

ENVIRONMENTAL PROTECTION LAW OF THE PEOPLE'S  
REPUBLIC OF CHINA (FOR TRIAL IMPLEMENTATION)

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SUBJECT: ENVIRONMENTAL PROTECTION

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TEXT:

CHAPTER I GENERAL PROVISIONS

[Article 1] This law is established in accordance with Article 11 of the Constitution of the People's Republic of China which provides that 'The State protects the environment and natural resources and prevents and eliminates pollution and other hazards to the public'.

[Article 2] The function of the Environmental Protection Law of the People's Republic of China is to ensure, during the construction of a modernised socialist state, rational use of natural environment, prevention and elimination of environmental pollution and damage to ecosystems, in order to create a clean and favourable living and working environment, protect the health of the people and promote economic development.

[Article 3] For the purposes of this law, 'environment' means: the atmosphere, water, land, mineral resources, forests, grassland, wildlife, wild plants, aquatic plants and animals, famous spots and historic sites, scenic spots for sightseeing, hot springs, health resorts, nature conservation areas, residential districts, etc.

[Article 4] The guidelines governing environmental protection work are: overall planning, rational layout, comprehensive utilization, conversion of harm into good, reliance upon the masses with everybody taking part in the

protection of the environment for the benefit of the people.

[Article 5] The State Council and its subordinate bodies, and the local people's governments at all levels shall endeavour to carry out environmental protection work in earnest and do a good job of it. They shall make overall plans for the protection and improvement of the environment in planning for national economic development and take practical measures for its implementation. Where pollution of the environment and other hazards to the public have already been caused, plans should be worked out to eliminate such in a systematic and orderly manner.

[Article 6] All enterprises and institutions shall pay adequate attention to the prevention of pollution and damage to the environment when selecting their sites, designing, constructing and planning production. In planning new construction, reconstruction and extension projects, a report on the potential environmental effects shall be submitted to the environmental protection department and other relevant departments for examination and approval before designing can be started. The installations for the prevention of pollution and other hazards to the public should be designed, built and put into operation at the same time as the main project. Discharge of all kinds of harmful substances shall be in compliance with the criteria set down by the State.

The units which have caused pollution and other hazards to the environment shall, according to the principle of 'whoever causes pollution shall be responsible for its elimination', make plans to actively eliminate such, or alternatively submit an application to the competent authorities for approval to transfer the property or move to some other place.

[Article 7] In rebuilding old cities or building new ones, assessments shall be made of the potential environmental effects in industrial and residential areas, public utility facilities, and green belts by reference to the meteorological, geographical, hydrological and ecological conditions, and overall planning and rational layout be made to prevent pollution and other hazards to the public so as to build a clean modern city in a planned way.

[Article 8] The citizen has the right to supervise, accuse and bring a complaint before the court against the unit or the individual who has caused pollution and damage to the environment. The unit or the individual thus accused and charged shall not take any retaliatory action.

[Article 9] Foreigners or foreign aircraft, ships, vehicles, goods, plants and animals, etc. entering or passing Chinese territory, territorial waters, or territorial air shall be subject to the present law and other regulations and rules relating to the protection of environment.

## CHAPTER II PROTECTION OF NATURAL ENVIRONMENT

[Article 10] Use the land rationally according to local conditions, improve the soil and increase the vegetation to prevent soil erosion, hardening, alkalinization, desertification, and water losses.

Comprehensive scientific surveys shall be carried out before going ahead with plans to reclaim wasteland, put up dykes along the seacoast or lakes, and construct large or medium-sized new water conservancy facilities. Practical measures for protection and improvement of the environment shall be taken to prevent damage to the ecosystems.

[Article 11] Keep the waters such as rivers, lakes, seas, reservoirs, etc. from being polluted so as to preserve the quality of water in a good state.

Protect, develop and utilize aquatic flora and fauna in a rational way. Fishing to the extent of threatening extinction of, and damage to, living resources is prohibited.

Exercise tight control over, and economize, use of water in industry, agriculture, and in daily life. Exploit rationally the subsoil waters to prevent exhaustion of water resources and surface subsidence.

[Article 12] In exploiting mineral resources comprehensive surveying, evaluation and utilization should be carried out. Excavating and mining at random is strictly forbidden, and tailings and slags should be appropriately disposed of, to prevent damage to resources and fouling the natural environment.

[Article 13] Strictly adhere to the National Forestry Law; protect and develop forest resources; fell trees in a rational way; tend trees and reforest at the appropriate time.

Destroying forest to reclaim land and arbitrary cutting and felling are strictly forbidden. Preventive measures should be taken against forest fires.

Efforts should be made to plant trees everywhere and make barren hills, wasteland, desert areas and semi-desert areas green; tree planting should be vigorously carried out in villages, towns, and industrial and mining districts. Make good use of all available scattered open spaces inside and outside factory compounds, mining districts, school campuses, office compounds, along roadsides, river banks, and around villages and houses by planting trees and grass so as to turn the whole land into a big park.

[Article 14] Protect and develop forage resources. Actively plan and carry out the development program of grasslands; herd the sheep and cattle rationally; maintain and improve the regenerating capacity of the grasslands, and prevent the grasslands from deteriorating. Abusive exploitation of grassland is strictly forbidden. Efforts should be made to prevent grassland fires.

[Article 15] Protect, develop, and utilize rationally wildlife and wild plant resources. National regulations forbid hunting of rare animals and felling of precious trees.

### CHAPTER III PREVENTION AND ELIMINATION OF POLLUTION AND OTHER HAZARDS TO THE PUBLIC

[Article 16] Actively prevent and control noxious substances from factories, mines, enterprises and urban life such as, waste gas, waste water, waste residues, dust, garbage, radioactive material, etc. as well as noise vibration, and bad odours from polluting and damaging the environment.

[Article 17] Enterprises or institutions that will cause pollution of the environment shall not be set up in residential areas of cities and towns, water resource protection zones, places of historic interest and scenic beauty, scenic spots for sightseeing, hot springs, health resorts and nature conservation areas.

Where such units have been established, a target date shall be set for elimination and control of the pollution, or making necessary adjustments, or removal.

[Article 18] Actively make experiments and adopt new technology, techniques and devices which are pollution-free or will cause less pollution.

Strengthen business management and carry out civilized production; make

comprehensive use of such environment-polluting substances as waste gas, waste water and waste residues, and transform them into useful things. Discharge of such substances where necessary shall be in compliance with the criteria laid down by the State. Where such national criteria cannot be met for the time being, a later date will be set for its compliance, after which date a limit shall be set to production if the national standards still cannot be complied with.

In cases where release of pollutants goes beyond the limits of the specified national standards, a fee shall be charged towards dealing with the release of such pollutants according to the quantities and concentrations of the pollutants released as specified in the relevant regulations.

[Article 19] All smoke discharge devices, industrial furnaces, motor vehicles, ships, etc. shall take effective measures to eliminate smoke and dust, and discharge of noxious gas shall be in compliance with the standards laid down by the State.

Develop and use on a big scale coal gas, liquefied petroleum gas (LPG), natural gas, marsh gas, solar energy, terrestrial heat and other non-polluting or less polluting energy sources. In the cities, district central heating should be promoted.

[Article 20] Dumping garbage and waste residues into the waters is prohibited. Discharge of sewage shall be in compliance with the standards set down by the State.

Ships are prohibited from discharging substances containing oil or poison, and other harmful wastes into the waters protected by the law of this country.

It is strictly prohibited to discharge poisonous and harmful waste water by way of seepage pits, crevices, lava holes, or dilution methods. Prevent seeping of industrial filthy water to ensure that subsoil water is not contaminated.

Take strong measures to protect the sources of drinking water from contamination and gradually perfect the sewage discharge piping system and sewage purification facilities.

[Article 21] Actively develop high effect, low toxic and low residue agricultural pesticides. Promote comprehensive and biological methods of

prevention and control; use rationally sewage for irrigation so as to prevent pollution of the soil and crops.

[Article 22] Step up control of noise and vibration in urban and industrial districts. All kinds of noisy machines, motor vehicles, aircraft, etc. with heavy vibrations are required to install noise suppressors and anti-vibration devices.

[Article 23] The units which emanate harmful gases or dust should actively adopt sealed production equipment and technology, and install ventilating, dust collecting and purifying, and recovery facilities. The amount of permissible harmful gases and dust in the working environment must conform with the standards for industrial hygiene specified by the law of this country.

[Article 24] Registration and control of toxic chemicals must be strictly carried out. Highly toxic substances should be tightly sealed to prevent leakage during storing and transportation.

Radioactive materials, electro-magnetic radiation, etc. should be strictly monitored and controlled according to the applicable law of this country.

[Article 25] Strict precautions shall be taken to prevent pollution of food in the course of production, processing, packing, transportation, storing, and marketing. Food inspection shall be strengthened, and sale, export and import of foods not meeting the requirements of the national hygienic standards shall be prohibited.

#### CHAPTER IV ENVIRONMENTAL PROTECTION OFFICE AND ITS FUNCTIONS

[Article 26] The State Council has established an Environmental Protection Office whose main functions are:

- (1) To implement, and supervise the carrying out of, the national guidelines, policies, laws and acts relating to environmental protection;
- (2) To draft regulations, rules, standards, economic and technical policies relating to environmental protection in conjunction with relevant departments;
- (3) To make long-term programs and yearly plans for the protection of environment in conjunction with relevant departments; urge and supervise its

implementation;

(4) To make unified plans for organizing the monitoring of the environment; carry out investigations and keep under review the environmental situation and trends of development of the whole country, and recommend improvement measures;

(5) To organise and coordinate in conjunction with relevant departments research and educational programs in environmental science, and actively promote foreign as well as domestic advanced experiences and techniques in the field of environmental protection;

(6) To direct the environmental protection work of all the departments under the State Council, and of the provinces, autonomous regions, and municipalities directly under the central government;

(7) To organize and coordinate international cooperation and communication in the field of environmental protection.

[Article 27] The People's governments of the provinces, autonomous regions, and municipalities directly under the central government shall establish environmental protection bureaux in their respective areas. The people's governments of the municipalities, autonomous prefectures, counties, and autonomous counties may establish environmental protection organizations as required.

The main functions of the local environmental protection organizations at every level are: To supervise and urge the implementation of the national guidelines, policies, laws and acts relating to the protection of environment in the various departments and units within their jurisdictions; to draft applicable local standards and specifications concerning the environmental protection; to organise monitoring of the environment and keep under review the local environmental situation and trends of development; to make long-term programs and yearly plans applicable locally for the protection of the environment in conjunction with the relevant departments, and supervise its implementation; to organise local research and educational programs in environmental science in conjunction with relevant departments; to actively promote foreign as well as domestic advanced experiences and techniques in the field of environmental protection.

[Article 28] The relevant departments under the State Council and the local

people's governments at all levels, large and medium enterprises, and relevant institutions shall establish as required environmental protection offices separately responsible for the protection of environment within their own system of affiliated organizations, departments, and units.

## CHAPTER V SCIENTIFIC RESEARCH, PROPAGANDA AND EDUCATION

[Article 29] China Environmental Science Research Institute, relevant scientific institutes, universities and colleges should devote major efforts to research in the following areas: fundamental principles of environmental science, environmental management, environmental economics, comprehensive control techniques, environmental quality evaluation, environmental pollution and human health, rational use and protection of natural environment, etc.

[Article 30] Cultural and publicity departments should actively carry out publicity and educational programs to disseminate the knowledge of environmental science so as to enhance the understanding of the general public about the significance of environmental protection work and to raise the scientific and technical standards in the environmental field.

Environmental protection specialists should be trained in a planned way. The educational departments should establish a required course or speciality in environmental protection in the relevant departments of the universities and colleges. Middle and primary school textbooks should include appropriate texts relating to environmental protection.

## CHAPTER VI REWARDS AND PUNISHMENTS

[Article 31] The State will give commendations and rewards to units and individuals who have made outstanding achievements and contributions to the work of environmental protection.

The State will grant tax reductions or exemptions on, and apply a preferential pricing policy to, products manufactured by utilizing waste gas, waste water, and waste residues as main material, and the profits originating therefrom need not be turned over to the higher authorities but will be used by the manufacturers concerned to control pollution and improve the environment.

[Article 32] Units which have violated this law and other environmental



protection regulations and rules by polluting and damaging the environment and causing hazards to the people's health shall, according to the merit of each case, be criticized, warned, fined, or ordered to pay damages and stop production and control and eliminate such pollution, by the environmental protection organizations at various levels subject to the approval of the people's government of the corresponding level.

Unit leaders, persons directly responsible or other citizens who have caused serious pollution and damage to the environment resulting in casualties or substantial damage to farming, forestry, animal husbandry, side-line production and fishery shall be held responsible administratively, economically, and even criminally, as the case may be, according to law.

## CHAPTER VII SUPPLEMENTARY ARTICLES

[Article 33] The State Council may establish regulations and rules relating to environmental protection according to the present law.

# **Environmental Protection Law of the People's Republic of China**

(adopted on December 26, 1989)

## **CHAPTER I GENERAL PROVISIONS**

**Article 1.** This Law is formulated for the purpose of protecting and improving people's environment and the ecological environment, preventing and controlling pollution and other public hazards, safeguarding human health and facilitating the development of socialist modernization.

**Article 2.** " Environment " as used in this Law refers to the total body of all natural elements and artificially transformed natural elements affecting human existence and development, which includes the atmosphere, water, seas, land, minerals, forests, grasslands, wildlife, natural and human remains, nature reserves, historic sites and scenic spots, and urban and rural areas.

**Article 3.** This Law shall apply to the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

**Article 4.** The plans for environmental protection formulated by the state must be incorporated into the national economic and social development plans; the state shall adopt economic and technological policies and measures favourable for environmental protection so as to coordinate the work of environmental protection with economic construction and social development.

**Article 5.** The state shall encourage the development of education in the science of environmental protection, strengthen the study and development of the science and technology of environmental protection, raise the scientific and technological level of environmental protection and popularize scientific knowledge of environmental protection.

**Article 6.** All units and individuals shall have the obligation to protect the environment and shall have the right to report on or file charges against units or individuals that cause pollution or damage to the environment.

**Article 7.** The competent department of environmental protection administration under the State Council shall conduct unified supervision and

management of the environmental protection work throughout the country.

The competent departments of environmental protection administration of the local people's governments at or above the county level shall conduct unified supervision and management of the environmental protection work within areas under their jurisdiction.

The state administrative department of marine affairs, the harbour superintendency administration, the fisheries administration and fishing harbour superintendency agencies, the environmental protection department of the armed forces and the administrative departments of public security, transportation, railways and civil aviation at various levels shall, in accordance with the provisions of relevant laws, conduct supervision and management of the prevention and control of environmental pollution.

The competent administrative departments of land, minerals, forestry, agriculture and water conservancy of the people's governments at or above the county level shall, in accordance with the provisions of relevant laws, conduct supervision and management of the protection of natural resources.

**Article 8.** The people's government shall give awards to units and individuals that have made outstanding achievements in protecting and improving the environment.

## **CHAPTER II SUPERVISION AND MANAGEMENT OF THE ENVIRONMENT**

**Article 9.** The competent department of environmental protection administration under the State Council shall establish the national standards for environment quality.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for environment quality for items not specified in the national standards for environment quality and shall report them to the competent department of environmental protection administration under the State Council for the record.

**Article 10.** The competent department of environmental protection administration under the State Council shall, in accordance with the national standards for environment quality and the country's economic and

technological conditions, establish the national standards for the discharge of pollutants. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for the discharge of pollutants for items not specified in the national standards; with regard to items already specified in the national standards, they may set local standards which are more stringent than the national standards and report the same to the competent department of environmental protection administration under the State Council for the record.

Units that discharge pollutants in areas where the local standards for the discharge of pollutants have been established shall observe such local standards.

**Article 11.** The competent department of environmental protection administration under the State Council shall establish a monitoring system, formulate the monitoring norm and, in conjunction with relevant departments, organize a monitoring network and strengthen the management of environmental monitoring. The competent departments of environmental protection administration under the State Council and governments of provinces, autonomous regions and municipalities directly under the Central Government shall regularly issue bulletins on environmental situations.

**Article 12.** The competent departments of environmental protection administration of the people's governments at or above the county level shall, in conjunction with relevant departments, make an investigation and an assessment of the environmental situation within areas under their jurisdiction, draw up plans for environmental protection which shall, subject to overall balancing by the department of planning, be submitted to the people's government at the same level for approval before implementation.

**Article 13.** Units constructing projects that cause pollution to the environment must observe the state provisions concerning environmental protection for such construction projects.

The environmental impact statement on a construction project must assess the pollution the project is likely to produce and its impact on the environment and stipulate the preventive and curative measures; the statement shall, after initial examination by the authorities in charge of the construction project, be submitted by specified procedure to the competent department of

environmental protection administration for approval. The department of planning shall not ratify the design plan descriptions of the construction project until after the environmental impact statement on the construction project is approved.

**Article 14.** The competent departments of environmental protection administration of the people's governments at or above the county level or other departments invested by law with power to conduct environmental supervision and management shall be empowered to make on-site inspections of units under their jurisdiction that discharge pollutants. The units being inspected shall truthfully report the situation to them and provide them with the necessary information. The inspecting authorities shall keep confidential the technological know-how and business secrets of the units inspected.

**Article 15.** Work for the prevention and control of the environmental pollution and damage that involve various administrative areas shall be conducted by the relevant local people's governments through negotiation, or by decision of the people's government at a higher level through mediation.

### **CHAPTER III PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT**

**Article 16.** The local people's governments at various levels shall be responsible for the environment quality of areas under their jurisdiction and take measures to improve the environment quality.

**Article 17.** The people's governments at various levels shall take measures to protect regions representing various types of natural ecological systems, regions with a natural distribution of rare and endangered wild animals and plants, regions where major sources of water are conserved, geological structures of major scientific and cultural value, famous regions where karst caves and fossil deposits are distributed, traces of glaciers, volcanoes and hot springs, traces of human history, and ancient and precious trees. Damage to the above shall be strictly forbidden.

**Article 18.** Within the scenic spots or historic sites, nature reserves and other zones that need special protection, as designated by the State Council, the relevant competent department under the State Council, and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, no industrial production installations that cause environmental pollution shall be built; other installations to be built in

these areas must not exceed the prescribed standards for the discharge of pollutants. If the installations that have been built discharge more pollutants than are specified by the prescribed discharge standards, such pollution shall be eliminated or controlled within a prescribed period of time.

**Article 19.** Measures must be taken to protect the ecological environment while natural resources are being developed or utilized.

**Article 20.** The people's governments at various levels shall provide better protection for the agricultural environment by preventing and controlling soil pollution, the desertification and alkalization of land, the impoverishment of soil, the deterioration of land into marshes, earth subsidence, the damage of vegetation, soil erosion, the drying up of sources of water, the extinction of species and the occurrence and development of other ecological imbalances, by extending the scale of a comprehensive prevention and control of plant diseases and insect pests, and by promoting a rational application of chemical fertilizers, pesticides and plant growth hormone.

**Article 21.** The State Council and the people's governments at various levels in coastal areas shall provide better protection for the marine environment. The discharge of pollutants and the dumping of wastes into the seas, the construction of coastal projects, and the exploration and exploitation of offshore oil must be conducted in compliance with legal provisions so as to guard against the pollution and damage of the marine environment.

**Article 22.** The targets and tasks for protecting and improving the environment shall be defined in urban planning.

**Article 23.** In urban and rural construction, vegetation, waters and the natural landscape shall be protected and attention paid to the construction of gardens, green land and historic sites and scenic spots in the cities in the light of the special features of the local natural environment.

#### **CHAPTER IV PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION AND OTHER PUBLIC HAZARDS**

**Article 24.** Units that cause environmental pollution and other public hazards shall incorporate the work of environmental protection into their plans and establish a responsibility system for environmental protection, and must adopt effective measures to prevent and control the pollution and harms caused to the environment by waste gas, waste water, waste residues, dust, malodorous

gases, radioactive substances, noise, vibration and electromagnetic radiation generated in the course of production, construction or other activities.

**Article 25.** For the technological transformation of newly-built industrial enterprises and existing industrial enterprises, facilities and processes that effect a high rate of the utilization of resources and a low rate of the discharge of pollutants shall be used, along with economical and rational technology for the comprehensive utilization of waste materials and the treatment of pollutants.

**Article 26.** Installations for the prevention and control of pollution at a construction project must be designed, built and commissioned together with the principal part of the project. No permission shall be given for a construction project to be commissioned or used, until its installations for the prevention and control of pollution are examined and considered up to the standard by the competent department of environmental protection administration that examined and approved the environmental impact statement.

Installations for the prevention and control of pollution shall not be dismantled or left idle without authorization. If it is really necessary to dismantle such installations or leave them idle, prior approval shall be obtained from the competent department of environmental protection administration in the locality.

**Article 27.** Enterprises and institutions discharging pollutants must report to and register with the relevant authorities in accordance with the provisions of the competent department of environmental protection administration under the State Council.

**Article 28.** Enterprises and institutions discharging pollutants in excess of the prescribed national or local discharge standards shall pay a fee for excessive discharge according to state provisions and shall assume responsibility for eliminating and controlling the pollution. The provisions of the Law on Prevention and Control of Water Pollution shall be complied with where they are applicable.

The income derived from the fee levied for the excessive discharge of pollutants must be used for the prevention and control of pollution and shall not be appropriated for other purposes. The specific measures thereof shall be

prescribed by the State Council.

**Article 29.** If an enterprise or institution has caused severe environmental pollution, it shall be required to eliminate and control the pollution within a certain period of time.

For enterprises and institutions directly under the jurisdiction of the Central Government or the people's government of a province, an autonomous region, or a municipality directly under the Central Government, the decision on a deadline for the elimination or control of pollution shall be made by the people's government of the province, autonomous region and the municipality directly under the Central Government. For enterprises and institutions under the jurisdiction of a people's government at or below the city or county level, such decision shall be made by the people's government of the city or county. Such enterprises and institutions shall accomplish the elimination or control of pollution within the specified period of time.

**Article 30.** A ban shall be imposed on the importation of any technology or facility that fails to meet the requirements specified in the regulations of our country concerning environmental protection.

**Article 31.** Any unit that, as a result of an accident or any other exigency, has caused or threatens to cause an accident of pollution, must promptly take measures to prevent and control the pollution hazards, make the situation known to such units and inhabitants as are likely to be endangered by such hazards, report the case to the competent department of environmental protection administration of the locality and the departments concerned and accept their investigation and decision.

Enterprises and institutions that are likely to cause severe pollution accidents shall adopt measures for effective prevention.

**Article 32.** If the safety of the lives and property of inhabitants is endangered by severe environmental pollution, the competent department of environmental protection administration of the local people's government at or above the county level must promptly report to the local people's government. The people's government concerned shall take effective measures to remove or alleviate the hazard.

**Article 33.** The production, storage, transportation, sale and use of toxic chemicals and materials containing radioactive substances must comply with



the relevant state provisions so as to prevent environmental pollution.

**Article 34.** No unit shall be permitted to transfer a production facility that causes severe pollution for use by a unit that is unable to prevent and control pollution.

## CHAPTER V LEGAL LIABILITY

**Article 35.** Any violator of this Law shall, according to the circumstances of the case, be warned or fined by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management for any of the following acts:

- (1) refusing an on-site inspection by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management, or resorting to trickery and fraud while undergoing inspection;
- (2) refusing to report or submitting a false report on items for which declaration is required by the competent department of environmental protection administration under the State Council;
- (3) failing to pay, as provided for by the state, the fee for the excessive discharge of pollutants;
- (4) importing technology or a facility that fails to meet the requirements specified in the state provisions concerning environmental protection; or
- (5) transferring a production facility that causes severe pollution for use by a unit that is unable to prevent and control pollution.

**Article 36.** When a construction project is commissioned or put to use in circumstances where facilities for the prevention and control of pollution either have not been completed or fail to meet the requirements specified in state provisions, the competent department of environmental protection administration responsible for the approval of the environmental impact statement on the construction project shall order the suspension of its operations or use and may concurrently impose a fine.

**Article 37.** A unit which dismantles or leaves idle the installations for the

prevention and control of pollution without prior approval by the competent department of environmental protection administration, thereby discharging pollutants in excess of the prescribed discharge standards, shall be ordered by the competent department of environmental protection administration to set up the installations or put them to use again, and shall concurrently be fined.

**Article 38.** An enterprise or institution which violates this Law, thereby causing an environmental pollution accident, shall be fined by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management in accordance with the consequent damage; in a serious case, the persons responsible shall be subject to administrative sanction by the unit to which they belong or by the competent department of the government.

**Article 39.** An enterprise or institution that has failed to eliminate or control pollution by the deadline as required shall, as provided for by the state, pay a fee for excessive discharge; in addition, a fine may be imposed on it on the basis of the damage incurred, or the enterprise or institution may be ordered to suspend its operations or close down.

The fine as specified in the preceding paragraph shall be decided by the competent department of environmental protection administration. An order for the suspension of operations or shut-down of an enterprise or institution shall be issued by the people's government that set the deadline for the elimination or control of pollution. An order for the suspension of operations or shut-down of an enterprise or institution directly under the jurisdiction of the Central Government shall be submitted to and approved by the State Council.

**Article 40.** A party refusing to accept the decision on administrative sanction may, within 15 days of receiving the notification on such a decision, apply for reconsideration to the department next higher to the authorities that imposed the sanction; if the party refuses to accept the decision of reconsideration, it may, within 15 days of receiving the reconsideration decision, bring a suit before a people's court. A party may also bring a suit directly before a people's court within 15 days of receiving the notification on the sanction. If, upon the expiration of this period, the party has not applied for reconsideration or has neither brought a suit before a people's court nor complied with the sanction, the authorities that imposed the sanction may

apply to the people's court for compulsory enforcement.

**Article 41.** A unit that has caused an environmental pollution hazard shall have the obligation to eliminate it and make compensation to the unit or individual that suffered direct losses.

A dispute over the liability to make compensation or the amount of compensation may, at the request of the parties, be settled by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management. If a party refuses to accept the decision on the settlement, it may bring a suit before a people's court. The party may also directly bring a suit before the people's court.

If environmental pollution losses result solely from irresistible natural disasters which cannot be averted even after the prompt adoption of reasonable measures, the party concerned shall be exempted from liability.

**Article 42.** The limitation period for prosecution with respect to compensation for environmental pollution losses shall be three years, counted from the time when the party becomes aware of or should become aware of the pollution losses.

**Article 43.** If a violation of this Law causes a serious environmental pollution accident, leading to the grave consequences of heavy losses of public or private property or human injuries or deaths of persons, the persons directly responsible for such an accident shall be investigated for criminal responsibility according to law.

**Article 44.** Whoever, in violation of this Law, causes damage to natural resources like land, forests, grasslands, water, minerals, fish, wild animals and wild plants shall bear legal liability in accordance with the provisions of relevant laws.

**Article 45.** Any person conducting supervision and management of environmental protection who abuses his power, neglects his duty or engages in malpractices for personal gains shall be given administrative sanction by the unit to which he belongs or the competent higher authorities; if his act constitutes a crime, he shall be investigated for criminal responsibility according to law.

## CHAPTER VI SUPPLEMENTARY PROVISIONS

**Article 46.** If an international treaty regarding environmental protection concluded or acceded to by the People's Republic of China contains provisions differing from those contained in the laws of the People's Republic of China, the provisions of the international treaty shall apply, unless the provisions are ones on which the People's Republic of China has announced reservations.

**Article 47.** This Law shall enter into force on the date of promulgation. The Environmental Protection Law of the People's Republic of China (for Trial Implementation) shall be abrogated therefrom.

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