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Marine Environment Protection Law of the People's Republic of China

1982-08-23

Article type: Redistributed

(Adopted at the 24th Meeting of the Standing Committee of the Fifth National People's Congress on August 23, 1982 and revised at the 13th Meeting of the Standing Committee of the Ninth National People's Congress on December 25, 1999, promulgated by Order No. 26 of the President of the People's Republic of China on December 25, 1999)

CHAPTER I GENERAL PROVISIONS

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.

Article 2 This law shall apply to the internal waters, territorial seas and the contiguous zones, exclusive economic zones and continental shelves of the People's Republic of China and all other sea areas under the jurisdiction of the People's Republic of China.

All units and individuals engaged in navigation, exploration, exploitation, production, tourism, scientific research and other operations in the sea areas under the jurisdiction of the People's Republic of China, or engaged in operations in the coastal areas which have impact on the marine environment shall comply with this law.

This law shall also apply to areas beyond the sea areas under the jurisdiction of the People's Republic of China that cause pollution to the sea areas under the jurisdiction of the People's Republic of China.

Article 3 The State shall establish and put into practice the system to control the total pollution load for sea disposal in key sea areas, determine the standards to control the total load of key pollutants for sea disposal and control the pollution load for sea disposal assigned for key pollution sources. Specific measures for the implementation shall be formulated by the State Council.

Article 4 All units and individuals shall have the obligation to protect the marine environment and have the right to watch for and report on actions causing pollution damages to the marine environment by any unit and individual, as well as on the act of transgression of the law and neglect of duty by marine environment supervision and administration personnel.

Article 5 The competent administrative department in charge of environment protection under the State Council, as a department to exercise unified supervision and administration over nation-wide marine environment protection work, shall render guidance, co-ordination and supervision 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.

The competent State Oceanic administrative department in charge of marine affairs shall be responsible for the supervision and administration of the marine environment, organize survey, surveillance, supervision, assessment and scientific research of the marine environment and be responsible for nation-wide environment protection work to prevent and control marine pollution damages caused by marine construction projects and dumping of wastes in the sea.

The competent State administrative department in charge of maritime affairs shall be responsible for the supervision and administration of marine environment pollution caused by non-military vessels inside the port waters and non-fishery vessels and non-military vessels outside the port waters under their jurisdiction, and be responsible for the investigation and handling of the pollution accidents. In the event of a pollution caused by a foreign vessel navigating, berthing and anchoring and operating in the sea area under the jurisdiction of the People's Republic of China, officers in charge shall board the vessel in question to examine and handle the case. Should a pollution accident caused by vessels result in fishery damages, the competent administrative department in charge of fisheries shall be invited to take part in the investigation and handling of the accident.

The competent State administrative department in charge of fisheries shall be responsible for the supervision and administration of marine environment pollution used by non-military vessels inside the fishing port waters and the fishing vessels outside the fishing port waters, and be responsible for the protection of ecological environment in the fishing zones and examine and handle fishery pollution cases beyond the pollution accidents mentioned in the previous clause.

The environmental protection department of the Armed Forces shall be responsible for the supervision and administration of marine pollution caused by military vessels and for the investigation and handling of the pollution cases.

The functions and responsibilities of the departments invested by the law with power to conduct marine environment supervision and administration of the coastal local People's Governments above the county level

shall be determined by the People's Governments of the Provinces, Autonomous Regions and Municipalities directly under the Central Government in accordance with this law and relevant regulations of the State Council.

CHAPTER II SUPERVISION AND ADMINISTRATION OF THE MARINE ENVIRONMENT

Article 6 The competent State administrative department in charge of marine affairs, in conjunction with relevant departments of the State Council and the People's Governments of the provinces, Autonomous Regions and Municipalities directly under the Central Government in the coastal areas, shall work out national marine functional zonation scheme and submit to the State Council for approval.

The coastal local People's Governments shall, in accordance with the national and local marine functional zonation scheme, make good use of the sea areas in a scientific and rational way.

Article 7 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.

Relevant People's Governments of the Provinces, Autonomous Regions and Municipalities directly under the Central Government in the coastal areas adjacent to key sea areas and the departments invested by the law with power to conduct marine environment supervision and administration may set up regional co-operation organization in marine environment protection, responsible for the implementation of regional marine environment protection plans in key sea areas, prevention and control of marine environment pollution and marine ecological conservation work.

Article 8 Trans-regional marine environment protection work shall be implemented through consultation by relevant coastal local People's Governments or to be implemented through consultation by the People's governments at the upper level.

Major trans-department marine environment protection work shall be co-ordinated by the competent administrative department in charge of environment protection under the State Council. Those unable to be settled through co-ordination shall be subject to the State Council for decision.

Article 9 The State shall work out national marine environment quality standards in accordance with the state of affairs of the marine environment quality and the conditions of economic and technological levels.

The People's Governments of coastal Provinces, Autonomous Regions and Municipalities directly under the Central Government may work out local marine environment quality standards for items not specified in the national marine environment quality standards.

The coastal local People's Governments at various levels shall, in accordance with the stipulations laid down in the national and local marine environment quality standards and state of coastal sea area environment quality of their respective administrative areas, work out targets and tasks in the field of marine environment protection, channel them into the work plan of the People's Governments and exercise administration in accordance with corresponding marine environment quality standards.

Article 10 National and local marine environment quality standards shall be one of the important foundations in working out national and local water pollutant discharge standards. In the key sea areas where the State has established and put into practice the system to control the total pollution load for sea disposal, the determination of water pollutant discharge standards shall also take the control standards of the standards to control the total load of key pollutants for sea disposal as an important basis.

Article 11 All units and individuals practicing direct discharge of pollutants into the sea shall, in accordance with the State regulations, pay pollutant discharge fees.

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

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 shall not be appropriated for any other purposes. Specific measures shall be formulated by the State Council.

Article 12 For those in excess of pollutant discharge standards, or failing to accomplish pollutant discharge reducing tasks within a specified period of time, or resulting in serious marine environment pollution damages, a deadline shall be set for the elimination or control of the pollution within a certain period of time.

The setting of a deadline shall be determined in accordance with the jurisdiction prescribed by the State Council.

Article 13 The State shall strengthen the research and development of science and technology in the field of prevention and control of marine environment pollution damages and shall put into practice the elimination system of those out-of-date production techniques and out-of-date equipment which cause serious marine environment pollution damages.

Enterprises shall give priority in introducing clean energies and adopting clean production technology with higher resources utilization ratio and less pollutant discharges, so as to prevent pollution to the marine environment.

Article 14 The competent State administrative department in charge of marine affairs shall, in accordance with State environmental monitoring and supervisory norms and standards, administer the investigation, monitoring and supervision of nation-wide marine environment, work out specific measures of implementation, organize

nation-wide marine environment monitoring and supervision network in conjunction with relevant departments, handle assessment of marine environment quality at regular intervals and release sea cruise supervision dispatches.

Departments invested by this law with power to conduct marine environment supervision and administration shall be responsible for the monitoring and supervision of the water areas under their respective jurisdiction.

Other relevant departments shall, in accordance with the division of work of nation-wide marine environment monitoring network, be respectively responsible for the mouths of rivers that empty into the sea and main pollutant discharge outlets.

Article 15 Relevant departments of the State Council shall provide the competent 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. The competent administrative department in charge of environment protection shall provide relevant departments with data relating to marine environment supervision and administration.

Article 16 The competent State administrative department in charge of marine affairs shall, in accordance with environment monitoring and supervision information management system formulated by the State, be responsible for the management of comprehensive marine information system and render services to the supervision and administration of marine environment protection.

Article 17 Any unit and individual causing or potentially resulting in marine environment pollution because of accidents or other contingency must immediately adopt effective measures, timely inform those potentially endangered, report to the department invested by this law with power to conduct marine environment supervision and administration and be subject to investigation and handling. Coastal local People's Governments above the County level must, at a time when the offshore environment within their administration endangered by serious pollution, adopt effective measures to eliminate or decrease pollution damage.

Article 18 The State shall, in accordance with the necessity to prevent marine environment pollution, draw up State contingency plans to deal with major Marine pollution accidents.

The competent State administrative department in charge of marine affairs shall be responsible for drawing up State contingency plans to deal with major oil spill accidents on the sea caused by offshore oil exploration and exploitation and submit the plans to the competent administrative department in charge of environment protection in the State Council for the record.

The competent State administrative department in charge of maritime affairs shall be responsible for drawing up

the contingency plans to deal with nation-wide major vessel oil spill accidents on the sea and report to the competent administrative department in charge of environment protection under the State Council for the record.

All units in the coastal areas where potential marine environment pollution accident may happen shall, in accordance with the State regulations, draw up contingency plans to deal with pollution accidents and submit the plans to the local administrative department in charge of environment protection and marine affairs for the record.

The coastal people's governments above county level and their departments shall eliminate or reduce hazards in accordance with the contingency plans in case of major marine pollution incidents.

Article 19 Departments invested by this law with power to conduct marine environment supervision and administration in accordance may conduct joint law enforcement operations on the sea. In the course of monitoring, whenever marine pollution accidents or act of violation of the provisions of this law are discovered, they should strive to stop it, conduct on-the-spot investigation and collect evidence, and have the right to adopt effective measures if necessary to prevent the spread of pollution, in the meantime report to relevant competent department to handle the case.

Departments invested by this law with power to conduct marine environment supervision and administration have the right to conduct on-the-spot inspections of the units and individuals discharging pollutants within the sphere of their jurisdiction. Those inspected shall report the situation accurately and provide necessary data.

Inspection departments should keep confidential the technical secrets and business secrets of those inspected.

CHAPTER III MARINE ECOLOGICAL CONSERVATION

Article 20 The State Council and local People's Governments at the Provincial level shall adopt effective measures to protect such typical and representative marine ecosystems as mangroves, coral reefs, coastal wetlands, islands, bays, estuaries important fishery waters, etc, sea areas where rare and endangered marine organisms are naturally and densely distributed: marine organisms existence habitats with important economic value and marine natural historic relics and natural landscapes with great scientific and cultural significance.

For marine ecosystems with important economic and social values that have been damaged, efforts shall be made to renovate and restore them.

Article 21 Relevant departments of the State Council and coastal People's Governments of Provincial level shall, in accordance with the need for marine ecosystem conservation, delimit and establish marine nature reserves.

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

Article 22 In an area that possesses one of the following characteristics, a marine nature reserve may be established:

1. Typical marine physiographic areas, representative natural ecosystem areas, as well as areas within which natural ecosystems have been damaged to some extent, but may be recovered through efforts of protection;
2. The areas with higher marine bio-diversity, or the areas where rare and endangered marine species are naturally and densely distributed;
3. Sea areas, seashores, islands, coastal wetlands, estuaries, bays and the like with special protection values;
4. Areas where marine natural remains of great scientific and cultural values are located, and
5. Other areas which call for special protection.

Article 23 Areas with special geographic conditions, ecosystems, living or non-living resources and areas which call for special need in marine development may establish marine special reserves, and special management shall be implemented by adopting effective protection measures and scientific development methods.

Article 24 Exploration and exploitation of marine resources shall be rationally distributed in accordance with marine functional zonation scheme and shall not bring about damages to marine ecological environment.

Article 25 The introduction of marine biological species shall subject to scientific assessment to avoid damages to marine ecosystems.

Article 26 The exploitation of resources of islands and surrounding sea areas shall adopt strict ecological protection measures and shall not bring about damages to island topography, shore and beach, vegetation and ecological environment of the surrounding sea areas of the islands.

Article 27 Coastal local People's Governments at various levels shall, in accordance with the characteristics of respective local natural environments, construct shore protection installations, coastal shelter belts, gardens and green land in the coastal cities and towns, and undertake comprehensive treatment over the area with coastal erosion and saline water intrusion.

Destruction of shore protection installations, coastal shelter belts and gardens and green land in the coastal cities and towns are forbidden.

Article 28 The State shall encourage the development of ecological fisheries, popularize multiform ecological fisheries production methods and improve marine ecological conditions.

Environmental impact assessment shall be conducted in the new construction, reconstruction and extension of mariculture.

Mariculture shall determine breeding density in a scientific way, rationally feeding and apply manure and accurately use medicines, so as to prevent pollution to the marine environment.

CHAPTER IV PREVENTION AND CONTROL OF POLLUTION DAMAGE TO THE MARINE ENVIRONMENT BY LAND-BASED POLLUTANTS

Article 29 The discharge of land-based pollutants into the sea shall strictly be conducted in compliance with the standards and relevant stipulations laid down by the State and Localities.

Article 30 The sewage sea disposal project shall be determined in accordance with marine functional zonation scheme, marine dynamic conditions and relevant regulations, and shall, after scientific assessment, report to the competent administrative departments in charge of environment protection under the People's Governments above the level of the City where the siting is made for examination and approval.

The competent administrative departments in charge of environment protection must, in approving the setting up of pollutant discharging outlets into the sea, seek the opinions of the competent administrative departments in charge of maritime affairs and fisheries as well as environment protection department of the Armed Forces.

No additional pollutant discharging outlets shall be allowed within marine nature reserves, important fishery waters, coastal historic sites and scenic spots, and areas which call for special protection.

In areas with conditions, pollution discharging outlets shall be built in the deep sea to practise offshore discharging.

In the areas where natural conditions permit, the sea disposal outlet should be sited in deep waters offshore. The installation of land-based pollutant disposal outlets in deep waters offshore shall be determined in accordance with marine functional zonation scheme, marine dynamic conditions and seabed conditions for engineering facilities. Specific measures shall be formulated by the State Council.

Article 31 The competent administrative departments in charge of environment protection and the competent administrative departments in charge of water under the People's Governments of the Provinces, Autonomous

Regions and Municipalities directly under the Central Government shall, in accordance with relevant laws on the prevention and control of water pollution, strengthen their control over rivers that empty into the sea to prevent them from being polluted and ensure good water quality in the estuaries.

Article 32 Units discharging land-based pollutants shall report to the competent administrative department in charge of environment protection land-based pollutant discharging facilities and treatment facilities under their possession, the kinds, quantities and density of the discharged land-based pollutants under normal operation conditions, and shall provide relevant techniques and data related to the prevention and control of marine environment pollution.

In case of any major changes in the kinds, quantities and density of the discharged land-based pollutants, timely report shall be made.

Prior agreement of the competent administrative department in charge of environment protection must be obtained in dismantling or laying idle land-based pollutant treatment installations.

Article 33 It is prohibited to discharge oils, acid liquids, alkaline liquids, hypertoxic waste liquids and waste water containing with high and medium radioactivity into the sea.

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.

The discharge of waste water containing persistent organic matters and waste water containing heavy metals shall be strictly controlled.

Article 34 No medical sewage carrying 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.

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.

Article 36 In discharging thermal waste water into sea areas, effective measures shall be taken to ensure that the water temperature in the adjacent fishing areas is kept within marine environment standards of the State in order to avoid damage to fishery resources by thermal pollution.

Article 37 The use of chemical pesticides in coastal farmlands and forest farms shall conform to the State provisions and standards governing the use of pesticides. Coastal farmlands and forest farms shall use chemical

fertilizer and plant growth regulators in a rational way.

Article 38 The abandoning, piling up and disposal of mining tailing, waste ores, cinders, garbage and other solid wastes along shore and beach shall be conducted in accordance with relevant provisions of the "Law of the People's Republic of China on the Prevention and Control of Environment Pollution Caused by Solid Wastes.

Article 39 It is prohibited to transport dangerous wastes through the passage of internal waters and territorial seas of the People's Republic of China. Prior written agreement shall be obtained from the competent administrative department in charge of environment protection under the State Council for the transportation of dangerous wastes through the passage of other sea areas under the jurisdiction of the People's Republic of China.

Article 40 People's Governments of coastal Cities shall construct and build urban sewage treatment plants or other facilities for concentrated sewage treatment in a planned way city sewage treatment plants or other sewage concentrated treatment facilities in a planned way and strengthen comprehensive control and management of urban sewage.

Construction of marine sewage treatment engineering facilities shall be conducted in compliance with relevant regulations of the State.

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

CHAPTER V PREVENTION AND CONTROL OF POLLUTION DAMAGE TO THE MARINE ENVIRONMENT BY COASTAL CONSTRUCTION PROJECTS

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.

Within marine nature reserves, coastal historic sites and scenic spots, important fishery waters and other areas which call for special protection that are delimited according to relevant laws, undertaking of coastal construction projects or any other operations that may cause pollution to environment and damage to landscape shall be forbidden.

Article 43 Units in charge of coastal construction projects must, at the project feasibility study period, conduct scientific surveys of the marine environment, select suitable sites in the light of natural and social conditions and formulate and submit environmental impact assessment. The environmental impact assessment shall, after

deliberation by the competent administrative department in charge of marine affairs, be subject to the examination and approval by the competent administrative department in charge of environment protection.

The competent administrative department in charge of environment protection must, before approval of the environmental impact assessment, seek the opinions of the competent administrative departments in charge of maritime affairs and fisheries as well as the environment protection department of the Armed Forces.

Article 44 Environment protection installations of the coastal construction projects shall be designed, built and commissioned together with the principle part of the construction project. No permission shall be given to the construction projects to be put into test (trial) operation until the environment protection installations are examined and approved by the competent administrative department in charge of environment protection; and no permission shall be given to the construction projects to be commissioned or used until the environment protection installations are checked and accepted by the competent administrative department in charge of environment protection or considered to be up to standards after having been checked and accepted.

Article 45 It is prohibited to construct new industrial projects that do not possess effective pollution treatment measures in the coastal land areas, such as chemical pulp and paper mill, chemical plant, printing and dyeing mill, tannery, electroplating mill, brewery, oil refinery, beach ship-dismembering as well as other projects which cause serious marine environment pollution.

Article 46 In building coastal construction projects, effective measures must be taken to protect wild animals and plants and their living environment as well as marine fishery, resources under State and local particular protection.

It is strictly prohibited to mine sand and gravel along the shore.

In conducting open air the mining of placer and well drilling on the coast to exploit seabed mineral resources, effective measures must be taken to prevent pollution to the marine environment.

CHAPTER VI PREVENTION AND CONTROL OF POLLUTION DAMAGE TO THE MARINE ENVIRONMENT BY MARINE CONSTRUCTION PROJECTS

Article 47 Marine construction projects must conform with marine functional zonation scheme, marine environment protection plan and relevant State environment protection standards. At the project feasibility study period, marine environmental impact assessment statements shall be formulated and submitted to the competent administrative department in charge of marine affairs for examination and approval; in the meantime, report to the competent administrative department in charge of environment protection for the record and accept the supervision of the competent administrative department in charge of environment protection.

The competent administrative department in charge of marine affairs must, before the examination and approval of the marine environmental impact assessment statements, seek the opinions of the competent administrative departments in charge of maritime affairs and fisheries as well as the environment protection department of the Armed Forces.

Article 48 Environment protection installations of marine construction projects shall be designed, built and commissioned together with the principle part of the construction projects. No permission shall be given to the construction projects to be put into trial operation until the environment protection installations are examined and approved by the competent administrative department in charge of environment protection; and no permission shall be given to the construction projects to be commissioned and used until the environment protection installations are checked and accepted by the competent administrative department in charge of environment protection or considered to be up to standards after having been checked and accepted.

Prior agreement must be obtained from the competent administrative department in charge of environment protection to dismantle or lay idle the environment protection installations.

Article 49 The building of marine construction projects must not use materials containing radioactivity in excess of standards or materials containing toxic and harmful substance easy to dissolve in the water.

Article 50 In case construction of marine construction projects involves explosive operations, effective measures must be taken to protect marine resources.

In the course of offshore oil exploration and exploitation as well as transportation of oil, effective measures must be taken to avoid occurrence of oil spill.

Article 51 Oily waste water and oil mixtures from offshore oil drilling vessels and platforms for oil drilling and extraction may be discharged into the sea only after proper treatment and up to discharge standards. Residual and waste oil shall be recovered and must not be discharged into the sea. When they are discharged after treatment, the oil content of the discharged may not exceed the standards laid down by the State.

Oil-based mud and toxic compound mud used in drilling must not be disposed in the sea. The disposal in the sea of water-based mud, other non-toxic compound mud and drilling breaks must conform with relevant provisions of the State.

Article 52 Offshore oil rigs, drilling platforms, oil extraction platforms and other relevant installations on the sea shall not dispose oil-containing industrial garbage in the sea. The disposal of other industrial garbage must not cause pollution to the marine environment.

Article 53 In the event of offshore well testing, the oil and gas shall be thoroughly burned. Oil and oil mixtures must not be discharged into the sea.

Article 54 Those engaged in the exploration and exploitation of offshore oil must formulate contingency plans to control oil spill and submit them to the competent State administrative department in charge of marine affairs for examination and approval.

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

Article 55 No unit is permitted, without approval of the competent State administrative department in charge of marine affairs, to dump any wastes into the sea areas under the jurisdiction of the People's Republic of China.

Units that need to dump wastes in the sea must submit a written application to the competent State administrative department in charge of marine affairs for its examination and approval and shall not proceed the dumping before a permit is granted by the said department.

Wastes from outside the boundaries of the People's Republic of China are prohibited to dump into the sea areas under the jurisdiction of the People's Republic of China.

Article 56 The competent State administrative department in charge of marine affairs shall, in accordance with the toxicity of the wastes, the content of poisonous substances and the degree of impact to marine environment, work out assessing procedures and standards regarding dumping of wastes into the sea.

Dumping of wastes into the sea shall practise classified management in accordance with the categories and quantities of the wastes.

The competent State administrative department in charge of marine affairs shall work out the list of wastes allowed to be dumped into the sea and the competent administrative department in charge of environment protection under the State Council shall put forward opinions of deliberation, then submit to the State Council for approval.

Article 57 The competent State administrative department in charge of marine affairs shall, in accordance with scientific, rational, economic and safety principles, select and dumping sites in the sea and the competent administrative department in charge of environment protection under the State Council shall put forward opinions of deliberation, then submit to the State Council for approval.

Temporary dumping sites in the sea should be approved by the competent State administrative department in charge of marine affairs and should be reported to the competent administrative department in charge of environment protection under the State Council for the record.

The competent State administrative department in charge of marine affairs must, in selection of dumping sites in the sea and before approving temporary dumping sites in the sea, seek the opinions of the competent State administrative departments in charge of maritime affairs and fisheries.

Article 58 The competent State administrative department in charge of marine affairs shall exercise supervision and management over the use of dumping sites and organize environmental monitoring of the dumping sites. When a dumping sites is no longer suitable to be used, the competent state administrative department in charge of marine affairs shall close it down upon confirmation, stop all dumping activities in the dumping sites and report to the State Council for the record.

Article 59 Units permitted by grant to dump wastes must act in accordance with the time limit and conditions set down in the permit and carry out dumping in the designated area. After the wastes have been loaded for shipment, the approval department shall check for verification.

Article 60 Units permitted by grant to dump wastes shall record down the details of dumping and submit a written report to the approval department after dumping. The vessels loading wastes for the dumping must report to the competent administrative department in charge of maritime affairs of the departure port.

Article 61 Sea incineration of waste is forbidden. Disposal of wastes with radioactivity and other radioactive substances on the sea is forbidden. Exempt level of radioactive substances at the wastes shall be determined by the State Council.

Chapter VIII Prevention and Control of Pollution Damage to the Marine Environment by Vessels and Their Related Operations

Article 62 No vessels and their related operations shall, in the sea areas under the jurisdiction of the People's Republic of China, discharge pollutants, wastes, ballast water, vessel garbage and other harmful substances into the sea in violation of the provisions of this law.

Those engaged in the business of collection of the pollutants. Wastes and garbage from vessels and the operation of vessel cabin cleaning and washing must possess corresponding capabilities of pollutant collection and treatment.

Article 63 Vessels must, in accordance with relevant regulations, possess certificates and documents for the

prevention of pollution to marine environment and make factual records in conducting pollutant discharging and other operations.

Article 64 Vessels must be equipped with corresponding pollution prevention facilities and equipment. For vessels loaded with cargoes containing pollution damages, the structures and equipment of which shall be able to prevent or reduce pollution to the marine environment by the loaded cargoes.

Article 65 Vessels shall comply with the stipulations of the marine traffic laws and regulations and prevent marine environment pollution from incidents resulting from collision, running on rocks, stranding, fire or explosion and the like.

Article 66 The State shall make perfect and put into practice responsibility system of civil liability compensation for vessel-induced oil pollution, and shall establish vessel-induced oil pollution insurance, oil pollution compensation fund system in accordance with the principles of owners of the vessel and the cargoes jointly undertaking liabilities for vessel-induced oil pollution compensations.

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

Article 67 For vessels loaded with pollution damage cargoes sailing in and out of the port, the carrier, owner of the cargo or his agent must declare to the competent administrative department in charge of maritime affairs. The vessels may, upon approval, sail in and out of the port for transit berthing or conduct loading and unloading handling.

Article 68 Vouchers, packages, marks and quantities, etc. of the pollution damage cargoes delivered to the vessels for shipping must be in conformity with relevant regulations governing the cargoes being shipped.

In case it is necessary for shipping cargoes, assessment should be made beforehand in accordance with relevant regulations.

In undertaking loading and unloading operations of oil, toxic and harmful cargoes, the two parties of the vessel and the port should both comply with relevant operation rules and regulations to ensure safety and pollution prevention.

Article 69 Ports, docks, loading and unloading spots and shipyards must, in accordance with relevant regulations, be equipped with proper facilities to accommodate and deal with vessel-induced pollutants and wastes, and shall keep these facilities in good conditions.

Ports, docks, loading and unloading spots and shipyards must draw up contingency plans to deal with oil spill pollution and shall be equipped with corresponding contingency equipment and devices to deal with oil spill.

Article 70 To undertake following operations shall, in accordance with relevant regulations, report to relevant department for approval or permission beforehand:

1. Vessels using incinerators in the port waters;
2. Vessels conducting such operations as cabin washing, cabin cleaning, gas discharging, ballast water and residual oil discharging, oily water collecting, gunwale rust-eradicating and paint coating, etc. in the port waters.
3. Use of oil detergent chemicals in the vessels, docks and facilities.
4. Vessels cleaning decks contaminated by pollutants, toxic and harmful substances;
5. Vessels undertaking operations of ship-to-ship transfer of bulk liquid cargoes with pollution damages;
6. Engaged in ship dismembering in the sea, ship salvaging, ship repairing and other surface and under-water operations.

Article 71 For vessels involved in maritime incidents causing or possibly resulting in major pollution damages to the marine environment, the competent State administrative department in charge of maritime affairs shall have the right to adopt forcible measures to avoid or reduce pollution damage.

For maritime incidents on the high seas resulting in consequences of causing major pollution damage to the sea areas under the jurisdiction of the People's Republic of China or vessels and facilities on the sea possessing pollution threat, the competent State administrative department in charge of maritime affairs shall have the right to adopt necessary measures corresponding with pollution which have actually happened or may possibly happen.

Article 72 All vessels shall have the obligation to supervise pollution on the sea and, upon discovering pollution accidents on the sea or uncovering act of violation of the provisions of this law, must immediately report to the department invested by this law with power to conduct marine environment supervision and administration in the vicinity.

Civil aviation vehicles, upon discovering discharge of pollutants or pollution accidents on the sea, must timely report to the civil aviation air traffic control unit in the vicinity. The unit shall, upon receiving such report, immediately notify the department invested by this law with power to conduct marine environment supervision

and administration.

CHAPTER IX LEGAL LIABILITIES

Article 73 Whoever, in violation of the provisions of this law, commits any of the following acts, shall be ordered to remedy the damage within a certain period of time and be fined by the competent department invested by law with power to conduct marine environment supervision and administration in accordance with the provisions of this law:

- (1) discharging pollutants or other substances into the sea prohibited by this law to discharge;
- (2) discharging pollutants into the sea not in conformity with the provisions of this law, or discharging pollutants in excess of standards;
- (3) dumping wastes in the sea without obtaining certificate of permit for dumping;
- (4) in the event of an accident or any other contingent event causing pollution to the marine environment, no proper treatment measures having been taken immediately;

Whoever commits any of the following acts mentioned in previous clause (1) and (3), shall be fined not less than 30,000 yuan but no more than 200,000 yuan; whoever commits any of the following acts mentioned in previous clause (2) and (4), shall be fined not less than 20,000 yuan but no more than 100,000 yuan;

Article 74 Whoever, in violation of the provisions of this law, commits any of the following acts, shall be warned or fined by the competent department invested with power to conduct marine environment supervision and administration in accordance with the provisions of this law:

- (1) failing to report in accordance with relevant provisions, or even refusing to report on matters related to the discharge of pollutants or resorting to trickery and fraud in filing a report;
- (2) failing to report in accordance with relevant provisions in the event of an accident or contingency;
- (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;
- (4) refusing to report or filing a false report on matters related to the transportation of cargoes with pollution damages by vessels. Whoever commits any of the following acts mentioned in previous clause (1) and (3), shall be fined no more than 20,000 yuan; whoever commits any of the following acts mentioned in previous clause (2)

and (4), shall be fined no more than 50,000 yuan.

Article 75 Whoever, in violation of the provisions of second clause of Article 19 of this law, refuses an on-site inspection or resorts to trickery and fraud while undergoing inspection, shall be warned by the department invested with power to conduct marine environment supervision and administration in accordance with the provisions of this law and be fined no more than 20,000 yuan.

Article 76 Whoever, in violation of the provisions of this law, causes damage to marine ecosystems such as coral reefs, mangroves, etc., marine fishery resources and marine protected areas, shall be ordered by the department invested with power to conduct marine environment supervision and administration in accordance with the provisions of this law to remedy the damage within a certain period of time and adopt remedial measures, and be fined not less than 10,000 yuan and no more than 100,000 yuan; in case of having any illegal income, the illegal income shall be confiscated.

Article 77 Whoever, in violation of the provisions of first clause and third clause of Article 30 of this law, installs pollutant discharge outlet into the sea, shall be ordered to have it shut down by the competent department in charge of environment protection under the local People's Government above the County level and be fined not less than 20,000 yuan and no more than 100,000 yuan.

Article 78 Whoever, in violation of the provisions of third clause of Article 32 of this law, dismantles or lays idle without authorization environment protection installations, shall be ordered to have it rebuilt and put into use by the competent department in charge of environment protection under the local People's Government above the County level, and be fined not less than 10,000 yuan and no more than 100,000 yuan.

Article 79 Whoever, in violation of the provisions of second clause of Article 39 of this law, transfers dangerous wastes through the passage of sea areas under the jurisdiction of the People's Republic of China, shall be ordered by the State administrative department in charge of maritime affairs to have the vessel illegally transporting dangerous wastes withdrawn from the sea areas under the jurisdiction of the People's Republic of China, and be fined not less than 50,000 yuan and no more than 500,000 yuan.

Article 80 Whoever, in violation of the provisions of first clause of Article 43 of this law, builds coastal construction project without possessing environmental impact assessment properly examined and approved, shall be ordered to stop the construction in violation of the law and adopt remedial measures by the competent department in charge of environment protection under the local People's Government above the County level, and be fined not less than 50,000 yuan and no more than 200,000 yuan; or be ordered to have it removed within a certain period of time by the local People's Government above the County level in accordance with the limits of authority of administration.

Article 81 Whoever, in violation of the provisions of Article 44 of this law, puts into commission or use of coastal construction project without completing the construction of environment protection installations or environment protection installations not up to the demanded requirements, shall be ordered to stop the production and use of the project by the competent administrative department in charge of environment protection and be fined not less than 20,000 yuan and no more than 100,000 yuan.

Article 82 Whoever, in violation of the provisions of Article 45 of this law, builds new industrial construction project that causes serious pollution to the marine environment, shall be ordered to have it shut down by the People's Government above the County level in accordance with the limits of authority of administration.

Article 83 Whoever, in violation of the provisions of first clause of Article 47 and Article 48 of this law, undertakes to build marine construction project, or marine construction project put into commission and use without completing the construction of environment protection installations or environment protection installations not up to the demanded requirements, shall be ordered to stop construction or stop the production and use of the project, and be fined not less than 50,000 yuan and no more than 200,000 yuan.

Article 84 Whoever, in violation of the provisions of Article 49 of this law, uses materials containing radioactive substance in excess of standards or toxic and harmful substances easy to dissolve in the water, shall be fined no more than 50,000 yuan by the competent administrative department in charge of marine affairs and be ordered to stop the operation of the construction project until pollution damage is eliminated.

Article 85 Whoever, in violation of the provisions of this law, undertakes to conduct offshore oil exploration and exploitation causing pollution damage to the marine environment, shall be warned by the competent State administrative department in charge of marine affairs and be fined not less than 20,000 yuan and no more than 200,000 yuan.

Article 86 Whoever, in violation of the provisions of this law, undertakes to conduct dumping of wastes in disregard of the stipulations of certificate of permit, or conduct dumping of wastes in the dumping zone already closed down, shall be warned by the competent administrative department in charge of marine affairs and be fined not less than 30,000 yuan and no more than 200,000 yuan; in the event of a serious case, the certificate of permit may be detained or revoked.

Article 87 Whoever, in violation of the provisions of third clause of Article 55 of this law, undertakes to transport wastes from outside the boundaries of the People's Republic of China to be dumped in the sea areas under the jurisdiction of the People's Republic of China, shall be warned by the competent State administrative department in charge of marine affairs and be fined, in accordance with the consequences of pollution damage caused or possibly caused, not less than 100,000 yuan and no more than 1,000,000 yuan.

Article 88 Whoever, in violation of the provisions of this law, commits any of the following acts, shall be warned or fined by the department invested with power to conduct marine environment supervision and administration in accordance with the provisions of this law:

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

(2) vessels not in possession of pollution prevention certificate and pollution prevention document, or do not take records of pollutant discharge in accordance with relevant provisions;

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

(4) cargoes carried by vessels do not meet pollution prevention and transportation requirements. Whoever commits any of the following acts mentioned in previous clause (1) and (4), shall be fined not less than 20,000 yuan and no more than 100,000 yuan; act mentioned in previous clause (2) shall be fined no more than 20,000 yuan; and act mentioned in previous clause (3) shall be fined not less than 50,000 yuan and no more than 100,000 yuan.

Article 89 Vessels, oil platforms as well as ports, docks, loading and unloading spots which conduct loading and unloading operations of oils, failing to formulate contingency plans to deal with oil spill in violation of the provisions of this law, shall be warned by the department invested with power to conduct marine environment supervision and administration in accordance with the provisions of this law, or be ordered to remedy the fault within a certain period of time.

Article 90 Whoever causes pollution damage to the marine environment shall remove the pollution and compensate the losses; in case of pollution damage to the marine environment resulting entirely from the intentional act or fault of a third party, that third party shall remove the pollution and be liable for the compensation.

For damages to marine ecosystems, marine fishery resources and marine protected areas which cause heavy losses to the State, the department invested with power by the provisions of this law to conduct marine environment supervision and administration shall, on behalf of the State, put forward compensation demand to those held responsible for the damages.

Article 91 Any unit, in violation of the provisions of this law, causes pollution accident to the marine environment, shall be fined in accordance with the damage and losses incurred by the department invested with power by the provisions of this law to conduct marine environment supervision and administration; the competent personnel directly responsible for the accident and other directly responsible personnel who are State functionaries shall be

given administrative sanctions pursuant to the provisions of the law.

The amount of fine mentioned in previous clause shall be calculated according to 30 per cent of the direct losses, but no more than 300,000 yuan.

Whoever causes major marine environment pollution accident resulting in grave consequences of heavy losses of public and private property human injuries and deaths of persons, shall be investigated for criminal responsibility according to law.

Article 92 Liability of those who cause pollution damage may be exempted if pollution damage to the marine environment can not be avoided, despite prompt and reasonable measures taken, when the pollution damage is caused by any of the following circumstances:

(1) war;

(2) irresistible natural calamities; or

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

Article 93 Administrative penalties related to the payment of pollutant discharge fees, dumping fees and pollution removal within a certain period of time in violation of the provisions of Article 21 and Article 22 of this law shall be formulated by the State Council.

Article 94 Any person in charge of marine environment supervision and administration who abuses his power, neglects his duty or engaged in malpractice for personal gains resulting in pollution damage to the marine environment, shall be given administrative sanctions pursuant to the law; if his conduct constitutes a crime, he shall be persecuted for criminal responsibility according to law.

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 95 For the purpose of this law, the definitions of the following terms are:

(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 environment quality.

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

(3) "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 zone and other coastal low land less than 6 meters.

(4) "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 environment conditions.

(5) "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.

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

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

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

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

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

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

(12) "coastal land areas " means areas connected with coast line or areas directly or indirectly discharging pollutants into the sea through pipelines, channels, installations or conducting related operations.

(13) "Incineration at the sea" means intentional act of burning pollutants or other substances on the burning devices at the sea with aim of destruction by heat, however, related happenings in the operation of vessels, platforms or other artificial structures shall be excluded.

Article 96 Specific division of functions and powers of relevant departments involved in marine environment

supervision and administration which are not defined in this law shall be determined by the State Council.

Article 97 If an international treaty regarding environment 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, unless the provisions are ones which the People's Republic of China has announced reservations.

Article 98 This law shall come into force as of April 1, 2000.

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