

# 中华人民共和国环境保护法（2014修订）

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## 中华人民共和国环境保护法（2014修订）

（1989年12月26日第七届全国人民代表大会常务委员会第十一次会议通过  
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## Environmental Protection Law of the People's Republic of China (Amended in 2014)

(Adopted at the 11th Session of the Standing Committee of the Seventh National People's Congress on 26 December 1989, amended at the 8th Session of the Standing Committee of the Twelfth National People's Congress on 24 April 2014)

### Contents

### 第一章 总则

### Chapter 1 General Principles

**第一条** 为保护和改善环境，防治污染和其他公害，保障公众健康，推进生态文明建设，促进经济社会可持续发展，制定本法。

**Article 1** This Law is formulated for the purposes of environmental protection and improvement, prevention and treatment of pollution and other hazards, protection of public health, promoting development of ecological civilisation, promoting sustainable economic and social development.

**第二条** 本法所称环境，是指影响人类生存和发展的各种天然的和经过人工改造的自然因素的总体，包括大气、水、海洋、土地、矿

**Article 2** Environment referred to in this Law shall mean the entirety of various natural and artificially engineered natural factors which has an impact on human survival and development, including atmosphere, water, ocean, land, mineral resources, forests, grassland, wetlands, wildlife, natural heritage, cultural sites, natural reserve, scenic areas,

藏、森林、草原、湿地、野生生物  
、自然遗迹、人文遗迹、自然保护  
区、风景名胜区、城市和乡村等。

**cities and villages etc.**

**第三条** 本法适用于中华人民  
共和国领域和中华人民共和国管辖  
的其他海域。

**Article 3 This Law shall apply in the territory of the People's Republic of China and other sea areas governed by the People's Republic of China.**

**第四条** 保护环境是国家的基  
本国策。

**Article 4 Environmental protection is the basic national policy of the State.** The State adopts economic and technological policies and measures which are beneficial to conservation and recycling of resources as well as environmental protection and improvement, promote harmony between human and nature, enable coordinated economic and social development and environmental protection.

国家采取有利于节约和循环利  
用资源、保护和改善环境、促进人  
与自然和谐的经济、技术政策和措  
施，使经济社会发展与环境保护相  
协调。

**第五条** 环境保护坚持保护优  
先、预防为主、综合治理、公众参  
与、损害担责的原则。

**Article 5 Environmental protection shall adhere to the principles of protection takes precedence, prevention takes priority, integrated treatment, public participation, liability for damage caused.**

**第六条** 一切单位和个人都有  
保护环境的义务。

**Article 6 All organisations and individuals shall bear the obligation for environmental protection.** All levels of local People's Government shall be responsible for the environmental quality within their administrative region.

地方各级人民政府应当对本行  
政区域的环境质量负责。

Enterprises, institutions and other manufacturing operators shall prevent and reduce environmental pollution and ecological damage, and shall be liable for damages caused by them pursuant to the law.

企业事业单位和其他生产经营

者应当防止、减少环境污染和生态破坏，对所造成的损害依法承担责任。

Citizens shall strengthen environmental protection awareness, adopt low carbon, frugal lifestyle, and shall perform conscientiously perform environmental protection obligations.

公民应当增强环境保护意识，采取低碳、节俭的生活方式，自觉履行环境保护义务。

**第七条** 国家支持环境保护科学技术研究、开发和应用，鼓励环境保护产业发展，促进环境保护信息化建设，提高环境保护科学技术水平。

**Article 7** The State supports scientific and technological research, development and application in the environmental protection regime, encourage development of the environmental protection industry, promote information technology development for environmental protection, improve scientific and technological levels for environmental protection.

**第八条** 各级人民政府应当加大保护和改善环境、防治污染和其他公害的财政投入，提高财政资金的使用效益。

**Article 8** All levels of People's Government shall increase financial injection for environmental protection and improvement, prevention and treatment of pollution and other hazards, improve efficiency in use of fiscal funds.

**第九条** 各级人民政府应当加强环境保护宣传和普及工作，鼓励基层群众性自治组织、社会组织、环境保护志愿者开展环境保护法律法规和环境保护知识的宣传，营造保护环境的良好风气。

**Article 9** All levels of People's Government shall strengthen publicity and propaganda for environmental protection, encourage grassroots organisations, social organisations, environmental protection volunteers to carry out propaganda for environmental protection laws and regulations and environmental protection knowledge, create a good morale for environmental protection. Education authorities and schools shall include environmental protection knowledge in school education curriculum, cultivate environmental protection awareness among students.

教育行政部门、学校应当将环

News media shall carry out propaganda for environmental

境保护知识纳入学校教育内容，培养学生的环境保护意识。

新闻媒体应当开展环境保护法律法规和环境保护知识的宣传，对环境违法行为进行舆论监督。

protection laws and regulations and environmental protection knowledge, and public opinion supervision for environmental violations.

**第十条** 国务院环境保护主管部门，对全国环境保护工作实施统一监督管理；县级以上地方人民政府环境保护主管部门，对本行政区域环境保护工作实施统一监督管理。

县级以上人民政府有关部门和军队环境保护部门，依照有关法律的规定对资源保护和污染防治等环境保护工作实施监督管理。

**Article 10** The environmental protection department of the State Council shall implement unified supervision and administration of environmental protection work nationwide; the environmental protection departments of local People's Governments of county level and above shall implement unified supervision and administration of environmental protection work within their administrative region. The relevant departments of the People's Governments of county level and above and the environmental protection departments of

armed forces shall implement supervision and administration of environmental protection work such as resource protection and prevention and treatment of pollution pursuant to the provisions of the relevant laws.

**第十一条** 对保护和改善环境有显著成绩的单位和个人，由人民政府给予奖励。

**Article 11** Organisations and individuals with outstanding achievements in environmental protection and improvement shall be rewarded by People's Governments.

**第十二条** 每年6月5日为环境日。

**Article 12** Environment Day is held each year on 5 June.

## 第二章 监督管理

## Chapter 2 Supervision and Administration

**第十三条** 县级以上人民政府应当将环境保护工作纳入国民经济和社会发展规划。

国务院环境保护主管部门会同有关部门，根据国民经济和社会发展规划编制国家环境保护规划，报国务院批准并公布实施。

县级以上地方人民政府环境保护主管部门会同有关部门，根据国家环境保护规划的要求，编制本行政区域的环境保护规划，报同级人民政府批准并公布实施。

环境保护规划的内容应当包括生态保护和污染防治的目标、任务、保障措施等，并与主体功能区规划、土地利用总体规划和城乡规划等相衔接。

**第十四条** 国务院有关部门和省、自治区、直辖市人民政府组织制定经济、技术政策，应当充分考虑对环境的影响，听取有关方面和专家的意见。

**Article 13 People's Governments of county level and above shall include environmental protection work in national economic and social development plans.** The environmental protection department of the State Council shall, jointly with the relevant authorities, formulate the State's environmental protection plan in accordance with national economic and social development plans for approval by the State Council before promulgation and implementation.

The environmental protection departments of local People's Governments of county level and above shall, jointly with the relevant authorities, formulate their administrative region's environmental protection plan in accordance with the requirements of the State's environmental protection plan for approval by the People's Government of counterpart level before promulgation and implementation.

The contents of the environmental protection plan shall include the goals, tasks and safeguard measures etc for ecological protection and prevention and treatment of pollution, and converge with the main functional area planning, master plan and urban and rural land use plan etc.

**Article 14 The relevant departments of the State Council and the People's Governments of provinces, autonomous regions and centrally administered municipalities shall take into full consideration environmental impact in the organisation and formulation of economic and technological policies, and solicit the opinions of the relevant parties and experts.**

**第十五条** 国务院环境保护主

管部门制定国家环境质量标准。

省、自治区、直辖市人民政府对国家环境质量标准中未作规定的项目，可以制定地方环境质量标准；对国家环境质量标准中已作规定的项目，可以制定严于国家环境质量标准的地方环境质量标准。地方环境质量标准应当报国务院环境保护主管部门备案。

国家鼓励开展环境基准研究。

**第十六条** 国务院环境保护主

管部门根据国家环境质量标准和国家经济、技术条件，制定国家污染物排放标准。

省、自治区、直辖市人民政府对国家污染物排放标准中未作规定的项目，可以制定地方污染物排放标准；对国家污染物排放标准中已作规定的项目，可以制定严于国家污染物排放标准的国家污染物排放标准。地方污染物排放标准应当报国务院环境保护主管部门备案。

**Article 15 The environmental protection department of the State Council shall formulate national environment quality standards.**

People's Governments of provinces, autonomous regions and centrally administered municipalities may formulate local environmental quality standards for projects not covered by the national environmental quality standards; for projects covered by the national environmental quality standards, local environmental quality standards which are stricter than the national environmental quality standards may be formulated. Local environmental quality standards shall be filed with the environmental protection department of the State Council for record.

The State encourages studies of environmental baseline.

**Article 16 The environmental protection department of the State Council shall formulate the State's pollutant emission standards in accordance with the State's environmental quality standards and the State's economic and technological conditions.**

People's Governments of provinces, autonomous regions and centrally administered municipalities may formulate local pollutant emission standards for projects not covered by the State's pollutant emission standards; for projects which are covered by the State's pollutant emission standards, local pollutant emission standards

**which are stricter than the State's pollutant emission standards may be formulated. Local pollutant emission standards shall be filed with the environmental protection department of the State Council for record.**

**第十七条** 国家建立、健全环境监测制度。国务院环境保护主管部门制定监测规范，会同有关部门组织监测网络，统一规划国家环境质量监测站（点）的设置，建立监测数据共享机制，加强对环境监测的管理。

有关行业、专业等各类环境质量监测站（点）的设置应当符合法律法规规定和监测规范的要求。

监测机构应当使用符合国家标准监测的设备，遵守监测规范。监测机构及其负责人对监测数据的真实性和准确性负责。

**第十八条** 省级以上人民政府应当组织有关部门或者委托专业机构，对环境状况进行调查、评价，建立环境资源承载能力监测预警机制。

**第十九条** 编制有关开发利用规划，建设对环境有影响的项目，应当依法进行环境影响评价。

**Article 17** The State shall establish and improve upon an environmental monitoring system. The environmental protection department of the State Council shall formulate monitoring standards, and organise monitoring network jointly with the relevant authorities, plan the installation of the State's environmental quality monitoring stations (points) on a unified basis, establish a monitoring data sharing mechanism, and strengthen administration of environmental monitoring. The installation of various environmental quality monitoring stations (points) for the relevant industries and professions shall comply with the provisions of laws and regulations and the requirements of monitoring standards.

Monitoring organisations shall use monitoring equipment which comply with national standards, comply with monitoring standards. Monitoring organisations and their person(s) in charge shall be responsible for the veracity and accuracy of monitoring data.

**Article 18** People's Governments of provincial level and above shall organise the relevant authorities or entrust professional organisations to investigate and evaluate environmental conditions, establish a monitoring and warning mechanism for carrying capacity of environmental resources.

**Article 19** Environmental impact assessment shall be carried out pursuant to the law in the formulation of the relevant development and utilisation plans and construction of projects which have an impact on environment. Development and utilisation plans which have not carried out environmental impact assessment pursuant to the law shall not be organised and

未依法进行环境影响评价的开发利用规划，不得组织实施；未依法进行环境影响评价的建设项目，不得开工建设。

implemented; construction projects which have not carried out environmental impact assessment shall not commence construction.

**第二十条** 国家建立跨行政区域的重点区域、流域环境污染和生态破坏联合防治协调机制，实行统一规划、统一标准、统一监测、统一的防治措施。

**Article 20** The State shall establish a trans-administrative region joint prevention coordination mechanism, implement unified planning, unified standards, unified monitoring and unified prevention and treatment measures.

前款规定以外的跨行政区域的环境污染和生态破坏的防治，由上级人民政府协调解决，或者由有关地方人民政府协商解决。

Prevention and treatment of environmental pollution and ecological damage across administrative regions other than those stipulated in the preceding paragraph shall be coordinated and resolved by the higher-level People's Government, or coordinated and resolved by the relevant local People's Government.

**第二十一条** 国家采取财政、税收、价格、政府采购等方面的政策和措施，鼓励和支持环境保护技术装备、资源综合利用和环境服务等环境保护产业的发展。

**Article 21** The State adopts finance, tax, pricing, government procurement policies and measures, encourage and support development of environmental protection industries such as environmental protection technological equipment, integrated utilisation of resources and environmental services etc.

**第二十二条** 企业事业单位和其他生产经营者，在污染物排放符合法定要求的基础上，进一步减少污染物排放的，人民政府应当依法采取财政、税收、价格、政府采购

**Article 22** People's Governments shall adopt finance, tax, pricing and government procurement policies and measures pursuant to the law to encourage and support enterprises, institutions and other manufacturing operators which reduces pollutant emission on the basis of pollutant emission's compliance with statutory requirements.

等方面的政策和措施予以鼓励和支持。

**第二十三条** 企业事业单位和其他生产经营者，为改善环境，依照有关规定转产、搬迁、关闭的，人民政府应当予以支持。

**Article 23** People's Governments shall support enterprises, institutions and other manufacturing operators converting their operation, relocating or closing down pursuant to the relevant provisions for environmental improvement.

**第二十四条** 县级以上人民政府环境保护主管部门及其委托的环境监察机构和其他负有环境保护监督管理职责的部门，有权对排放污染物的企业事业单位和其他生产经营者进行现场检查。被检查者应当如实反映情况，提供必要的资料。实施现场检查的部门、机构及其工作人员应当为被检查者保守商业秘密。

**Article 24** The environmental protection departments of People's Governments of county level and above and their entrusted environmental monitoring agencies and other departments tasked with environmental protection supervision and administration duties shall have the right to conduct onsite inspection of enterprises, institutions and other manufacturing operators involved in pollutant emission. Inspected parties shall reflect the situation truthfully and provide the requisite materials. The departments, agencies and officers implementing onsite inspection shall keep confidentiality of commercial secrets for the inspected parties.

**第二十五条** 企业事业单位和其他生产经营者违反法律法规规定排放污染物，造成或者可能造成严重污染的，县级以上人民政府环境保护主管部门和其他负有环境保护监督管理职责的部门，可以查封、扣押造成污染物排放的设施、设备

**Article 25** Enterprises, institutions and other manufacturing operators guilty of discharging pollutants in violation of the provisions of laws and regulations which caused or may cause serious pollution, the environmental protection departments and other departments tasked with environmental protection supervision and administration duties of People's Governments of county level and above may seize and confiscate facilities and equipment which cause pollutant emissions.

**第二十六条** 国家实行环境保护目标责任制和考核评价制度。县级以上人民政府应当将环境保护目标完成情况纳入对本级人民政府负有环境保护监督管理职责的部门及其负责人和下级人民政府及其负责人的考核内容，作为对其考核评价的重要依据。考核结果应当向社会公开。

**Article 26** The State implements an environmental protection targets and responsibilities system and performance appraisal system. People's Governments of county level and above shall include completion of environmental protection targets in the performance appraisal for the departments of the counterpart People's Government tasked with environmental protection supervision and administration duties and their person(s) in charge and the lower level People's Governments and their person(s) in charge as an important basis for their performance appraisal. The appraisal results shall be announced to the public.

**第二十七条** 县级以上人民政府应当每年向本级人民代表大会或者人民代表大会常务委员会报告环境状况和环境保护目标完成情况，对发生的重大环境事件应当及时向本级人民代表大会常务委员会报告，依法接受监督。

**Article 27** People's Governments of county level and above shall report environmental conditions and completion of environmental protection targets to the counterpart People's Congress or the standing committee of the People's Congress annually, promptly report major environmental events to the standing committee of the counterpart People's Congress, and accept supervision pursuant to the law.

### 第三章 保护和改善环境

### Chapter 3 Protection and Improvement of Environment

**第二十八条** 地方各级人民政府应当根据环境保护目标和治理任务，采取有效措施，改善环境质量。

**Article 28** All levels of local People's Government shall adopt effective measures in accordance with environmental protection targets and control tasks for environmental improvement. For key areas and river basins which failed to attain environmental quality standards of the State, the local People's Government shall formulate a plan for attainment of standards within a stipulated period, and adopt measures to attain standards

未达到国家环境质量标准的重点区域、流域的有关地方人民政府，应当制定限期达标规划，并采取措施按期达标。

within the stipulated period.

**第二十九条** 国家在重点生态功能区、生态环境敏感区和脆弱区等区域划定生态保护红线，实行严格保护。

各级人民政府对具有代表性的各种类型的自然生态系统区域，珍稀、濒危的野生动植物自然分布区域，重要的水源涵养区域，具有重大科学文化价值的地质构造、著名溶洞和化石分布区、冰川、火山、温泉等自然遗迹，以及人文遗迹、古树名木，应当采取措施予以保护，严禁破坏。

**Article 29** The State shall delineate ecological protection boundaries for key ecological function areas, ecological sensitive and vulnerable areas etc, implement strict protection. All levels of People's Government shall adopt measures to protect and prohibit destruction of various types of representative natural ecological systems, natural distribution areas of rare, endangered wildlife and wild fauna, important water conservation areas, geological structures with major scientific and cultural value, natural heritages such as famous caves and fossil distribution, glaciers, volcanoes and hot springs etc, cultural sites, ancient and rare trees.

**第三十条** 开发利用自然资源，应当合理开发，保护生物多样性，保障生态安全，依法制定有关生态保护 and 恢复治理方案并予以实施。

引进外来物种以及研究、开发

**Article 30** Reasonable development and utilisation of natural resources, protection of biodiversity, protection of ecological safety, formulation of the relevant ecological protection, restoration and management plans pursuant to the law and implementation thereof. Measures shall be adopted for introduction of foreign species and research, development and utilisation of biotechnology, prevention of destruction of biodiversity.

和利用生物技术，应当采取措施，防止对生物多样性的破坏。

**第三十一条** 国家建立、健全生态保护补偿制度。

国家加大对生态保护地区的财政转移支付力度。有关地方人民政府应当落实生态保护补偿资金，确保其用于生态保护补偿。

国家指导受益地区和生态保护地区人民政府通过协商或者按照市场规则进行生态保护补偿。

**Article 31** The State shall establish and improve upon an **ecological protection and compensation system**. The State shall strengthen fiscal transfers and payments for ecological protection areas. The relevant local People's Governments shall obtain ecological protection and compensation funds and ensure application of such funds for ecological protection and compensation.

The State shall guide People's Governments of beneficiary areas and ecological protection areas, carry out ecological protection and compensation through negotiation or in accordance with market rules.

**第三十二条** 国家加强对大气、水、土壤等的保护，建立和完善相应的调查、监测、评估和修复制度。

**Article 32** The State shall strengthen protection of **atmosphere, water, soil etc, establish and improve upon the corresponding investigation, monitoring, assessment and restoration system**.

**第三十三条** 各级人民政府应当加强对农业环境的保护，促进农业环境保护新技术的使用，加强对农业污染源的监测预警，统筹有关部门采取措施，防治土壤污染和土地沙化、盐渍化、贫瘠化、石漠化、地面沉降以及防治植被破坏、水

**Article 33** All levels of People's Government shall strengthen **protection of agricultural environment, promote use of new environmental protection techniques in agriculture, strengthen monitoring and warning of agricultural pollutants, organise the relevant departments to adopt measures to prevent soil pollution and desertification, salinisation, stone desertification, ground subsidence, prevent ecological imbalances such as destruction of vegetation, soil erosion, eutrophication, water depletion, extinction of species etc, promote integrated prevention and treatment of plant diseases and insect pests**. County and village People's

土流失、水体富营养化、水源枯竭、种源灭绝等生态失调现象，推广植物病虫害的综合防治。

县级、乡级人民政府应当提高农村环境保护公共服务水平，推动农村环境综合整治。

Governments shall improve public service standards for environmental protection of rural areas, promote integrated remediation of rural environment.

**第三十四条** 国务院和沿海地方各级人民政府应当加强对海洋环境的保护。向海洋排放污染物、倾倒废弃物，进行海岸工程和海洋工程建设，应当符合法律法规规定和有关标准，防止和减少对海洋环境的污染损害。

**Article 34** The State Council and all levels of People's Government at coastal areas shall strengthen protection of marine environment. Ocean discharge, dumping of waste, coastal engineering and ocean engineering projects shall comply with the provisions of laws and regulations and the relevant standards, prevent and reduce pollution damage of marine environment.

**第三十五条** 城乡建设应当结合当地自然环境的特点，保护植被、水域和自然景观，加强城市园林、绿地和风景名胜区的建设与管理。

**Article 35** Urban□rural development shall take into account the characteristics of local natural environment, protection of vegetation, waters and natural landscape, strengthen development and administration of urban landscape, greenery and scenic areas.

**第三十六条** 国家鼓励和引导公民、法人和其他组织使用有利于保护环境的产品和再生产品，减少废弃物的产生。

**Article 36** The State encourages and guides citizens, legal persons and other organisations to use products which are beneficial for environmental protection and recycled products, reduce waste generation. State agencies and other organisations which use fiscal funds shall give priority to procurement and use of energy saving, water efficient and material saving products, equipment and facilities which are beneficial for

国家机关和使用财政资金的其  
他组织应当优先采购和使用节能、  
节水、节材等有利于保护环境的产  
品、设备和设施。

environmental protection.

**第三十七条** 地方各级人民政  
府应当采取措施，组织对生活废弃  
物的分类处置、回收利用。

**Article 37 All levels of local People's Government shall adopt measures to organise categorised disposal and recycling of domestic waste.**

**第三十八条** 公民应当遵守环  
境保护法律法规，配合实施环境保  
护措施，按照规定对生活废弃物进  
行分类放置，减少日常生活对环境  
造成的损害。

**Article 38 Citizens shall comply with environmental protection laws and regulations, cooperate in implementation of environmental protection measures, carry out categorised disposal of domestic waste pursuant to the provisions, reduce environmental damage caused by everyday life.**

**第三十九条** 国家建立、健全  
环境与健康监测、调查和风险评估  
制度；鼓励和组织开展环境质量对  
公众健康影响的研究，采取措施预  
防和控制与环境污染有关的疾病。

**Article 39 The State shall establish and improve upon an environmental and health monitoring, investigation and risk assessment system; encourage and organise studies of environmental quality's impact on public health, adopt measures to prevent and control diseases related to environmental pollution.**

#### **第四章 防治污染和其他公害**

#### **Chapter 4 Prevention and Treatment of Pollution and Other Hazards**

**第四十条** 国家促进清洁生产  
和资源循环利用。

**Article 40 The State promotes clean production and recycling of resources.** The relevant departments of the State Council and all levels of local People's Government shall adopt measures to promote manufacturing and use of clean energy.

国务院有关部门和地方各级人

Enterprises shall give priority to use of clean energy, adopt

民政府应当采取措施，推广清洁能源的生产和使用。

企业应当优先使用清洁能源，采用资源利用率高、污染物排放量少的工艺、设备以及废弃物综合利用技术和污染物无害化处理技术，减少污染物的产生。

processes and equipment with high resource utilisation and low pollutant emission as well as technologies for integrated waste utilisation and decontamination of pollutants, reduce pollutant generation.

**第四十一条** 建设项目中防治污染的设施，应当与主体工程同时设计、同时施工、同时投产使用。防治污染的设施应当符合经批准的环境影响评价文件的要求，不得擅自拆除或者闲置。

**Article 41 Pollution prevention facilities in construction projects shall be designed, constructed and put into use simultaneously with the main project. Pollution prevention facilities shall comply with the requirements of the approved environmental impact assessment document, and shall not be arbitrarily removed or left idle.**

**第四十二条** 排放污染物的企业事业单位和其他生产经营者，应当采取措施，防治在生产建设或者其他活动中产生的废气、废水、废渣、医疗废物、粉尘、恶臭气体、放射性物质以及噪声、振动、光辐射、电磁辐射等对环境的污染和危害。

排放污染物的企业事业单位，应当建立环境保护责任制度，明确

**Article 42 Pollutant-discharging enterprises, institutions and other manufacturing operators shall adopt measures to prevent and treat waste gas, wastewater, waste residue, medical waste, dust, malodorous gas, radioactive substances generated in manufacturing, construction or any other activities as well as environmental pollution and hazards such as noise, vibration, ray radiation, electromagnetic radiation etc. Enterprises and institutions engaging in discharge of key pollutants,**

**shall establish an environmental protection accountability system, specify the responsibilities of the person(s) in charge and the relevant personnel of the organisation.**

Pollutant-discharging organisations shall install and use

单位负责人和相关人员的责任。

重点排污单位应当按照国家有关规定和监测规范安装使用监测设备，保证监测设备正常运行，保存原始监测记录。

严禁通过暗管、渗井、渗坑、灌注或者篡改、伪造监测数据，或者不正常运行防治污染设施等逃避监管的方式违法排放污染物。

monitoring equipment pursuant to the relevant provisions of the State and monitoring standards, ensure normal operation of monitoring equipment, keep original monitoring records.

Illegal discharge of pollutants through underground pipes, seepage walls, pits, perfusion, alteration or forgery of monitoring data, circumvention of regulation such as abnormal operation of pollution prevention facilities etc shall be prohibited.

**第四十三条** 排放污染物的企业事业单位和其他生产经营者，应当按照国家有关规定缴纳排污费。排污费应当全部专项用于环境污染防治，任何单位和个人不得截留、挤占或者挪作他用。

依照法律规定征收环境保护税的，不再征收排污费。

**Article 43 Pollutant-discharging enterprises, institutions and other manufacturing operators shall pay sewage fee pursuant to the relevant provisions of the State. Sewage fees shall be used entirely for prevention and treatment of environmental pollution and shall not be retained, misappropriated or diverted by any organisation or individual. Where environmental protection tax is levied pursuant to the provisions of the law, sewage fee shall not be levied.**

**第四十四条** 国家实行重点污染物排放总量控制制度。重点污染物排放总量控制指标由国务院下达，省、自治区、直辖市人民政府分解落实。企业事业单位在执行国家

**Article 44 The State shall implement a key pollutants total discharge quantity control system. Key pollutants total discharge control indicators shall be disseminated by the State Council, resolved and implemented by People's Governments of provinces, autonomous regions and centrally-administered municipalities. Enterprises and institutions shall, in the implementation of national and local pollutant emission standards, comply with the key pollutants**

和地方污染物排放标准的同时，应当遵守分解落实到本单位的重点污染物排放总量控制指标。

对超过国家重点污染物排放总量控制指标或者未完成国家确定的环境质量目标的地区，省级以上人民政府环境保护主管部门应当暂停审批其新增重点污染物排放总量的建设项目环境影响评价文件。

**第四十五条** 国家依照法律规定实行排污许可管理制度。

实行排污许可管理的企业事业单位和其他生产经营者应当按照排污许可证的要求排放污染物；未取得排污许可证的，不得排放污染物。

**第四十六条** 国家对严重污染环境的工艺、设备和产品实行淘汰制度。任何单位和个人不得生产、销售或者转移、使用严重污染环境的工艺、设备和产品。

禁止引进不符合我国环境保护

**total discharge quantity control indicators applicable to the organisation.** For areas which exceeded the key pollutants total discharge quantity control indicators of the State or failed to complete the environmental quality targets determined by the State, the environmental protection departments of People's Government of provincial level and above

**shall suspend examination and approval for their environmental impact assessment documents of new construction projects subject to key pollutants total discharge quantity.**

**Article 45** The State shall implement a pollutant discharge permit administration system pursuant to the provisions of the law. Enterprises, institutions and other manufacturing operators subject to

**pollutant discharge permit administration shall discharge pollutants pursuant to the requirements of the pollutant discharge permit; discharge of pollutants shall not be allowed without a pollutant discharge permit.**

**Article 46** The State implements an elimination system for technology, equipment and products which cause serious environmental pollution. No organisation or individual shall manufacture, sell or move, use technology, equipment and products which cause serious environmental pollution.

Introduction of technology, equipment, materials and products which do not comply with the environmental protection provisions of the State shall be prohibited.

规定的技术、设备、材料和产品。

**第四十七条** 各级人民政府及其有关部门和企业事业单位，应当依照《中华人民共和国突发事件应对法》的规定，做好突发环境事件的风险控制、应急准备、应急处置和事后恢复等工作。

县级以上人民政府应当建立环境污染公共监测预警机制，组织制定预警方案；环境受到污染，可能影响公众健康和环境安全时，依法及时公布预警信息，启动应急措施。

企业事业单位应当按照国家有关规定制定突发环境事件应急预案，报环境保护主管部门和有关部门备案。在发生或者可能发生突发环境事件时，企业事业单位应当立即采取措施处理，及时通报可能受到危害的单位和居民，并向环境保护主管部门和有关部门报告。

突发环境事件应急处置工作结束后，有关人民政府应当立即组织

**Article 47 All levels of People's Government and their relevant departments and enterprises and institutions shall ensure proper risk control, emergency preparation, emergency response and post-event restoration etc for environmental emergencies pursuant to the provisions of the Emergency Response Law of the People's Republic of China.** People's Governments of county level and above shall establish an environmental pollution public monitoring and early warning mechanism, organise formulation of warning plan; in the event of environmental pollution which may have an impact on public health and environmental safety, warning information shall be promptly announced pursuant to the law, emergency measures shall be activated.

Enterprises and institutions shall formulate contingency plans for environmental emergencies pursuant to the relevant provisions of the State and file them with the environmental protection authorities and the relevant authorities for record. In the event of occurrence or possible occurrence of an environmental emergency, the enterprise or institution shall forthwith adopt handling measures, promptly notify endangered organisations and residents, and report to the environmental protection authorities and the relevant authorities.

Upon completion of handling of an environmental emergency, the relevant People's Government shall forthwith organise evaluation of the environmental impact and loss caused by the event, and promptly announce the evaluation findings to the public.

评估事件造成的环境影响和损失，  
并及时将评估结果向社会公布。

**第四十八条** 生产、储存、运输、销售、使用、处置化学物品和含有放射性物质的物品，应当遵守国家有关规定，防止污染环境。

**Article 48 Manufacturing, storage, transportation, sale, use, disposal of chemicals and articles containing radioactive substance shall comply with the relevant provisions of the State in prevention of environmental pollution.**

**第四十九条** 各级人民政府及其农业等有关部门和机构应当指导农业生产经营者科学种植和养殖，科学合理施用农药、化肥等农业投入品，科学处置农用薄膜、农作物秸秆等农业废弃物，防止农业面源污染。

**Article 49 All levels of People's Government and their agriculture department and other relevant departments and organisations shall guide scientific cultivation and breeding by agricultural operators, use agricultural inputs such as pesticides, fertilisers etc scientifically and reasonably, dispose agricultural waste such as agricultural film and straws etc scientifically, prevent non-point source agricultural pollution.** Application of solid waste, wastewater which do not comply with agricultural standards and environmental protection standards into farmland shall be prohibited. For use of agricultural inputs such as pesticides, fertilisers etc and irrigation, measures shall be adopted to **prevent environmental pollution by heavy metal and other toxic and hazardous substances.**

禁止将不符合农用标准和环境保护标准的固体废物、废水施入农田。施用农药、化肥等农业投入品及进行灌溉，应当采取措施，防止重金属和其他有毒有害物质污染环境。

Site selection, construction and management for livestock and poultry farms, farming district, fixed location slaughtering enterprises etc shall comply with the provisions of the relevant laws and regulations. Organisations and individuals engaging in livestock breeding and slaughtering shall adopt measures for scientific disposal of waste such as manure, carcasses and sewage, prevent environmental pollution.

畜禽养殖场、养殖小区、定点屠宰企业等的选址、建设和管理应当符合有关法律法规规定。从事畜禽养殖和屠宰的单位和个人应当采

County People's Governments shall be responsible for organising disposal of domestic waste in rural areas.

取措施，对畜禽粪便、尸体和污水等废弃物进行科学处置，防止污染环境。

县级人民政府负责组织农村生活废弃物的处置工作。

**第五十条** 各级人民政府应当在财政预算中安排资金，支持农村饮用水水源地保护、生活污水和其他废弃物处理、畜禽养殖和屠宰污染防治、土壤污染防治和农村工矿污染治理等环境保护工作。

**Article 50** All levels of People's Government shall arrange funds in their fiscal budget to support environmental protection such as protection of rural drinking water sources, disposal of sewage and other waste, prevention and treatment of pollution caused by livestock breeding and slaughtering, prevention and treatment of soil pollution and rural mining pollution control.

**第五十一条** 各级人民政府应当统筹城乡建设污水处理设施及配套管网，固体废物的收集、运输和处置等环境卫生设施，危险废物集中处置设施、场所以及其他环境保护公共设施，并保障其正常运行。

**Article 51** All levels of People's Government shall coordinate and arrange construction of urban□rural sewage treatment facilities and complementary pipelines, environmental sanitation facilities such as collection, transportation and disposal of solid waste etc, centralised disposal facilities and premises for hazardous waste and other public facilities for environmental protection, and ensure their normal operation.

**第五十二条** 国家鼓励投保环境污染责任保险。

**Article 52** The State encourages taking up of environmental pollution liability insurance.

## 第五章 信息公开和公众参与

## Chapter 5 Information Disclosure and Public Participation

**第五十三条** 公民、法人和其他组织依法享有获取环境信息、参

**Article 53** Citizens, legal persons and other organisations shall have the right to obtain environmental information, participate in and supervise environmental protection

与和监督环境保护的权利。

各级人民政府环境保护主管部门和其他负有环境保护监督管理职责的部门，应当依法公开环境信息、完善公众参与程序，为公民、法人和其他组织参与和监督环境保护提供便利。

**pursuant to the law.** The environmental protection departments and other departments tasked with environmental protection supervision and administration duties of all levels of People's Government shall make public environmental information pursuant to the law and improve upon public participation procedures, facilitate participation in and supervision of environmental protection by citizens, legal persons and other organisations.

**第五十四条** 国务院环境保护主管部门统一发布国家环境质量、重点污染源监测信息及其他重大环境信息。省级以上人民政府环境保护主管部门定期发布环境状况公报。

县级以上人民政府环境保护主管部门和其他负有环境保护监督管理职责的部门，应当依法公开环境质量、环境监测、突发环境事件以及环境行政许可、行政处罚、排污费的征收和使用情况等信息。

县级以上地方人民政府环境保护主管部门和其他负有环境保护监督管理职责的部门，应当将企业事业单位和其他生产经营者的环境违

**Article 54** The environmental protection department of the State Council shall publish national environmental quality, key pollution source monitoring information and other significant environmental information on a unified basis. The environmental protection departments of People's Governments of provincial level and above shall announce environmental information on a regular basis. The environmental protection departments and other departments tasked with environmental protection supervision and administration duties of the People's Governments of county level and above shall make public information on environmental quality, environmental monitoring, environmental emergencies and environmental administrative permits, administrative punishment, levying and collection of sewage fee and usage etc.

The environmental protection departments and other departments tasked with environmental protection supervision and administration duties of local People's Governments of county level and above,

shall include information on environmental violations by enterprises, institutions and other manufacturing operators in the public integrity files, promptly announce the list of offenders to the public.

法信息记入社会诚信档案，及时向  
社会公布违法者名单。

**第五十五条** 重点排污单位应当如实向社会公开其主要污染物的名称、排放方式、排放浓度和总量、超标排放情况，以及防治污染设施的建设和运行情况，接受社会监督。

**Article 55** Key pollutant discharging organisations shall announce to the public description of their key pollutants, discharge method, discharge concentration and total quantity, information on excessive emission as well as information on construction and operation of pollution prevention facilities truthfully, and accept public supervision.

**第五十六条** 对依法应当编制环境影响报告书的建设项目，建设单位应当在编制时向可能受影响的公众说明情况，充分征求意见。

**Article 56** Where an environmental impact assessment report is required by law to be formulated for a development project, the developer shall, in the formulation of the report, explain the information to members of the public who may be affected and solicit their opinions. Upon receipt of an environmental impact assessment report for a development project, the authorities responsible for examination and approval of environmental impact assessment documents for development projects shall, except where State secrets and commercial secrets are involved, announce the full text; where the developer has not solicit public opinions for the development project, the developer shall be ordered to solicit public opinions.

负责审批建设项目环境影响评价文件的部门在收到建设项目环境影响报告书后，除涉及国家秘密和商业秘密的事项外，应当全文公开；发现建设项目未充分征求公众意见的，应当责成建设单位征求公众意见。

**第五十七条** 公民、法人和其他组织发现任何单位和个人有污染环境和破坏生态行为的，有权向环境保护主管部门或者其他负有环境

**Article 57** Citizens, legal persons and other organisations who are aware of environmental pollution and ecological destruction by any organisation or individual shall have the right to report the matter to the environmental protection department or other departments tasked with environmental protection supervision and administration duties. Citizens,

保护监督管理职责的部门举报。

公民、法人和其他组织发现地方各级人民政府、县级以上人民政府环境保护主管部门和其他负有环境保护监督管理职责的部门不依法履行职责的，有权向其上级机关或者监察机关举报。

接受举报的机关应当对举报人的相关信息予以保密，保护举报人的合法权益。

**第五十八条** 对污染环境、破坏生态，损害社会公共利益的行为，符合下列条件的社会组织可以向人民法院提起诉讼：

（一）依法在设区的市级以上人民政府民政部门登记；

（二）专门从事环境保护公益活动连续五年以上且无违法记录。

符合前款规定的社会组织向人民法院提起诉讼，人民法院应当依法受理。

legal persons and other organisations who are aware of non-performance of duties by the environmental protection departments and other departments tasked with environmental protection supervision and administration duties of all levels of local People's Government and People's Governments of county level and above shall have the right to report to their higher-level authorities or the surveillance authorities.

Authorities which accept such reports shall keep confidentiality of the relevant information of the whistleblower, and protect the legitimate rights and interests of the whistleblower.

**Article 58** For environmental pollution, ecological destruction, acts which harm public interest, social organisations which satisfy the following criteria may file a lawsuit with a People's Court:

- (1) registered with the civil affairs department of a People's Government of municipality divided into districts or above pursuant to the law;
- (2) specialising in environmental protection community activities for five or more consecutive years and do not have any violation record.

A lawsuit filed by a social organisation which complies with the provisions of the preceding paragraph shall be accepted by the People's Court pursuant to the law.

Social organisations filing a lawsuit shall not seek economic gains through the lawsuit.

提起诉讼的社会组织不得通过诉讼牟取经济利益。

## 第六章 法律责任

**第五十九条** 企业事业单位和其他生产经营者违法排放污染物，受到罚款处罚，被责令改正，拒不改正的，依法作出处罚决定的行政机关可以自责令改正之日的次日起，按照原处罚数额按日连续处罚。

前款规定的罚款处罚，依照有关法律法规按照防治污染设施的运行成本、违法行为造成的直接损失或者违法所得等因素确定的规定执行。

地方性法规可以根据环境保护的实际需要，增加第一款规定的按日连续处罚的违法行为的种类。

**第六十条** 企业事业单位和其他生产经营者超过污染物排放标准或者超过重点污染物排放总量控制指标排放污染物的，县级以上人民政府环境保护主管部门可以责令其

## Chapter 6 Legal Liability

**Article 59** Enterprises, institutions and other manufacturing operators guilty of illegal discharge of pollutants shall be subject to a fine and ordered to make correction; where an offender refuses to make correction, the administrative authorities which made the punishment decision pursuant to the law may, with effect from the date of order for correction, impose consecutive daily fines based on the original punishment amount. The fines stipulated in the preceding paragraph shall comply with

**the provisions determined in accordance with the factors such as operation costs of pollution prevention facilities, direct losses caused by the illegal act or illegal income derived from the illegal act etc.**

Local regulations may, in accordance with the actual needs of environmental protection, include additional types of illegal acts for which daily consecutive fines stipulated in the first paragraph are applicable.

**Article 60** Enterprises, institutions and other manufacturing operators whose discharge of pollutants exceeds the pollutant emission standards or the key pollutants total discharge quantity control indicators may be ordered by the environmental protection department of the People's Government of county level and above to adopt measures such as restriction of manufacturing or suspension of production for rectification; in serious cases, the offender

采取限制生产、停产整治等措施；情节严重的，报经有批准权的人民政府批准，责令停业、关闭。

**may, upon approval by a People's Government with approval authority, be ordered to suspend operation or closed down.**

**第六十一条** 建设单位未依法提交建设项目环境影响评价文件或者环境影响评价文件未经批准，擅自开工建设的，由负有环境保护监督管理职责的部门责令停止建设，处以罚款，并可以责令恢复原状。

**Article 61** Where a developer has not submitted an environmental impact assessment document for development project pursuant to the law or has commenced construction when the environmental impact assessment document is not approved, the department tasked with environmental protection supervision and administration duties shall order the developer to stop construction and impose a fine, and may order the developer to restore the original conditions.

**第六十二条** 违反本法规定，重点排污单位不公开或者不如实公开环境信息的，由县级以上地方人民政府环境保护主管部门责令公开，处以罚款，并予以公告。

**Article 62** Key pollutant□discharging organisations which violate the provisions of this Law in failure to announce environmental information or failure to announce environmental information truthfully shall be ordered by the environmental protection department of the local People's Government of county level and above to make announcement and be subject to a fine. Announcement shall be made.

**第六十三条** 企业事业单位和其他生产经营者有下列行为之一，尚不构成犯罪的，除依照有关法律、法规规定予以处罚外，由县级以上人民政府环境保护主管部门或者其他有关部门将案件移送公安机关，对其直接负责的主管人员和其他直接责任人员，处十日以上十五日以下拘留；情节较轻的，处五日以上

**Article 63** Where any of the following acts committed by enterprises, institutions and other manufacturing operators does not constitute a criminal offence, in addition to punishment pursuant to the relevant laws and regulations, the environmental protection authorities or other relevant authorities of the People's Government of county level and above shall forward the case to the public security bureau, the directly accountable person(s)□in□charge and other directly accountable personnel shall be detained for period of more than 10 days but less than 15 days; or detained for a period of more than five days but less than 10 days in less serious cases: (1) failure to carry out an environmental impact assessment for a development project pursuant to the law, and refuse to

十日以下拘留：

（一）建设项目未依法进行环境影响评价，被责令停止建设，拒不执行的；

（二）违反法律规定，未取得排污许可证排放污染物，被责令停止排污，拒不执行的；

（三）通过暗管、渗井、渗坑、灌注或者篡改、伪造监测数据，或者不正常运行防治污染设施等逃避监管的方式违法排放污染物的；

（四）生产、使用国家明令禁止生产、使用的农药，被责令改正，拒不改正的。

suspend construction when being ordered to do so;

(2) violation of the provisions of the law in discharging pollutants without obtaining a pollutant discharge permit, and refuse to stop discharging pollutants when being ordered to do so;

(3) illegal discharge of pollutants through underground pipes, seepage walls, pits, perfusion, alteration or forgery of monitoring data, circumvention of regulation such as abnormal operation of pollution prevention facilities etc;

(4) manufacturing and use of pesticides for which manufacturing and use are prohibited by the State expressly, and refuse to do make correction when being ordered to do so.

**第六十四条** 因污染环境和破坏生态造成损害的，应当依照《中华人民共和国侵权责任法》的有关规定承担侵权责任。

**Article 64** In the case of damages caused by environmental pollution and ecological destruction, tortious liability shall be borne pursuant to the relevant provisions of the Tort Law of the People's Republic of China.

**第六十五条** 环境影响评价机构、环境监测机构以及从事环境监测设备和防治污染设施维护、运营的机构，在有关环境服务活动中弄

**Article 65** Environmental impact assessment organisations, environmental monitoring organisations and organisations undertaking maintenance and operation of environmental monitoring equipment and pollution prevention facilities responsible for fraudulent acts in the relevant environmental services and activities which cause environmental pollution

虚作假，对造成的环境污染和生态破坏负有责任的，除依照有关法律、法规规定予以处罚外，还应当与造成环境污染和生态破坏的其他责任者承担连带责任。

**and ecological destruction shall, in addition to being punished pursuant to the provisions of the relevant laws and regulations, be liable jointly and severally with the other accountable persons for such environmental pollution and ecological destruction.**

**第六十六条** 提起环境损害赔偿诉讼的时效期间为三年，从当事人知道或者应当知道其受到损害时起计算。

**Article 66** The limitation of action for lawsuits in respect of compensation for environmental damages shall be three years, commencing from the date on which the party concerned becomes aware or should become aware of the damages.

**第六十七条** 上级人民政府及其环境保护主管部门应当加强对下级人民政府及其有关部门环境保护工作的监督。发现有关工作人员有违法行为，依法应当给予处分的，应当向其任免机关或者监察机关提出处分建议。

**Article 67** The higher-level People's Government and their environmental protection department shall strengthen supervision of environmental protection work of the lower-level People's Government and their relevant department(s). For officers found guilty of committing an illegal act who should be punished pursuant to the law, the recommended punishment shall be proposed to his/her appointment agency or the surveillance agency. Where administrative punishment should be imposed pursuant to the law, but the relevant environmental protection authorities do not impose administrative punishment, the environmental protection department of the higher-level People's Government may make an administrative punishment decision.

依法应当给予行政处罚，而有关环境保护主管部门不给予行政处罚的，上级人民政府环境保护主管部门可以直接作出行政处罚的决定。

**第六十八条** 地方各级人民政府、县级以上人民政府环境保护主

**Article 68** Where the environmental protection departments and other departments tasked with environmental protection supervision and administration duties of all levels of local

管部门和其他负有环境保护监督管理职责的部门有下列行为之一的，对直接负责的主管人员和其他直接责任人员给予记过、记大过或者降级处分；造成严重后果的，给予撤职或者开除处分，其主要负责人应当引咎辞职：

（一）不符合行政许可条件准予行政许可的；

（二）对环境违法行为进行包庇的；

（三）依法应当作出责令停业、关闭的决定而未作出的；

（四）对超标排放污染物、采用逃避监管的方式排放污染物、造成环境事故以及不落实生态保护措施造成生态破坏等行为，发现或者接到举报未及时查处的；

（五）违反本法规定，查封、扣押企业事业单位和其他生产经营者的设施、设备的；

**People's Government , People's Governments of county level and above have committed any of the following acts, the directly accountable person(s) in charge and other directly accountable personnel shall be subject to demerit points, major demerit points or demotion; or dismissed or expelled if the consequences are serious, the key person(s) in charge shall resign to take responsibility:** (1) granting of an administrative permit to applicants who do not comply with administrative licensing criteria;

(2) covering up an environmental violation;

(3) failure to make a decision on suspension of operation or closure pursuant to the law when such a decision should be made;

(4) failure to promptly investigate and handle discharge of pollutants which exceeds the indicators, adoption of circumvention of regulatory measures to discharge pollutants, environmental incident and ecological destruction caused by failure to implement ecological protection measures upon discovery or being informed;

(5) violation of the provisions of this Law in seizure and confiscation of facilities and equipment of enterprises, institutions and other manufacturing operators;

(6) alteration or forgery of monitoring data or instigation of alteration or forgery of monitoring data;

(7) failure to announce environmental information which is required to be announced pursuant to the law;

(8) retention, misappropriation or diversion of sewage fees collected;

(9) any other illegal acts stipulated by laws and regulations.

（六）篡改、伪造或者指使篡改、伪造监测数据的；

（七）应当依法公开环境信息而未公开的；

（八）将征收的排污费截留、挤占或者挪作他用的；

（九）法律法规规定的其他违法行为。

**第六十九条** 违反本法规定，构成犯罪的，依法追究刑事责任。

**Article 69** For violations of these Provisions which constitute a criminal offence, criminal liability shall be pursued in accordance with the law.

## 第七章 附则

## Chapter 7 Supplementary Provisions

**第七十条** 本法自2015年1月1日起施行。

**Article 70** This Law shall be effective 1 January 2015.



扫一扫，手机阅读更方便