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# 中华人民共和国环境保护法（2014修订）

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

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第一章 总则

Chapter 1 General Provisions

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。

Article 2 For the purpose of this Law, the term "environment" refers to the total body of all natural and artificially transformed natural elements that affect human existence and development, including the atmosphere, water, seas and oceans, land, mineral resources, forests, grasslands, wetlands, wildlife, natural and cultural relics, nature reserves, scenic spots, cities and villages.

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 in the sea areas under its jurisdiction.

第四条   保护环境是国家的基本国策。

Article 4 Environmental protection is one of the basic state policies.

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。

The State adopts economic and technological policies and measures which are beneficial for conservation and recycling of resources, environmental protection and improvement, and promotion of harmony between human and nature, ensure coordination between economic and social development and environmental protection.

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, accountability for damages".

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 be obligated to protect the environment.

地方各级人民政府应当对本行政区域的环境质量负责。

All levels of local People's Government shall be responsible for the environmental quality within their administrative region.

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。

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

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。

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

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 environmental protection, encourages development of the environmental protection industry, promotes information technology development for environmental protection, improves scientific and technological standards 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 investment in environmental protection and improvement, prevention and treatment of pollution and other hazards, and 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.

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。

Education administrative authorities and schools shall include environmental protection knowledge in school education curriculum, cultivate environmental protection awareness among students.

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。

News media shall carry out propaganda for environmental 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。

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.

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。

The relevant departments of People's Governments of county level and above and the environmental protection department of the 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 on 5 June each year.

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。

Article 13 People's Governments of county level and above shall include environmental protection work in national economic and social development plans.

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。

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.

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。

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 announcement and implementation.

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。

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 zone planning, land use master plan, urban and rural planning etc.

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 14 The relevant departments of the State Council and 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。

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

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。

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.

国家鼓励开展环境基准研究。

The State encourages studies of environmental baseline.

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。

Article 16 The environmental protection department of the State Council shall, pursuant to the national environmental quality standards and the economic and technological conditions of the State, formulate national pollutant emission standards.

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。

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

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, 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.

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。

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.

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。

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

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。

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.

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 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 the environment.

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。

Development and utilisation plans which have not carried out environmental impact assessment pursuant to the law shall not be organised and 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 negotiated and resolved by the relevant local People's Governments.

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 etc to encourage and support development of environmental protection industries such as environmental protection technical 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、政府采购等方面的政策和措施予以鼓励和支持。

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 reduce pollutant emission on the basis of pollutant emission's compliance with statutory requirements.

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 for pollutant emission enterprises, institutions and other manufacturing operators. The inspected organisation or individual shall provide information truthfully, and provide the requisite materials. The departments, agencies and staff thereof that conduct the on-site inspection shall keep the trade secrets of the inspected entities.

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 which violate the provisions of laws and regulations and cause 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 emission of pollutants.

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 assessment results shall be made 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 incidents 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 III Environmental Protection and Improvement

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 to improve environmental quality.

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。

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 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。

Article 29 The State shall delineate ecological protection boundaries for key ecological function zones, ecological sensitive and vulnerable zones etc, implement strict protection.

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。

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 for rare and endangered wild animals and plants, important water conservation areas, geological structures of major scientific and cultural value, natural relics such as famous caves and fossil distribution, glaciers, volcanoes and hot springs etc, cultural sites, ancient trees and famous 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和恢复治理方案并予以实施。

Article 30 In exploiting and utilizing natural resources, attention shall be paid to rational exploitation, conservation of biological diversity and guarantee of ecological safety, and the plans for ecological protection, restoration and control shall be made and implemented according to law.

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。

Measures shall be adopted for introduction of foreign species and research, development and utilisation of biotechnology, prevention of destruction of biodiversity.

第三十一条   国家建立、健全生态保护补偿制度。

Article 31 The State shall establish and improve upon an ecological protection and compensation system.

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。

The State shall increase the financial transfer payment to ecological protection areas. The relevant local People's Governments shall obtain ecological protection and compensation funds and ensure that they are used for ecological protection and compensation.

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。

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。

Article 33 All levels of People's Government shall strengthen protection of agricultural environment, promote use of new environmental protection technologies in agriculture, strengthen monitoring and warning of agricultural pollution sources, organise the relevant departments to adopt measures to prevent soil pollution and desertification, salinisation, stone desertification, ground subsidence, prevent ecological imbalance 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.

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。

County and township People's Governments shall improve public service standards for environmental protection in rural areas, promote comprehensive 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 Governments at coastal areas shall strengthen protection of marine environment. The discharge of pollutants and dumping of wastes into the sea, coastal projects and marine engineering construction shall comply with the provisions of laws and regulations and the relevant standards, preventing and reducing pollution damage to the 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 In urban and rural construction, vegetation, waters and the natural landscape shall be protected in combination with the characteristics of local natural environment, and the construction and administration of urban gardens, green lands and scenic spots shall be strengthened.

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.

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。

State agencies and other organisations which use fiscal funds shall give priority to procurement and use of energy-saving, water-saving and material-saving products, equipment and facilities which are beneficial for 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 daily 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 research on impact of environmental quality 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.

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。

Relevant departments under the State Council and local people's governments at various levels shall take measures to popularize the production and utilization of clean energy.

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。

Enterprises shall give priority to use of clean energy, adopt 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。

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.

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。

Enterprises and institutions discharging pollutants shall establish an environmental protection accountability system, and specify the responsibilities of the person (s) -in-charge and the relevant personnel of the organisation.

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。

Key pollutant-discharging organisations shall install and use monitoring equipment pursuant to the relevant provisions of the State and monitoring norms, ensure normal operation of monitoring equipment, retain original monitoring records.

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。

Illegal discharge of pollutants through underground pipes, seepage wells and pits, perfusion, alteration or forgery of monitoring data, circumvention of regulation such as abnormal operation of pollution prevention and treatment facilities etc is 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。

Article 43 Pollutant-discharging enterprises, institutions and other manufacturing operators shall pay sewage fee pursuant to the relevant provisions of the State. The pollution discharge fee shall be used entirely for prevention and treatment of environmental pollution, and shall not be retained, misappropriated or diverted by any organisation or individual.

依照法律规定征收环境保护税的，不再征收排污费。

Where the environmental protection tax is levied pursuant to the provisions of the laws, 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。

Article 44 The State shall implement a total quantity control system for key pollutant emission. 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 total discharge quantity control indicators applicable to the organisation.

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。

For regions which exceed the total quantity control indicators of the State for key pollutant emission or failed to complete the environmental quality targets determined by the State, the environmental protection authorities of People's Governments of provincial level and above shall suspend examination and approval of environmental impact assessment documents for development projects for which the total quantity of key pollutant emission is increased.

第四十五条   国家依照法律规定实行排污许可管理制度。

Article 45 The State shall implement a pollutant discharge permit administration system pursuant to the provisions of the law.

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。

Enterprises, public institutions and other manufacturers and operators subject to pollutant discharge permit management shall discharge pollutants in accordance with the requirements of the pollutant discharge permit; without a pollutant discharge permit, they shall not discharge pollutants.

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。

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

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。

It is prohibited to introduce any technology, equipment, material or product that fails to comply with relevant provisions of PRC on environmental protection.

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。

Article 47 All levels of People's Government and their relevant departments and enterprises and institutions shall, pursuant to the provisions of the Emergency Response Law of the People's Republic of China, carry out risk control, emergency preparation, emergency response, post-event restoration etc for environmental emergencies.

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。

People's Governments of county level and above shall establish an environmental pollution public monitoring and 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.

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。

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. Upon occurrence or possible occurrence of an environmental emergency, the enterprise or institution shall forthwith adopt handling measures, promptly notify organisations and residents that may be harmed, and report to the environmental protection authority and the relevant authorities.

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。

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

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 substances shall comply with the relevant provisions of the State to prevent 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 agricultural 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.

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。

Application of solid waste and waste water failing to conform to agricultural standard or environmental protection standard to farmland is forbidden. For use of agricultural inputs such as pesticides, fertilisers etc and irrigation, measures shall be adopted to prevent environmental pollution by heavy metals and other toxic and hazardous substances.

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。

The site selection, construction and management of livestock and poultry farms, breeding areas, designated slaughtering enterprises, etc. shall be in conformity with the relevant laws and regulations. Entities and individuals engaging in livestock breeding and slaughtering shall take measures for scientific disposal of livestock and poultry manure, carcasses and sewage to prevent environmental pollution.

县级人民政府负责组织农村生活废弃物的处置工作。

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

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 normal operation thereof.

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、参与和监督环境保护的权利。

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

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。

The environmental protection departments and other departments tasked with environmental protection supervision and administration duties of all levels of People's Government shall announce 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。

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.

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。

The environmental protection departments and other departments tasked with environmental protection supervision and administration duties of 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.

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。

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 record information on environmental violations by enterprises, institutions and other manufacturers and business operators in the public integrity files, promptly announce the list of offenders to the public.

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 emission units shall announce truthfully to the public the names of key pollutants, emission method, emission concentration and total quantity, information on excessive emission as well as information on construction and operation of pollution prevention facilities, 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 report is required by law to be prepared for a construction project, the developer shall, in the preparation of the report, explain the information to the public who may be affected and solicit their 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。

Upon receipt of an environmental impact 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 solicited public opinions for the development project, the developer shall be ordered to solicit public opinions.

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。

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 to the environmental protection authorities or other authorities tasked with environmental protection supervision and administration duties.

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。

Citizens, 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.

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。

The authorities which accept the report shall keep confidentiality of the relevant information of the whistleblower, and protect the legitimate rights and interests of the whistleblower.

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：

Article 58 For acts that pollute the environment, damage the ecology and damage the social public interests, the social organization that meets the following conditions may file a lawsuit with the people's court:

（一）依法在设区的市级以上人民政府民政部门登记；

1. It is registered in the civil affairs department of the people's government at the level of city divided into districts or above in accordance with the law;

（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。

(II) specializing in public environmental protection activities for more than five consecutive years without any record of violation.

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。

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.

提起诉讼的社会组织不得通过诉讼牟取经济利益。

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

第六章 法律责任

Chapter 6 Legal Liabilities

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。

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

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。

The fine stipulated in the preceding paragraph shall be imposed pursuant to the provisions of the relevant laws and regulations determined in accordance with factors such as the operation costs of pollution prevention and treatment facilities, direct losses caused by the illegal act or illegal income derived from the illegal act etc.

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。

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

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。

Article 60 Enterprises, institutions and other manufacturing operators which emit pollutants beyond the pollutant emission standards or the key pollutant emission total quantity control indicators may be ordered by the environmental protection authorities of People's Governments of county level and above to adopt measures such as restriction of manufacturing or suspension of manufacturing for correction; in serious cases, upon approval by the People's Government with approval authority, the offender shall be ordered to suspend operation or close 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 a development project pursuant to the law or has commenced construction when the environmental impact assessment document is not approved, the authorities 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 reinstate 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 emission units 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 local People's Governments 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，处五日以上十日以下拘留：

Article 63 Where an enterprise, public institution or any other production operator commits any of the following acts, which does not constitute a crime, the competent authority for environmental protection or any other relevant department under the people's government at or above the county level shall, in addition to punishing it in accordance with the relevant laws and regulations, transfer the case to the public security organ, and the persons who are directly in charge and the other persons who are directly liable for the act shall be detained for not less than ten days but not more than 15 days; and if the circumstances are relatively minor, such persons shall be detained for not less than five days but not more than 10 days:

（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；

1. Refusing to carry out the order of a construction project for which no environmental impact assessment has been carried out according to law;

（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；

2. violating laws and regulations by discharging pollutants without a pollutant discharge license, and being ordered to stop discharging pollutants, but refusing to implement the order; or

（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；

3. where the Polluters illegally discharge pollutants through concealed drains, seepage wells or pits, by perfusion, or by tampering with or forging monitoring data, by failing to properly operate pollution prevention and control facilities, or by other means that evade regulation;

（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。

(IV) producing or using pesticides which are explicitly prohibited by the State from producing or using, and being ordered to make corrections but refusing 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, tort 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。

Article 65 Environmental impact assessment organisations, environmental monitoring organisations and organisations engaging in maintenance and operation of environmental monitoring equipment and pollution prevention facilities guilty of committing fraud in the relevant environmental services and activities which cause environmental pollution 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 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 litigant becomes 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 authorities shall strengthen supervision of environmental protection work of the lower-level People's Government and their relevant authorities. Where the relevant officers are found to have committed an illegal act which should be punished pursuant to the law, the recommended punishment shall be proposed to the authorities which appoint or remove the officers or the surveillance authorities.

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。

Where administrative penalties shall be imposed in accordance with the law but relevant competent environmental protection department fails to impose administrative penalties, the competent environmental protection department of the people's government at the higher level may directly make a decision on administrative penalties.

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：

Article 68 Where any of the local people's governments at all levels, the competent departments in charge of environmental protection under the people's governments at or above the county level, or other departments that assume the responsibility for supervising and administering environmental protection commits any of the following acts, the person directly in charge and other persons directly liable shall be given a demerit, major demerit or demotion; or be dismissed or expelled if the consequences are serious, and the main person liable shall take the blame and resign:

（一）不符合行政许可条件准予行政许可的；

1. Where an administrative license is approved if the requirements for such administrative license are not met;

（二）对环境违法行为进行包庇的；

(II) Covering up environmental violations;

（三）依法应当作出责令停业、关闭的决定而未作出的；

(III) failing to make a decision on cessation or closedown that shall be made;

（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；

(IV) Failure to timely investigate and punish, upon discovery or upon receipt of a report, such acts as the excessive discharge of pollutants, the discharge of pollutants by evading regulation, environmental accidents, and ecological damage caused by failure to implement ecological protection measures; and

（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；

(V) in violation of the provisions of this Law, sealing up or detaining the facilities or equipment of enterprises, public institutions or other producers or operators;

（六）篡改、伪造或者指使篡改、伪造监测数据的；

(VI) tampering with or forging the monitoring data, or instigating any tampering with or forging of the monitoring data;

（七）应当依法公开环境信息而未公开的；

(VII) failing to disclose environmental information that should be disclosed according to law;

（八）将征收的排污费截留、挤占或者挪作他用的；

(VIII) withholding, misappropriating or embezzling the sewage fees collected; and

（九）法律法规规定的其他违法行为。

(IX) Other illegal acts as prescribed by laws and regulations.

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 Where a violation of the provisions of this Law constitutes 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 The Law shall come into force as of January 1, 2015.