or important tributaries of the Yangtze River, the local people's government at or above the county level shall order it to close down or relocate within a prescribed time limit. A fine of not less than RMB 500,000 and not more than RMB 2,000,000 shall also be imposed.

Article 35 — Where anyone illegally occupies shorelines of the Yangtze River basin, the water administration or other relevant department shall order cessation of the illegal act, removal within a prescribed time limit, and restoration to the original condition. A fine of not less than RMB 10,000 and not more than RMB 50,000 shall also be imposed.

Article 36 — Where anyone discharges pollutants in violation of discharge permit requirements, the ecological environment department shall order cessation of the discharge, impose corrective measures within a prescribed time limit, and impose a fine in accordance with the law. Where the circumstances are serious, the offender shall be ordered to suspend production or operations for rectification.

Article 37 — Where anyone engages in productive fishing of natural fishery resources in violation of the fishing ban regulations, the fisheries administration department shall impose a fine in accordance with the law and may confiscate fishing vessels, fishing gear, and catches.

Article 38 — Where anyone, in violation of this Law, causes damage to the ecological environment of the Yangtze River basin, the organs prescribed by the State or organizations prescribed by law shall have the right to demand the violator to bear compensation liability for ecological and environmental damage.

Article 39 — Where relevant departments or local people's governments fail to perform their duties in the protection of the Yangtze River basin, the responsible leaders and directly responsible persons shall be subject to sanctions in accordance with the law.

Chapter IX — Supplementary Provisions

Article 40 — The State Council and relevant departments shall formulate supporting regulations and measures in accordance with this Law. The standing committees of the people's congresses of the relevant provinces, autonomous regions, and municipalities directly under the Central Government may formulate local regulations for the protection of the Yangtze River basin.

Article 41 — This Law shall come into force on March 1, 2021.

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