

Environmental protection Law of the People's Republic of China

(January 1, 2015)

(11th meeting of the Standing Committee of the National People's Congress of December 26, 1989, as amended by the 12th session of the Standing Committee of the National People's Congress)

Directory

Chapter 1 general provisions

Chapter 2 Supervision and management

Chapter 3 Protection and improvement of the environment

Chapter 4 prevention and control of pollution and other public hazards

Chapter 5 Information Disclosure and public participation

Chapter 6 Legal liability

Annex to chapter seventh

Chapter I general provisions

The first article is to protect and improve the environment, prevent and control pollution and other public hazards, safeguard public health, promote the construction of ecological civilization, promote sustainable economic and social development, and formulate this law.

The second article, referred to in this law, refers to the general nature of various natural and artificially modified natural factors that affect the survival and development of mankind, including the atmosphere, water, oceans, land, mineral deposits, forests, grasslands, wetlands, wildlife, natural monuments, cultural relics, nature reserves, scenic spots, cities and villages, etc.

Article 3 This Law applies to the territory of the People's Republic of China and other maritime areas under the jurisdiction of the people

Article 4 protection of the environment is the National basic State policy of the country. The State adopts economic and technological policies and measures conducive to the conservation and recycling of resources, the protection and improvement of the environment and the promotion of harmony between man and nature, so as to reconcile economic and social development with environmental protection.

Article 5 environmental protection adheres to the principles of priority protection, prevention, comprehensive management, public participation and damage to responsibility.

Article 6 all units and individuals have an obligation to protect the environment. Local people's Governments at all levels shall be responsible for the environmental quality of their respective administrative areas. Enterprises, institutions and other production operators shall prevent and reduce environmental pollution and ecological damage, and shall be liable for the damage caused in accordance with the law. Citizens should strengthen their awareness of environmental protection, adopt a low-carbon, frugal way of life, and consciously fulfill their environmental protection obligations.

Article 7 country supports environmental protection science and technology research, development and application, encourages the development of environmental protection industry, promotes the construction of environmental protection informationization, and improves the level of environmental protection science and technology.

The eighth people's Governments at all levels shall increase their financial investment in protecting and improving the environment, preventing and controlling pollution and other public hazards, and improve the efficiency of the use of financial funds.

The Ninth people's Governments at all levels shall strengthen publicity and popularization of environmental protection, encourage grass-roots mass autonomous organizations, social organizations and environmental protection volunteers to carry out publicity on environmental protection laws and regulations and environmental protection knowledge, and create a good ethos for protecting the environment.

The tenth educational administrative Department and the school shall incorporate the knowledge of environmental protection into the content of school education and cultivate students' awareness of environmental protection. The news media should carry out publicity on environmental protection laws and regulations and environmental protection knowledge, and supervise public opinion on environmental violations. The relevant departments of the people's Governments at or above the county level and the environmental protection departments of the armed Forces shall supervise and administer the environmental protection work such as resource protection and pollution control in accordance with the provisions

The 11th unit and individual who have made remarkable achievements in the protection and improvement of the environment shall be rewarded by the people's government.

The 12th is June 5 of each year is environment day.

Chapter II Supervision and management

The 13th people's Governments at or above the county level shall integrate environmental protection work into national economic and social development plans. The competent Department of Environmental protection under the State Council, in conjunction with the relevant departments, prepares national environmental protection plans according to national Economic and social development plans, and reports them to the State Council for approval. The Environmental Protection Department of the local people's government at or above the county level, in conjunction with the relevant departments, shall prepare the environmental protection Plan of the administrative Region accordingly. The content of environmental protection planning should include the objectives, tasks and

safeguard measures of ecological protection and pollution prevention and control, and be connected with the main functional area planning, land use master planning and urban and rural planning.

The 14th, the relevant departments of the State Council and the People's Governments of provinces, autonomous regions and municipalities directly under the municipality shall give full consideration to the impact on the environment and listen to the opinions of interested parties and experts in formulating economic and technological policies.

The 15th State Council environmental protection authorities to formulate national environmental quality standards. The people's Governments of provinces, autonomous regions and municipalities directly under the central government may formulate local environmental quality standards for projects not stipulated in the national Environmental quality standards, and local environmental quality standards that are strict with national environmental quality standards may be formulated for projects that have been specified in national environmental quality standards. Local environmental quality standards shall be reported to the competent department of Environmental protection under the State Council for filing. The State encourages the conduct of environmental benchmarking studies.

The 16th State Council environmental protection authorities in accordance with national environmental quality standards and national economic and technical conditions, the development of national pollutant emission standards. The people's Governments of provinces, autonomous regions and municipalities directly under the central government may formulate local pollutant discharge standards for projects not specified in the national Pollutant emission standards, and local pollutant discharge standards that are strict with national pollutant emission standards may be established for projects already specified in the national Pollutant emission standards. Local pollutant discharge standards shall be reported to the competent department of Environmental protection under the State Council for filing.

The 17th country to establish and improve the environmental monitoring system. The competent Department of Environmental protection under the State Council shall formulate monitoring norms, organize monitoring networks with relevant departments, unify the planning of national Environmental quality monitoring stations (points), establish mechanisms for monitoring data sharing, and strengthen the management of environmental monitoring. Relevant industries, specialties and other types of environmental quality monitoring stations (points) should be set in accordance with the provisions of laws and regulations and monitoring norms. Monitoring bodies should use monitoring equipment that complies with national standards and comply with monitoring norms. Monitoring bodies and their principals are responsible for the authenticity and accuracy of monitoring data.

The 18th provincial people's Governments or above shall organize relevant departments or entrust professional institutions to investigate and evaluate the environmental situation and establish an early warning mechanism for monitoring the carrying capacity of environmental resources.

19th, the preparation of development and utilization planning, the construction of environmental impact projects, should be carried out in accordance with the law environmental impact assessment. The development and utilization Plan of environmental impact assessment is not carried out according to law, and the construction of environmental impact assessment should not be carried out without law.

The 20th country to establish a cross-administrative region of key areas, watershed environmental pollution and ecological damage joint Control coordination mechanism, the implementation of unified planning, unified standards, unified monitoring, unified prevention and control measures. The prevention and control of environmental pollution and ecological damage in cross-administrative areas other than those stipulated in the preceding paragraph shall be settled by the higher people's Governments in coordination or by consultation between the local people's Governments concerned.

The 21st country adopts policies and measures in the areas of finance, taxation, price, government procurement, etc., to encourage and support the development of environmental protection industries such as environmental protection technology and equipment, comprehensive utilization of resources and environmental services.

22nd, the People's Governments shall, in accordance with the law, adopt policies and measures in the areas of finance, taxation, prices and government procurement to encourage and support the emission of pollutants by enterprises, institutions and other production operators on the basis that they meet the statutory requirements.

The people's Government shall support the 23rd enterprise institutions and other production operators for the improvement of the environment and the conversion, relocation and closure in accordance with the relevant provisions.

24th, the environmental protection authorities of the people's Governments at or above the county level and their entrusted environmental monitoring bodies and other departments with environmental protection supervision and management responsibilities shall have the right to carry out on-site inspection of enterprises, institutions and other production operators that emit pollutants. The person being examined shall truthfully reflect the situation and provide the necessary information. The departments, agencies and their staff who carry out on-site inspections shall keep trade secrets for the persons under inspection.

The 25th enterprise institutions and other production operators who discharge pollutants in violation of the provisions of laws and regulations, causing or likely to cause serious pollution, the environmental protection authorities of the people's Governments at or above the county level and other departments with responsibility for environmental protection supervision and administration may seize and seize the facilities and equipment that cause the discharge of pollutants.

The 26th country implements the goal responsibility system of environmental protection and the evaluation of assessment. People's Governments at or above the county level shall incorporate the completion of environmental protection objectives into the examination contents of the departments and their responsible persons and their responsible persons and their principals who have the duty of environmental protection supervision and management of the people's Governments at the same level, as an important basis for their assessment. The results of the examination shall be made public to the society.

27th, the people's Governments at or above the county level shall report annually on the completion of the environmental situation and environmental protection objectives to the current or the Standing Committee of the Congress, and shall promptly report to the Standing Committee of the

General People's Congress on the occurrence of major environmental events and accept supervision according

Chapter III Protection and improvement of the environment

28th local people's Governments at all levels shall, in accordance with environmental protection objectives and governance tasks, take effective measures to improve the quality of the environment. The relevant local people's Governments in key areas and watersheds that do not meet the national environmental quality standards shall formulate plans for the achievement of deadlines and take measures to meet the standards on schedule.

The 29th country delineates the red line of ecological protection in key ecological functional areas, eco-environmental sensitive areas and vulnerable areas, and implements strict protection. People's governments at all levels are representative of various types of natural ecosystem areas, rare and endangered areas of natural distribution of wild flora and fauna, important areas of water conservation, geological formations of great scientific and cultural value, famous caves and fossil distribution zones, glaciers, volcanoes, hot springs and other natural relics, as well as cultural relics, ancient tree names, measures should be taken to protect them and to prohibit sabotage.

The 30th development and utilization of natural resources should be reasonably developed, protect biodiversity, ensure ecological security, formulate and implement ecological protection and restoration governance plans in accordance with the law. The introduction of alien species and the research, development and use of biotechnology should take measures to prevent the destruction of biological diversity.

The 31st country establishes and perfecting the ecological protection compensation system. The state has increased its financial transfer payments to ecologically protected areas. The local people's Governments concerned shall implement ecological protection compensation funds to ensure that they are used for ecological protection compensation. The state guides the people's Governments of beneficiary areas and ecological protection areas to carry out ecological protection compensation through consultation or in accordance with market rules.

The 32nd country strengthens the protection of atmosphere, water, soil, etc., and establishes and perfects the corresponding system of investigation, monitoring, evaluation and restoration.

The 33rd people's Governments at all levels shall strengthen the protection of the agricultural environment, promote the use of new technologies for agricultural environmental protection, strengthen the monitoring and early warning of agricultural pollution sources, and coordinate the measures taken by the relevant departments to prevent and control soil pollution and desertification, salinization, impoverishment, rocky desertification, land subsidence and the prevention and control of vegetation destruction, soil erosion, Ecological disorders such as eutrophication of water bodies, depletion of water sources and extinction of seed sources promote the comprehensive prevention and treatment of plant pests and diseases. The people's Governments at county and township levels should improve the level of public service for rural environmental protection and promote comprehensive improvement of rural environment.

The 34th State Council and the People's Governments at the coastal local levels shall strengthen the protection of the marine environment. The discharge of pollutants into the sea, the dumping of waste and the construction of coastal and marine works shall comply with the provisions of laws and regulations and relevant standards to prevent and reduce pollution damage to the marine environment.

The 35th urban and rural construction should combine the characteristics of the local natural environment to protect vegetation, water and natural landscape, and strengthen the construction and management of urban gardens, green spaces and scenic spots.

The 36th state encourages and guides citizens, legal persons and other organizations to use products and recycled products that are conducive to the protection of the environment and to reduce the generation of waste. State organs and other organizations using financial funds shall give priority to the procurement and use of products, equipment and facilities that are conducive to the protection of the environment, such as energy conservation, water conservation and material saving.

The 37th local people's Governments at all levels shall take measures to organize the classification, disposal and recycling of domestic waste.

The 38th citizen shall abide by the laws and regulations of environmental protection, cooperate with the implementation of environmental protection measures, classify and place domestic waste in accordance with the regulations, and reduce the damage to the environment caused by daily life.

The 39th States establish and improve environmental and health monitoring, investigation and risk assessment systems; encourage and organize research on the impact of environmental quality on public health, and take measures to prevent and control diseases related to environmental pollution.

Chapter fourth prevention and control of pollution and other public hazards

The 40th country promotes cleaner production and resource recycling. Relevant departments of the State Council and local people's Governments at all levels shall take measures to promote the production and use of clean energy. Enterprises should give priority to the use of clean energy, using high resource utilization, low pollutant emissions of processes, equipment and waste comprehensive utilization technology and pollutant harmless treatment technology, to reduce the generation of pollutants. The facilities to prevent and control pollution in

the 41st construction project shall be designed at the same time as the main project, constructed at the same time and put into operation at the same time. Facilities to prevent and control pollution shall comply with the requirements of the approved environmental impact assessment documents and shall not be removed or idle without authorization.

The 42nd Enterprise institution and other production operators that emit pollutants shall take measures to prevent and control the pollution and harm to the environment caused by waste gas, waste water, waste residue, medical waste, dust, odorous gases, radioactive substances and noise, vibration, light radiation, electromagnetic radiation and so on in production and construction or other activities. Enterprises and institutions that emit pollutants shall establish a liability system for environmental protection and clarify the responsibilities of the person in charge of the unit and the relevant personnel. Key sewage units shall install and use monitoring equipment in accordance with the relevant state

regulations and monitoring norms to ensure the normal operation of monitoring equipment and keep the original monitoring records. It is strictly forbidden to illegally discharge pollutants by means of dark tubes, seepage wells, seepage pits, perfusion or tampering, falsification of monitoring data, or irregular operation to prevent and control pollution facilities.

The 43rd Enterprise institution and other production operators that emit pollutants shall pay sewage charges in accordance with the relevant provisions of the State. Sewage charges shall be used exclusively for the prevention and control of environmental pollution, and no unit or individual may intercept, squeeze or divert them. If an environmental protection tax is levied in accordance with the law, no sewage charges will be levied.

The 44th country implements the total emission control system of key pollutants. The total control index of key pollutant emissions shall be issued by the State Council and decomposed and implemented by the people's Governments of provinces, autonomous regions and municipalities Enterprises and institutions in the implementation of national and local pollutant discharge standards, should abide by the decomposition and implementation of the Unit's key pollutant emission control indicators. For areas that exceed the national key pollutant emission Control index or do not complete the environmental quality objectives set by the State, the environmental protection authorities of the people's Governments at or above the provincial level shall suspend and approve the environmental impact assessment documents of the construction projects for which the total emissions of new key pollutants are added.

The 45th state implements a sewage licensing management system in accordance with the provisions of the law. Enterprises, institutions and other production operators which carry out the management of sewage permits shall discharge pollutants in accordance with the requirements of the discharge permit, and no pollutants shall be discharged without obtaining a discharge permit.

The 46th state implements a phase-out system for processes, equipment and products that seriously pollute the environment. No unit or individual may produce, sell or transfer or use processes, equipment and products that seriously pollute the environment. It is prohibited to introduce technology, equipment, materials and products that do not conform to the environmental protection provisions of our country.

The 47th people's Governments at all levels and their relevant departments and enterprises shall, in accordance with the provisions of the emergency response law of the People's Republic of China, do a good job in risk control, emergency preparedness, emergency disposal and post-recovery of sudden environmental events.

People's Governments at or above the county level shall establish an early warning mechanism for public monitoring of environmental pollution and organize the formulation of early warning plans; when the environment is polluted and may affect public health and environmental Safety, timely publication of early warning information and initiation of emergency measures in accordance with Enterprises and institutions shall, in accordance with the relevant provisions of the State, formulate emergency plans for sudden environmental events and report them to the competent departments of environmental protection and relevant departments. In the event of an unexpected environmental event, an enterprise institution shall immediately take measures to deal with it, inform the units and residents that may be endangered in a timely manner, and report to the competent department of Environmental protection

and relevant departments. After the emergency disposal of sudden environmental events, the people's Governments concerned shall immediately organize and evaluate the environmental impact and losses caused by the incident, and publish the results of the assessment to the society in a timely manner.

Article 48th the production, storage, transport, sale, use, disposal of chemicals and Articles containing radioactive substances shall be subject to the relevant provisions of the State to prevent pollution of the environment.

The 49th people's Governments at all levels and their agriculture and other relevant departments and institutions shall guide agricultural producers and operators in scientific cultivation and breeding, scientifically and rationally apply agricultural inputs such as pesticides and fertilizers, scientifically dispose of agricultural films such as agricultural film and crop straw, and prevent pollution from agricultural surface sources. It is prohibited to apply solid waste and wastewater that do not meet agricultural standards and environmental protection standards to agricultural land.

The application of agricultural inputs such as pesticides and fertilizers and irrigation shall take measures to prevent the pollution of the environment by heavy metals and other toxic and harmful substances. The location, construction and management of livestock and poultry farms, breeding communities and Sentinel slaughtering enterprises shall conform to the relevant laws and regulations.

Units and individuals engaged in the breeding and slaughtering of livestock and poultry shall take measures to carry out scientific disposal of waste such as livestock and poultry manure, corpses and sewage to prevent pollution of the environment. County people's governments are responsible for organizing the disposal of rural domestic waste.

The 50th people's Governments at all levels shall arrange funds in the budget to support the protection of rural drinking water sources, domestic sewage and other waste disposal, livestock and poultry breeding and slaughtering pollution prevention, soil pollution control and rural industrial and mining pollution control.

The 51st people's Governments at all levels shall co-ordinate the construction of sewage treatment facilities and supporting pipe networks in urban and rural areas, environmental health facilities such as solid waste collection, transportation and disposal, centralized disposal facilities for hazardous wastes, places and other public facilities for environmental protection, and ensure their normal operation.

The 52nd State encourages insurance against environmental pollution liability.

Chapter Fifth Information Disclosure and public participation

Article 53rd citizens, legal persons and other organizations have the right to access environmental information, participate in and supervise environmental protection in accordance with the law.

The environmental protection authorities of people's Governments at all levels and other departments with responsibility for environmental protection supervision and management shall, in accordance with the law, disclose environmental information, improve the procedures for public participation, and facilitate the participation and supervision of environmental protection by citizens, legal persons and other organizations.

The 54th State Council environmental protection authorities uniformly publish national environmental quality, key pollution source monitoring information and other important environmental information. The environmental protection authorities of the people's Governments at or above the provincial level regularly issue bulletin on environmental status

The environmental protection authorities of the people's Governments at or above the county level and other departments having the duty of environmental protection supervision and management shall, in accordance with the law, disclose information such as environmental quality, environmental monitoring, sudden environmental events and environmental administrative permits, administrative penalties, collection and use of sewage charges, etc.

The environmental protection authorities of local people's governments at or above the county level and other departments having the duty of environmental protection supervision and management shall record the environmental illegal information of enterprises, institutions and other production operators in the Social Integrity archives and publish the list of offenders to the society in a timely manner.

The 55th key discharge unit shall truthfully disclose to the community the names, emission patterns, emission concentrations and aggregates of its main pollutants, excess emissions, as well as the construction and operation of pollution prevention facilities, and accept social supervision.

Article 56th for construction projects in which environmental impact reports should be prepared in accordance with the law, the Construction unit shall, at the time of preparation, explain the situation to the public who may be affected and fully seek advice.

The department responsible for approving the environmental impact assessment document of the construction project shall, after receiving the environmental impact report of the construction project, make the full text public in addition to the matters relating to state secrets and trade secrets, and shall oblige the construction unit to seek public views if it finds that the building project has not fully consulted the public.

57th, citizens, legal persons and other organizations who find that any unit or individual has polluted the environment and destroys ecological behavior shall have the right to report it to the competent environmental Protection department or other department having the duty of environmental protection supervision and management.

Citizens, legal persons and other organizations find that local people's governments at all levels, the environmental protection authorities of the people's Governments at or above the county level and other departments with responsibility for environmental protection supervision and management shall have the right to report to their higher authorities or supervisory authorities. The organ receiving the report shall keep the relevant information of the whistleblower confidential and protect the legitimate rights and interests of the whistleblower.

The 58th article on the pollution of the environment, the destruction of ecology, harm to the public interest of the behavior of social organizations that meet the following conditions can bring a lawsuit to the people's Court:

(a) Registration of the civil affairs departments of the People's Government at or above the municipal level established by law;

(b) Specializing in environmental protection public welfare activities for more than five consecutive years and no illegal records.

A social organization that complies with the provisions of the preceding paragraph shall bring an action before the People's Court, and the People. A social organization that brings a lawsuit may not obtain financial benefits through litigation.

The sixth chapter of legal liability

59th enterprise institutions and other production operators illegal discharge of pollutants, by the penalty, ordered to correct, refused to correct, according to the law to make a penalty decision of the administrative organs can be ordered to correct the date of the day, in accordance with the original penalty amount of daily continuous punishment.

The fine penalty stipulated in the preceding paragraph shall be carried out in accordance with the provisions established by the relevant laws and regulations in accordance with the operating costs of preventing and controlling pollution facilities, direct losses caused by illegal acts or illegal income. Local regulations may, in accordance with the actual needs of environmental protection, increase the types of illegal acts punishable on a daily basis under the first paragraph.

If the 60th enterprise institution and other production operators exceed the pollutant discharge standard or emit pollutants in excess of the total emission control index of the key pollutants, the environmental protection competent department of the People's Government at or above the county level may order it to take measures such as restricting production and stopping the inspection; If the circumstances are serious, the people's Government which has the right of approval

Ordering closure and closure.

The 61st Construction unit is not submitted to the construction project environmental impact assessment documents or environmental impact assessment documents without approval, without authorization to start construction, by the Department of Environmental Protection Supervision and management duties ordered to stop construction, impose a fine, and can be ordered to restore the status quo ante.

62nd, in violation of the provisions of this law, the key sewage units do not disclose or truthfully disclose environmental information, shall be ordered to be made public by the environmental protection authorities of the local people's governments at or above the county level, and shall be declared liable. 63rd, enterprises and institutions and other production operators have one of the following acts, does not yet constitute a crime, in addition to the provisions of the relevant laws and regulations to punish, by the county people's governments above or above the environmental protection authorities or other relevant departments will refer the case to the public security organs, their direct responsibility for the competent personnel and other directly responsible personnel,

Detention under 15th or above as at least 10th; the lesser of them, the detention of less than 5th 10th:

(a) If the construction project does not carry out environmental impact assessment according to law, it is ordered to stop construction and refuse to implement it;

(b) In violation of the provisions of the law, without obtaining a discharge permit to discharge pollutants, was ordered to stop the discharge and refused to enforce it;

(c) Illegal discharge of pollutants through dark tubes, seepage wells, seepage pits, perfusion or tampering, falsification of monitoring data, or irregular operation to prevent and control pollution facilities;

(d) The production and use of pesticides expressly prohibited by the State from being produced or used shall be ordered to be corrected and refused to be corrected.

If the 64th article causes damage caused by pollution of the environment and ecological destruction, it shall bear tort liability in accordance with the relevant provisions of the tort liability law of the People's Republic of China. The 65th environmental impact assessment body, environmental monitoring bodies and institutions engaged in the maintenance and operation of environmental monitoring equipment and pollution prevention facilities, who cheat in relevant environmental service activities and are responsible for the environmental pollution and ecological damage caused, shall, in addition to punishing them in accordance with the provisions of the relevant laws and regulations, joint and several liability should also be assumed with other those responsible for causing environmental pollution and ecological damage.

Article 66th the limitation period for the initiation of an action for environmental damage compensation is three years, calculated from the moment the parties know or should know that they have been harmed. The 67th parent people's government and its environmental protection authorities shall strengthen supervision over the environmental protection work of the lower people's governments and their relevant departments.

If the staff member concerned is found to have committed an offence and shall be disciplined in accordance with the law, he shall make recommendations to the appointment and removal organ or the supervisory organ. Administrative penalties shall be given in accordance with the law, and the competent department of Environmental Protection of the higher People's government may directly make the decision on administrative penalties if the relevant environmental protection authorities do not grant administrative penalties.

The 68th local people's governments at all levels, the environmental protection authorities of the people's Governments at or above the county level and other departments with responsibility for environmental protection supervision and management shall, if they have any of the following acts, give a record, credit or downgrade to the competent and other persons directly responsible; cause serious consequences, give dismissal or dismissal, its principal responsible person should resign:

(a) Granting an administrative license without meeting the conditions of administrative license;

(b) The harbouring of environmental violations;

(c) shall, in accordance with the law, make a decision ordering closure or closure without being made;

(d) to detect or receive reports that have not been investigated in a timely manner, such as the excessive discharge of pollutants, the use of evasive emission of pollutants, the causing of environmental accidents and the failure to implement ecological protection measures resulting in ecological damage;

(e) The seizure or seizure of facilities and equipment of enterprises, institutions and other producers and operators in violation of the provisions of this law;

(f) Tampering with, falsifying or directing tampering with or falsifying monitoring data;

(g) Environmental information shall be made public in accordance with the law and not made public;

(h) The sewage charges to be collected shall be withheld, squeezed or diverted for his use;

(i) Other offences under laws and regulations.

If article 69th violates the provisions of this law and constitutes an offence, it shall be investigated for criminal responsibility according to law.

Article 70th this Law shall be in force with effect from January 1, 2015.