

# 中华人民共和国主席令

## 第九号

《中华人民共和国环境保护法》已由中华人民共和国第十二届全国人民代表大会常务委员会第八次会议于2014年4月24日修订通过，现将修订后的《中华人民共和国环境保护法》公布，自2015年1月1日起施行。

中华人民共和国主席 习近平

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# 中华人民共和国环境保护法

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## 第一章 总 则

**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。

**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。

**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。

**第四条** 保护环境是国家的基本国策。

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。

**第六条** 一切单位和个人都有保护环境的义

务。

地方各级人民政府应当对本行政区域的环境质量负责。

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。

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。

**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。

**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。

教育行政部门、学校应当将环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。

**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。

**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。

**第十二条** 每年6月5日为环境日。

## 第二章 监督管理

**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。

**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地方污染物排放标准。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。

**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。

相关行业、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的监测设备，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。

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。

**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。

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。

**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。

**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。

**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。

**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。

**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。

**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。

### 第三章 保护和改善环境

**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。

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。

**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。

**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和恢复治理方案并予以实施。

引进外来物种以及研究、开发和利用生物技术,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。

**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。

**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。

**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。

**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。

**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。

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。

**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。

**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。

**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。

## 第四章 防治污染和其他公害

**第四十条** 国家促进清洁生产和资源循环利用。

国务院有关部门和地方各级人民政府应当采

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。

**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。

**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。

**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。

**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。

**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。

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。

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。

**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。

**第五十二条** 国家鼓励投保环境污染责任保险。

## 第五章 信息公开和公众参与

**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。

**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。

**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。

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。

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。

**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。

**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。

**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。

**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。

**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。

**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。

**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。

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环境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；
- (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。

## 第七章 附 则

**第七十条** 本法自 2015 年 1 月 1 日起施行。

# 关于《中华人民共和国环境保护法修正案（草案）》的说明

——2012 年 8 月 27 日在第十一届全国人民代表大会常务委员会第二十八次会议上

全国人大环境与资源保护委员会主任委员 汪光焘

全国人民代表大会常务委员会：

我受全国人大环境与资源保护委员会委托，

作关于《中华人民共和国环境保护法修正案（草案）》的说明。



# Environmental Protection Law of the People's Republic of China (2014 Revision)

## 中华人民共和国环境保护法 (2014 修订)

Order of the President of the People's Republic of China  
(No. 9)

The Environmental Protection Law of the People's Republic of China, as revised and adopted at the 8th session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on April 24, 2014, is hereby issued, and shall come into force on January 1, 2015.

President of the People's Republic of China: Xi Jinping

April 24, 2014

Environmental Protection Law of the People's Republic of China

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

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### Chapter I General Provisions

**Article 1** This Law is developed for the purposes of protecting and improving environment, preventing and controlling pollution and other public nuisances, safeguarding public health, promoting ecological civilization, and enhancing sustainable economic and social development.

**Article 2** For the purposes of this Law, “environment” means the entirety of all natural elements and artificially transformed natural elements that affect the survival and development of human beings, including but not limited to air, water, seas, land, minerals, forests, grasslands, wetland, wildlife, natural and cultural relics, nature reserves, scenic spots, historical sites, 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** Protecting environment is a fundamental national policy of the state. The state shall adopt economic and technological policies and measures conducive to



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economically and cyclically utilizing resources, protecting and improving environment and enhancing the harmony between mankind and nature to coordinate economic and social development with environmental protection.

**Article 5** Environmental protection shall adhere to the principles of giving priority to protection, focusing on prevention, conducting comprehensive treatment, engaging the general public, and enforcing accountability for damage.

**Article 6** All entities and individuals shall have the obligation to protect environment. The local people's governments at all levels shall be responsible for the environmental quality within their respective administrative regions.

Enterprises, public institutions, and other businesses shall prevent and reduce environmental pollution and ecological disruption, and assume liabilities for damage caused by them.

Citizens shall raise their awareness of environmental protection, adopt low-carbon and economical lifestyles, and conscientiously fulfill their obligation to protect environment.

**Article 7** The state shall support scientific and technological research, development, and application for environmental protection, encourage the development of environmental protection industries, promote the information technology development for environmental protection, and increase the scientific and technological level of environmental protection.

**Article 8** The people's governments at all levels shall provide more financial input in the protection and improvement of environment and the prevention and control of pollution and other public nuisances, and increase the utilization efficiency of financial funds.

**Article 9** The people's governments at all levels shall strengthen the publicity and dissemination of information on environmental protection, encourage basic-level self-governing organizations of the masses, social organizations, and environmental protection volunteers to conduct publicity of environmental protection laws and regulations and environmental protection knowledge, and create a favorable atmosphere for environmental protection.

Education administrative departments and schools shall include environmental protection knowledge in school education to cultivate students' awareness of environmental protection.

News media shall publicize environmental protection laws and regulations and environmental protection knowledge, and oversee environment-related illegal acts.

**Article 10** The environmental protection administrative department of the State Council shall generally supervise and administer the national environmental protection work, while the environmental protection administrative departments of the local people's governments at and above the county level shall generally supervise and administer the environmental protection work within their respective administrative regions.

The relevant departments of the people's governments at and above the county level and the environmental protection departments of the armed forces shall supervise and administer resource protection, pollution prevention and control, and other



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environmental protection work in accordance with the provisions of relevant laws.

**Article 11** The people's governments shall reward outstanding entities and individuals in protecting and improving environment.

**Article 12** Environment Day is celebrated on June 5 every year.

## Chapter II Supervision and Administration

**Article 13** The people's governments at and above the county level shall include the environmental protection work in their plans on national economic and social development.

The environmental protection administrative department of the State Council shall, in conjunction with the relevant departments, develop a plan on national environmental protection in accordance with the plan on national economic and social development, and submit it to the State Council for approval, publication, and implementation.

The environmental protection administrative departments of the local people's governments at and above the county level shall, in conjunction with the relevant departments, develop the plans on environmental protection for their respective administrative regions in accordance with the requirements of the plan on national environmental protection, and submit them to the people's governments at the same level for approval, publication, and implementation.

A plan on environmental protection shall include the objectives and tasks of and safeguards for ecological protection and pollution prevention and control, and be connected with the major function zoning plan, comprehensive plan on land use, and urban and rural development plan, among others.

**Article 14** In organizing the development of economic and technological policies, the relevant departments of the State Council and the people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall fully consider the environmental impact thereof, and hear the opinions of the relevant parties and experts.

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

For matters not included in the national environmental quality standards, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may develop local environmental quality standards; and for matters included in the national environmental quality standards, they may develop local environmental quality standards higher than the national standards. Local environmental quality standards shall be submitted to the environmental protection administrative department of the State Council for recordation.

The state shall encourage research on environmental criteria.

**Article 16** The environmental protection administrative department of the State Council shall develop the national pollutant discharge standards in accordance with the national environmental quality standards and the national economic and technological conditions.

For matters not included in the national pollutant discharge standards, the people's governments of provinces, autonomous regions, and municipalities directly under the



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Central Government may develop local pollutant discharge standards; and for matters included in the national pollutant discharge standards, they may develop local pollutant discharge standards higher than the national standards. Local pollutant discharge standards shall be submitted to the environmental protection administrative department of the State Council for recordation.

**Article 17** The state shall establish and improve environmental monitoring rules. The environmental protection administrative department of the State Council shall develop monitoring norms, organize a monitoring network in conjunction with the relevant departments, develop a general plan on the distribution of national environmental quality monitoring stations (points), establish a monitoring data sharing mechanism, and strengthen the administration of environmental monitoring.

The distribution of various types of environmental quality monitoring stations (points) for the relevant industries or specialties shall comply with the requirements of laws and regulations and the monitoring norms.

Monitoring institutions shall use monitoring equipment up to the national standards, and comply with the monitoring norms. Monitoring institutions and the persons in charge thereof shall be responsible for the truth and accuracy of monitoring data.

**Article 18** The people's governments at and above the provincial level shall organize the relevant departments or commission specialized institutions to survey and assess the environmental condition, and establish an environmental and resource carrying capacity monitoring and early warning mechanism.

**Article 19** An environmental impact assessment shall be conducted as legally required in the preparation of a relevant development and utilization plan or the construction of a project impacting the environment.

A development and utilization plan that has not undergone environmental impact assessment as legally required may not be implemented. The construction of a construction project that has not undergone environmental impact assessment as legally required may not be commenced.

**Article 20** The state shall establish a coordination mechanism across administrative regions for the joint prevention and control of environmental pollution and ecological disruption in key regions and valley areas, and apply a uniform plan, uniform standards, uniform monitoring, and uniform prevention and control measures. The prevention and control of environmental pollution and ecological disruption across administrative regions other than that in the preceding paragraph shall be coordinated by the people's governments at higher levels, or resolved through consultations by the relevant local people's governments.

**Article 21** The state shall adopt policies and measures in finance, taxation, price, and government procurement, among others, to encourage and support the development of environmental protection industries such as technological equipment for environmental protection, comprehensive utilization of resources, and environmental services.

**Article 22** The people's governments shall adopt policies and measures in finance, taxation, price, and government procurement, among others, to encourage and support the further pollutant discharge reduction by enterprises, public institutions, and other



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businesses after meeting the statutory requirements for the discharge of pollutants.

**Article 23** The people's governments shall support the production changes, relocation, or closedown of enterprises, public institutions, and other businesses for the purpose of improving environment in accordance with the relevant provisions.

**Article 24** The environmental protection administrative departments of the people's governments at and above the county level, the environmental oversight institutions authorized by them, and other departments with environmental protection supervision and administration functions shall have the authority to conduct the on-site inspection of enterprises, public institutions, and other businesses that discharge pollutants. Those under inspection shall honestly provide relevant information and necessary materials. The departments or institutions conducting such inspection and the employees thereof shall keep the trade secrets of those under inspection.

**Article 25** Where the discharge of pollutants by enterprises, public institutions, and other businesses in violation of laws and regulations has caused or may cause any serious pollution, the environmental protection administrative departments of the people's governments at and above the county level and other departments with environmental protection supervision and administration functions may seize or impound the facilities or equipment causing the discharge of pollutants.

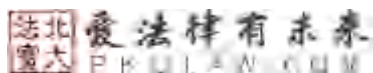
**Article 26** The state shall apply an objectives responsibility system and an evaluation and review system to environmental protection. The people's governments at and above the county level shall include the achievement of environmental protection objectives in the evaluation of their respective departments with environmental protection supervision and administration functions and the persons in charge thereof as well as the people's governments at lower levels and the persons in charge thereof, as an important basis for the evaluation and review of them. The evaluation results shall be made available to the public.

**Article 27** The people's governments at and above the county level shall report annually the environmental condition and the achievement of environmental protection objectives to the people's congresses at the same level or the standing committees thereof, and report in a timely manner the major environmental events to the standing committees of the people's congresses at the same level, to receive supervision according to the law.

### Chapter III Environmental Protection and Improvement

**Article 28** The local people's governments at all levels shall, according to environmental protection objectives and pollution control tasks, adopt effective measures to improve environmental quality. The relevant local people's governments in key regions and valley areas that fail to reach the national environmental quality standards shall develop plans on reaching such standards during a specified period, and adopt measures to reach such standards as scheduled.

**Article 29** The state shall draw ecological red lines in key ecological function zones, ecological sensitive areas and fragile areas, and other areas to apply strict protection.



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The people's governments at all levels shall adopt measures to protect and prohibit any damage to the regions with various types of typical natural ecosystems, regions with a natural distribution of rare or endangered wild animals or plants, regions where major sources of water are conserved, natural relics such as geological structures of great scientific and cultural values, famous regions where karst caves or fossil deposits are distributed, glaciers, volcanoes, and hot springs, cultural relics, and ancient and precious trees.

**Article 30** In the development and utilization of natural resources, the development shall be rational to protect biological diversity and ecological safety, and the relevant ecological protection and rehabilitation management plans shall be developed and implemented according to the law.

In the introduction of alien species and the research, development, and utilization of biotechnologies, measures shall be adopted to prevent any damage to biodiversity.

**Article 31** The state shall establish and improve an ecological compensation mechanism.

The state shall increase financial transfer payments to ecological protection areas. The relevant local people's governments shall oversee the use of ecological compensation funds to ensure that such funds are used for ecological compensation purposes.

The state shall guide the people's governments of ecologically benefited areas and ecological protection areas in making ecological compensation through consultations or under the market rules.

**Article 32** The state shall strengthen the protection of air, water, and soil, among others, and establish and improve the corresponding survey, monitoring, assessment, and remediation rules.

**Article 33** The people's governments at all levels shall strengthen the protection of agricultural environment, promote the application of new technologies for protecting agricultural environment, strengthen the monitoring and early warning of agricultural pollution sources, and coordinate the relevant departments in adopting measures to prevent and control soil pollution, the desertification, alkalization, impoverishment and rocky desertification of land, land subsidence, vegetation deterioration, water loss and soil erosion, eutrophication of water bodies, exhaustion of water sources, extinction of species, and other ecological disturbances and promote the comprehensive prevention and control of plant diseases and insect pests.

The people's governments at the county and village levels shall improve the public service level for environmental protection in rural areas, and promote the comprehensive control and management of environment in rural areas.

**Article 34** The State Council and the local people's governments at all levels in coastal areas shall strengthen the protection of marine environment. The discharge of pollutants and the dumping of wastes into the sea or the construction of coastal or marine engineering projects shall comply with laws and regulations and the relevant standards, and pollution and damage to the marine environment shall be prevented or reduced.

**Article 35** In urban and rural construction, the characteristics of the local natural environment shall be considered, vegetation, waters and natural landscapes shall be



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protected, and the construction and management of gardens, green land, and scenic spots and historic sites in urban areas shall be strengthened.

**Article 36** The state shall encourage and direct citizens, legal persons, and other organizations to use products and recycled products conducive to protecting environment to reduce wastes.

Government agencies and other organizations using fiscal funds shall, when purchasing and using products, equipment and facilities, give priority to those that are energy-saving, water-saving, material-saving or otherwise conducive to protecting environment.

**Article 37** The local people's governments at all levels shall take measures to organize the sorting and recycling of domestic wastes.

**Article 38** Citizens shall abide by environmental protection laws and regulations, cooperate in the implementation of environmental protection measures, and drop domestic wastes in waste separation bins as required to reduce damage to environment in daily lives.

**Article 39** The state shall establish and improve the environment and health monitoring, survey and risk assessment rules, encourage and organize research on the impact of environmental quality on public health, and adopt measures to prevent and control diseases related to environmental pollution.

#### Chapter IV Prevention and Control of Pollution and Other Public Nuisances

**Article 40** The state shall promote cleaner production and resource recycling. The relevant departments of the State Council and the local people's governments at all levels shall adopt measures to promote the production and use of clean energy. Enterprises shall give priority to the use of clean energy, and adopt techniques and equipment with higher resource utilization ratios and less pollutant discharges, technologies for the comprehensive utilization of wastes, and technologies for the decontamination of pollutants to reduce pollutants.

**Article 41** The pollution prevention and control installations included in a construction project shall be designed, constructed and put to use simultaneously with the body of the construction project. Such installations shall satisfy the requirements of the approved environmental impact assessment document, and may not be dismantled or left unused without permission.

**Article 42** Enterprises, public institutions, and other businesses that discharge pollutants shall adopt measures to prevent and control pollution and damage to environment caused by waste gas, waste water, waste residue, medical wastes, dust, malodorous gases, radioactive substances, noise, vibration, optical radiation, electromagnetic radiation, and other substances generated in their production, construction, and other activities.

Enterprises and public institutions that discharge pollutants shall establish accountability rules for environmental protection to specify the duties and responsibilities of persons in charge of them and other relevant persons. Pollutant discharging entities under intensified supervision shall install and use



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monitoring equipment in accordance with the relevant provisions of the state and the monitoring norms, ensure the normal functioning of monitoring equipment, and preserve the original monitoring records.

It shall be prohibited to illegally discharge pollutants by installing underground pipelines, using seepage wells or pits, conducting perfusion, or altering or forging monitoring data, through the abnormal operation of pollution prevention and control installations, or by other means to avoid supervision.

**Article 43** Enterprises, public institutions, and other businesses that discharge pollutants shall pay pollutant discharge fees in accordance with the relevant provisions of the state. Pollutant discharge fees shall be all used for the prevention and control of environmental pollution. No entity or individual may withhold such funds or use such funds for similar or other purposes.

No pollutant discharge fees shall be levied if environmental pollution tax has been levied according to the law.

**Article 44** The state shall apply a total discharge volume control system to key pollutants. The State Council shall assign the total discharge volume control indicators of key pollutants to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for further breakdown and implementation. When implementing the national and local pollutant discharge standards, enterprises and public institutions shall comply with the total discharge volume control indicators of key pollutants further assigned to them. For areas which exceed the state's total discharge volume control indicators of key pollutants or fail to achieve the environmental quality objectives determined by the state, the environmental protection administrative departments of the people's governments at and above the provincial level shall suspend the procedures for approving the environmental impact assessment documents on construction projects in such areas that will increase the total discharge volume of key pollutants.

**Article 45** The state shall, according to the law, apply a licensing system to the discharge of pollutants.

Enterprises, public institutions, and other businesses subject to pollutant discharge licensing management shall discharge pollutants according to the requirements of their respective pollutant discharge licenses; and those without a pollutant discharge license may not discharge pollutants.

**Article 46** The state shall apply an elimination system to techniques, equipment, and products that cause serious environmental pollution. No entity or individual may produce, sell, transfer, or use techniques, equipment, or products that cause serious environmental pollution.

It shall be prohibited to introduce any technology, equipment, material, or product that fails to comply with the environmental protection provisions of China.

**Article 47** The people's governments at all levels, the relevant departments thereof, enterprises, and public institutions shall effectively conduct the risk control, preparedness, response, rehabilitation, and other work on environmental emergencies, in accordance with the [Emergency Response Law of the People's Republic of China](#). The people's governments at and above the county level shall establish public monitoring and early warning mechanisms for environmental pollution, organize the



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development of early warning plans, and, when any environmental pollution may endanger public health and environmental safety, release early warning information and activate emergency response measures in a timely manner according to the law. Enterprises and public institutions shall prepare emergency response plans for environmental emergencies in accordance with the relevant provisions of the state, and submit them to the environmental protection administrative departments and other relevant departments for recordation. Where any environment emergency occurs or may occur, an enterprise or public institution shall immediately take response measures, notify in a timely manner the entities and citizens to which any harm may be caused, and report to the environmental protection administrative department and other relevant departments.

After the end of the emergency response to an environmental emergency, the relevant people's government shall immediately organize an assessment on the environmental impact of and the losses caused by the event, and disclose the assessment results to the public in a timely manner.

**Article 48** The production, storage, transportation, sale, use, and disposal of chemicals and materials containing radioactive substances must comply with the relevant provisions of the state to prevent environmental pollution.

**Article 49** The people's governments at all levels and the agricultural and other relevant departments and institutions thereof shall guide agricultural businesses in plant and animal farming in a scientific manner, apply pesticides, chemical fertilizers and other agricultural inputs in a rational and scientific manner, and dispose of agricultural films, agricultural straws and other agricultural wastes in a scientific manner to prevent agricultural non-point source pollution.

It shall be prohibited to apply any solid wastes or waste water in noncompliance with agricultural standards or environmental protection standards to farmland. In the application of pesticides, chemical fertilizers, and other agricultural inputs or irrigation, measures shall be taken to prevent environmental pollution caused by heavy metals and other toxic and harmful substances.

The site selection, construction, and management of farms, breeding areas, and designated slaughter enterprises of livestock and poultry shall comply with the provisions of relevant laws and regulations. Entities and individuals engaging in livestock and poultry breeding or slaughter shall take measures to dispose of livestock and poultry manure and corpses, sewage, and other wastes in a scientific manner to prevent environmental pollution.

The people's governments at the county level shall be responsible for organizing the disposal of domestic wastes in rural areas.

**Article 50** The people's governments at all levels shall arrange funds in their fiscal budgets for supporting the protection of drinking water sources, the treatment of domestic sewage and other wastes, the prevention and control of pollution from livestock and poultry breeding and slaughter, the prevention and control of soil pollution, the control of pollution from industrial and mining activities, and other environmental protection work in rural areas.

**Article 51** The people's governments at all levels shall make overall plans on the construction of sewage treatment facilities and related pipeline networks, environmental sanitation facilities for the collection, transportation, and disposal,



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among others, of solid wastes, facilities and sites for the centralized disposal of dangerous wastes, and other public facilities for environmental protection in urban and rural areas, and ensure their normal functioning.

**Article 52** The state shall encourage the purchase of environmental pollution liability insurance.

## Chapter V Information Disclosure and Public Engagement

**Article 53** Citizens, legal persons, and other organizations shall, according to the law, have the rights to obtain environmental information and participate in and oversee environmental protection.

The environmental protection administrative departments and other departments with environmental protection supervision and administration functions of the people's governments at all levels shall, according to the law, disclose environmental information, and improve the procedures for public engagement, to facilitate the participation in and oversight of environmental protection by citizens, legal persons, and other organizations.

**Article 54** The environmental protection administrative department of the State Council shall release information on environmental quality and the monitoring of key pollution sources and other significant environmental information of the state in a unified way. The environmental protection administrative departments of the people's governments at and above the provincial level shall periodically release reports on the state of environment.

The environmental protection administrative departments and other departments with environmental protection supervision and administration functions of the people's governments at and above the county level shall, according to the law, disclose information on environmental quality, environmental monitoring, environmental emergencies, environmental administrative licensing, environmental administrative punishment, and collection and use of pollutant discharge fees, among others. The environmental protection administrative departments and other departments with environmental protection supervision and administration functions of the local people's governments at and above the county level shall record the environmental violations of law by enterprises, public institutions, and other businesses in their social integrity files, and disclose the names of violators to the public in a timely manner.

**Article 55** Pollutant discharging entities under intensified supervision shall honestly disclose to the public the names of their major pollutants, the discharge methods, the concentration and total volume of pollutants discharged, any discharge beyond the approved quota, and the construction and operation of pollution prevention and control installations to receive supervision from the general public.

**Article 56** For a construction project for which an environmental impact report is required by the law, when preparing such a report, the construction employer shall provide an explanation to the public that may be affected, and fully solicit their opinions.

After receiving the environmental impact report for a construction project, the department approving the environmental impact assessment documents for



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construction projects shall disclose the full text of the report, except the part involving any state secret or trade secret; and if it discovers that public opinions have not been fully solicited regarding the project, the department shall order the construction employer to solicit public opinions.

**Article 57** Citizens, legal persons, and other organizations that discover any environmental pollution or ecological damage caused by any entity or individual shall have the right to report to environmental protection administrative departments or other departments with environmental protection supervision and administration functions.

Citizens, legal persons, and other organizations that discover any failure of the local people's governments at any level or the environmental protection administrative departments or other departments with environmental protection supervision and administration functions of the people's governments at and above the county level to legally perform their duties shall have the right to report to the authorities at higher levels or the oversight authorities.

The authorities receiving such reports shall keep confidential the relevant information on whistleblowers, and protect the lawful rights and interests of whistleblowers.

**Article 58** For an act polluting environment or causing ecological damage in violation of public interest, a social organization which satisfies the following conditions may institute an action in a people's court:

- (1) It has been legally registered with the civil affairs department of the people's government at or above the level of a districted city.
- (2) It has specially engaged in environmental protection for the public good for five consecutive years or more without any recorded violation of law.

A people's court shall, according to the law, accept an action instituted by a social organization that satisfies the provision of the preceding paragraph.

A social organization may not seek any economic benefit from an action instituted by it.

## Chapter VI Legal Liability

**Article 59** Where any enterprise, public institution, or other business is fined and ordered to make correction for illegally discharging pollutants but refuses to make correction, the administrative agency legally making the punishment decision may impose continuous fines on it in the amount of the original fine for each day from the next day after it is ordered to make correction.

The fine punishment as mentioned in the preceding paragraph shall be determined on the basis of factors such as the operation costs of pollution prevention and control installations, the direct losses caused by the illegal act and the illegal income as provided for by the relevant laws and regulations.

Based on the actual needs for environmental protection, the types of illegal acts subject to continuous daily fines as mentioned in the first paragraph hereof may be increased in local regulations.

**Article 60** Where any enterprise, public institution, or other business discharges pollutants beyond the pollutant discharge standards or the total discharge volume control indicators of key pollutants, the environmental protection administrative department of the local people's government at or above the county level may order it



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to adopt measures such as restricting production or suspending business for rectification; and if the circumstances are serious, order it to terminate business or close down with the approval of the people's government with such approval power.

**Article 61** Where any construction employer fails to submit the environmental impact assessment documents for its construction project according to the law or commences construction without permission before the environmental impact assessment documents are approved, the department with environmental protection supervision and administration functions shall order it to cease construction, and impose a fine on it, and may order restoration to the original state.

**Article 62** Where, in violation of this Law, any pollutant discharging entity under intensified supervision fails to disclose or honestly disclose environmental information, the environmental protection administrative department of the local people's government at or above the county level shall order it to disclose the information, impose a fine on it, and issue a public announcement of the punishment.

**Article 63** Where any enterprise, public institution, or other business commits any of the following acts, if no crime is constituted, in addition to imposing punishment in accordance with the provisions of relevant laws and regulations, the environmental protection administrative department or any other relevant department of the people's government at or above the county level shall transfer the case to the public security authority, which shall detain the directly liable person in charge and other directly liable persons for not less than 10 days but not more than 15 days; or, if the circumstances are relatively minor, for not less than 5 days but not more than 10 days:

- (1) It refuses to comply with an order requiring it to cease construction of a construction project which has not undergone environmental impact assessment as legally required.
- (2) It refuses to comply with an order requiring it to cease discharge of pollutants for its illegal discharge of pollutants without a pollutant discharge license.
- (3) It illegally discharges pollutants by installing underground pipelines, using seepage wells or pits, conducting perfusion, or altering or forging monitoring data, through the abnormal operation of pollution prevention and control installations, or by other means to avoid supervision.
- (4) It refuses to comply with an order requiring it to make correction for its production or use of pesticides which have been expressly prohibited by the state from production or use.

**Article 64** Where any damage is caused by environmental pollution or ecological disruption, the tortfeasor shall assume tort liability in accordance with the relevant provisions of the [Tort Law of the People's Republic of China](#).

**Article 65** Where any environmental impact assessment institution, environmental monitoring institution, or institution engaging in the maintenance or operation of environmental monitoring equipment and pollution prevention and control installations makes falsification in the provision of relevant environmental services and is liable for the environmental pollution or ecological disruption caused, it shall assume joint and several liability with other parties liable for the environmental pollution or ecological disruption, in addition to punishment in accordance with the provisions of relevant laws and regulations.



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**Article 66** The time limitation for instituting an environmental action for damages shall be three years, starting from the time when a party knows or should have known the harm caused to the party.

**Article 67** The people's governments at higher levels and the environmental protection administrative departments thereof shall strengthen supervision over the environmental protection work of the people's governments at lower levels and the relevant departments thereof, and, if they discover that any employees have committed any illegal acts for which disciplinary actions shall be taken according to the law, recommend disciplinary actions to the appointment and removal authorities or oversight authorities for such employees.

Where the relevant environmental protection administrative department fails to impose administrative punishment as otherwise legally required, the environmental protection administrative department of the people's government at a higher level may directly make a decision to impose administrative punishment.

**Article 68** Where a local people's government at any level or the environmental protection administrative department or any other department with environmental protection supervision and administration functions of a people's government at or above the county level commits any of the following acts, the directly liable person in charge and other directly liable persons shall be subject to a demerit, a major demerit, or demotion; and if the consequences are serious, they shall be removed from office or expelled, and the primary person in charge thereof shall resign to assume the responsibility for the act:

- (1) Granting any administrative license despite that the conditions for granting the administrative license are not satisfied.
- (2) Harboring any environment-related illegal acts.
- (3) Failing to make a decision to order cessation of business or closedown as otherwise legally required.
- (4) Failing to investigate any discharge of pollutants beyond the prescribed standards, discharge of pollutants by means to avoid supervision, environmental accident, or ecological disruption caused by a failure to implement ecological protection measures and impose punishment in a timely manner, after discovering or receiving a report on it.
- (5) Seizing or impounding any facility or equipment of any enterprise, public institution, or other business in violation of this Law.
- (6) Altering or forging monitoring data or instigating others to do so.
- (7) Failing to disclose environmental information as otherwise legally required.
- (8) Withholding or using for similar or other purposes the pollutant discharge fees collected.
- (9) Other illegal acts as specified by laws and regulations.

**Article 69** Whoever is suspected of a crime for violating this Law shall be subject to criminal liability according to the law.

## Chapter VII Supplementary Provisions

**Article 70** This Law shall come into force on January 1, 2015.



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