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# Marine Environmental Protection Law of the People's Republic of China

2018-05-17

Font Size: [Large] [Medium] [Small] [Print]

(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 and revised according to December 28, 2013 On November 7, 2016, the sixth meeting of the Standing Committee of the Twelfth National People's Congress "Decision on Amending the "Marine Environmental Protection Law of the People's Republic of China" and other seven laws was revised for the first time. The 24th Session of the Standing Committee of the People's Congress "Decision on Amending the Marine Environmental Protection Law of the People's Republic of China" was amended for the second time in accordance with the Chairman's Decree No. 81 on November 4, 2017 "The Standing Committee of the National People's Congress on Amending The Decision on Eleven Laws, including the Accounting Law of the People's Republic of China, was amended for the third time, and came into force on November 5, 2017)

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## Chapter 1 General Provisions

**Article 1** This Law is formulated for the purpose of protecting and improving the marine environment, protecting marine resources, preventing and controlling pollution damage, maintaining ecological balance, safeguarding human health, and promoting sustainable economic and social development.

**Article 2** This Law shall apply to the internal waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

Any unit or individual that engages in navigation, exploration, development, production, tourism, scientific research and other activities in the sea area under the jurisdiction of the People's Republic of China, or any unit or individual who engages in activities affecting the marine environment in the coastal land area, must abide by this law.

This Law shall also apply to the pollution of the sea areas under the jurisdiction of the People's Republic of China outside the sea areas under the jurisdiction of the People's Republic of China.

**Article 3** The state delimits ecological protection red lines in key marine ecological function areas, ecologically sensitive areas and vulnerable areas and other sea areas, and implements strict protection.

The state establishes and implements a system for controlling the total amount of pollutants discharged from key sea areas, determines the control indicators for the total amount of major pollutants discharged to the sea, and allocates emission control quantities to major pollution sources. Specific measures shall be formulated by the State Council.

**Article 4** All units and individuals have the obligation to protect the marine environment, and have the right to supervise and report violations of the law and dereliction of duty by marine environment supervisors and managers who pollute and damage the marine environment.

**Article 5** The environmental protection administrative department of the State Council, as the department that uniformly supervises and manages the national environmental protection work, shall guide, coordinate and supervise the national marine environmental protection work, and be responsible for the national prevention and control of land-based pollutants and marine pollution damage caused by coastal engineering construction projects. environmental protection work.

The national marine administrative department is responsible for the supervision and management of the marine environment, organizes the investigation, monitoring, monitoring, evaluation and scientific research of the marine environment, and is responsible for the national protection of marine engineering construction projects and marine pollution damage caused by marine dumping waste.

The national maritime administrative department is responsible for the supervision and management of the pollution of the marine environment by non-military ships in the waters of the port area under its jurisdiction and by non-fishing and non-military ships outside the waters of the port area, and is responsible for the investigation and handling of pollution accidents; Boarding inspection and handling of pollution accidents caused by foreign ships berthing and operating. If a vessel pollution accident causes damage to the fishery, the fishery administrative department shall be invited to participate in the investigation and handling.

The fishery administrative department of the state shall be responsible for the supervision and administration of pollution of the marine environment by non-military vessels in the waters of fishing ports and by fishing vessels outside the waters of fishing ports, be responsible for the protection of the ecological environment of fishery waters, and investigate and handle fishery pollution accidents other than those specified in the preceding paragraph.

The military environmental protection department is responsible for the supervision and management of marine environment pollution by military ships and the investigation and handling of pollution accidents.

The responsibilities of the departments of the coastal local people's governments at or above the county level that exercise the power to supervise and manage the marine environment shall be determined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with this Law and the relevant provisions of the State Council.

**Article 6** The environmental protection administrative department, the marine administrative department, and other departments that exercise the right to supervise and manage the marine environment shall, according to the division of responsibilities, disclose information related to the marine environment in accordance with the law; the relevant pollutant discharging entities shall disclose the pollutant discharge information in accordance with the law.

## Chapter II Marine Environment Supervision and Management

**Article 7** The national marine administrative department, together with the relevant departments of the State Council and the people's governments of coastal provinces, autonomous regions, and municipalities directly under the Central Government, shall draw up the national marine functional zoning plan according to the national marine main functional zoning plan, and submit it to the State Council for approval.

Coastal local people's governments at all levels shall protect, scientifically and rationally use sea areas in accordance with national and local marine functional zoning.

**Article 8** The state formulates national marine environmental protection plans and regional marine environmental protection plans for key sea areas in accordance with marine functional zoning.

The people's governments of the relevant coastal provinces, autonomous regions and municipalities directly under the Central Government and the departments exercising the right to supervise and administer the marine environment adjacent to key sea areas may establish regional cooperation organizations for marine environmental protection, which are responsible for the implementation of regional marine environmental protection planning in key sea areas, the prevention and control of marine environmental pollution, and marine environmental protection. Ecological protection work.

**Article 9** The cross-regional marine environmental protection work shall be settled through consultation by the relevant coastal local people's governments, or by the people's governments at higher levels.

Major cross-departmental marine environmental protection work shall be coordinated by the environmental protection administrative department of the State Council; if the coordination cannot be resolved, the State Council shall make a decision.

**Article 10** The state shall formulate national marine environment quality standards based on the state of marine environment quality and the state's economic and technical conditions.

The people's governments of coastal provinces, autonomous regions and municipalities directly under the Central Government may formulate local marine environmental quality standards for items not specified in the national marine environmental quality standards.

The coastal local people's governments at all levels shall, in accordance with the provisions of the national and local marine environmental quality standards and the environmental quality of the coastal waters in their respective administrative regions, determine the objectives and tasks of marine environmental protection, incorporate them into the work plans of the people's governments, and implement them in accordance with the corresponding marine environmental quality standards manage.

**Article 11** The formulation of national and local water pollutant discharge standards shall take the national and local marine environmental quality standards as one of the important bases. In the key sea areas where the state has established and implemented the total discharge control system, the formulation of water pollutant discharge standards should also take the control indicators of the total discharge of major pollutants into the sea as an important basis.

While implementing the national and local water pollutant discharge standards, pollutant discharging units shall comply with the control indicators for the total amount of major pollutants discharged to the sea that have been decomposed and implemented by the unit.

For key sea areas that exceed the total discharge control index of major pollutants and sea areas where marine environmental protection goals and tasks have not been completed, the environmental protection administrative departments and marine administrative departments of the people's governments at or above the provincial level shall suspend the examination and approval according to the division of responsibilities and add corresponding The environmental impact report (table) of the construction project with the total amount of pollutant discharge.

**Article 12** Units and individuals that directly discharge pollutants into the ocean must pay pollutant discharge fees in accordance with state regulations. If the environmental protection tax is paid in accordance with the law, the pollutant discharge fee shall not be paid.

Dumping wastes into the ocean must pay dumping fees in accordance with state regulations.

Sewage discharge fees and dumping fees collected in accordance with the provisions of this Law must be used for the remediation of marine environmental pollution and may not be used for other purposes. The specific measures by the State Council.

**Article 13** The state strengthens the research and development of science and technology for the prevention and control of marine environmental pollution damage, and implements a system of elimination for outdated production techniques and outdated equipment that seriously pollute the marine environment.

Enterprises should give priority to the use of clean energy, and adopt clean production processes with high resource utilization and low pollutant emissions to prevent pollution to the marine environment.

**Article 14** The national marine administrative department shall, in accordance with the national environmental monitoring and surveillance norms and standards, manage the investigation, monitoring and surveillance of the national marine environment, formulate specific implementation measures, organize a national marine environment monitoring and surveillance network in conjunction with relevant departments, and conduct regular evaluations of the quality of the marine environment, and the announcement of marine cruise monitoring.

The departments exercising the right to supervise and manage the marine environment in accordance with the provisions of this Law are respectively responsible for the monitoring and surveillance of the waters under their respective jurisdictions.

According to the division of labor of the national marine environment monitoring network, other relevant departments are respectively responsible for the monitoring of estuaries and major sewage outlets.

**Article 15** The relevant departments of the State Council shall provide the environmental protection administrative department of the State Council with the marine environment monitoring data necessary for the preparation of the National Environmental Quality Bulletin.

The environmental protection administrative department shall provide relevant departments with materials related to the supervision and management of the marine environment.

**Article 16** The national marine administrative department shall, in accordance with the environmental monitoring and surveillance information management system formulated by the state, be responsible for managing the marine comprehensive information system and provide services for the supervision and management of marine environmental protection.

**Article 17** Units and individuals that cause or may cause marine environmental pollution accidents due to accidents or other emergencies must immediately take effective measures, promptly notify those who may be harmed, and report to those who exercise the marine environment in accordance with the provisions of this Law. The department that supervises and manages reports and accepts investigation and handling.

The coastal local people's governments at or above the county level must take effective measures to relieve or reduce the harm when the environment in the coastal waters of their own administrative areas is seriously polluted.

**Article 18** The state shall, in accordance with the needs of preventing marine environmental pollution, formulate a national emergency plan for major marine pollution accidents.

The national marine administrative department is responsible for formulating a national emergency plan for major marine oil spills in offshore oil exploration and development, and reporting it to the environmental protection administrative department of the State Council for the record.

The national maritime administrative department is responsible for formulating a national emergency plan for major marine oil spill pollution accidents from ships, which shall be reported to the environmental protection administrative department of the State Council for the record.

A unit that may have a major marine environmental pollution accident along the coast shall, in accordance with the provisions of the state, formulate an emergency plan for the pollution accident, and file it with the local environmental protection administrative department and the marine administrative department for the record.

When a major marine pollution accident occurs, the coastal local people's government at or above the county level and its relevant departments must eliminate or reduce the harm in accordance with the emergency plan.

**Article 19** The department exercising the right of supervision and management of the marine environment in accordance with the provisions of this Law may implement joint law enforcement at sea. When a marine pollution accident or violation of the provisions of this Law is discovered during cruise surveillance, it shall stop it and investigate and collect evidence. The right to take effective measures to prevent the expansion of the pollution situation, and report to the relevant competent authorities for handling.

The department exercising the power of marine environment supervision and management in accordance with the provisions of this law has the right to conduct on-site inspections of units and individuals that discharge pollutants within their jurisdiction. The inspected shall truthfully report the situation and provide necessary information.

Inspection organs shall keep technical and business secrets for the inspected.

### **Chapter 3 Marine Ecological Protection**

**Article 20** The State Council and the people's governments of coastal areas at all levels shall take effective measures to protect the typical and representative marine ecosystems, such as mangroves, coral reefs, coastal wetlands, islands, bays, estuaries, and important fishery waters. The natural concentrated distribution area of endangered marine organisms, the living area of marine organisms with important economic value, and the marine natural historical relics and natural landscapes with great scientific and cultural value.

The damaged marine ecology with important economic and social value should be renovated and restored.

**Article 21** The relevant departments of the State Council and the coastal provincial people's governments shall, according to the needs of protecting marine ecology, select and establish marine nature reserves.

The establishment of national-level marine nature reserves must be approved by the State Council.

**Article 22** Where one of the following conditions is met, a marine nature reserve shall be established:

(1) Typical marine natural geographical areas, representative natural ecological areas, and marine natural ecological areas that have been damaged but can be restored after protection;

(2) Areas with high abundance of marine biological species, or natural concentrated distribution areas of rare and endangered marine biological species;

(3) Sea areas, coasts, islands, coastal wetlands, estuaries and bays with special protection value;

(4) The area where marine natural relics of great scientific and cultural value are located;

(5) Other areas that need special protection.

**Article 23** For areas with special geographical conditions, ecosystems, biological and non-living resources, and special needs for marine development and utilization, special marine protected areas may be established, and effective protection measures and scientific development methods may be adopted for special management.

**Article 24** The state establishes and improves the marine ecological protection compensation system.

The development and utilization of marine resources shall be rationally arranged according to marine functional zoning, strictly abide by the ecological protection red line, and shall not cause damage to the marine ecological environment.

**Article 25** The introduction of marine animal and plant species shall be scientifically demonstrated to avoid harm to the marine ecosystem.

**Article 26** When developing the resources of the islands and the surrounding sea areas, strict ecological protection measures shall be taken, and no damage to the island topography, beaches, vegetation and the ecological environment of the sea areas surrounding the islands shall be caused.

**Article 27** The coastal local people's governments at all levels shall, in light of the characteristics of the local natural environment, build coastal protection facilities, coastal protection forests, coastal town gardens and green spaces, and conduct comprehensive control of coastal erosion and seawater intrusion areas.

It is prohibited to destroy coastal protection facilities, coastal protection forests, gardens and green spaces in coastal towns.

**Article 28** The state encourages the development of ecological fishery construction, promotes a variety of ecological fishery production methods, and improves marine ecological conditions.

Environmental impact assessment shall be carried out for new construction, reconstruction and expansion of marine aquaculture farms.

In marine aquaculture, the breeding density should be scientifically determined, and feeding and fertilization should be rationally applied, and drugs should be used correctly to prevent pollution of the marine environment.

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

**Article 29** When discharging land-based pollutants into the sea area, the standards and relevant regulations stipulated by the state or local governments must be strictly implemented.

**Article 30** The selection of the location of the sewage outfall into the sea shall be based on the marine functional zoning, seawater dynamic conditions and relevant regulations, and after scientific argumentation, it shall be reported to the environmental protection administrative department of the people's government at or above the districted city level for the record.

The environmental protection administrative department shall notify the marine, maritime and fishery administrative department and the military environmental protection department of the setting of the sewage outlet into the sea within 15 working days after completing the filing.

In marine nature reserves, important fishery waters, seaside scenic spots and other areas that require special protection, no new sewage outlets shall be built.

In areas where conditions permit, sewage outlets should be set up in the deep sea, and offshore discharge should be implemented. The establishment of sewage outlets for deep-sea offshore discharge of land-based pollutants shall be determined according to the marine functional zoning, seawater dynamic conditions and relevant conditions of seabed engineering facilities, and the specific measures shall be prescribed by the State Council.

**Article 31** The environmental protection administrative departments and water administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall in accordance with the provisions of the relevant laws on the prevention and control of water pollution, strengthen the management of rivers entering the sea, prevent and control pollution, and keep the water quality of the estuaries in good condition.

**Article 32** An entity that discharges land-based pollutants must declare to the environmental protection administrative department the land-based pollutant discharge facilities and treatment facilities it has, as well as the type, quantity and concentration of land-based pollutants discharged under normal operating conditions, and provide prevention and control measures. Relevant technologies and information on marine environmental pollution.

Significant changes in the types, quantities and concentrations of pollutants discharged from land-based sources must be reported in a timely manner.

**Article 33** The discharge of oil, acid, lye, highly toxic waste and high- and medium-level radioactive waste into the sea is prohibited.

Strictly limit the discharge of low-level radioactive waste water into the sea; if it is really necessary to discharge, the national radiation protection regulations must be strictly implemented.

Strictly control the discharge of wastewater containing non-degradable organic matter and heavy metals into the sea.

**Article 34** Medical sewage, domestic sewage and industrial waste water containing pathogens must be treated and meet the relevant national discharge standards before they can be discharged into the sea.

**Article 35** Industrial waste water and domestic sewage containing organic matter and nutrients shall be strictly controlled to discharge into bays, semi-enclosed seas and other sea areas with poor self-purification capability.

**Article 36** When discharging hot waste water into the sea area, effective measures must be taken to ensure that the water temperature in the adjacent fishery waters conforms to the national marine environmental quality standards, so as to avoid the harm of thermal pollution to aquatic resources.



**Article 37** The use of chemical pesticides in coastal farmland and forest farms must comply with the national regulations and standards for the safe use of pesticides.

Coastal farmland and forest farms shall use chemical fertilizers and plant growth regulators reasonably.

**Article 38** The disposal, stacking and disposal of tailings, slag, coal ash slag, garbage and other solid wastes on the beach shall be implemented in accordance with the relevant provisions of the Law of the People's Republic of China or the Prevention and Control of Environmental Pollution by Solid Wastes.

**Article 39** The transfer of hazardous wastes through the internal waters and territorial waters of the People's Republic of China is prohibited.

For the transfer of hazardous wastes through other sea areas under the jurisdiction of the People's Republic of China, prior written consent must be obtained from the environmental protection administrative department of the State Council.

**Article 40** The people's governments of coastal cities shall build and improve the urban drainage pipe network, build urban sewage treatment plants or other centralized sewage treatment facilities in a planned way, and strengthen the comprehensive treatment of urban sewage.

Construction of marine sewage disposal projects must comply with relevant state regulations.

**Article 41** : The state shall take necessary measures to prevent, reduce and control the pollution and damage of the marine environment caused by or through the atmosphere.

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

**Article 42** The new construction, reconstruction and expansion of coastal engineering construction projects must abide by the state regulations on environmental protection management of construction projects, and incorporate the funds required for pollution prevention and control into the construction project investment plan.

In marine nature reserves, seaside scenic spots, important fishery waters and other areas that need special protection designated by law, no coastal engineering project construction or other activities that pollute the environment or damage the landscape are allowed.

**Article 43** A coastal engineering construction project entity must conduct a scientific investigation of the marine environment, select a reasonable site according to natural and social conditions, and prepare an environmental impact report (table). Before the construction project starts, the environmental impact report (form) shall be submitted to the environmental protection administrative department for examination and approval.

Before approving the environmental impact report (form), the environmental protection administrative department must seek the opinions of the marine, maritime and fishery administrative department and the military environmental protection department.

**Article 44** The environmental protection facilities of a coastal engineering construction project must be designed, constructed and put into operation at the same time as the main project. Environmental protection facilities shall meet t

he requirements of the approved environmental impact assessment report (form).

**Article 45** It is prohibited to build chemical pulping and papermaking, chemical industry, printing and dyeing, tanning, electroplating, brewing, oil refining, shore washing and breaking ships, and other industrial productions that seriously pollute the marine environment without effective control measures in coastal land areas. project.

**Article 46** When constructing coastal engineering construction projects, effective measures must be taken to protect the wild animals and plants under special state and local protection, their living environment and marine aquatic resources.

Strictly limit the digging of sand and gravel on the coast. For the open-pit mining of seaside placer mines and the mining of seabed mineral resources from onshore wells, effective measures must be taken to prevent pollution of the marine environment.

## **Chapter VI Prevention and Control of Pollution Damage to the Marine Environment by Marine Engineering Construction Projects**

**Article 47** The marine engineering construction projects must conform to the national marine main functional zone planning, marine functional zone planning, marine environmental protection planning and relevant national environmental protection standards. The marine engineering construction project unit shall conduct a scientific investigation of the marine environment, prepare a marine environment impact report (form), and report it to the marine administrative department for examination and approval before the construction project starts.

Before approving the marine environmental impact report (form), the marine administrative department must seek the opinions of the maritime and fishery administrative department and the military environmental protection department.

**Article 48** The environmental protection facilities of marine engineering construction projects must be designed, constructed and put into operation at the same time as the main project. If the environmental protection facilities have not been checked and accepted by the competent marine administrative department, or have failed the acceptance check, the construction project shall not be put into production or use.

Before dismantling or leaving the environmental protection facilities idle, the consent of the competent marine administrative department must be obtained in advance.

**Article 49** No marine engineering construction projects shall use materials containing radioactive substances exceeding the standard or easily leaching out toxic and harmful substances.

**Article 50** When blasting operations are required for marine engineering construction projects, effective measures must be taken to protect marine resources.

In the process of offshore oil exploration and development and oil transportation, effective measures must be taken to avoid oil spill accidents.

**Article 51** The oily sewage and oily mixtures of offshore oil drilling ships, drilling platforms and oil production platforms must be discharged after reaching the standard; residual oil and waste oil must be recovered and shall not be dis-

harged into the sea. If it is discharged after recycling, its oil content shall not exceed the standard stipulated by the state.

Oil-based mud and other toxic composite mud used in drilling shall not be discharged into the sea. The discharge of water-based mud, non-toxic composite mud and drill cuttings must comply with relevant national regulations.

**Article 52** Offshore oil drilling ships, drilling platforms and oil production platforms and their related offshore installations shall not dispose of oil-containing industrial waste into the sea area. The disposal of other industrial wastes shall not cause marine environmental pollution.

**Article 53** During the oil test at sea, it shall be ensured that the oil and gas are fully combusted, and the oil and gas mixture shall not be discharged into the sea.

**Article 54** For the exploration and development of offshore oil, an oil spill emergency plan must be prepared in accordance with relevant regulations, and reported to the sea area dispatched agency of the state marine administrative department for the record.

## **Chapter VII Prevention and Control of Pollution Damage to the Marine Environment by Dumping Waste**

**Article 55** No unit may dump any wastes into the sea areas under the jurisdiction of the People's Republic of China without the approval of the State Oceanic Administration.

Units that need to dump wastes must submit a written application to the national marine administrative department, which can only be dumped after being examined and approved by the national marine administrative department and a permit is issued.

The dumping of wastes outside the People's Republic of China in the waters under the jurisdiction of the People's Republic of China is prohibited.

**Article 56** The national marine administrative department shall formulate evaluation procedures and standards for marine dumping of wastes according to the toxicity of the waste, the content of toxic substances and the degree of impact on the marine environment.

Dumping of wastes into the ocean shall be subject to hierarchical management according to the type and quantity of wastes.

The list of wastes that can be dumped into the ocean shall be drawn up by the national marine administrative department, and submitted to the State Council for approval after the environmental protection administrative department under the State Council has put forward its review opinions.

**Article 57** The national marine administrative department shall select and delineate marine dumping areas in accordance with the principles of science, rationality, economy and safety, and report to the State Council for approval after the environmental protection administrative department of the State Council has put forward examination opinions.

Temporary marine dumping areas shall be approved by the national marine administrative department and reported to the environmental protection administrative department of the State Council for the record.

Before selecting a marine dumping area and approving a temporary marine dumping area, the national maritime administrative department must seek the opinions of the national maritime and fishery administrative department.

**Article 58** The competent state marine administrative department shall supervise and manage the use of dumping areas, and organize environmental monitoring of the dumping areas. For the dumping areas that are confirmed to be unsuitable for continued use, the state marine administrative department shall close down and terminate all dumping areas in the dumping area. Dumping activities, and report to the State Council for the record.

**Article 59** Units that are permitted to dump wastes must dump in designated areas in accordance with the time limit and conditions specified in the permit. After the waste has been loaded, the approval authority shall verify it.

**Article 60** The unit that is approved to dump waste shall record the dumping situation in detail, and make a written report to the approval department after dumping. Vessels dumping waste must make a written report to the maritime administrative department that sailed out of the port.

**Article 61** It is prohibited to incinerate wastes at sea.

Disposal of radioactive waste or other radioactive substances at sea is prohibited. The exempt concentrations of radioactive substances in waste are formulated by the State Council.

## **Chapter VIII Prevention and Control of Pollution Damage to the Marine Environment by Ships and Related Operations**

**Article 62** In the sea areas under the jurisdiction of the People's Republic of China, no ships and related operations shall violate this Law to discharge pollutants, wastes, ballast water, ship garbage and other harmful substances into the ocean.

Those engaged in ship pollutants, waste, ship garbage reception, ship cleaning, and tank washing operations must have corresponding receiving and processing capabilities.

**Article 63** Vessels must hold certificates and documents for the prevention of marine environmental pollution in accordance with relevant regulations, and shall record truthfully when conducting pollutant discharges and operations.

**Article 64** Ships must be equipped with corresponding anti-fouling equipment and equipment.

For ships carrying pollution-hazardous cargo, the structures and equipment shall be able to prevent or reduce the pollution of the marine environment by the cargoes they carry.

**Article 65** Vessels shall abide by the provisions of laws and regulations on maritime traffic safety to prevent marine accidents caused by collisions, hitting rocks, groundings, fires or explosions, etc., resulting in pollution of the marine environment.

**Article 66** The state perfects and implements the civil compensation liability system for oil pollution damage from ships; in accordance with the principle that the liability for compensation for oil pollution damage from ships shall be shared by the shipowner and the cargo owner, it establishes the system of ship oil pollution insurance and oil pollution damage compensation fund.

The specific measures for implementing the system of ship oil pollution insurance and oil pollution damage compensation fund shall be formulated by the State Council.

**Article 67 For** ships carrying pollution-hazardous goods entering or leaving a port, the carrier, the owner of the goods or the agent must declare to the competent maritime administrative department in advance. Only after approval can they enter or leave the port, transit, or load and unload.

**Article 68** The documents, packaging, markings, quantity restrictions, etc. of the pollution-hazardous goods delivered to the ship must comply with the relevant regulations on the loaded goods.

If it is necessary for ships to carry goods with unknown pollution hazards, an assessment shall be made in advance in accordance with relevant regulations.

In the operation of loading and unloading oil and toxic and hazardous goods, both ship and shore must abide by the safety and anti-fouling operation rules.

**Article 69** Ports, wharves, loading and unloading stations and ship repair and repair plants must, in accordance with relevant regulations, have sufficient receiving facilities for handling ship pollutants and wastes, and keep the facilities in good condition.

Ports, docks, loading and unloading stations and ships that load and unload oil must prepare oil spill pollution emergency plans and be equipped with corresponding oil spill pollution emergency response equipment and equipment.

**Article 70** Vessels and related operations shall abide by relevant laws, regulations and standards, and take effective measures to prevent marine environmental pollution. The maritime administrative department and other relevant departments shall strengthen the supervision and management of ships and related operational activities.

Ships carrying out the transfer operation of bulk liquid polluting hazardous cargo shall report to the competent maritime administrative department for approval in advance in accordance with relevant regulations.

**Article 71 Where** a ship is involved in a maritime accident, which has caused or is likely to cause major pollution damage to the marine environment, the national maritime administrative department has the right to compulsorily take measures to avoid or reduce the pollution damage.

With regard to ships and offshore installations that have suffered serious pollution damage in the waters under the jurisdiction of the People's Republic of China due to a maritime accident on the high seas, or have a threat of pollution, the national maritime administrative department has the right to take necessary measures commensurate with the actual or possible damage.

**Article 72** All ships are obliged to monitor marine pollution. When discovering marine pollution accidents or acts violating the provisions of this Law, they must immediately report to the nearest department that exercises the power of marine environment supervision and management in accordance with the provisions of this Law.

When a civil aircraft discovers a marine discharge or pollution incident, it must report it to the nearest civil aviation air traffic control unit in a timely manner. The unit that receives the report shall immediately notify the department exercising the right to supervise and manage the marine environment in accordance with the provisions of this Law.

## Chapter IX Legal Liability

**Article 73** If anyone violates the relevant provisions of this Law and commits any of the following acts, the department exercising the power of marine environment supervision and management in accordance with the provisions of this Law shall order it to stop the illegal act, make corrections within a time limit, or order it to take measures such as restricting production, suspending production for rectification, etc. Fines shall be imposed; if corrections are refused, the department that makes the decision of punishment in accordance with the law may, from the day following the date of ordering corrections, impose continuous penalties on the basis of the original fine amount; if the circumstances are serious, it shall be reported to the people's government with the power to approve and ordered to suspend business, closure:

- (1) Discharging pollutants or other substances prohibited by this Law into the sea area;
- (2) Discharging pollutants to the oceans in accordance with these regulations, or discharging pollutants in excess of the standards and total control indicators;
- (3) Dumping wastes into the ocean without obtaining a marine dumping permit;
- (4) Failure to take immediate measures to deal with marine environmental pollution accidents due to accidents or other emergencies.

Those who commit any of the acts in (1) and (3) of the preceding paragraph shall be fined not less than 30,000 yuan but not more than 200,000 yuan; those who commit any of the acts in (2) and (4) of the preceding paragraph shall be fined 20,000 yuan A fine of not less than RMB 100,000 but not more than RMB 100,000.

**Article 74** Anyone who violates the relevant provisions of this Law and commits any of the following acts shall be given a warning or fined by the department exercising the right to supervise and manage the marine environment in accordance with the provisions of this Law:

- (1) Failing to declare in accordance with regulations, or even refusing to declare matters related to pollutant discharge, or making fraudulent declarations;
- (2) Failure to report an accident or other sudden event in accordance with regulations;
- (3) failing to record the dumping situation in accordance with the regulations, or failing to submit a dumping report in accordance with the regulations;
- (4) Refusing to report or falsely reporting the declaration items of the ship carrying pollution-hazardous goods.

Those who commit any of the acts in (1) and (3) of the preceding paragraph shall be fined not more than 20,000 yuan; those who commit any of the acts in (2) and (4) of the preceding paragraph shall be fined not more than 50,000 yuan

**Article 75** Anyone who violates the provisions of paragraph 2 of Article 19 of this Law, refuses to conduct on-site inspections, or commits fraud when being inspected, shall be given a warning by the department exercising the right to supervise and manage the marine environment in accordance with the provisions of this Law, and a fine of 20,000 yuan shall be imposed. A fine of less than \$1.

**Article 76** If a violation of this Law causes damage to coral reefs, mangroves and other marine ecosystems, marine aquatic resources, and marine protected areas, the department exercising the right to supervise and manage the marine environment in accordance with this Law shall order it to make corrections and take remedial measures within a time limit, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; if there is any illegal income, the illegal income will be confiscated.

**Article 77** Any person who violates the provisions of the first and third paragraphs of Article 30 to set up a sewage outlet into the sea shall be ordered to close it by the environmental protection administrative department of the local people's government at or above the county level, and a fine of not less than 20,000 yuan and 100,000 yuan shall be imposed. A fine of less than \$1.

If the marine, maritime and fishery administrative departments and the military environmental protection departments find that the establishment of sewage discharge outlets into the sea violates the provisions of paragraphs 1 and 3 of Article 30 of this law, they shall notify the environmental protection administrative department to impose penalties in accordance with the provisions of the preceding paragraph. "

**Article 78** In violation of the provisions of Paragraph 2 of Article 39 of this Law, if hazardous wastes are transferred through the sea area under the jurisdiction of the People's Republic of China, the national maritime administrative department shall order the ships that illegally transport the hazardous wastes to withdraw from the jurisdiction of the People's Republic of China Sea area, and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

**Article 79** If the environmental impact assessment of the coastal engineering construction project is not carried out according to the law, it shall be dealt with in accordance with the provisions of the "Environmental Impact Assessment Law of the People's Republic of China".

**Article 80** Where, in violation of the provisions of Article 44 of this Law, environmental protection facilities are not built in coastal engineering construction projects, or environmental protection facilities are put into production or use without meeting the prescribed requirements, the environmental protection administrative department shall order them to stop production or use, and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan.

**Article 81** Whoever, in violation of the provisions of Article 45 of this Law, builds new industrial production and construction projects that seriously pollute the marine environment shall be ordered to close down by the people's government at or above the county level in accordance with the management authority.

**Article 82** If a marine engineering construction project is carried out in violation of the provisions of the first paragraph of Article 47 of this Law, the competent marine administrative department shall order it to stop the construction, and, according to the circumstances of the violation and the harmful consequences, shall impose a penalty of 100% on the total investment of the construction project. A fine of not less than one percent but not more than five percent may be imposed, and may be ordered to return to the original state.

In violation of the provisions of Article 48 of this Law, if a marine engineering construction project is put into production or use without the construction of environmental protection facilities or if the environmental protection facilities fail to meet the prescribed requirements, the competent marine administrative department shall order it to stop production and use, and impose a penalty of five A fine of not less than 10,000 yuan but not more than 200,000 yuan.

**Article 83** Anyone who violates the provisions of Article 49 of this Law and uses materials containing radioactive substances exceeding the standard or easily leaching out toxic and harmful substances shall be fined not more than RMB 50,000 by the competent marine administrative department, and shall be ordered to stop the construction Operation of the project until the pollution hazard is eliminated.

**Article 84 Whoever** conducts offshore oil exploration and development activities in violation of the provisions of this Law and causes marine environmental pollution shall be given a warning by the state marine administrative department and a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed.

**Article 85 Anyone** who violates the provisions of this Law by dumping not in accordance with the provisions of the permit, or dumping wastes into a closed dumping area shall be given a warning by the competent marine administrative department and a fine of not less than 30,000 yuan but not more than 200,000 yuan shall be imposed. Fines; for serious circumstances, the permit may be temporarily suspended or revoked.

**Article 86 In** violation of the provisions of Paragraph 3 of Article 55 of this Law, by transporting wastes from outside the territory of the People's Republic of China into the waters under the jurisdiction of the People's Republic of China for dumping, the state marine administrative department shall issue a warning, and shall issue a warning according to the cause or possibility. If the harmful consequences are caused, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed.

**Article 87 Anyone** who violates the provisions of this Law and commits any of the following acts shall be given a warning or fined by the department exercising the power of supervision and management of the marine environment in accordance with the provisions of this Law:

(1) Ports, docks, loading and unloading stations and ships are not equipped with anti-fouling facilities and equipment;

(2) The vessel does not hold anti-pollution certificates or anti-pollution documents, or fails to record pollution discharge records in accordance with regulations;

(3) Engaged in ship dismantling, refitting of old ships, salvage and other above-water and underwater construction operations on water and in port waters, causing pollution and damage to the marine environment;

(4) The cargo carried by the ship does not meet the conditions for pollution prevention and transportation.

Those who commit any of the acts in (1) and (4) of the preceding paragraph shall be fined not less than 20,000 yuan but not more than 100,000 yuan; those who commit the acts in (2) of the preceding paragraph shall be fined not more than 20,000 yuan; Those who commit the acts in subparagraph (3) shall be fined not less than 50,000 yuan but not more than 200,000 yuan.

**Article 88 In** violation of the provisions of this Law, if ships, oil platforms and ports, wharves, and loading and unloading stations that load and unload oil fail to prepare oil spill emergency plans, the department that exercises the power of marine environment supervision and management in accordance with the provisions of this Law shall issue a warning or Order to correct within a time limit.



**Article 89** The person responsible for the damage caused by marine environmental pollution shall eliminate the harm and compensate for the loss; if the damage to the marine environment is caused entirely by the intention or negligence of a third party, the third party shall eliminate the harm and bear the responsibility for compensation .

If the marine ecology, marine aquatic resources, or marine protected areas are damaged, causing heavy losses to the state, the department that exercises the right to supervise and manage the marine environment in accordance with the provisions of this law shall, on behalf of the state, file a claim for damages against the responsible party.

**Article 90** For units that violate the provisions of this Law and cause marine environmental pollution accidents, in addition to assuming the liability for compensation in accordance with the law, the department exercising the right to supervise and manage the marine environment in accordance with the provisions of this Law shall impose fines in accordance with the provisions of paragraph 2 of this article; The responsible person in charge and other directly responsible personnel may be fined not more than 50% of the income obtained from the unit in the previous year; if the directly responsible person in charge and other directly responsible personnel are state functionaries, they shall be punished according to law.

If a general or major marine environment pollution accident is caused, a fine of 20% of the direct loss shall be calculated; for a major or extremely serious marine environment pollution accident, a fine of 30% of the direct loss shall be calculated.

Those who seriously pollute the marine environment and damage the marine ecology and constitute a crime shall be investigated for criminal responsibility according to law.

**Article 91 If** it falls under any of the following circumstances, and after timely and reasonable measures are taken, the pollution damage to the marine environment cannot be avoided, the person responsible for the pollution damage shall be exempted from liability:

(1) war;

(2) irresistible natural disasters;

(3) Negligence or other negligent acts of the competent department in charge of lighthouses or other navigation aids in performing their duties.

**Article 92** Administrative penalties for violation of Article 12 of this Law concerning the payment of pollutant discharge fees and dumping fees shall be prescribed by the State Council.

**Article 93 Where** marine environmental supervision and management personnel abuse their powers, neglect their duties, or engage in malpractices for personal gain, causing pollution and damage to the marine environment, they shall be given administrative sanctions according to law; if a crime is constituted, they shall be investigated for criminal responsibility according to law.

## Chapter 10 Supplementary Provisions

**Article 94** The meanings of the following terms in this Law are:

(1) Marine environmental pollution damage refers to the direct or indirect introduction of substances or energy into the marine environment, resulting in harmful effects such as damage to marine biological resources, harm to human health, damage to fisheries and other legal activities at sea, damage to the quality of seawater use, and impairment of environmental quality.

(2) Internal waters refer to all sea areas on the inland side of my country's territorial sea baseline.

(3) Coastal wetlands refer to waters with a depth of less than 6 meters at low tide and their coastal flooded areas, including permanent waters with a water depth of not more than 6 meters, intertidal zones (or floodplain areas), and coastal lowlands, etc.

(4) Marine functional zoning refers to defining the dominant functions and scope of marine utilization based on the natural and social attributes of the ocean, as well as the specific conditions of natural resources and the environment.

(5) Fishery waters refer to the spawning grounds, feeding grounds, overwintering grounds, migratory passages, and fish, shrimp, shellfish and algae breeding grounds for fish and shrimp.

(6) Oil refers to any type of oil and its refined products.

(7) Oily mixture refers to any mixture containing oil.

(8) Discharge refers to the act of discharging pollutants into the ocean, including pumping, spilling, discharging, spraying and pouring out.

(9) Land-based pollution sources (referred to as land-based sources) refer to places, facilities, etc. that discharge pollutants from land to the sea and cause or may cause marine environmental pollution.

(10) Land-based pollutants refer to pollutants discharged from land-based pollution sources.

(11) Dumping refers to the act of disposing of wastes and other harmful substances into the ocean through ships, aircraft, platforms or other means of transport, including the act of abandoning ships, aircraft, platforms and their auxiliary facilities and other floating tools.

(12) Coastal land area refers to the area connected to the coast, or through pipelines, ditches, and facilities, directly or indirectly discharging pollutants into the ocean and related activities.

(13) Incineration at sea refers to the act of deliberately burning wastes or other substances on marine incineration facilities for the purpose of thermal destruction, except for the incidental acts that occur during the normal operation of ships, platforms or other artificial structures.

**Article 95** The specific division of functions and powers of the relevant departments involved in the supervision and management of the marine environment, if not stipulated in this Law, shall be stipulated by the State Council.

**Article 96** If the international treaties related to marine environmental protection concluded or acceded to by the People's Republic of China have different provisions from this Law, the provisions of the international treaties shall apply; however, the provisions of the People's Republic of China's reservations shall be excluded.

**Article 97** This Law shall come into force on April 1, 2000.