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# 中华人民共和国清洁生产促进法（2012修订）

# Law of the People's Republic of China on the Promotion of Clean Production (Revised in 2012)

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（２００２年６月２９日第九届全国人民代表大会常务委员会第二十八次会议通过 根据２０１２年２月２９日第十一届全国人民代表大会常务委员会第二十五次会议《关于修改〈中华人民共和国清洁生产促进法〉的决定》修正）

(Adopted at the 28th session of the Standing Committee of the 9th National People's Congress on June 29, 2002, and revised according to the Decision on Revising the Law of the People's Republic of China on the Promotion of Cleaner Production passed at the 25th session of the Standing Committee of the 11th National People's Congress of the People's Republic of China on February 29, 2012)

第一章 总则

Chapter 1 General Provisions

第一条   为了促进清洁生产，提高资源利用效率，减少和避免污染物的产生，保护和改善环境，保障人体健康，促进经济与社会可持续发展，制定本法。

Article 1 This Law is enacted for the purpose of promoting clean production, raising the efficiency of utilizing resources, reducing and avoiding the production of pollutants, protecting and improving the environment, safeguarding human health, and promoting the sustainable development of the economy and society.

第二条   本法所称清洁生产，是指不断采取改进设计、使用清洁的能源和原料、采用先进的工艺技术与设备、改善管理、综合利用等措施，从源头削减污染，提高资源利用效率，减少或者避免生产、服务和产品使用过程中污染物的产生和排放，以减轻或者消除对人类健康和环境的危害。

Article 2 The term "clean production" as mentioned in this Law refers to reducing pollution from its source, raising the efficiency of utilizing resources, reducing or avoiding the production and emission of pollutants in the process of production, services and using products by means of incessantly improving designs, using clean energy and raw materials, adopting advanced techniques, technologies and equipment, improving management, making comprehensive utilizations, and other measures so as to alleviate or eliminate the harm done to the health of the human being and the environment.

第三条   在中华人民共和国领域内，从事生产和服务活动的单位以及从事相关管理活动的部门依照本法规定，组织、实施清洁生产。

Article 3 Within the territory of the People's Republic of China, entities engaged in production and service activities and the departments engaged in relevant administration shall, in accordance with the provisions of this Law, organize efforts to implement cleaner production.

第四条   国家鼓励和促进清洁生产。国务院和县级以上地方人民政府，应当将清洁生产促进工作纳入国民经济和社会发展规划、年度计划以及环境保护、资源利用、产业发展、区域开发等规划。

Article 4 The State encourages and promotes clean production. The State Council and the local people's governments on the county level and above shall incorporate the work of promoting clean production into the programs of national economic and social development and the annual plans as well as the plans of environmental protection, utilization of resources, industrial development, and regional development, etc.

第五条   国务院清洁生产综合协调部门负责组织、协调全国的清洁生产促进工作。国务院环境保护、工业、科学技术、财政部门和其他有关部门，按照各自的职责，负责有关的清洁生产促进工作。

Article 5 The general conciliation department of clean production under the State Council shall be responsible for organizing and conciliating the promotion of clean production within the whole country. The administrative departments under the State Council in charge of environmental protection, industry, science and technology, finance and other related fields shall, according to their respective functions and responsibilities, be responsible for the relevant PCP.

县级以上地方人民政府负责领导本行政区域内的清洁生产促进工作。县级以上地方人民政府确定的清洁生产综合协调部门负责组织、协调本行政区域内的清洁生产促进工作。县级以上地方人民政府其他有关部门，按照各自的职责，负责有关的清洁生产促进工作。

The Local Governments shall be in charge of directing the PCP under their respective administrative jurisdictions. The general conciliation department of clean production of the local people's governments at the county level and above shall be responsible for organizing and conciliating the promotion of clean production within their respective administrative jurisdictions. Other relevant departments of the Local Governments shall be responsible for the relevant PCP subject to their respective functions and responsibilities.

第六条   国家鼓励开展有关清洁生产的科学研究、技术开发和国际合作，组织宣传、普及清洁生产知识，推广清洁生产技术。

Article 6 The State encourages scientific research, technological development and international cooperation in the field of cleaner production, organizes efforts to disseminate knowledge about cleaner production and spreads the use of technologies for cleaner production.

国家鼓励社会团体和公众参与清洁生产的宣传、教育、推广、实施及监督。

The State encourages public organizations and the general public to participate in the publicity, education, promotion, implementation and supervision of clean production.

第二章 清洁生产的推行

CHAPTER 2 PROMOTION OF CLEANER PRODUCTION

第七条   国务院应当制定有利于实施清洁生产的财政税收政策。

Article 7 The State Council shall formulate financial and taxation policies that can contribute to the implementation of clean production.

国务院及其有关部门和省、自治区、直辖市人民政府，应当制定有利于实施清洁生产的产业政策、技术开发和推广政策。

The State Council, the relevant departments under it and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall formulate industrial and technological development and promotion policies that can contribute to the implementation of cleaner production.

第八条   国务院清洁生产综合协调部门会同国务院环境保护、工业、科学技术部门和其他有关部门，根据国民经济和社会发展规划及国家节约资源、降低能源消耗、减少重点污染物排放的要求，编制国家清洁生产推行规划，报经国务院批准后及时公布。

Article 8 The general conciliation department of clean production under the State Council shall, in collaboration with the administrative departments of environmental protection, industry and science and technology, etc. under the State Council, and according to the programs of national economic and social development and the State's requirements for resources conservation, reduction in consumption of energy sources and reduction in emissions of major pollutants, work out national plans for the promotion of clean production that shall be timely issued after being submitted to the State Council for approval.

国家清洁生产推行规划应当包括：推行清洁生产的目标、主要任务和保障措施，按照资源能源消耗、污染物排放水平确定开展清洁生产的重点领域、重点行业和重点工程。

The national plans for the promotion of clean production shall include the goal of promoting clean production, major tasks and measures, and the key fields, industries and projects in which clean production will be carried out according to consumption of resources and energy sources and the emission level of pollutants.

国务院有关行业主管部门根据国家清洁生产推行规划确定本行业清洁生产的重点项目，制定行业专项清洁生产推行规划并组织实施。

The competent departments under the State Council in charge of the concerned industries shall, according to the national PSCP, identify their key projects in the clean production, formulate and organize to implement their special industrial PSCP.

县级以上地方人民政府根据国家清洁生产推行规划、有关行业专项清洁生产推行规划，按照本地区节约资源、降低能源消耗、减少重点污染物排放的要求，确定本地区清洁生产的重点项目，制定推行清洁生产的实施规划并组织落实。

The local people's governments at the county level and above shall, according to the national plans for the promotion of clean production and the relevant special industrial plans for the promotion of clean production, and as required for resources conservation, reduction in consumption of energy sources and reduction in emissions of major pollutants in their administrative regions, determine the major projects for clean production in their administrative regions, and work out and organize the implementation of the plans for the promotion of clean production.

第九条   中央预算应当加强对清洁生产促进工作的资金投入，包括中央财政清洁生产专项资金和中央预算安排的其他清洁生产资金，用于支持国家清洁生产推行规划确定的重点领域、重点行业、重点工程实施清洁生产及其技术推广工作，以及生态脆弱地区实施清洁生产的项目。中央预算用于支持清洁生产促进工作的资金使用的具体办法，由国务院财政部门、清洁生产综合协调部门会同国务院有关部门制定。

Article 9 The capital contribution to the PCP from the budget of central government (the "BCG") shall be enhanced, including the special capital and other capital for cleaner production from the BCG, to support the implementation and promotion of cleaner production in the key fields, industries and projects defined by the national PSCP, and to implement the cleaner production projects in the ecologically fragile areas. The specific measures for the use of the funds under the central budget in support of the promotion of clean production shall be formulated by the finance department and the general conciliation department of clean production under the State Council, in collaboration with the competent departments under the State Council.

县级以上地方人民政府应当统筹地方财政安排的清洁生产促进工作的资金，引导社会资金，支持清洁生产重点项目。

The Local Governments shall plan the capital contribution to the PCP from the local financial budget as a whole, and guide the public funds to support the key projects in the clean production.

第十条   国务院和省、自治区、直辖市人民政府的有关部门，应当组织和支持建立促进清洁生产信息系统和技术咨询服务体系，向社会提供有关清洁生产方法和技术、可再生利用的废物供求以及清洁生产政策等方面的信息和服务。

Article 10 The competent departments of the State Council as well as the provinces, autonomous regions and municipalities directly under the Central Government shall organize and support the establishment of information systems for the promotion of clean production and systems of technological consultation services so as to provide to the general public the methods and technologies of clean production, information and services concerning the demand and supply of reproducible wastes, and the policies concerning clean production, etc.

第十一条   国务院清洁生产综合协调部门会同国务院环境保护、工业、科学技术、建设、农业等有关部门定期发布清洁生产技术、工艺、设备和产品导向目录。

Article 11 The general conciliation department of clean production under the State Council shall, in collaboration with the competent departments of environmental protection, industry, science and technology, construction and agriculture, etc. under the State Council, regularly publish directories on technologies, techniques, equipment and products for clean production.

国务院清洁生产综合协调部门、环境保护部门和省、自治区、直辖市人民政府负责清洁生产综合协调的部门、环境保护部门会同同级有关部门，组织编制重点行业或者地区的清洁生产指南，指导实施清洁生产。

The general conciliation department of clean production and the environmental protection department under the State Council and the general conciliation departments of clean production and the environmental protection departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, in collaboration with the competent departments at the corresponding level, organize the preparation of the guidance on clean production for major industries or regions, so as to guide the implementation of clean production.

第十二条   国家对浪费资源和严重污染环境的落后生产技术、工艺、设备和产品实行限期淘汰制度。国务院有关部门按照职责分工，制定并发布限期淘汰的生产技术、工艺、设备以及产品的名录。

Article 12 The production technologies, techniques, equipments and products that are lagging behind, wasting resources or seriously polluting the environment shall be eliminated during prescribed time periods. The competent departments under the State Council shall, according to their respective functions and duties, formulate and publish catalogues of the production technologies, techniques, equipment and products to be eliminated within the prescribed time periods.

第十三条   国务院有关部门可以根据需要批准设立节能、节水、废物再生利用等环境与资源保护方面的产品标志，并按照国家规定制定相应标准。

Article 13 The relevant departments under the State Council may, where necessary, grant approval to marks for products made for environment and resources protection, such as energy- or water-conservation products and products made out of recycled waste, and they shall lay down corresponding standards according to the State regulations.

第十四条   县级以上人民政府科学技术部门和其他有关部门，应当指导和支持清洁生产技术和有利于环境与资源保护的产品的研究、开发以及清洁生产技术的示范和推广工作。

Article 14 The departments in charge of science and technology and other relevant departments under the Local Governments shall guide and support the research in the development of technologies for cleaner production and products conducive to protection of the environment and resources and the demonstration and wide use of technologies for cleaner production.

第十五条   国务院教育部门，应当将清洁生产技术和管理课程纳入有关高等教育、职业教育和技术培训体系。

Article 15 The education department under the State Council shall incorporate the courses of cleaner production technology and management into the related systems of higher education, vocational education and technical training.

县级以上人民政府有关部门组织开展清洁生产的宣传和培训，提高国家工作人员、企业经营管理者和公众的清洁生产意识，培养清洁生产管理和技术人员。

The relevant departments under the Local Governments shall organize to disseminate knowledge about cleaner production, give training in this area, to enhance the awareness of cleaner production among government functionaries, enterprise administrators and the general public, and train managerial and technical personnel for cleaner production.

新闻出版、广播影视、文化等单位和有关社会团体，应当发挥各自优势做好清洁生产宣传工作。

The press, publishing, radio, film, television and cultural institutions and relevant public organizations shall give play to their own advantages and make a success of promotion for cleaner production.

第十六条   各级人民政府应当优先采购节能、节水、废物再生利用等有利于环境与资源保护的产品。

Article 16 People's governments at various levels shall give first priority to purchasing energy- and water-conservation products and products made out of recycled waste which are conducive to protection of the environment and resources.

各级人民政府应当通过宣传、教育等措施，鼓励公众购买和使用节能、节水、废物再生利用等有利于环境与资源保护的产品。

The people's governments at each level shall, by way of promotion, education or other means, encourage the general public to purchase and use energy and water conserving products, recycled products or other environmental friendly products.

第十七条   省、自治区、直辖市人民政府负责清洁生产综合协调的部门、环境保护部门，根据促进清洁生产工作的需要，在本地区主要媒体上公布未达到能源消耗控制指标、重点污染物排放控制指标的企业的名单，为公众监督企业实施清洁生产提供依据。

Article 17 The general conciliation departments of clean production and the environmental protection departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, according to the demand of promoting clean production, publish the names of enterprises whose consumption of energy sources or emission of major pollutants has surpassed the prescribed limits in the local major mass media, so as to provide a basis for the general public to supervise the implementation of clean production by the enterprises.

列入前款规定名单的企业，应当按照国务院清洁生产综合协调部门、环境保护部门的规定公布能源消耗或者重点污染物产生、排放情况，接受公众监督。

The enterprises included into the said list shall, according to the provisions of the general conciliation department of clean production and the environmental protection department of the State Council, publish the information on their consumption of energy sources or generation and emission of major pollutants, so as to be subject to the supervision of the public.

第三章 清洁生产的实施

Chapter III Implementation of Cleaner Production

第十八条   新建、改建和扩建项目应当进行环境影响评价，对原料使用、资源消耗、资源综合利用以及污染物产生与处置等进行分析论证，优先采用资源利用率高以及污染物产生量少的清洁生产技术、工艺和设备。

Article 18 For the projects of new building, rebuilding and expanded building, appraisals shall be made with regard to their effects upon the environment, analytical argumentations shall be made about the use of raw materials, consumption of resources, comprehensive utilization of resources, and the generation and disposal of pollutants, etc., and priority shall be placed on the adoption of clean production technologies, techniques and equipment that have high use rate of resources and generate few pollutants.

第十九条   企业在进行技术改造过程中，应当采取以下清洁生产措施：

Article 19 Enterprises shall, in their technological renovations, adopt the following clean production measures:

（一）采用无毒、无害或者低毒、低害的原料，替代毒性大、危害严重的原料；

1. replacing highly toxic and harmful raw materials with nontoxic, harmless or less toxic and harmful ones;

（二）采用资源利用率高、污染物产生量少的工艺和设备，替代资源利用率低、污染物产生量多的工艺和设备；

2. replacing techniques and equipment which serve to make less effective use of resources to generate greater amount of pollutants with ones which serve to make highly effective use of resources and generate pollutants;

（三）对生产过程中产生的废物、废水和余热等进行综合利用或者循环使用；

(III) making comprehensive or cycle use of solid waste and waste water and heat discharged in the course of production; and

（四）采用能够达到国家或者地方规定的污染物排放标准和污染物排放总量控制指标的污染防治技术。

(IV) adopting pollution prevention technologies being able to meet the national or local pollutant discharge standards and total pollutant discharge control targets;

第二十条   产品和包装物的设计，应当考虑其在生命周期中对人类健康和环境的影响，优先选择无毒、无害、易于降解或者便于回收利用的方案。

Article 20 For the design of products and packages, the effects thereof upon the health of the human beings and the environment within their life cycles shall be taken into consideration, and priority shall be placed on products and packages that are innocuous, harmless, easily degradable and convenient for recurrent utilization.

企业对产品的包装应当合理，包装的材质、结构和成本应当与内装产品的质量、规格和成本相适应，减少包装性废物的产生，不得进行过度包装。

The enterprises shall package their products in reasonable ways, and the materials, structure and costs of the packages shall correspond to the quality, specifications and costs of the products in the packages, so as to reduce the generation of packaging waste and the excessive use of packaging materials.

第二十一条   生产大型机电设备、机动运输工具以及国务院工业部门指定的其他产品的企业，应当按照国务院标准化部门或者其授权机构制定的技术规范，在产品的主体构件上注明材料成分的标准牌号。

Article 21 Enterprises producing large mechanical and electrical equipment, motor-driven means of transport and other products designated by the industrial department under the State Council shall, in adherence to the technical specifications laid down by the department for standardization under the State Council or the institutions authorized by it, indicate the standard brands of the material composition on the principal parts of the products.

第二十二条   农业生产者应当科学地使用化肥、农药、农用薄膜和饲料添加剂，改进种植和养殖技术，实现农产品的优质、无害和农业生产废物的资源化，防止农业环境污染。

Article 22 Agricultural producers shall use chemical fertilizers, pesticides, agricultural film and feed additives in a scientific way and improve planting and breeding technologies, so as to produce quality and harmless agricultural products, turn agricultural waste into resources, and prevent the agricultural environment from pollution.

禁止将有毒、有害废物用作肥料或者用于造田。

It shall be prohibited to use noxious or harmful wastes as fertilizers or for cultivating new farmland.

第二十三条   餐饮、娱乐、宾馆等服务性企业，应当采用节能、节水和其他有利于环境保护的技术和设备，减少使用或者不使用浪费资源、污染环境的消费品。

Article 23 The service enterprises such as restaurants, entertainment, hotels, etc. shall use the technologies and equipments that are good for saving energy, water and other environmental protection purposes, reduce or stop the use of consumer goods that waste resources or pollute the environment.

第二十四条   建筑工程应当采用节能、节水等有利于环境与资源保护的建筑设计方案、建筑和装修材料、建筑构配件及设备。

Article 24 For construction projects, the construction designs and schemes, construction and decoration materials, construction component parts and equipments used shall be good for the protection of the environment and resources.

建筑和装修材料必须符合国家标准。禁止生产、销售和使用有毒、有害物质超过国家标准的建筑和装修材料。

Construction and decoration materials shall conform to the norms of the State. It shall be prohibited to produce, sell and use noxious or harmful construction and decoration materials that have surpassed the national standards.

第二十五条   矿产资源的勘查、开采，应当采用有利于合理利用资源、保护环境和防止污染的勘查、开采方法和工艺技术，提高资源利用水平。

Article 25 In prospecting and exploiting mineral resources, it is required to use the methods, techniques and technologies conducive to rational use of resources, environmental protection and prevention of pollution for better use of resources.

第二十六条   企业应当在经济技术可行的条件下对生产和服务过程中产生的废物、余热等自行回收利用或者转让给有条件的其他企业和个人利用。

Article 26 Enterprises shall, if possible in financial and technological conditions, retrieve wastes and waste heat discharged in the production and services, or transfer them to other enterprises or individuals with the required capability.

第二十七条   企业应当对生产和服务过程中的资源消耗以及废物的产生情况进行监测，并根据需要对生产和服务实施清洁生产审核。

Article 27 Enterprises shall monitor the consumption of resources and discharge of waste in the production and services and, where necessary, examine whether their production and services achieve the cleaner production.

有下列情形之一的企业，应当实施强制性清洁生产审核：

Any enterprise under any of the following circumstances shall implement the compulsory clean production check:

（一）污染物排放超过国家或者地方规定的排放标准，或者虽未超过国家或者地方规定的排放标准，但超过重点污染物排放总量控制指标的；

1. discharge pollutants in excess of the norms specified by the State or local authorities, or not exceeding the above norms but exceeding the total controlling indicator of the main pollutants discharge;

（二）超过单位产品能源消耗限额标准构成高耗能的；

2. exceed the limited energy-consumption standards for unit products and constitute high energy-consumption;

（三）使用有毒、有害原料进行生产或者在生产中排放有毒、有害物质的。

3. use toxic or harmful raw materials in production or discharge toxic or harmful substances in the course of production.

污染物排放超过国家或者地方规定的排放标准的企业，应当按照环境保护相关法律的规定治理。

Any enterprise that has emission of pollutants that exceeds the national or local standards shall harness the pollution in accordance with the relevant laws on environmental protection.

实施强制性清洁生产审核的企业，应当将审核结果向所在地县级以上地方人民政府负责清洁生产综合协调的部门、环境保护部门报告，并在本地区主要媒体上公布，接受公众监督，但涉及商业秘密的除外。

Any enterprise that implements the compulsory clean production check shall report the results of the check to the general conciliation department of clean production and the environmental protection department of the local people's government at the county level or above, and publish the results in the local major media, so as to be subject to the supervision of the public, except for those involving business secrets.

县级以上地方人民政府有关部门应当对企业实施强制性清洁生产审核的情况进行监督，必要时可以组织对企业实施清洁生产的效果进行评估验收，所需费用纳入同级政府预算。承担评估验收工作的部门或者单位不得向被评估验收企业收取费用。

The competent departments of the local people's governments at the county level or above shall supervise the enterprises that implement the compulsory clean production check, and if necessary, may organize the appraisal and inspection on the results of implementation of clean production, with the expenses to be included into the budget of the government at the corresponding level. The departments or entities in charge of the said appraisal and inspection shall not charge any fees from the enterprises subject to appraisal and inspection.

实施清洁生产审核的具体办法，由国务院清洁生产综合协调部门、环境保护部门会同国务院有关部门制定。

The specific measures for reviewing clean production shall be formulated by the GCDCP and the environmental protection department under the State Council together with its relevant departments.

第二十八条   本法第二十七条第二款规定以外的企业，可以自愿与清洁生产综合协调部门和环境保护部门签订进一步节约资源、削减污染物排放量的协议。该清洁生产综合协调部门和环境保护部门应当在本地区主要媒体上公布该企业的名称以及节约资源、防治污染的成果。

Article 28 The enterprises other than those as stipulated in Paragraph 2 of Article 27 of this Law may, on the basis of willingness, enter into agreements with the GCDCP and the environmental protection departments for further saving resources and reducing the emission of pollutants. The said general conciliation departments of clean production and the environmental protection departments shall publish the names of the said enterprises and the achievements of saving resources and preventing and controlling pollution in the local major mass media.

第二十九条   企业可以根据自愿原则，按照国家有关环境管理体系等认证的规定，委托经国务院认证认可监督管理部门认可的认证机构进行认证，提高清洁生产水平。

Article 29 The enterprises may, on the basis of willingness and according to the provisions of the State concerning the authentication of environmental management systems and other relevant provisions, entrust the authentication institutions acknowledged by the supervision and administration department for authentication ratification under the State Council to conduct authentication, so as to improve their clean production.

第四章 鼓励措施

Chapter 4 Encouragement Measures

第三十条   国家建立清洁生产表彰奖励制度。对在清洁生产工作中做出显著成绩的单位和个人，由人民政府给予表彰和奖励。

Article 30 The State establishes a commending and awarding system for cleaner production. The entities and individuals that have made outstanding achievements in the work of clean production shall be commended and awarded by the people's government.

第三十一条   对从事清洁生产研究、示范和培训，实施国家清洁生产重点技术改造项目和本法第二十八条规定的自愿节约资源、削减污染物排放量协议中载明的技术改造项目，由县级以上人民政府给予资金支持。

Article 31 The research, demonstration and training projects of clean production, the national technological renovation projects for implementing clean production as well as the technological renovation projects that have been specified in the agreements for voluntarily conserving resources and reducing the emission of pollutants concluded according to the provisions of Article 28 of this Law shall be funded by the people's government at the county level or above.

第三十二条   在依照国家规定设立的中小企业发展基金中，应当根据需要安排适当数额用于支持中小企业实施清洁生产。

Article 32 An appropriate amount shall, where necessary, be set aside from the funds established for developing small and medium-sized enterprises in accordance with State regulations, to support such enterprises in their efforts to implement cleaner production.

第三十三条   依法利用废物和从废物中回收原料生产产品的，按照国家规定享受税收优惠。

Article 33 Enterprises which use waste materials or recover raw materials from waste in accordance with the law shall enjoy preferential tax treatment in accordance with State regulations.

第三十四条   企业用于清洁生产审核和培训的费用，可以列入企业经营成本。

Article 34 The expenses of the enterprises for the check and training of clean production may be taken as operational costs of the enterprises.

第五章 法律责任

Chapter 5 Legal Liabilities

第三十五条   清洁生产综合协调部门或者其他有关部门未依照本法规定履行职责的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 35 Where the general conciliation departments of clean production or other competent departments fail to perform their functions and duties according to this Law, the managers directly in charge and other persons directly liable shall be punished according to law.

第三十六条   违反本法第十七条第二款规定，未按照规定公布能源消耗或者重点污染物产生、排放情况的，由县级以上地方人民政府负责清洁生产综合协调的部门、环境保护部门按照职责分工责令公布，可以处十万元以下的罚款。

Article 36 Any entity that violates the provisions of Paragraph 2 of Article 17 of this Law by failing to publish according to the prescribed requirements its consumption of energy sources or generation and emission of major pollutants shall be ordered to publish the same by the general conciliation department of clean production and the environmental protection department of the local people's government at the county level or above according to their respective functions and duties, and may be imposed with a fine of not more than 100,000 yuan.

第三十七条   违反本法第二十一条规定，未标注产品材料的成分或者不如实标注的，由县级以上地方人民政府质量技术监督部门责令限期改正；拒不改正的，处以五万元以下的罚款。

Article 37 Where an enterprise, in violation of Article 21 of this Law, fails to indicate the composition of product materials or indicates the same untruthfully, the department for quality and technical supervision of the local people's government at or above the county level shall instruct it to rectify within a time limit; if it refuses to do so, it shall be fined not more than 50,000 yuan.

第三十八条   违反本法第二十四条第二款规定，生产、销售有毒、有害物质超过国家标准的建筑和装修材料的，依照产品质量法和有关民事、刑事法律的规定，追究行政、民事、刑事法律责任。

Article 38 Any one who violates the provisions of paragraph 2 of Article 24 of the present law by producing or selling noxious or harmful construction or decoration materials that surpass the national standards shall be subject to administrative, civil or criminal liabilities according to the product quality law and other civil and criminal statutory provisions.

第三十九条   违反本法第二十七条第二款、第四款规定，不实施强制性清洁生产审核或者在清洁生产审核中弄虚作假的，或者实施强制性清洁生产审核的企业不报告或者不如实报告审核结果的，由县级以上地方人民政府负责清洁生产综合协调的部门、环境保护部门按照职责分工责令限期改正；拒不改正的，处以五万元以上五十万元以下的罚款。

Article 39 Any entity that violates the provisions of Paragraphs 2 or 4 of Article 27 of this Law by failing to implementing compulsory clean production checks or making falsification in clean production checks, failing to report or truthfully report the result of checks although the compulsory clean production checks are implemented, shall be ordered by the general conciliation department of clean production and the environmental protection department of the local people's government at the county level or above to make rectification within a prescribed time period. If it refuses to make such rectification, it shall be fined not less than 50,000 yuan but not more than 500,000 yuan.

违反本法第二十七条第五款规定，承担评估验收工作的部门或者单位及其工作人员向被评估验收企业收取费用的，不如实评估验收或者在评估验收中弄虚作假的，或者利用职务上的便利谋取利益的，对直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任。

Where a department or entity or its personnel dealing with the evaluation and inspection, in violation of Paragraph 5 of Article 27 of this Law, charge an enterprise under evaluation and inspection a fee, make false evaluation or inspection, or seek personal gain by taking advantage of its post, its directly responsible directors and other directly responsible persons shall be given sanctions according to the law; if a crime is constituted, criminal liability shall be investigated according to the law.

第六章 附则

Chapter 6 Supplementary Provisions

第四十条   本法自２００３年１月１日起施行。

Article 40 This Law shall go into effect as of January 1, 2003.