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# 中华人民共和国海洋环境保护法（2017修正）

# Marine Environmental Protection Law of the People’s Republic of China (2017 Amendment)

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（1982年8月23日第五届全国人民代表大会常务委员会第二十四次会议通过 1999年12月25日第九届全国人民代表大会常务委员会第十三次会议修订 根据2013年12月28日第十二届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国海洋环境保护法〉等七部法律的决定》第一次修正 根据2016年11月7日第十二届全国人民代表大会常务委员会第二十四次会议《关于修改〈中华人民共和国海洋环境保护法〉的决定》第二次修正 根据2017年11月4日第十二届全国人民代表大会常务委员会第三十次会议《关于修改〈中华人民共和国会计法〉等十一部法律的决定》第三次修正）

(Adopted at the 24th Session of the Standing Committee of the Fifth National People's Congress on 23 August 1982; revised at the 13th Session of the Standing Committee of the Ninth National People's Congress on 25 December 1999; amended for the first time according to the Decision on Amending Seven Laws including the Marine Environment Protection Law of the People's Republic of China passed at the 6th Session of the Standing Committee of the 12th National People's Congress on 28 December 2013; amended for the second time according to the Decision on Amending the Marine Environment Protection Law of the People's Republic of China passed at the 24th Session of the Standing Committee of the 12th National People's Congress on 7 November 2016; and amended for the third time according to the Decision on Amending Eleven Laws Including the Accounting Law of the People's Republic of China passed at the 30th Session of the Standing Committee of the 12th National People's Congress on 4 November 2017)

第一章 总 则

Chapter 1 General Provisions

第一条   为了保护和改善海洋环境，保护海洋资源，防治污染损害，维护生态平衡，保障人体健康，促进经济和社会的可持续发展，制定本法。

Article 1 This Law is enacted to protect and improve the marine environment, conserve marine resources, prevent pollution damages, maintain ecological balance, safeguard human health and promote sustainable economic and social development.

第二条   本法适用于中华人民共和国内水、领海、毗连区、专属经济区、大陆架以及中华人民共和国管辖的其他海域。

Article 2 This Law applies to the inland waters, territorial seas, adjacent areas and exclusive economic zones of the People's Republic of China, continental shelf and all other sea areas under the jurisdiction of the People's Republic of China.

在中华人民共和国管辖海域内从事航行、勘探、开发、生产、旅游、科学研究及其他活动，或者在沿海陆域内从事影响海洋环境活动的任何单位和个人，都必须遵守本法。

All entities and individuals who engage in navigation, exploration, exploitation, production, tourism, scientific research and other activities in the sea areas under the jurisdiction of the People's Republic of China or who engage in activities in coastal land areas that affect the marine environment shall comply with this Law.

在中华人民共和国管辖海域以外，造成中华人民共和国管辖海域污染的，也适用本法。

This Law shall also apply to the pollution of the sea areas under the jurisdiction of the People's Republic of China, caused by the sea areas beyond the jurisdiction of the People's Republic of China.

第三条   国家在重点海洋生态功能区、生态环境敏感区和脆弱区等海域划定生态保护红线，实行严格保护。

Article 3 The State delineates the ecological protection baseline in sea areas such as key marine ecological function areas, and other sea areas with ecological sensitivity and fragility, so as to implement strict protection.

国家建立并实施重点海域排污总量控制制度，确定主要污染物排海总量控制指标，并对主要污染源分配排放控制数量。具体办法由国务院制定。

The State will establish and implement a system that controls the total amount of pollutants discharged into the key maritime areas, determine its main objectives for the control of the total amount of pollutants discharged into the sea, and allocate the controlled amount of the pollutants to be discharged to the main sources of pollution. Specific measures shall be formulated by the State Council.

第四条   一切单位和个人都有保护海洋环境的义务，并有权对污染损害海洋环境的单位和个人，以及海洋环境监督管理人员的违法失职行为进行监督和检举。

Article 4 All entities and individuals have the obligation to protect the marine environment, and have the right to supervise and report entities and individuals who pollute and damage the marine environment and marine environment supervision and administration personnel who violate the law and neglect their duties.

第五条   国务院环境保护行政主管部门作为对全国环境保护工作统一监督管理的部门，对全国海洋环境保护工作实施指导、协调和监督，并负责全国防治陆源污染物和海岸工程建设项目对海洋污染损害的环境保护工作。

Article 5 The administrative department in charge of environment protection under the State Council, as the department to exercise unified supervision and control over the nation-wide marine environment protection work, shall guide, co-ordinate and supervise the nation-wide marine environment protection work and be responsible for nation-wide environment protection work to prevent and control marine pollution damages caused by land-based pollutants and coastal construction projects.

国家海洋行政主管部门负责海洋环境的监督管理，组织海洋环境的调查、监测、监视、评价和科学研究，负责全国防治海洋工程建设项目和海洋倾倒废弃物对海洋污染损害的环境保护工作。

The state department in charge of marine administration is responsible for the supervision and administration of the marine environment, and shall organise investigations, surveys, surveillance, appraisals and scientific research. The department is also responsible for the national environmental protection work of preventing and treating pollution damage to the marine environment by marine construction projects and the dumping of wastes.

国家海事行政主管部门负责所辖港区水域内非军事船舶和港区水域外非渔业、非军事船舶污染海洋环境的监督管理，并负责污染事故的调查处理；对在中华人民共和国管辖海域航行、停泊和作业的外国籍船舶造成的污染事故登轮检查处理。船舶污染事故给渔业造成损害的，应当吸收渔业行政主管部门参与调查处理。

The maritime administrative authorities of the State shall be responsible for supervision and administration of marine environment pollution by non-military vessels in harbour waters under their jurisdiction, and non-fishing and non-military vessels outside harbour waters outside their jurisdiction, and be responsible for investigation and handling of pollution accidents; board vessels to investigate and handle pollution accidents caused by foreign vessels which navigate, berth or work in sea areas under the jurisdiction of the People's Republic of China. Where a pollution accident caused by a vessel results in fishery damages, the competent administrative department in charge of fishery shall be invited to participate in investigating and handling the accident.

国家渔业行政主管部门负责渔港水域内非军事船舶和渔港水域外渔业船舶污染海洋环境的监督管理，负责保护渔业水域生态环境工作，并调查处理前款规定的污染事故以外的渔业污染事故。

The State fishery administrative department shall be responsible for the supervision and control over marine environment pollution caused by non-military vessels inside the fishing port waters and that caused by fishing vessels outside the fishing port waters, be responsible for the protection of ecological environment in the fishing zones, and shall investigate and handle the fishery pollution accidents other than those specified in the preceding paragraph.

军队环境保护部门负责军事船舶污染海洋环境的监督管理及污染事故的调查处理。

The environmental protection department of the armed forces is responsible for the supervision and administration of marine environmental pollution caused by military vessels and for the investigation and handling of such pollution accidents.

沿海县级以上地方人民政府行使海洋环境监督管理权的部门的职责，由省、自治区、直辖市人民政府根据本法及国务院有关规定确定。

The functions and responsibilities of the departments empowered to conduct marine environment supervision and control under the coastal local people's governments at or above the county level shall be determined by the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government in accordance with this Law and the relevant regulations of the State Council.

第六条   环境保护行政主管部门、海洋行政主管部门和其他行使海洋环境监督管理权的部门，根据职责分工依法公开海洋环境相关信息；相关排污单位应当依法公开排污信息。

Article 6 The department responsible for administration of environmental protection, the department in charge of marine administration and other departments that exercise the supervision and administration of the marine environment shall, based on the division of duties, disclose the information relating to the marine environment according to law; the relevant pollutant discharge entities shall disclose the pollutant discharge information in accordance with the law.

第二章 海洋环境监督管理

Chapter 2 Supervision and Control over the Marine Environment

第七条   国家海洋行政主管部门会同国务院有关部门和沿海省、自治区、直辖市人民政府根据全国海洋主体功能区规划，拟定全国海洋功能区划，报国务院批准。

Article 7 The State oceanic administrative department shall, in conjunction with the relevant departments of the State Council and the people's governments of the coastal provinces, autonomous regions and municipalities directly under the Central Government, work out a national marine functional zonation scheme and submit it to the State Council for approval.

沿海地方各级人民政府应当根据全国和地方海洋功能区划，保护和科学合理地使用海域。

People's governments in coastal areas at every level should protect sea areas and use them scientifically and rationally in accordance with national and local marine function zones.

第八条   国家根据海洋功能区划制定全国海洋环境保护规划和重点海域区域性海洋环境保护规划。

Article 8 The State shall draw up, in accordance with the marine functional zonation scheme, national marine environment protection plan and regional marine environment protection plans in key sea areas.

毗邻重点海域的有关沿海省、自治区、直辖市人民政府及行使海洋环境监督管理权的部门，可以建立海洋环境保护区域合作组织，负责实施重点海域区域性海洋环境保护规划、海洋环境污染的防治和海洋生态保护工作。

People's governments of coastal provinces, autonomous regions and centrally administered municipalities adjacent to key sea areas, as well as the authorities performing marine environment supervision and administration duties, may establish regional cooperative organisations which take charge of implementation of the regional environmental protection plan for key sea areas, prevention and treatment of marine environment pollution and marine ecological protection.

第九条   跨区域的海洋环境保护工作，由有关沿海地方人民政府协商解决，或者由上级人民政府协调解决。

Article 9 Trans-regional marine environment protection problems shall be solved through consultations by the relevant coastal local people's governments or be solved through coordination by the people's government at the higher level.

跨部门的重大海洋环境保护工作，由国务院环境保护行政主管部门协调；协调未能解决的，由国务院作出决定。

Major trans-department marine environment protection work shall be coordinated by the administrative department in charge of environment protection under the State Council. The problems that fail to be settled through coordination shall be submitted to the State Council for decision.

第十条   国家根据海洋环境质量状况和国家经济、技术条件，制定国家海洋环境质量标准。

Article 10 The State shall work out the national marine environment quality standards in accordance with the marine environment quality conditions and the economic and technological level of the country.

沿海省、自治区、直辖市人民政府对国家海洋环境质量标准中未作规定的项目，可以制定地方海洋环境质量标准。

The People's Governments of the coastal provinces, autonomous regions and centrally-administered municipalities may formulate local marine environment quality standards for projects not specified in the national marine environment quality standards.

沿海地方各级人民政府根据国家和地方海洋环境质量标准的规定和本行政区近岸海域环境质量状况，确定海洋环境保护的目标和任务，并纳入人民政府工作计划，按相应的海洋环境质量标准实施管理。

People's governments at all levels in coastal areas shall, in accordance with the provisions of state and local marine environment quality standards and the environment quality situation of the coastal area under its administration, determine objectives and tasks for the protection of the marine environment, incorporate them into the work plan of the people's government, and carry out their administration in accordance with the corresponding marine environment quality standards.

第十一条   国家和地方水污染物排放标准的制定，应当将国家和地方海洋环境质量标准作为重要依据之一。在国家建立并实施排污总量控制制度的重点海域，水污染物排放标准的制定，还应当将主要污染物排海总量控制指标作为重要依据。

Article 11 In working out the national and local water pollutant discharge standards, the national and local marine environment quality standards shall be taken as one important basis. In the key sea areas where the State has established and put into practice the system to control the total sea-disposed pollution discharge, the standards for controlling the total sea-disposed main pollutants discharge shall also be taken as an important basis in determining the water pollutant discharge standards.

排污单位在执行国家和地方水污染物排放标准的同时，应当遵守分解落实到本单位的主要污染物排海总量控制指标。

A pollutant discharge unit shall satisfy the national and local water pollutant discharge standards, and abide by the control index for the total sea-disposed main pollutant discharge assigned for the implementation by each unit.

对超过主要污染物排海总量控制指标的重点海域和未完成海洋环境保护目标、任务的海域，省级以上人民政府环境保护行政主管部门、海洋行政主管部门，根据职责分工暂停审批新增相应种类污染物排放总量的建设项目环境影响报告书（表）。

For key sea areas to which the total quantity of major pollutants discharged is higher than the specified indicators, or the sea areas failing to meet the objectives and targets for marine environmental protection, the administrative department in charge of environmental protection and the oceanic administrative department at or above the provincial level shall temporarily suspend the examination and approval of the environmental impact assessment reports (statements) for the construction projects that will increase the total amount of discharge of pollutants in accordance with the division of duties.

第十二条   直接向海洋排放污染物的单位和个人，必须按照国家规定缴纳排污费。依照法律规定缴纳环境保护税的，不再缴纳排污费。

Article 12 All units and individuals discharging directly pollutants into the sea must pay pollutant discharge fees in accordance with the State regulations. Where environmental protection tax has been paid in accordance with the law, there is no need to pay the pollutant discharge fee.

向海洋倾倒废弃物，必须按照国家规定缴纳倾倒费。

Those dumping wastes in the sea must pay dumping fees in accordance with the State regulations.

根据本法规定征收的排污费、倾倒费，必须用于海洋环境污染的整治，不得挪作他用。具体办法由国务院规定。

Pollutant discharge fees and dumping fees levied in accordance with the provisions of this Law must be used for the prevention and control of marine environment pollution and may not be used for any other purposes. The specific measures shall be formulated by the State Council.

第十三条   国家加强防治海洋环境污染损害的科学技术的研究和开发，对严重污染海洋环境的落后生产工艺和落后设备，实行淘汰制度。

Article 13 The State shall strengthen the research and development of science and technology for the prevention and treatment of pollution damage to the marine environment. With respect to obsolete production technology and equipment that seriously pollute the marine environment, the State shall implement a system for the elimination of such technology and equipment.

企业应当优先使用清洁能源，采用资源利用率高、污染物排放量少的清洁生产工艺，防止对海洋环境的污染。

Enterprises shall give priority to the use of clean energy resources, adopt clean production technology with high resource utilisation ratio and low pollutant discharge, and prevent pollution to marine environment.

第十四条   国家海洋行政主管部门按照国家环境监测、监视规范和标准，管理全国海洋环境的调查、监测、监视，制定具体的实施办法，会同有关部门组织全国海洋环境监测、监视网络，定期评价海洋环境质量，发布海洋巡航监视通报。

Article 14. The state administrative department for marine affairs shall formulate specific implementing measures for the administration of investigations, surveys and surveillance of the marine environment throughout the whole country in accordance with state environment survey and surveillance regulations and standards. The department shall, in conjunction with other relevant departments, organise a national marine environment survey and surveillance network, appraise the quality of the marine environment at regular intervals, and publish marine cruise surveillance reports.

依照本法规定行使海洋环境监督管理权的部门分别负责各自所辖水域的监测、监视。

Departments empowered by this Law to conduct marine environment supervision and control shall be responsible for the monitoring and supervision of the water areas under their respective jurisdiction.

其他有关部门根据全国海洋环境监测网的分工，分别负责对入海河口、主要排污口的监测。

Other relevant departments shall be respectively responsible for the estuaries and major pollutant discharge outlets subject to the division of work under the national marine environment monitoring network.

第十五条   国务院有关部门应当向国务院环境保护行政主管部门提供编制全国环境质量公报所必需的海洋环境监测资料。

Article 15 Relevant departments of the State Council shall provide the administrative department in charge of environment protection under the State Council with necessary marine environment monitoring data for the compilation of national environment quality bulletins.

环境保护行政主管部门应当向有关部门提供与海洋环境监督管理有关的资料。

The competent administrative department in charge of environment protection shall provide relevant departments with data relating to marine environment supervision and administration.

第十六条   国家海洋行政主管部门按照国家制定的环境监测、监视信息管理制度，负责管理海洋综合信息系统，为海洋环境保护监督管理提供服务。

Article 16 The state department in charge of marine administration is responsible for the administration of a comprehensive marine information system and for providing a service for the supervision and administration of marine environmental protection in accordance with the information administration system formulated by the State for environmental surveying and surveillance.

第十七条   因发生事故或者其他突发性事件，造成或者可能造成海洋环境污染事故的单位和个人，必须立即采取有效措施，及时向可能受到危害者通报，并向依照本法规定行使海洋环境监督管理权的部门报告，接受调查处理。

Article 17 Organisations and individuals that cause or may cause an accident leading to marine environment pollution as a result of an incident or unexpected occurrence shall forthwith adopt effective measures, promptly notify possible victims, report to the authorities performing marine environment supervision and administration duties pursuant to the provisions of this Law, and accept investigation and handling.

沿海县级以上地方人民政府在本行政区域近岸海域的环境受到严重污染时，必须采取有效措施，解除或者减轻危害。

The coastal local people's governments at or above the county level must, when inshore waters are seriously polluted, take effective measures to eliminate or alleviate the damage.

第十八条   国家根据防止海洋环境污染的需要，制定国家重大海上污染事故应急计划。

Article 18 The State shall, on the basis of the need for the prevention of marine environment pollution, formulate a state emergency plan for major marine pollution accidents.

国家海洋行政主管部门负责制定全国海洋石油勘探开发重大海上溢油应急计划，报国务院环境保护行政主管部门备案。

The state administrative department for marine affairs is responsible for the formulation of a national emergency plan for major marine oil-spills occurring in the course of oil exploration or exploitation, and shall submit such plan to the administrative department for environmental protection under the State Council for filing.

国家海事行政主管部门负责制定全国船舶重大海上溢油污染事故应急计划，报国务院环境保护行政主管部门备案。

The maritime administrative authorities of the State shall be responsible for formulation of a national emergency plan for major marine oil-spill accidents caused by vessels, and file the plan with the environmental protection administrative authority of the State Council for record.

沿海可能发生重大海洋环境污染事故的单位，应当依照国家的规定，制定污染事故应急计划，并向当地环境保护行政主管部门、海洋行政主管部门备案。

All entities in coastal areas which have the capacity to cause major marine environment pollution accidents should formulate a pollution accident emergency plan in accordance with state regulations, and should submit the plan to the local administrative department for environmental protection and the local administrative department of marine affairs for filing.

沿海县级以上地方人民政府及其有关部门在发生重大海上污染事故时，必须按照应急计划解除或者减轻危害。

When a major marine pollution accident occurs, the coastal people's governments at county level or above and other relevant departments must eliminate or alleviate the damage in accordance with emergency plans.

第十九条   依照本法规定行使海洋环境监督管理权的部门可以在海上实行联合执法，在巡航监视中发现海上污染事故或者违反本法规定的行为时，应当予以制止并调查取证，必要时有权采取有效措施，防止污染事态的扩大，并报告有关主管部门处理。

Article 19 Departments which exercise the power of supervision and administration of the marine environment in accordance with the provisions of this Law may conduct joint law enforcement on the sea. Where pollution accidents or activities that violate the provisions of this Law are discovered in the course of cruise surveillance, they must be curbed. An investigation must be conducted and evidence must be obtained. The department has the power to adopt effective measures when necessary to prevent exacerbation of the situation, and shall report to the relevant department to handle the matter.

依照本法规定行使海洋环境监督管理权的部门，有权对管辖范围内排放污染物的单位和个人进行现场检查。被检查者应当如实反映情况，提供必要的资料。

Departments empowered by this Law to conduct marine environment supervision and control have the right to conduct on-the-spot inspections of the units and individuals discharging pollutants within the sphere of their jurisdiction. The inspected organisation or individual shall provide information truthfully, and provide the requisite materials.

检查机关应当为被检查者保守技术秘密和业务秘密。

Inspection departments should keep the technical and business secrets of the units or individuals inspected.

第三章 海洋生态保护

Chapter III Marine Ecology Protection

第二十条   国务院和沿海地方各级人民政府应当采取有效措施，保护红树林、珊瑚礁、滨海湿地、海岛、海湾、入海河口、重要渔业水域等具有典型性、代表性的海洋生态系统，珍稀、濒危海洋生物的天然集中分布区，具有重要经济价值的海洋生物生存区域及有重大科学文化价值的海洋自然历史遗迹和自然景观。

Article 20 The State Council and the coastal local people's governments shall adopt effective measures to protect typical and representative ecological systems such as mangroves, coral reefs, coastal wet lands, islands, bays, estuaries and important fishery waters, naturally formed zones of concentration of rare and endangered marine species, habitats of important marine species with economic value, and areas of natural historical remains and natural scenery that have great scientific and cultural value.

对具有重要经济、社会价值的已遭到破坏的海洋生态，应当进行整治和恢复。

The marine ecology of areas with important economic and social values which have already been damaged should be rehabilitated and restored.

第二十一条   国务院有关部门和沿海省级人民政府应当根据保护海洋生态的需要，选划、建立海洋自然保护区。

Article 21 Relevant departments of the State Council and coastal people's governments at provincial level shall, for the purpose of protecting the marine ecology, select, plan and establish marine sanctuaries.

国家级海洋自然保护区的建立，须经国务院批准。

The establishment of national marine sanctuaries shall be subject to the State Council for approval.

第二十二条   凡具有下列条件之一的，应当建立海洋自然保护区：

Article 22 A marine nature reserve shall be established where one of the following situations exists:

（一）典型的海洋自然地理区域、有代表性的自然生态区域，以及遭受破坏但经保护能恢复的海洋自然生态区域；

1. Typical marine physical geographical areas, representative natural ecological areas, and areas in which marine natural ecology have been damaged to some extent, but may be recovered through efforts of protection;

（二）海洋生物物种高度丰富的区域，或者珍稀、濒危海洋生物物种的天然集中分布区域；

2. being an area with higher marine biodiversity, or an area where rare and endangered marine species are naturally and densely distributed;

（三）具有特殊保护价值的海域、海岸、岛屿、滨海湿地、入海河口和海湾等；

(III) Sea areas, coasts, islands, coastal wetlands, estuaries, bays and the like with special protection values;

（四）具有重大科学文化价值的海洋自然遗迹所在区域；

(IV) Areas where marine natural remains of great scientific and cultural value are located; and

（五）其他需要予以特殊保护的区域。

(V) Other areas that need special protection.

第二十三条   凡具有特殊地理条件、生态系统、生物与非生物资源及海洋开发利用特殊需要的区域，可以建立海洋特别保护区，采取有效的保护措施和科学的开发方式进行特殊管理。

Article 23 All areas which have special geographical conditions, ecological systems, biological species and non-biological resources, and areas which have special value for marine exploitation may establish special marine sanctuaries, and carry out special administration in order to adopt effective protective measures and scientific exploitation methods.

第二十四条   国家建立健全海洋生态保护补偿制度。

Article 24 The State shall establish and improve upon a marine ecological protection and compensation system.

开发利用海洋资源，应当根据海洋功能区划合理布局，严格遵守生态保护红线，不得造成海洋生态环境破坏。

The development and exploitation of marine resources shall be subject to the reasonable layout of the marine functional zoning plan and in strict conformity with the ecological protection baseline, and shall not cause damage to the marine ecological environment.

第二十五条   引进海洋动植物物种，应当进行科学论证，避免对海洋生态系统造成危害。

Article 25 Where species of marine plants or animals are introduced, a scientific study must be carried out in order to avoid any damage to the marine ecological system.

第二十六条   开发海岛及周围海域的资源，应当采取严格的生态保护措施，不得造成海岛地形、岸滩、植被以及海岛周围海域生态环境的破坏。

Article 26. Where resources are exploited on islands or in surrounding sea areas, strict ecological protective measures shall be adopted, and damage must not be caused to island topography, shorelines or vegetation and the ecology and environment of the island and surrounding sea areas.

第二十七条   沿海地方各级人民政府应当结合当地自然环境的特点，建设海岸防护设施、沿海防护林、沿海城镇园林和绿地，对海岸侵蚀和海水入侵地区进行综合治理。

Article 27 All levels of People's Governments at coastal areas shall take into account the characteristics of the local natural environment, establish coastal protective facilities, coastal protective forests, parks and gardens in coastal cities and towns, and carry out comprehensive control measures against coastal erosion and the intrusion of sea water onto land.

禁止毁坏海岸防护设施、沿海防护林、沿海城镇园林和绿地。

Destruction of coastal protective facilities, coastal protective forests or parks and gardens in coastal cities and towns is prohibited.

第二十八条   国家鼓励发展生态渔业建设，推广多种生态渔业生产方式，改善海洋生态状况。

Article 28 The State encourages the development of an ecological fishing industry, the promotion of a variety of production methods for ecological fishing, and the improvement of the state of marine ecology.

新建、改建、扩建海水养殖场，应当进行环境影响评价。

Environmental impact assessment shall be conducted while establishing a new marine culture, renovating or extending an existing marine culture.

海水养殖应当科学确定养殖密度，并应当合理投饵、施肥，正确使用药物，防止造成海洋环境的污染。

In marine culture, breeding density shall be scientifically determined, bait and manure be rationally spread, medicines be correctly used, and pollution to the marine environment be prevented.

第四章 防治陆源污染物对海洋环境的污染损害

Chapter 4 Prevention and Control of Pollution Damage to the Marine Environment by Land-Based Pollutants

第二十九条   向海域排放陆源污染物，必须严格执行国家或者地方规定的标准和有关规定。

Article 29 The discharge of land-based pollutants into the sea must be conducted in strict compliance with the standards and relevant regulations formulated by the State and local authorities.

第三十条   入海排污口位置的选择，应当根据海洋功能区划、海水动力条件和有关规定，经科学论证后，报设区的市级以上人民政府环境保护行政主管部门备案。

Article 30 Any sea-disposed pollutant discharging outlet shall be sited in accordance with marine functional zonation scheme, marine dynamic conditions and relevant regulations, and shall, after scientific assessment, be submitted for record-filing to an administrative department in charge of environment protection under a people's government at or above the level of a city divided into districts.

环境保护行政主管部门应当在完成备案后十五个工作日内将入海排污口设置情况通报海洋、海事、渔业行政主管部门和军队环境保护部门。

The administrative department in charge of environment protection shall, within 15 working days after the record-filing has been done, inform the oceanic department, administrative departments respectively in charge of maritime affairs and fishery, as well as the environment protection department of the armed forces of information about where sea-disposed pollutant discharging outlets are sited.

在海洋自然保护区、重要渔业水域、海滨风景名胜区和其他需要特别保护的区域，不得新建排污口。

New discharge outlets shall not be built in marine sanctuaries, important fishery areas, coastal scenic spots and other areas which require special protection.

在有条件的地区，应当将排污口深海设置，实行离岸排放。设置陆源污染物深海离岸排放排污口，应当根据海洋功能区划、海水动力条件和海底工程设施的有关情况确定，具体办法由国务院规定。

Where conditions permit, a pollutant discharge outlet should be installed in deep ocean and away from the coast. The installation of outlets for the discharge of land-based pollutants in deep ocean away from the coast should be determined in accordance with the marine function zones, dynamic sea-water conditions and available sea-floor engineering equipment. Specific measures shall be stipulated by the State Council.

第三十一条   省、自治区、直辖市人民政府环境保护行政主管部门和水行政主管部门应当按照水污染防治有关法律的规定，加强入海河流管理，防治污染，使入海河口的水质处于良好状态。

Article 31. Administrative departments responsible for environmental protection and for water management under people's governments of provinces, autonomous regions and centrally administered municipalities and administrative departments responsible for water management shall, in accordance with relevant laws and regulations for the prevention of water pollution, strengthen the management of rivers that flow into the sea, prevent pollution and ensure the good water quality of estuaries.

第三十二条   排放陆源污染物的单位，必须向环境保护行政主管部门申报拥有的陆源污染物排放设施、处理设施和在正常作业条件下排放陆源污染物的种类、数量和浓度，并提供防治海洋环境污染方面的有关技术和资料。

Article 32. A unit which discharges land-based pollutants must report to the administrative department for environmental protection regarding the facilities used for discharging and treating the land-based pollutants, and the types, amount and density of the land-based pollutants discharged under normal operational conditions. The unit must also supply the relevant technology and information for the prevention of marine environment pollution.

排放陆源污染物的种类、数量和浓度有重大改变的，必须及时申报。

Units shall report in time on any substantial change in the categories, quantities or concentrations of the discharged land-based pollutants.

第三十三条   禁止向海域排放油类、酸液、碱液、剧毒废液和高、中水平放射性废水。

Article 33 It is prohibited to discharge oils, acids, alkalis, toxins and high or medium level radioactive wastes into the sea.

严格限制向海域排放低水平放射性废水；确需排放的，必须严格执行国家辐射防护规定。

The discharge of waste water containing with low radioactivity into the sea shall be strictly controlled; in case of a necessity to discharge, it shall be conducted in strict compliance with the State regulations concerning radiation prevention.

严格控制向海域排放含有不易降解的有机物和重金属的废水。

The discharge of waste water containing organic matter and heavy metals which are difficult to degrade into the sea shall be strictly controlled.

第三十四条   含病原体的医疗污水、生活污水和工业废水必须经过处理，符合国家有关排放标准后，方能排入海域。

Article 34 No medical sewage containing pathogens, domestic sewage and industrial waste water may be discharged into sea areas before properly treated in keeping with relevant discharge standards of the State.

第三十五条   含有机物和营养物质的工业废水、生活污水，应当严格控制向海湾、半封闭海及其他自净能力较差的海域排放。

Article 35 The discharge of industrial waste water and domestic sewage containing organic and nutrient matters into bays, semi-closed seas and other sea areas with low capacities of self-purification shall be strictly controlled.

第三十六条   向海域排放含热废水，必须采取有效措施，保证邻近渔业水域的水温符合国家海洋环境质量标准，避免热污染对水产资源的危害。

Article 36 When discharging heated waste water into the sea, effective measures must be taken to ensure that the water temperature in the adjacent fishing areas meets the state quality standards for marine environment so as to avoid damage to aquatic resources by heat pollution.

第三十七条   沿海农田、林场施用化学农药，必须执行国家农药安全使用的规定和标准。

Article 37 The use of chemical pesticides in coastal farmlands and tree farms must conform to the state provisions and standards for the safe use of pesticides.

沿海农田、林场应当合理使用化肥和植物生长调节剂。

Coastal farmlands and forest farms shall use chemical fertilizers and plant growth regulators in a rational way.

第三十八条   在岸滩弃置、堆放和处理尾矿、矿渣、煤灰渣、垃圾和其他固体废物的，依照《中华人民共和国固体废物污染环境防治法》的有关规定执行。

Article 38 Where tailings, slag, cinders, garbage and other solid wastes are discarded, piled up and handled along shorelines, relevant provisions of the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution Caused by Solid Waste shall be implemented.

第三十九条   禁止经中华人民共和国内水、领海转移危险废物。

Article 39 It is prohibited to transfer dangerous wastes through the inland waters or territorial seas of the People's Republic of China.

经中华人民共和国管辖的其他海域转移危险废物的，必须事先取得国务院环境保护行政主管部门的书面同意。

Where dangerous waste is transferred through other sea areas under the jurisdiction of the People's Republic of China, written permission must be obtained in advance from the administrative department for environmental protection under the State Council.

第四十条   沿海城市人民政府应当建设和完善城市排水管网，有计划地建设城市污水处理厂或者其他污水集中处理设施，加强城市污水的综合整治。

Article 40. Coastal municipal people's governments shall establish or improve the pipe network for the discharge of urban water, establish in a planned way urban sewage treatment plants or other facilities for the collection of sewage, and strengthen their capacity to manage and handle urban sewage comprehensively.

建设污水海洋处置工程，必须符合国家有关规定。

Construction of projects for treatment of sewage in the seas shall comply with the relevant provisions of the State.

第四十一条   国家采取必要措施，防止、减少和控制来自大气层或者通过大气层造成的海洋环境污染损害。

Article 41 The State shall adopt necessary measures to prevent, reduce and control pollution damage to the marine environment caused by and through the atmosphere.

第五章 防治海岸工程建设项目对海洋环境的污染损害

Chapter 5 Prevention and Control of Pollution Damage to the Marine Environment by Coastal Construction Projects

第四十二条   新建、改建、扩建海岸工程建设项目，必须遵守国家有关建设项目环境保护管理的规定，并把防治污染所需资金纳入建设项目投资计划。

Article 42 New coastal construction projects, extensions or reconstruction projects must be conducted in compliance with relevant State regulations governing environment protection in construction projects and shall channel the capital needed for the prevention and control of pollution into construction project investment plan.

在依法划定的海洋自然保护区、海滨风景名胜区、重要渔业水域及其他需要特别保护的区域，不得从事污染环境、破坏景观的海岸工程项目建设或者其他活动。

Coastal construction projects and other activities which cause environmental pollution or damage to the landscape shall not be carried out in marine sanctuaries, scenic seashore areas, important fishery areas and other areas in need of special protection that are delimited according to law.

第四十三条   海岸工程建设项目单位，必须对海洋环境进行科学调查，根据自然条件和社会条件，合理选址，编制环境影响报告书（表）。在建设项目开工前，将环境影响报告书（表）报环境保护行政主管部门审查批准。

Article 43 Any unit intending to construct a coastal construction project must conduct a scientific survey of the marine environment, select a suitable site in light of natural and social conditions and formulate an environmental impact report (statement). Prior to commencement of construction, the environmental impact report (statement) shall be submitted to the environmental protection administrative authorities for examination and approval.

环境保护行政主管部门在批准环境影响报告书（表）之前，必须征求海洋、海事、渔业行政主管部门和军队环境保护部门的意见。

The administrative department for environmental protection must, prior to approving the environmental impact report (statement), seek opinions from the administrative departments for ocean, maritime affairs and fisheries, and the environmental protection department of the armed forces.

第四十四条   海岸工程建设项目的环境保护设施，必须与主体工程同时设计、同时施工、同时投产使用。环境保护设施应当符合经批准的环境影响评价报告书（表）的要求。

Article 44 The environmental protection facilities for a coastal construction project must be designed, built and put into use simultaneously with the construction project itself. The environmental protection facilities shall meet the requirements of the approved environmental impact report (statement).

第四十五条   禁止在沿海陆域内新建不具备有效治理措施的化学制浆造纸、化工、印染、制革、电镀、酿造、炼油、岸边冲滩拆船以及其他严重污染海洋环境的工业生产项目。

Article 45 It is prohibited to build new industrial production projects of the following kinds in coastal land areas without effective control measures: paper production using chemical paper pulp, chemical engineering, print and dye textiles, leather production, galvanizing, brewing, oil refining, demolition of vessels on the seashore and other projects that seriously pollute the marine environment.

第四十六条   兴建海岸工程建设项目，必须采取有效措施，保护国家和地方重点保护的野生动植物及其生存环境和海洋水产资源。

Article 46 Effective measures must be adopted in the building of coastal construction projects in order to protect wild animals and plants and their living environment, and marine and aquatic resources that are the key objects of state and local protection.

严格限制在海岸采挖砂石。露天开采海滨砂矿和从岸上打井开采海底矿产资源，必须采取有效措施，防止污染海洋环境。

Sand and gravel mining along the coast is strictly restricted. In conducting coastal open air placer mining or shore-based well drilling to exploit seabed mineral resources, effective measures must be taken to prevent pollution to the marine environment.

第六章 防治海洋工程建设项目对海洋环境的污染损害

Chapter 6 Prevention and Treatment of Pollution Damage to the Marine Environment by Marine Construction Projects

第四十七条   海洋工程建设项目必须符合全国海洋主体功能区规划、海洋功能区划、海洋环境保护规划和国家有关环境保护标准。海洋工程建设项目单位应当对海洋环境进行科学调查，编制海洋环境影响报告书（表），并在建设项目开工前，报海洋行政主管部门审查批准。

Article 47 Marine construction projects shall be in conformity with the national major marine functional zoning plan, the marine functional zoning plan, the marine environmental protection plan and the relevant environmental protection standards of the State. An entity carrying out a marine construction project must conduct scientific investigations of the marine environment, and prepare a marine environmental impact report (statement), which shall be submitted to the department in charge of marine administration for examination and approval prior to the commencement of the construction project.

海洋行政主管部门在批准海洋环境影响报告书（表）之前，必须征求海事、渔业行政主管部门和军队环境保护部门的意见。

Before the department in charge of marine administration approves the marine environmental impact report (statement), opinions must be sought from the administrative departments for maritime affairs and for fisheries, and the environmental protection department of the armed forces.

第四十八条   海洋工程建设项目的环境保护设施，必须与主体工程同时设计、同时施工、同时投产使用。环境保护设施未经海洋行政主管部门验收，或者经验收不合格的，建设项目不得投入生产或者使用。

Article 48 The environmental protection facilities for a marine construction project must be designed, built and put into use simultaneously with the construction project itself. Where environmental protection facilities have not been tested and accepted by the department in charge of marine administration or the facilities are not up to standard, the construction project must not be implemented or put into operation.

拆除或者闲置环境保护设施，必须事先征得海洋行政主管部门的同意。

Prior consent must be obtained from the interested oceanic administrative department if the environment protection installations are to be dismantled or laid idle.

第四十九条   海洋工程建设项目，不得使用含超标准放射性物质或者易溶出有毒有害物质的材料。

Article 49 Marine construction projects must not use radioactive materials that exceed standards or materials containing easily dissolved toxins and harmful substances.

第五十条   海洋工程建设项目需要爆破作业时，必须采取有效措施，保护海洋资源。

Article 50 Where a marine construction project needs explosives operation, effective measures must be adopted to protect marine resources.

海洋石油勘探开发及输油过程中，必须采取有效措施，避免溢油事故的发生。

Effective measures must be taken to avoid oil spill in the process of offshore oil exploration, exploitation and transportation.

第五十一条   海洋石油钻井船、钻井平台和采油平台的含油污水和油性混合物，必须经过处理达标后排放；残油、废油必须予以回收，不得排放入海。经回收处理后排放的，其含油量不得超过国家规定的标准。

Article 51 Oily waste water and mixtures from both mobile and fixed platforms for offshore oil exploration and exploitation must be treated according to the proper standard before discharge; oil residues and wastes must be recovered and are forbidden to be discharged into the sea. When they are discharged after treatment, the oil content of the discharged may not exceed the standards set by the State.

钻井所使用的油基泥浆和其他有毒复合泥浆不得排放入海。水基泥浆和无毒复合泥浆及钻屑的排放，必须符合国家有关规定。

Oil-based mud and toxic compound mud used in drilling must not be discharged into the sea. Discharge of water-based slurries, non-toxic composite slurries and drilling scraps shall comply with the relevant provisions of the State.

第五十二条   海洋石油钻井船、钻井平台和采油平台及其有关海上设施，不得向海域处置含油的工业垃圾。处置其他工业垃圾，不得造成海洋环境污染。

Article 52 It is prohibited to dispose of oily industrial wastes into the sea from either mobile or fixed platforms for offshore oil exploration and exploitation, or related marine facilities. The disposal of other industrial wastes must not cause pollution to the marine environment.

第五十三条   海上试油时，应当确保油气充分燃烧，油和油性混合物不得排放入海。

Article 53 When conducting offshore-well testing, gas should be thoroughly burned. Oil and oily mixtures must not be discharged into the sea.

第五十四条   勘探开发海洋石油，必须按有关规定编制溢油应急计划，报国家海洋行政主管部门的海区派出机构备案。

Article 54 In exploring and exploiting offshore oil resources, an emergency plan for oil spills shall be worked out in accordance with relevant regulations and filed for record with the local office of the state administrative department for marine affairs.

第七章 防治倾倒废弃物对海洋环境的污染损害

Chapter 7 Prevention and Control of Pollution Damage to the Marine Environment by Dumping of Wastes

第五十五条   任何单位未经国家海洋行政主管部门批准，不得向中华人民共和国管辖海域倾倒任何废弃物。

Article 55 No unit may dump any kind of waste into the sea areas under the jurisdiction of the People's Republic of China without the permission of the responsible state administrative department of marine affairs.

需要倾倒废弃物的单位，必须向国家海洋行政主管部门提出书面申请，经国家海洋行政主管部门审查批准，发给许可证后，方可倾倒。

Units that need to dump wastes in the sea must submit a written application to the responsible state administrative department of marine affairs and only after a permit has been granted by the department can the dumping be carried out.

禁止中华人民共和国境外的废弃物在中华人民共和国管辖海域倾倒。

Dumping of waste from outside the territory of the People's Republic of China into the sea areas under the jurisdiction of the People's Republic of China is prohibited.

第五十六条   国家海洋行政主管部门根据废弃物的毒性、有毒物质含量和对海洋环境影响程度，制定海洋倾倒废弃物评价程序和标准。

Article 56 The responsible state administrative department of marine affairs shall formulate an appraisal procedure and standards for the dumping of waste in marine areas in the light of the toxicity and the amount of harmful substances contained in the waste, and the extent of the impact on the marine environment.

向海洋倾倒废弃物，应当按照废弃物的类别和数量实行分级管理。

Dumping wastes into the sea shall follow a graded management based on the categories and quantities of the wastes.

可以向海洋倾倒的废弃物名录，由国家海洋行政主管部门拟定，经国务院环境保护行政主管部门提出审核意见后，报国务院批准。

A list of wastes that may be dumped into the sea shall be drawn up by the responsible state administrative department of marine affairs. The list shall be reported to the State Council for approval after an evaluation has been made by the administrative department responsible for environmental protection under the State Council.

第五十七条   国家海洋行政主管部门按照科学、合理、经济、安全的原则选划海洋倾倒区，经国务院环境保护行政主管部门提出审核意见后，报国务院批准。

Article 57. The responsible state administrative department of marine affairs shall select marine dumping zones according to scientific, rational, economic and safety principles. The selection shall be reported to the State Council for approval after an evaluation has been made by the administrative department responsible for environmental protection under the State Council.

临时性海洋倾倒区由国家海洋行政主管部门批准，并报国务院环境保护行政主管部门备案。

Temporary marine dumping zones shall be approved by the responsible state administrative department of marine affairs and reported to the administrative department responsible for environmental protection under the State Council.

国家海洋行政主管部门在选划海洋倾倒区和批准临时性海洋倾倒区之前，必须征求国家海事、渔业行政主管部门的意见。

Before selecting marine dumping zones and approving temporary marine dumping zones, the responsible state administrative department of marine affairs must seek opinions from the responsible state administrative departments for maritime affairs and for fisheries.

第五十八条   国家海洋行政主管部门监督管理倾倒区的使用，组织倾倒区的环境监测。对经确认不宜继续使用的倾倒区，国家海洋行政主管部门应当予以封闭，终止在该倾倒区的一切倾倒活动，并报国务院备案。

Article 58. The responsible state administrative department for marine affairs shall supervise and administer the use of dumping zones and organise environmental surveys of dumping zones. Where a dumping site is no, longer suitable to be used, the State oceanic administrative department shall close it down upon confirmation, terminate all dumping activities conducted there and report thereon to the State Council for the record.

第五十九条   获准倾倒废弃物的单位，必须按照许可证注明的期限及条件，到指定的区域进行倾倒。废弃物装载之后，批准部门应当予以核实。

Article 59. Units that have obtained permits for dumping must have it done at the designated place, within the time limit and in accordance with the conditions specified in the permit. Upon loading of the waste, the approving authorities shall conduct verification.

第六十条   获准倾倒废弃物的单位，应当详细记录倾倒的情况，并在倾倒后向批准部门作出书面报告。倾倒废弃物的船舶必须向驶出港的海事行政主管部门作出书面报告。

Article 60 Units that have obtained permits for dumping wastes shall make a detailed record of such operations and present a written report to the approval department thereafter. Vessels that have finished the said dumping must present a written report to the responsible administrative department of maritime affairs at the port of departure.

第六十一条   禁止在海上焚烧废弃物。

Article 61. It is prohibited to burn discarded waste at sea.

禁止在海上处置放射性废弃物或者其他放射性物质。废弃物中的放射性物质的豁免浓度由国务院制定。

Disposal of radioactive waste or other radioactive substances at sea is prohibited. The exemptible radioactive content in the wastes shall be determined by the State Council.

第八章 防治船舶及有关作业活动对海洋环境的污染损害

Chapter 8 Prevention and Control of Pollution Damage to the Marine Environment by Shipping and Other Operational Activities

第六十二条   在中华人民共和国管辖海域，任何船舶及相关作业不得违反本法规定向海洋排放污染物、废弃物和压载水、船舶垃圾及其他有害物质。

Article 62 No vessel or related operational activities of any vessel may discharge pollutants, wastes, ballast tank water, vessel garbage and other harmful substances into the sea areas under the jurisdiction of the People's Republic of China in violation of the provisions of this Law.

从事船舶污染物、废弃物、船舶垃圾接收、船舶清舱、洗舱作业活动的，必须具备相应的接收处理能力。

Where an entity is engaged in operational activities relating to the receipt of vessel pollutants, dumped wastes and vessel garbage, or relating to cabin cleaning and washing, it must possess the appropriate capabilities to handle these activities.

第六十三条   船舶必须按照有关规定持有防止海洋环境污染的证书与文书，在进行涉及污染物排放及操作时，应当如实记录。

Article 63 Vessels must hold certification and documentation for prevention of marine environment pollution in accordance with relevant regulations. They must keep true and accurate records when carrying out discharging operations and those that involve pollutants.

第六十四条   船舶必须配置相应的防污设备和器材。

Article 64 All vessels must be equipped with adequate pollution prevention facilities and equipment.

载运具有污染危害性货物的船舶，其结构与设备应当能够防止或者减轻所载货物对海洋环境的污染。

Vessels carrying substances that may cause pollution shall have the structure and equipment capable of preventing or reducing pollution to the marine environment caused by their goods.

第六十五条   船舶应当遵守海上交通安全法律、法规的规定，防止因碰撞、触礁、搁浅、火灾或者爆炸等引起的海难事故，造成海洋环境的污染。

Article 65 Vessels shall comply with the provisions of maritime traffic safety laws and regulations, prevent marine environment pollution caused by maritime accidents such as collision, running on rocks, stranding, fire or explosion etc.

第六十六条   国家完善并实施船舶油污损害民事赔偿责任制度；按照船舶油污损害赔偿责任由船东和货主共同承担风险的原则，建立船舶油污保险、油污损害赔偿基金制度。

Article 66 The State shall improve and implement a civil compensation and responsibility system for oil pollution damage caused by vessels; the State shall establish a system comprising vessel oil pollution insurance and an oil pollution damage compensation fund in accordance with the principle that the owner of the ship and the owner of the goods jointly assume the risk of being responsible for compensating for oil pollution damage caused by the vessels.

实施船舶油污保险、油污损害赔偿基金制度的具体办法由国务院规定。

Specific measures for the implementation of the vessel-induced oil pollution insurance and oil pollution compensation fund system shall be formulated by the State Council.

第六十七条   载运具有污染危害性货物进出港口的船舶，其承运人、货物所有人或者代理人，必须事先向海事行政主管部门申报。经批准后，方可进出港口、过境停留或者装卸作业。

Article 67 The carrier, the owner of the goods or their agent must report to the responsible administrative department of maritime affairs in advance when a vessel of theirs carrying substances that may cause pollution damage is about to enter into or exit from a harbour. The vessel may enter into or exit from a harbour, stop as a passing vessel or perform loading and unloading work only after obtaining approval.

第六十八条   交付船舶装运污染危害性货物的单证、包装、标志、数量限制等，必须符合对所装货物的有关规定。

Article 68 When handling over goods which may cause pollution damage, the certificates, packaging, marking and quantity limits of the goods must accord with relevant regulations for such goods.

需要船舶装运污染危害性不明的货物，应当按照有关规定事先进行评估。

Where a vessel is required to load goods whose harmful nature is unclear, an evaluation shall be carried out in advance pursuant to the relevant provisions.

装卸油类及有毒有害货物的作业，船岸双方必须遵守安全防污操作规程。

In the loading and unloading of oils and other toxic and harmful substances, the vessel and the shore must obey the operation rules for safety and pollution prevention.

第六十九条   港口、码头、装卸站和船舶修造厂必须按照有关规定备有足够的用于处理船舶污染物、废弃物的接收设施，并使该设施处于良好状态。

Article 69 Harbours, wharves, loading and unloading stations and vessel repair factories must possess receiving facilities that can adequately dispose of vessel pollutants and waste in accordance with relevant regulations, and keep these facilities in good condition.

装卸油类的港口、码头、装卸站和船舶必须编制溢油污染应急计划，并配备相应的溢油污染应急设备和器材。

Harbours, wharves, loading and unloading stations and vessels which load and unload oils must draw up an emergency plan for oil-spill pollution, and install corresponding facilities and equipment for oil-spill pollution emergencies.

第七十条   船舶及有关作业活动应当遵守有关法律法规和标准，采取有效措施，防止造成海洋环境污染。海事行政主管部门等有关部门应当加强对船舶及有关作业活动的监督管理。

Article 70 Vessels and their related operational activities shall abide by the relevant laws, regulations and standards, and effective measures shall be taken to prevent marine environment pollution. The maritime administrative authorities and relevant authorities shall strengthen supervision and administration on vessels and related operations.

船舶进行散装液体污染危害性货物的过驳作业，应当事先按照有关规定报经海事行政主管部门批准。

The vessel-to-vessel transfer of bulk liquid cargo which is likely to cause pollution damage shall be reported to the maritime administrative department for approval in accordance with the relevant provisions beforehand.

第七十一条   船舶发生海难事故，造成或者可能造成海洋环境重大污染损害的，国家海事行政主管部门有权强制采取避免或者减少污染损害的措施。

Article 71. Where a vessel is involved in a maritime accident and has caused or is likely to cause major pollution damage to the marine environment, the state administrative department for maritime affairs has the power to take coercive measures to avoid or reduce the pollution damage.

对在公海上因发生海难事故，造成中华人民共和国管辖海域重大污染损害后果或者具有污染威胁的船舶、海上设施，国家海事行政主管部门有权采取与实际的或者可能发生的损害相称的必要措施。

For vessels and marine facilities which cause major pollution or pose pollution threat to territorial waters under the jurisdiction of the People's Republic of China in the event of a maritime accident occurring in high seas, the maritime administrative authorities of the State shall have the right to adopt necessary measures corresponding to the actual or possible damage.

第七十二条   所有船舶均有监视海上污染的义务，在发现海上污染事故或者违反本法规定的行为时，必须立即向就近的依照本法规定行使海洋环境监督管理权的部门报告。

Article 72 All vessels have the obligation to watch out for pollution at sea. Upon discovering pollution accidents at sea or acts which violate the provisions of this Law, they must immediately report to the nearest department empowered by this Law to conduct marine environment supervision and control.

民用航空器发现海上排污或者污染事件，必须及时向就近的民用航空空中交通管制单位报告。接到报告的单位，应当立即向依照本法规定行使海洋环境监督管理权的部门通报。

A civil aircraft, upon discovering pollution discharge or pollution incidents at sea, must immediately report to the nearest civil aviation communication and control unit. The unit that receives such report shall immediately notify the department empowered by this Law to conduct marine environment supervision and control.

第九章 法律责任

Chapter 9 Legal Liabilities

第七十三条   违反本法有关规定，有下列行为之一的，由依照本法规定行使海洋环境监督管理权的部门责令停止违法行为、限期改正或者责令采取限制生产、停产整治等措施，并处以罚款；拒不改正的，依法作出处罚决定的部门可以自责令改正之日的次日起，按照原罚款数额按日连续处罚；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 73 In the case of any of the following acts in violation of the relevant provisions hereof, the department that exercises the right to supervise and administer the marine environment shall order the cessation of the law-breaking acts and set a time limit for rectification, or shall request that measures should be adopted such as restricting production and suspending production for rectification, and may impose a fine in accordance with the provisions hereof; if the relevant unit refuses to do so, the administrative organ that made the penalty decisions may, as of the following date after the order to make corrections, impose fines accrued on a daily basis from the original fine; if the circumstances are serious, a report will be made to the people's government with approval authority, and the relevant unit will be ordered to suspend production and be shut down:

（一）向海域排放本法禁止排放的污染物或者其他物质的；

1. discharging into the sea any pollutants or any other substances the discharge of which is prohibited by this Law;

（二）不按照本法规定向海洋排放污染物，或者超过标准、总量控制指标排放污染物的；

2. discharging pollutants into the sea in a way inconsistent with the provisions of this law, or discharging pollutants in excess of standards and total control targets for pollutant discharge.

（三）未取得海洋倾倒许可证，向海洋倾倒废弃物的；

3. dumping wastes in the sea without obtaining a permit for dumping; and

（四）因发生事故或者其他突发性事件，造成海洋环境污染事故，不立即采取处理措施的。

4. Causing marine environment pollution as a result of an accident occurring or any other contingency without adopting immediate handling measures.

有前款第（一）、（三）项行为之一的，处三万元以上二十万元以下的罚款；有前款第（二）、（四）项行为之一的，处二万元以上十万元以下的罚款。

For any violation as mentioned in (1) and (3) of the preceding paragraph, a fine of not less than 30,000 yuan but not more than 200,000 yuan shall be imposed; for any violation as mentioned in (2) and (4) of the preceding paragraph, a fine not less than 20,000 yuan but not more than 100,000 yuan shall be imposed.

第七十四条   违反本法有关规定，有下列行为之一的，由依照本法规定行使海洋环境监督管理权的部门予以警告，或者处以罚款：

Article 74 In case of any of the following acts in violation of the provisions of this Law, the department empowered by this Law to conduct marine environment supervision and control shall give a warning or impose a fine in accordance with the provisions of this Law:

（一）不按照规定申报，甚至拒报污染物排放有关事项，或者在申报时弄虚作假的；

1. failing to declare or even refusing to declare matters related to the discharge of pollutants in accordance with the relevant provisions, or resorting to deception in declaring;

（二）发生事故或者其他突发性事件不按照规定报告的；

(II) failing to report in accordance with relevant provisions in the event of an accident or any other emergency; or

（三）不按照规定记录倾倒情况，或者不按照规定提交倾倒报告的；

3. failing to make records of dumping in accordance with relevant provisions or failing to submit a report of dumping in accordance with relevant provisions; or

（四）拒报或者谎报船舶载运污染危害性货物申报事项的。

(IV) Refusing to report or making a false report on the matters of carriage of harmful polluting goods by vessels.

有前款第（一）、（三）项行为之一的，处二万元以下的罚款；有前款第（二）、（四）项行为之一的，处五万元以下的罚款。

For any violation as mentioned in (1) and (3) of the preceding paragraph, a fine not more than 20,000 yuan shall be imposed; for any violation as mentioned in (2) and (4) of the preceding paragraph, a fine not more than 50,000 yuan shall be imposed.

第七十五条   违反本法第十九条第二款的规定，拒绝现场检查，或者在被检查时弄虚作假的，由依照本法规定行使海洋环境监督管理权的部门予以警告，并处二万元以下的罚款。

Article 75. Where site inspections are refused or false information is supplied in the course of inspections in violation of Article 19, paragraph 2 of this Law, a department that has the power to exercise supervision and administration of the marine environment in accordance with the provisions of this Law shall issue a warning and a fine of up to 20,000 yuan.

第七十六条   违反本法规定，造成珊瑚礁、红树林等海洋生态系统及海洋水产资源、海洋保护区破坏的，由依照本法规定行使海洋环境监督管理权的部门责令限期改正和采取补救措施，并处一万元以上十万元以下的罚款；有违法所得的，没收其违法所得。

Article 76 Where damage is caused to coral reefs, mangroves and other marine ecological systems as well as marine aquatic resources and marine sanctuaries in violation of the provisions of this Law, a department that has the power to exercise supervision and administration of the marine environment in accordance with the provisions of this Law shall order the situation to be rectified within a limited time and that remedial measures be adopted. The department shall also impose a fine of an amount greater than 10,000 yuan and less than 100,000 yuan; where there is unlawful income, it must be confiscated.

第七十七条   违反本法第三十条第一款、第三款规定设置入海排污口的，由县级以上地方人民政府环境保护行政主管部门责令其关闭，并处二万元以上十万元以下的罚款。

Article 77. Where a discharge outlet is installed in violation of Article 30, paragraphs 1 and 3 of this Law, the administrative department of the people's government at county level or above responsible for environmental protection shall order it to be closed, and shall issue a fine greater than 20,000 yuan and less than 100,000 yuan.

海洋、海事、渔业行政主管部门和军队环境保护部门发现入海排污口设置违反本法第三十条第一款、第三款规定的，应当通报环境保护行政主管部门依照前款规定予以处罚。

Where the marine administrative authorities, maritime administrative authorities, fishery administrative authorities or military environment protection authorities discover that an installation of discharge outlet violates the provisions of the first paragraph and the third paragraph of Article 30 of this Law, they shall notify the environmental protection administrative authorities to impose punishment pursuant to the provisions of the preceding paragraph.

第七十八条   违反本法第三十九条第二款的规定，经中华人民共和国管辖海域，转移危险废物的，由国家海事行政主管部门责令非法运输该危险废物的船舶退出中华人民共和国管辖海域，并处五万元以上五十万元以下的罚款。

Article 78. Where dangerous waste is transferred across territorial seas under the jurisdiction of the People's Republic of China in violation of Article 39, paragraph 2 of this Law, the state administrative department for maritime affairs shall order the vessel illegally carrying the dangerous waste to leave the territorial seas under the jurisdiction of the People's Republic of China, and shall issue a fine greater than 50,000 yuan and less than 500,000 yuan.

第七十九条   海岸工程建设项目未依法进行环境影响评价的，依照《中华人民共和国环境影响评价法》的规定处理。

Article 79 Failure to conduct environmental impact assessment on any coastal construction project will be dealt with in accordance with the Law of the People's Republic of China on Environmental Impact Assessment.

第八十条   违反本法第四十四条的规定，海岸工程建设项目未建成环境保护设施，或者环境保护设施未达到规定要求即投入生产、使用的，由环境保护行政主管部门责令其停止生产或者使用，并处二万元以上十万元以下的罚款。

Article 80. Where a coastal construction project, in violation of Article 44 of this Law, commences operation and use without building environmental protection facilities or where the environmental protection facilities do not fulfil the requirements of the regulations, the administrative department responsible for environmental protection shall order production or use to be terminated, and shall issue a fine of less than 20,000 yuan and greater than 100,000 yuan.

第八十一条   违反本法第四十五条的规定，新建严重污染海洋环境的工业生产建设项目的，按照管理权限，由县级以上人民政府责令关闭。

Article 81. Where industrial production projects that seriously pollute the marine environment are built in violation of Article 45 of this Law, the people's government at county level or above shall, within the limits of its administrative authority, order the project to be closed down.

第八十二条   违反本法第四十七条第一款的规定，进行海洋工程建设项目的，由海洋行政主管部门责令其停止施工，根据违法情节和危害后果，处建设项目总投资额百分之一以上百分之五以下的罚款，并可以责令恢复原状。

Article 82 Where a marine construction project is carried out in violation of Paragraph 1 of Article 47 of this Law, the department in charge of marine administration shall order the relevant entity to stop the construction, and impose a fine of not less than 1 percent but not more than 5 percent of the total investment amount of the construction project, and may order such entity to make restoration.

违反本法第四十八条的规定，海洋工程建设项目未建成环境保护设施、环境保护设施未达到规定要求即投入生产、使用的，由海洋行政主管部门责令其停止生产、使用，并处五万元以上二十万元以下的罚款。

Where a marine construction project, in violation of Article 48 of this Law, commences operation and use without building environmental protection facilities, or where environmental protection facilities do not fulfil the requirements of the regulations, the department in charge of marine administration shall order the relevant entity to stop production and use, and shall impose a fine of not less than 50,000 yuan but not more than 200,000 yuan.

第八十三条   违反本法第四十九条的规定，使用含超标准放射性物质或者易溶出有毒有害物质材料的，由海洋行政主管部门处五万元以下的罚款，并责令其停止该建设项目的运行，直到消除污染危害。

Article 83. Where radioactive materials that exceed standards, or materials containing easily dissolved toxins and harmful substances are used in violation of Article 49 of this Law, the responsible administrative department of marine affairs shall impose a fine of less than 50,000 yuan, and shall order that the progress of the construction project be terminated, until the pollution damage is eliminated.

第八十四条   违反本法规定进行海洋石油勘探开发活动，造成海洋环境污染的，由国家海洋行政主管部门予以警告，并处二万元以上二十万元以下的罚款。

Article 84. Where pollution is caused to the marine environment by carrying out marine oil exploration and exploitation activities in violation of the provisions of this Law, the responsible state administrative department of marine affairs shall issue a warning and a fine greater than 20,000 yuan and less than 200,000 yuan.

第八十五条   违反本法规定，不按照许可证的规定倾倒，或者向已经封闭的倾倒区倾倒废弃物的，由海洋行政主管部门予以警告，并处三万元以上二十万元以下的罚款；对情节严重的，可以暂扣或者吊销许可证。

Article 85 In case of a violation of the provisions of this law by dumping wastes not in compliance with requirements as specified on the permit, or by dumping wastes in the dumping zone already closed down, the interested oceanic administrative department shall give a warning and impose a fine not less than 30,000 yuan but not more than 200,000 yuan; where the case is serious, the permit may be temporarily detained or revoked.

第八十六条   违反本法第五十五条第三款的规定，将中华人民共和国境外废弃物运进中华人民共和国管辖海域倾倒的，由国家海洋行政主管部门予以警告，并根据造成或者可能造成的危害后果，处十万元以上一百万元以下的罚款。

Article 86. Where waste is transported into the territorial seas under the jurisdiction of the People's Republic of China from outside and dumped in violation of Article 55, paragraph 3 of this Law, the responsible state administrative department of marine affairs shall issue a warning and, depending on the harm caused or likely to be caused, issue a fine greater than 100,000 yuan and less than 1,000,000 yuan.

第八十七条   违反本法规定，有下列行为之一的，由依照本法规定行使海洋环境监督管理权的部门予以警告，或者处以罚款：

Article 87 In case of a violation of the provisions of this Law by committing any of the following acts, the interested department empowered to conduct marine environment supervision and control shall give a warning or impose a fine in accordance with the provisions of this Law:

（一）港口、码头、装卸站及船舶未配备防污设施、器材的；

1. ports, docks, loading and unloading spots and vessels which are not equipped with pollution prevention facilities and devices;

（二）船舶未持有防污证书、防污文书，或者不按照规定记载排污记录的；

2. Vessels not holding pollution prevention certificate and pollution prevention document, or failing to take records of pollutant discharge in accordance with relevant provisions;

（三）从事水上和港区水域拆船、旧船改装、打捞和其他水上、水下施工作业，造成海洋环境污染损害的；

(III) engaging in surface and port water area ship dismantling, old vessel refitting, salvage and other surface and underwater operations which cause pollution damage to the marine environment;

（四）船舶载运的货物不具备防污适运条件的。

(IV) The goods carried by a vessel do not meet the pollution prevention and transportation requirements.

有前款第（一）、（四）项行为之一的，处二万元以上十万元以下的罚款；有前款第（二）项行为的，处二万元以下的罚款；有前款第（三）项行为的，处五万元以上二十万元以下的罚款。

Acts listed in (1) and (4) of the preceding paragraph shall be fined an amount greater than 20,000 yuan and less than 100,000 yuan; acts listed in (2) of the preceding paragraph shall be fined an amount of less than 20,000 yuan; acts listed in (3) of the preceding paragraph shall be fined an amount of not less than 50,000 yuan but not more than 200,000 yuan.

第八十八条   违反本法规定，船舶、石油平台和装卸油类的港口、码头、装卸站不编制溢油应急计划的，由依照本法规定行使海洋环境监督管理权的部门予以警告，或者责令限期改正。

Article 88 In case of a violation of the provisions of this Law by failing to work out oil spill contingency scheme for vessels, oil platforms or ports, docks, loading and unloading spots engaged in oil handling the interested department empowered to conduct marine environment supervision and control shall give a warning in accordance with the provisions of this Law, or shall order a correction within a time limit.

第八十九条   造成海洋环境污染损害的责任者，应当排除危害，并赔偿损失；完全由于第三者的故意或者过失，造成海洋环境污染损害的，由第三者排除危害，并承担赔偿责任。

Article 89 Anyone responsible for causing pollution damage to the marine environment shall eliminate and compensate for the damage; where pollution damage is caused to the marine environment completely by the act or omission of a third party, the third party must eliminate the damage and assume responsibility for compensation.

对破坏海洋生态、海洋水产资源、海洋保护区，给国家造成重大损失的，由依照本法规定行使海洋环境监督管理权的部门代表国家对责任者提出损害赔偿要求。

For damages to marine ecosystems, marine aquatic resources or marine protected areas that cause heavy losses to the State, the department empowered by this Law to conduct marine environment supervision and control shall, on behalf of the State, demand compensation from the persons held responsible for the damages.

第九十条   对违反本法规定，造成海洋环境污染事故的单位，除依法承担赔偿责任外，由依照本法规定行使海洋环境监督管理权的部门依照本条第二款的规定处以罚款；对直接负责的主管人员和其他直接责任人员可以处上一年度从本单位取得收入百分之五十以下的罚款；直接负责的主管人员和其他直接责任人员属于国家工作人员的，依法给予处分。

Article 90 An organisation which violates the provisions of this Law and causes marine environment pollution shall, in addition to bearing compensation liability, be subject to a fine imposed by the authorities performing marine environment supervision and administration duties pursuant to the provisions of the second paragraph of this Law; the directly accountable person (s) -in-charge and other directly accountable personnel may be subject to a fine of not more than 50% of their income derived from the organisation in the preceding year; where the directly accountable person (s) -in-charge and other directly accountable personnel are civil servants, they shall be punished pursuant to the law.

对造成一般或者较大海洋环境污染事故的，按照直接损失的百分之二十计算罚款；对造成重大或者特大海洋环境污染事故的，按照直接损失的百分之三十计算罚款。

For any accident that causes ordinary or relatively large marine environment pollution, a fine of 20 percent of the direct loss shall be imposed; in the event of an accident causing major or severe marine environment pollution, a fine of 30 percent of the direct loss shall be calculated as the penalty.

对严重污染海洋环境、破坏海洋生态，构成犯罪的，依法追究刑事责任。

For anyone who seriously pollutes the marine environment and destroys the marine ecology, thus constituting a crime, criminal responsibility shall be investigated according to the law.

第九十一条   完全属于下列情形之一，经过及时采取合理措施，仍然不能避免对海洋环境造成污染损害的，造成污染损害的有关责任者免予承担责任：

Article 91 Where damage to the marine environment caused by a pollution can not be avoided despite prompt and reasonable adoption of measures, and where the pollution is entirely attributable to any of the following circumstances, the parties concerned held responsible shall be exempt from liability:

（一）战争；

1. war;

（二）不可抗拒的自然灾害；

2. irresistible natural calamities; or

（三）负责灯塔或者其他助航设备的主管部门，在执行职责时的疏忽，或者其他过失行为。

(III) negligence or other wrongful acts in the exercise of functions of departments responsible for the maintenance of beacons or other navigation aids.

第九十二条   对违反本法第十二条有关缴纳排污费、倾倒费规定的行政处罚，由国务院规定。

Article 92 The administrative penalties regarding the payment of discharge and dumping fees as prescribed in Article 12 of this Law shall be formulated by the State Council.

第九十三条   海洋环境监督管理人员滥用职权、玩忽职守、徇私舞弊，造成海洋环境污染损害的，依法给予行政处分；构成犯罪的，依法追究刑事责任。

Article 93 Marine environment supervision and administration personnel guilty of abusing official powers, dereliction of duties or corruption, thereby causing marine environment pollution, shall be subject to administrative punishment pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第十章 附 则

Chapter 10 Supplementary Provisions

第九十四条   本法中下列用语的含义是：

Article 94 For the purpose of this Law, the definitions of the following terms are:

（一）海洋环境污染损害，是指直接或者间接地把物质或者能量引入海洋环境，产生损害海洋生物资源、危害人体健康、妨害渔业和海上其他合法活动、损害海水使用素质和减损环境质量等有害影响。

1. "Pollution damage to the marine environment" means any direct or indirect introduction of substances or energy into the marine environment which results in deleterious effects such as harm to marine living resources, hazards to human health, hindrance to fishing and other legitimate operations at sea, impairment of the useful quality of sea water and degradation of environmental quality.

（二）内水，是指我国领海基线向内陆一侧的所有海域。

(II) "Internal waters" means all sea areas on the land-ward side of the baseline of the territorial sea of our country.

（三）滨海湿地，是指低潮时水深浅于六米的水域及其沿岸浸湿地带，包括水深不超过六米的永久性水域、潮间带（或洪泛地带）和沿海低地等。

(III) "coastal wetland" means water areas where the depth of water is less than 6 meters at low tides and its coastal flooded and wet areas, including the permanent water areas, the intertidal zones and other coastal low lands where the depth of water is less than 6 meters.

（四）海洋功能区划，是指依据海洋自然属性和社会属性，以及自然资源和环境特定条件，界定海洋利用的主导功能和使用范畴。

(IV) "marine functional zonation scheme" means delimitation of dominant functions and scope in marine utilization in the light of marine natural attributes and social attributes as well as natural resources and specified environmental conditions.

（五）渔业水域，是指鱼虾类的产卵场、索饵场、越冬场、洄游通道和鱼虾贝藻类的养殖场。

(V) "Fishing areas" means spawning grounds, feeding grounds, wintering grounds and migration channels of fishes and shrimps, and the mariculture waters of fishes, shrimps shellfishes and algae.

（六）油类，是指任何类型的油及其炼制品。

(VI) "Oils" means any kind of oil and its refined products.

（七）油性混合物，是指任何含有油份的混合物。

(VII) "Oily mixtures" means any mixtures containing oil.

（八）排放，是指把污染物排入海洋的行为，包括泵出、溢出、泄出、喷出和倒出。

(VIII) "Discharge" means acts to drain pollutants into the sea including pumping, spilling, releasing, gushing and pouring.

（九）陆地污染源（简称陆源），是指从陆地向海域排放污染物，造成或者可能造成海洋环境污染的场所、设施等。

(IX) "Land based pollution sources" refer to the sites or facilities that discharge from the land into the sea pollutants which cause or may cause marine environment pollution.

（十）陆源污染物，是指由陆地污染源排放的污染物。

(X) "Land-based pollutant" means pollutant discharged from land-based sources.

（十一）倾倒，是指通过船舶、航空器、平台或者其他载运工具，向海洋处置废弃物和其他有害物质的行为，包括弃置船舶、航空器、平台及其辅助设施和其他浮动工具的行为。

(XI) "Dumping" means to dispose of wastes or other harmful substances into the sea from vessels, aircraft, platforms or other means of transport, including the abandonment of vessels, aircraft, platforms and other floating apparatus.

（十二）沿海陆域，是指与海岸相连，或者通过管道、沟渠、设施，直接或者间接向海洋排放污染物及其相关活动的一带区域。

(XII) "Coastal land areas" means areas connected with the coast or areas where pollutants are directly or indirectly discharged into the sea through pipelines, channels and installations, and where related activities are conducted.

（十三）海上焚烧，是指以热摧毁为目的，在海上焚烧设施上，故意焚烧废弃物或者其他物质的行为，但船舶、平台或者其他人工构造物正常操作中，所附带发生的行为除外。

(XIII) "Incineration at the sea" means intentional act of burning wastes or other substances by burning devices at the sea aiming at destruction by heat; however, such acts that occur accidentally during normal operation of vessels, platforms or other man-made structures shall be excluded.

第九十五条   涉及海洋环境监督管理的有关部门的具体职权划分，本法未作规定的，由国务院规定。

Article 95 Where specific divisions of functions and powers for the relevant departments involved in marine environment supervision and control are not defined in this Law, the State Council shall define them.

第九十六条   中华人民共和国缔结或者参加的与海洋环境保护有关的国际条约与本法有不同规定的，适用国际条约的规定；但是，中华人民共和国声明保留的条款除外。

Article 96 Where an international treaty regarding marine environmental protection concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall apply; however the provisions about which the People's Republic of China has declared reservations shall be excepted.

第九十七条   本法自2000年4月1日起施行。

Article 97 This Law shall go into effect as of April 1, 2000.