Regulations on the Administration of the Dumping of Wastes into the Ocean

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Article 1 — These Regulations are specially formulated for the purpose of implementing the Marine Environment Protection Law of the People's Republic of China, strictly controlling the dumping of wastes into the sea, preventing pollution damage to the marine environment, maintaining ecological balance, protecting marine resources, and promoting the development of the marine industry.

Article 2 — "Dumping" in these Regulations means the disposal of wastes and other substances into the sea by means of vessels, aircraft, platforms and other means of conveyance; the abandonment at sea of vessels, aircraft, platforms and other man-made structures at sea; and the disposal into the sea of wastes and other substances produced by the exploration and development of seabed mineral resources and by the offshore processing related to such exploration and development.

"Dumping" does not include the discharge of wastes produced in the normal operation of vessels, aircraft and other means of conveyance and facilities.

Article 3 — These Regulations apply to:

(1) the dumping of wastes and other substances into the internal waters, territorial seas, continental shelves and other sea areas under the jurisdiction of the People's Republic of China;

(2) the loading, for the purpose of dumping, of wastes and other substances on the land or at ports of the People's Republic of China;

(3) the transport, for the purpose of dumping, of wastes and other substances through the internal waters, territorial seas and other sea areas under the jurisdiction of the People's Republic of China; and

(4) the incineration and disposal of wastes and other substances in the sea areas under the jurisdiction of the People's Republic of China.

Wastes produced in the course of offshore oil exploration and development shall be handled in accordance with the Regulations of the People's Republic of China on the Administration of Environmental Protection in Offshore Oil Exploration and Development.

Article 4 — The competent authority for ocean dumping is the State Oceanic Administration of the People's Republic of China and its dispatched agencies (hereinafter the "competent authority").

Article 5 — Ocean dumping areas shall be delineated by the competent authority, in consultation with the relevant departments, in accordance with the principles of being scientific, rational, safe and economical, and shall be submitted to the State Council for approval and determination.

Article 6 — A unit that needs to dump wastes into the sea shall apply to the competent authority in advance, fill in a dumping application form in the prescribed format, and attach an inspection sheet on the characteristics and composition of the wastes.

The competent authority shall examine and approve the application within two months from the date of receipt of the application. A waste dumping permit shall be issued to those whose dumping is approved.

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No unit, vessel, aircraft, platform or other means of conveyance may dump wastes into the sea without approval of the competent authority in accordance with the law.

Article 7 — Foreign wastes shall not be transported to sea areas under the jurisdiction of the People's Republic of China for dumping, including the abandonment of vessels, aircraft, platforms and other man-made structures at sea. Violators shall be ordered by the competent authority to carry out treatment within a time limit, pay the pollution removal costs, compensate for losses, and be fined.

Where wastes dumped outside the sea areas under the jurisdiction of the People's Republic of China cause pollution damage to the sea areas under the jurisdiction of the People's Republic of China, the matter shall be handled in accordance with Article 17 of these Regulations.

Article 8 — Any vessel or other means of conveyance transporting wastes through the sea areas under the jurisdiction of the People's Republic of China for the purpose of dumping shall notify the competent authority 15 days before entering the sea areas under the jurisdiction of the People's Republic of China, and shall simultaneously report the time of entry into the sea areas under the jurisdiction of the People's Republic of China, the route, and the name, quantity and composition of the wastes.

Article 9 — Where foreign-flag vessels and platforms need to dump into the sea the wastes and other substances produced in the sea areas under the jurisdiction of the People's Republic of China by the exploration and development of seabed mineral resources and by the offshore processing related to such exploration and development, they shall obtain approval from the competent authority in accordance with the prescribed procedures.

Article 10 — A dumping permit shall state the dumping unit, the validity period, and the quantity, types and dumping methods of the wastes, among other particulars.

The issuance of permits shall be strictly controlled in accordance with the relevant provisions of these Regulations. The competent authority may replace or revoke a permit in accordance with changes in the marine ecological environment and developments in science and technology.

Article 11 — Wastes shall be divided into three categories on the basis of factors such as their toxicity, content of harmful substances and impact on the marine environment. The classification standards shall be formulated by the competent authority. The competent authority may revise the annexes in accordance with changes in the marine ecological environment, developments in science and technology, and the needs of marine environmental protection.

1. The dumping of wastes and other substances listed in Annex 1 (see Annex 1) is prohibited. Where, in an emergency, disposal on land would seriously endanger people's health, an emergency permit may be obtained with the approval of the State Oceanic Administration, and dumping may be carried out in a designated area by the prescribed method.

2. A special permit shall be obtained in advance for the dumping of wastes listed in Annex 2 (see Annex 2).

3. An ordinary permit shall be obtained in advance for the dumping of low-toxicity or non-toxic wastes not listed in Annex 1 or Annex 2.

Article 12 — A unit approved to dump wastes into the sea shall notify the competent authority for verification when loading the wastes.

The verification shall be carried out in accordance with the particulars stated in the permit. Where the competent authority discovers that the actual load does not conform to the particulars stated in the permit, it shall order the cessation of loading and transport; where the circumstances are serious, it shall suspend or revoke the permit.

Article 13 — The competent authority shall monitor and supervise ocean dumping activities and may, where necessary, dispatch personnel to accompany the voyage. The dumping unit shall provide convenience for

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the accompanying official personnel.

Article 14 — A unit approved to dump wastes into the sea shall carry out dumping in the designated area in accordance with the period and conditions stated in the permit, truthfully and in detail fill in the dumping situation record form, and submit the record form to the competent authority in accordance with the requirements stated in the permit. The vessels, aircraft, platforms and other means of conveyance dumping wastes shall bear conspicuous marks and signals, and shall record the dumping situation in detail in the navigation log.

Article 15 — Vessels, aircraft, platforms and other means of conveyance dumping wastes that fall under the circumstances specified in Articles 89 and 91 of the Marine Environment Protection Law of the People's Republic of China may be exempted from compensation liability.

Where, for emergency avoidance of danger or for saving human life, dumping is not carried out in accordance with the conditions and areas specified in the permit, every effort shall be made to avoid or mitigate the pollution damage caused by the dumping, and a report shall be made to the competent authority as soon as possible afterwards. The dumping unit and the beneficiary of the emergency avoidance of danger or the saving of human life shall compensate for the pollution damage caused thereby.

Where pollution damage is caused by the fault of a third party, the dumping unit shall submit conclusive evidence to the competent authority, and the competent authority shall, upon confirmation, order the third party to bear the compensation liability.

Where vessels, aircraft, platforms and other means of conveyance navigating and operating at sea are abandoned due to irresistible causes, their owners shall report to the competent authority and the nearest harbor supervision authority, and shall salvage and clear them as soon as possible.

Article 16 — The competent authority shall periodically monitor ocean dumping areas, strengthen administration, and avoid causing harmful effects on fishery resources and other maritime activities. Where a dumping area is found unsuitable for continued dumping, the competent authority may decide to close it.

Article 17 — Where a violation of these Regulations causes pollution damage to the marine environment, the competent authority may order the violator to carry out treatment within a time limit, pay the pollution removal costs, compensate the injured party for the resulting losses, and impose a warning or a fine of not more than 100,000 yuan depending on the seriousness of the circumstances and the degree of pollution damage.

Article 18 — Units and individuals demanding compensation for losses shall submit a pollution damage claim report to the competent authority as soon as possible. The report shall include the time, place, scope and objects of the pollution damage, a list of losses, technical appraisal and notarial certification, and shall, as far as possible, provide the relevant original vouchers and photographs.

Article 19 — After the completion of the operation, a unit entrusted to remove pollution shall submit a report claiming pollution removal costs to the competent authority as soon as possible. The report shall include the time and place of pollution removal, the manpower, machinery and vessels invested, the quantity, unit price and calculation method of the removal materials, the management expenses and transport expenses for organizing the removal, the removal effect and circumstances, and other relevant evidence and certification materials.

Article 20 — The penalty standards for illegal acts are as follows:

1. A warning or a fine of not more than 2,000 yuan shall be imposed for any of the following acts:

(1) forging a waste inspection sheet;

(2) failing to fill in the dumping situation record form in accordance with Article 14 of these Regulations; or

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(3) failing to promptly report to the competent authority and the harbor supervision authority under the circumstances specified in Article 15 of these Regulations.

2. Where the actual load does not conform to the particulars stated in the permit and the circumstances are serious, in addition to suspending or revoking the permit, a fine of not less than 2,000 yuan and not more than 5,000 yuan may be imposed.

3. Where dumping is carried out without authorization without notifying the competent authority for verification in accordance with Article 12 of these Regulations, a fine of not less than 5,000 yuan and not more than 20,000 yuan may be imposed.

4. A fine of not less than 20,000 yuan and not more than 100,000 yuan may be imposed for any of the following acts:

(1) dumping wastes into the sea without approval; or

(2) dumping not in accordance with the approved conditions and areas, except for the circumstances specified in Article 15 of these Regulations.

Article 21 — For persons directly responsible for violating these Regulations and causing or possibly causing pollution damage to the marine environment, the competent authority may impose a warning or a fine, or both.

For persons directly responsible for violating these Regulations, polluting and damaging the marine environment, causing major property losses or casualties, the judicial authorities shall pursue criminal liability in accordance with the law.

Article 22 — Where a party is dissatisfied with the penalty decision of the competent authority, it may institute a lawsuit with the people’s court within 15 days from the date of receipt of the penalty notice; where the party neither institutes a lawsuit within the period nor performs the penalty decision, the competent authority shall apply to the people’s court for compulsory enforcement.

Article 23 — Individuals who actively report and expose conduct violating these Regulations and causing pollution damage to the marine environment, actively provide evidence, or achieve results in taking effective measures to reduce pollution damage shall be commended or rewarded.

Article 24 — These Regulations shall take effect on April 1, 1985.

Annex 1

Substances Prohibited from Being Dumped

1. Wastes containing organohalogen compounds, mercury and mercury compounds, and cadmium and cadmium compounds, except those in trace amounts or capable of being rapidly converted into harmless substances in seawater.

2. Strongly radioactive wastes and other strongly radioactive substances.

3. Crude oil and its wastes, refined petroleum products, residual oil, and mixtures containing such substances.

4. Fishing nets, ropes, plastic products and other synthetic substances that can float on the sea surface or suspend in the water, seriously impeding navigation, fishing and other activities or endangering marine organisms.

5. Sewer sludge and dredged materials containing the substances listed in items 1 and 2 of this Annex.

Annex 2

Substances Whose Dumping Requires a Special Permit

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1. Wastes containing the following substances in large quantities:

(1) arsenic and its compounds;

(2) lead and its compounds;

(3) copper and its compounds;

(4) zinc and its compounds;

(5) organosilicon compounds;

(6) cyanides;

(7) fluorides;

(8) beryllium, chromium, nickel, vanadium and their compounds; and

(9) pesticides and their by-products not listed in Annex 1,

except those that are harmless or capable of being rapidly converted into harmless substances in seawater.

2. Wastes containing weakly radioactive substances.

3. Containers, scrap metal and other bulky wastes that sink easily to the seabed and may seriously impede fishing and navigation.

4. Sewer sludge and dredged materials containing the substances listed in items 1 and 2 of this Annex.

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