

# **Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution**

(Adopted at the Fifteenth Meeting of Standing Committee of the Ninth National People's Congress

on April 29, 2000; promulgated by the President of the People's Republic of China on the same date, effective as of September 1, 2000.)

## **CHAPTER I GENERAL PROVISIONS**

Article 1 This Law is formulated for the purpose of preventing and controlling atmospheric pollution, protecting and improving people's environment and the ecological environment, safeguarding human health, and promoting the sustainable development of economy and society.

Article 2 The State Council and the local people's governments at various levels must incorporate the protection of the atmospheric environment into their national economic and social development plans, make rational plans for the distribution of industrial layout, strengthen the scientific research on the prevention and control of atmospheric pollution, adopt preventive and curative measures against atmospheric pollution, and protect and improve the atmospheric environment.

Article 3 The State takes measures to control or gradually reduce, in a planned way, the total amount of the main atmospheric pollutants discharged in local areas.

The local people's governments at various levels shall be responsible for the quality of the atmospheric environment under their own jurisdictions, making plans and taking measures to make the quality of the atmospheric environment under their own jurisdictions meet the prescribed standard.

Article 4 The administrative department of environmental protections under the people's

governments at or above the county level shall be the instrument conducting unified supervision and management of the prevention and control of atmospheric pollution.

The administrative departments of public security, transportation, railways and fishery at various levels shall, by performing their respective functions, conduct supervision and management of the atmospheric pollution caused by motor-driven vehicles and vessels.

The relevant administrative departments under the people's governments at or above the county level shall, within their respective functions, supervise and administer the prevention and control of atmospheric pollution.

Article 5 All units and individuals shall have the obligation to protect the atmospheric environment and shall have the right to report on or file charges against units or individuals that cause pollution to the atmospheric environment.

Article 6 The administrative department of environmental protection under the State Council shall establish national standards for atmospheric environment quality.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for items not specified in the national standards for atmospheric environment quality and report the same to the administrative department of environmental protection under the State Council for the record.

Article 7 The administrative department of environmental protection under the State Council shall, in accordance with the national standards for atmospheric environment quality and the country's economic and technological conditions, establish national standards for the discharge of atmospheric pollutants.

The people's governments of the provinces, autonomous regions and municipalities directly under the Central Government may establish their local discharge standards for those not specified in the national standards for the discharge of atmospheric pollutants. With regard to those already specified in the national standards for the discharge of atmospheric pollutants, they may set local standards which are more stringent than the national standards and report the standards to the administrative department of environmental protection under the State Council for record.

Where the local standards for the discharge of atmospheric pollutants by motor-driven vehicles and vessels established by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government are more stringent than the national discharge standards, they shall be subject to the approval of the State Council.

Units that discharge atmospheric pollutants in areas where the local discharge standards have been established shall observe such local standards.

Article 8 The State adopts economic and technological policies and measures to facilitate the prevention and control of atmospheric pollution and comprehensive utilization.

The people's governments at various levels shall reward units or individuals that have made outstanding achievements in the prevention and control of atmospheric pollution or in the protection and improvement of the atmospheric environment.

Article 9 The State encourages and supports the scientific and technological research into the prevention and control of atmospheric pollution, disseminates advanced, feasible technologies for the prevention and control of atmospheric pollution; encourages and supports the development and utilization of clean energies such as solar energy, wind energy and water energy.

The State encourages and supports the development of environmental protection industries.

Article 10 The people's governments at various levels shall redouble their efforts in afforestation, grass-planting, urban and rural greening, and take effective measures to do well the work of prevention and control of sand so as to improve the atmospheric environment.

## **CHAPTER II SUPERVISION AND MANAGEMENT OF THE PREVENTION AND CONTROL OF ATMOSPHERIC POLLUTION**

Article 11 New construction projects, expansion or reconstruction projects which discharge atmospheric pollutants shall be governed by the State regulations concerning environmental protection for such projects.

An environmental impact statement on construction projects shall include an assessment of the atmospheric pollution the project is likely to produce and its impact on the ecosystem, stipulate the preventive and curative measures. The statement shall be submitted, according to the specified procedure, to the administrative department of environmental protection concerned for examination and approval.

When a construction project is to be put into operation or to use, its facilities for the prevention of atmospheric pollution must be checked and accepted by the administrative department of environmental protection. Construction projects that do not fulfill the requirements specified in the State regulations concerning environmental protection for such construction projects shall not be permitted to begin operation or to use.

Article 12 Units that discharge atmospheric pollutants must, pursuant to the provisions of the administrative department of environmental protection under the State Council, report to the local administrative department of environmental protection its existing discharge and treatment facilities for pollutants and the categories, quantities and concentrations of pollutants discharged

under normal operation conditions and submit to the same department relevant technical data concerning the prevention and control of atmospheric pollution.

Units that discharge pollutants as specified in the preceding paragraph shall report in due time about any substantial change in the category, quantity or concentration of the atmospheric pollutants discharged. Their atmospheric pollutant treatment facilities must ensure normal operations. Where the said facilities are to be dismantled or left idle, approval of the local administrative department of environmental protection under the people's government above the county level shall be obtained in advance.

Article 13 Where atmospheric pollutants are discharged, the concentration of the said pollutants may not exceed the standards prescribed by the State and local authorities.

Article 14 The State implements a system of collecting fees for discharging pollutants on the basis of the categories and quantities of the atmospheric pollutants discharged, and establishing reasonable standards for collecting the fees therefor according to the needs of strengthening prevention and control of atmospheric pollution and the State's economic and technological conditions.

The standards provided by the State shall be observed in the collection of fees for discharge of pollutants, the concrete measures therefor and. State Council shall enact the implementing procedures

The fees collected for discharge of pollutants shall all be turned over to the Treasury and shall be used for the prevention and control of atmospheric pollution as prescribed by the State Council and may not be misappropriated. The auditing authorities shall exercise supervision through auditing according to law.

Article 15 With regard to the regions not meeting the prescribed standards for the quality of atmospheric environment and the acid rain control areas and the sulfur dioxide pollution control areas designated as such with the approval of the State Council, the State Council or the people's government of provinces, autonomous regions and municipalities directly under the Central Government may delimit them as the major areas for the total emission control air pollutants . The concrete measures for the State Council shall prescribe the total emission control of major air pollutants.

The local people's government concerned in the areas for the control of total emission of air pollutants shall check and approve the total emission of major air pollutants by enterprises and institutions and issue them licenses for emission of major air pollutants. It shall do this in accordance with the conditions and procedures provided by the State Council and in line with the principles of openness, fairness and impartiality.

The enterprises and institutions obliged to control their total emission of air pollutants must emit their pollutants according to the checked and approved standards for the total emission of major air pollutants and the conditions of emission provided by the license.

Article 16 No industrial production facilities that cause environmental pollution shall be built within scenic spots or places of historical interest, natural reserves, areas close to historical or cultural sites under protection and other places that need special protection, as designated by the State Council or the people's government of provinces, autonomous regions and municipalities directly under the Central Government. Other facilities to be built in these areas must not emit air pollutants in excess of the prescribed standards for pollutant discharge. Enterprises and institutions which built before the enforcement of this Law, with facilities discharging more pollutants than permitted by the prescribed discharge standards shall be ordered to deal with within a period of time in accordance with the provisions of Article 48 of this Law.

Article 17 The State Council shall, in accordance with the general plan for urban development, the target of the environment protection plan and the quality of the urban atmospheric environment, designate some cities as key cities for the control of air pollution.

Municipalities directly under the Central Government, provincial capitals, coastal open cities and key tourist cities shall be designated as key cities for the control of air pollution.

Where key cities for the control of air pollution do not meet the standards for the quality of the atmospheric environment, they shall endeavor to meet such standards within the time limit prescribed by the State Council or the administrative department of environmental protection under the State Council. The people's government of such a city shall make plans to meet the standards within the time limit, and may, in line with the authorization or relevant regulations of the State Council, adopt even more stringent measures to realize such plans.

Article 18 The administrative department of environmental protection under the State Council together with relevant departments under the State Council may, in light of the meteorological, topographical, soil and other natural conditions, delimit the areas where acid rain has occurred or will probably occur and areas that are seriously polluted by sulfur dioxide as acid rain control areas and sulfur dioxide pollution control areas with the approval the State Council.

Article 19 Enterprises shall give priority to the adoption of clean production techniques that are instrumental to high efficient use of energy and to reducing the discharge of pollutants so as to decrease the generation of atmospheric pollutants.

The State shall eliminate backward production techniques and equipment that seriously pollutes the atmospheric environment.

The competent department for comprehensive economic and trade affairs under the State

Council, in conjunction with other relevant departments under the State Council, shall publish a catalog of the techniques which seriously pollute the atmospheric environment ones that shall be prohibited from use within a time limit. It shall also catalog the equipment which seriously pollutes the atmospheric environment and which shall be prohibited from production, sale, import and use within a time limit.

Producers, sellers, importers or users shall stop the production, sale, importation or use of the equipment listed in the catalog as mentioned in the preceding paragraph. This must be done within the time limit prescribed by the competent department for comprehensive economic and trade affairs under the State Council in conjunction with the relevant departments under the State Council. People who utilizes the production techniques listed in the catalog as mentioned in the preceding paragraph shall, within the time limit prescribed by the competent department for comprehensive economic affairs under the State Council in conjunction with the relevant departments under the State Council, stop the use of such techniques.

The equipment eliminated in accordance with the provisions of the preceding two paragraphs may not be transferred to another for use.

Article 20 Any unit that, as a result of an accident or any other exigency, discharges or leaks toxic or harmful gases or radioactive substances, thereby causing or threatening to cause an accident of atmospheric pollution and jeopardize human health, must promptly take emergency measures to prevent and control the atmospheric pollution hazards, make the situation known to such units and inhabitants as are likely to be endangered by the atmospheric pollution hazards, report the situation to the local administrative department of environmental protection and accept its investigation and settlement.

Under the emergency of a severe atmospheric pollution that may jeopardize human health and safety, the local people's government shall announce the situation to the local residents without

delay and take compulsory emergency measures, including ordering the pollutant discharging units concerned to stop the discharge of pollutants.

Article 21 The administrative department of environmental protection and other supervisory and administrative departments shall be empowered to make on-site inspections of units under their jurisdiction that discharge pollutants. The units being inspected must truthfully report the situation to them and provide them with the necessary information. The inspecting authorities shall have the obligation to keep confidential the technological know-how and business secrets of the units inspected.

Article 22 The administrative department of environmental protection under the State Council shall set up a monitoring system for atmospheric pollution, organize a monitoring network and work out unified monitoring measures.

Article 23 The administrative department of environmental protection under the people's governments of large and medium-sized cities shall regularly publish reports on the quality of the atmospheric environment and gradually introduce the system of forecasting the quality of atmospheric environment.

A report on the quality of the atmospheric environment shall include such contents as the characteristics of urban atmospheric pollution, the types of major pollutants and the extent of harm caused by the pollution.

### **CHAPTER III PREVENTION AND CONTROL OF ATMOSPHERIC POLLUTION BY THE BURNING OF COAL**

Article 24 The State promotes the method of dressing coal by washing for the purpose of reducing the sulfur and ash in coal, and restricts the mining of high-sulfur or high-ash coal. If the

coal mined from a newly-built coal mine is of high-sulfur or high-ash, supporting facilities for the dressing of coal by washing shall be installed to make the sulfur and ash in coal fall within the prescribed limits.

If the coal mined from an established coal mine is of high-sulfur or high-ash, supporting facilities for the dressing of coal by washing shall be installed within a time limit in accordance with the plan approved by the State Council.

It is prohibited to mine the coal with toxic or harmful substances, such as radioactive and arsenic, that exceed the prescribed limits.

Article 25 The relevant departments under the State Council and the local people's governments at various levels shall adopt measures to improve the urban energy structure and popularize the production and utilization of clean energy.

The people's governments of the key cities for the control of air pollution may, within the regions under their respective jurisdictions, designate areas as those prohibited from producing and consuming seriously polluting fuels prescribed by the administrative department of environmental protection under the State Council. The units and individuals within such areas shall stop consuming such seriously polluting fuels within the time limit prescribed by the local people's government and shall instead consume natural gas, liquefied petroleum gas, electricity or other clean energy.

Article 26 The State adopts economic and technical policies and measures conducive to the clean utilization of coal, encourages and supports the consumption of fine coal of low-sulfur or low-ash, and encourages and supports the development and popularization of the technology of coal cleaning.

Article 27 The competent department concerned under the State Council shall, pursuant to the standards for boiler discharge of atmospheric pollutants prescribed by the state, stipulate corresponding requirements in the boiler quality standards; boilers that do not meet the prescribed requirements shall not be permitted to be manufactured, sold or imported.

Article 28 Urban construction shall be conducted on the basis of over-all planning. In areas with coal heating, unified provision of heat sources shall be practiced and central heating system shall be developed. In areas covered by central heating pipelines or networks, no new coal heating boilers may be installed.

Article 29 People's governments of large or medium-sized cities shall make plans for catering service enterprises to start the use of clean energy such as natural gas, liquefied petroleum gas and electricity within a prescribed time limit.

Other users of domestic cooking ranges in urban areas of large or medium-sized cities not designated as areas prohibited from the consumption of coal shall use sulfur-fixed briquette of coal as fuel or other clean energy. They shall do so within a prescribed time limit so as to gradually eliminate the direct use of raw coal as fuel.

Article 30 Where any newly built or expanded thermal power plants and other large or medium-sized enterprise that discharge sulfur dioxide more than the prescribed standards for pollutants discharge or the quota of total control allow, supporting facilities for desulphurization and dust removal must be installed or other measures for controlling the discharge of sulfur dioxide or for dust removal must be adopted.

In the acid rain control areas or sulfur dioxide pollution control areas, if an existing enterprise discharges atmospheric pollutants more than the standards for pollutants discharge allow, the discharge of atmospheric pollutants of the enterprise shall be controlled within a time limit. This

will be in accordance with the provisions of Article 48 of this Law.

The State encourages enterprises to adopt advanced technology for desulphurization and dust removal.

Enterprises shall gradually adopt measures to control the nitrogen oxide generated by the burning of fuel.

Article 31 When coal, gangue, coal cinder, coal ashes, sandstone, lime soil or other materials is stored in densely inhabited areas, fire and dust prevention measures must be taken in order to prevent atmospheric pollution.

#### **CHAPTER IV PREVENTION AND CONTROL OF POLLUTANTS DISCHARGE BY MOTOR-DRIVEN VEHICLES AND VESSELS**

Article 32 Motor-driven vehicles and vessels shall not be permitted to discharge atmospheric pollutants in excess of the prescribed discharge standards.

No unit or individual may manufacture, sell or import motor-driven vehicles and vessels that discharge atmospheric pollutants in excess of the prescribed discharge standards.

Article 33 Where motor vehicles currently in use do not meet the standards for pollutants discharge by motor vehicles at the time they are manufactured, they may not be driven on the road.

If the people's governments of provinces, autonomous regions and municipalities directly under the Central Government prescribe new standards for pollutants discharge by active motor vehicles and technically transform them, it shall be subject to the approval by the State Council.

Motor-vehicle repair units shall, in accordance with the requirements for prevention and control of atmospheric pollution and relevant national technical regulations, carry out repairs to make the motor-vehicles meet the prescribed standards for pollutants discharge.

Article 34 The State encourages the production and consumption of motor-driven vehicles and vessels which use clean energy.

The State encourages and supports the production and consumption of superior fuel oil, and takes measures to reduce the pollution of atmospheric environment by harmful substances in the fuel oil. Units and individuals shall, according to the time limit prescribed by the State Council, stop the production, import and marketing of leaded gasoline.

Article 35 The administrative departments of environmental protection under the people's governments of provinces, autonomous regions and municipalities directly under the Central

Government may authorize the annual testing of pollution by motor-vehicle's exhaust fume in accordance with the relevant regulations. The Central Government may authorize the units undertaking annual test of motor-vehicles whose qualifications have been recognized by the public security authorities to conduct these tests.

The departments of communications, fishery and other competent authorities with supervisory and administrative power may authorize the units undertaking annual test of motor-vessels whose qualifications have been recognized by the relevant authorities to conduct annual test of pollution by motor-vessel's exhaust fume in accordance with the relevant regulations.

The administrative departments of environmental protection under the local people's governments at or above the county level may conduct supervisory pick-test of the pollutants discharge by

active motor-vehicles at their place of parking.

## **CHAPTER V PREVENTION AND CONTROL OF POLLUTION BY WASTE GAS, DUST AND FETOR**

Article 36 Units that discharge dust into the atmosphere must adopt measures to remove such dust.

The discharge of toxic waste gas and dust into the atmosphere shall be strictly restricted. When such discharge is really necessary, the discharged gas or dust must undergo purification treatment.

Article 37 Inflammable gas engendered during industrial production shall be recovered for utilization; if such gas is discharged into the atmosphere due to the lack of recovery facilities for utilization, it shall undergo treatment for the prevention and control of pollution.

The discharge into the atmosphere of converter gas, acetylene, yellow phosphoric tail gas engendered by the electric furnace process, and organic hydrocarbon tail gas must be reported to the local administrative department of environmental protection for approval.

When the discharge of inflammable gas is really necessary because of the malfunctioning of the recovery and re-use installations, the inflammable gas discharged shall be fully burnt, or other measures shall be taken, to reduce atmospheric pollution.

Article 38 Units that discharge sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal and smelting non-ferrous metal shall be equipped with desulphurizing installations or shall adopt other measures for desulphurization.

Article 39 The discharge of gases and aerosols containing radioactive substances into the atmosphere must comply with the state provisions on radioactivity protection and must not exceed the prescribed discharge standards.

Article 40 Units that discharge fetor into the atmosphere must take measures to prevent the pollution of neighboring residential areas.

Article 41 In densely inhabited areas and other areas that need special protection according to law, the burning of asphalt, asphalt felt, rubber, plastics, leather, garbage and other materials that may produce toxic or harmful smoke or dust or fetor shall be prohibited.

In densely inhabited areas, the areas around the airport, the areas in the vicinity of main traffic arteries or the areas designated by the local people's government, it shall be prohibited to burn in the open air stalks, fallen leaves or other materials that will cause smoke or dust pollution.

The municipal people's government may, in light of the actual conditions, adopt measures other than those specified in the preceding two articles to prevent and control the smoke or dust pollution.

Article 42 In the transportation, loading and unloading, and storage of substances that may diffuse toxic or harmful gases or dust, sealing or other protective measures must be taken.

Article 43 The municipal people's government shall take measures such as the responsibility system for afforestation, strengthening administration of construction operation, expanding the area of the paved ground, control of the heaping up of debris and waste and using clean transportation measures to increase the per capita possession of green land, reduce the size of bare land and surface dirt, and prevent and control the dust pollution in the urban areas.

Units that conduct construction operation or other activities that generate dust pollution in the city's urban areas must take measures to prevent and control the dust pollution in accordance with the local regulations on environmental protection.

The competent administrative authorities under the State Council shall take the control of dust pollution as part of the ground for assessment of a city's comprehensive control of its environment.

Article 44 Business-operators in the catering services industry in urban areas must adopt measures to prevent and control the pollution caused by lampblack to the residential environment in the neighborhood.

Article 45 The State encourages and supports the production and use of substitutes for the ozone-layer-depleting substances, and gradually reduces the output of the ozone layer depleting substances until the termination of their production and use.

Units that produce or import ozone-layer-depleting substances must, within the time limit prescribed by the State, carry out the production and import in accordance with the quotas approved by competent administrative authorities under the State Council.

## **CHAPTER VI LEGAL LIABILITY**

Article 46 Any violator of this Law shall, according to the circumstances of the case, be ordered to stop the illegal act, make rectification within a time limit, be given a warn or be imposed upon a fine of not more than 50,000 yuan by the competent administrative department of environmental protection or any of the supervisory and management departments as mentioned in Paragraph 2 of Article 4 for any of the following acts:

(1) Refusing to report or submitting a false report on items for which registration is required by the administrative department of environmental protection under the State Council for the discharge of pollutants.

(2) Refusing an on-site inspection by the competent administrative department of environmental protection or any of the supervisory and management departments, or resorting to trickery and fraud during inspection;

(3) Failing to normally operate the installations for the treatment of atmospheric pollutants by the units that discharge pollutants or dismantling or leaving idle the installations for the treatment of atmospheric pollutants without prior approval by the administrative department of environmental protection; or

(4) Storing coal, coal gangue, coal cinder, coal ash, sandstone, lime soil or other materials in densely inhabited areas without taking any measures for fire and dust prevention.

Article 47 Where the provisions of Article 11 of this Law is violated and a construction project is put into operation or to use in circumstances where its facilities for the prevention and control of atmospheric pollution either have not been completed or have not met the requirements specified in the state provisions concerning environmental protection for such a construction project, the administrative department of environmental protection responsible for the examination and approval of the environmental impact statement on the construction project shall order the suspension of its operations or use and may concurrently impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 48 Whoever, in violation of the provisions of this Law, discharges pollutants to the atmosphere in excess of the national or local discharge standards shall make treatment thereof within a time limit, and shall also be imposed upon a fine of not less than 10,000 yuan but not

more than 100,000 yuan by the administrative department of environmental protection under the local people's government at or above the county level. The power to decide on the treatment within a time limit and the administrative penalty for violation of the requirements for treatment within a time limit shall be prescribed by the State Council.

Article 49 Whoever, in violation of the provisions of Article 19 of this Law, produces, sells, imports or uses the equipment that is prohibited to produce, sell, import or use or employs the techniques that are prohibited to employ shall be ordered to make rectification by the competent department for comprehensive economic and trade affairs of the people's government at or above the county level; if the circumstances are serious, the said competent department shall put forward suggestions thereon and submit them to the people's government at the corresponding level, which shall, according to the limit of authority prescribed by the State Council, order the offender to suspend operation or close down.

Whoever transfers obsolete equipment to another person for use, the illegal earnings therefrom of the transferor shall be confiscated by the administrative department of environmental protection under the local people's government at or above the county level or any of the competent departments exercising the power of supervision and management. This will be in accordance with the law in the place where the transferor is located, and a fine of not more than twice the illegal earnings shall be imposed concurrently.

Article 50 Whoever, in violation of the provisions of the third paragraph of Article 24 of this Law, mines coal with toxic or harmful substances, such as radioactive and arsenic, that exceed the prescribed limits, shall be ordered to close down by the people's government at or above the county level according to the limits of authority prescribed by the State Council.

Article 51 Whoever, in violation of the provisions of the second paragraph of Article 25 or the first paragraph of Article 29 of this Law, continues consuming seriously polluting fuels at the

expiration of the time limit prescribed by the local people's government. These shall be ordered to dismantle the installations for consumption of the seriously polluting fuels. Otherwise such installations shall be confiscated by the administrative department of environmental protection under the local people's government at or above the county level.

Article 52 Whoever, in violation of the provisions of Article 28 of this Law, installs new coal heating boilers in the urban areas covered by central heating pipelines or networks shall be ordered to stop the illegal act or make rectification within a time limit and may be imposed upon a fine of not more than 50,000 yuan by the administrative department of environmental protection under the local people's government at or above the county level.

Article 53 Whoever, in violation of the provisions of Article 32 of this Law, manufactures, sells or imports motor-driven vehicles and vessels that discharge atmospheric pollutants in excess of the prescribed standards shall be ordered by the department exercising the power of supervision and management according to law to stop the illegal act, confiscated of the illegal gains if any, and may concurrently be imposed of a fine of less than one time of the illegal gains; the motor-driven vehicles and vessels that could not meet the prescribed standards for pollutants discharge shall be confiscated and destroyed.

Article 54 Whoever, in violation of the provisions of the second paragraph of Article 34 of this Law, fails to stop the production, import or marketing of the leaded gasoline according to the time limit prescribed by the State Council shall be ordered to stop the illegal act with the produced, imported or marketed leaded gasoline and the illegal gains confiscated by the administrative department of environmental protection under the local people's government at or above the county level or any of the competent departments exercising the power of supervision and management according to law in the place where the violator is located.

Article 55 Whoever, in violation of the provisions of the first paragraph or the second paragraph

of Article 35 of this Law, conducts test of pollution by motor-driven vehicle or vessel's exhaust fume without authorization of the administrative departments of environmental protection under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government or the authorization of the departments of communications, fishery or other competent authorities exercising supervisory and administrative power according to law, or practices fraud in the test, he/she shall be ordered to stop the illegal act, make rectification within a time limit and may concurrently be imposed upon a fine of not more than 50,000 yuan by the administrative department of environmental protection under the people's government at or above the county level or the departments of communications, fishery exercising the power of supervision and management according to law; if the circumstances are serious, the violator's qualifications to undertake annual test of motor-driven vehicles and vessels may be revoked by the authorities defining such qualifications.

Article 56 Any violator of this Law shall be ordered to stop his or her illegal act, make rectification within a time limit, and may be fined not more than 50,000 yuan for any of the following acts by the administrative department of environmental protection under the local people's government at or above the county level or any other department exercising the power of supervision and management according to law:

(1) discharge of dust, fetor or other gases with toxic substances into the atmosphere without taking any effective measures to prevent and control pollution;

(2) discharge into the atmosphere of converter gas, acetylene, yellow phosphoric tail gas engendered by the electric furnace process, and organic hydrocarbon tail gas without approval by the local administrative department of environmental protection;

(3) transportation, loading and unloading, and storage of substances that may diffuse toxic or harmful gases or dust without adopting sealing or other protective measures;

(4) failure to adopt effective measures to prevent and control pollution by business-operators of the catering services industry in the urban areas, thus causing to pollution by lampblack to the residential environment in the neighborhood.

Article 57 Whoever, in violation of the provisions of the first paragraph of Article 41 of this Law, burns asphalt, asphalt felt, rubber, plastics, leather, garbage or other materials that may produce toxic or harmful smoke or dust or fetor in densely inhabited areas or other areas that need special protection according to law shall be ordered to stop the illegal act and imposed upon a fine of not more than 20,000 yuan by the administrative department of environmental protection under the local people's government at or above the county level in the place the violator is located.

Those who violate the provisions of the second paragraph of Article 41 of this Law by burning in the open air stalks, fallen leaves or other materials that cause smoke or dust pollution in densely inhabited areas, the areas around the airport, the areas in the vicinity of main traffic arteries or areas designated by the local people's government shall be ordered to stop the illegal act by the administrative department of environmental protection under the local people's government at or above the county level in the place the violator is located. If the circumstances are serious, the violator may be imposed upon a fine of not more than 200 yuan.

Article 58 Whoever, in violation of the provisions of the second paragraph of Article 43 of this Law, conducts construction operations or other activities that generate dust pollution in the city's urban areas but fails to take effective measures to prevent and control the dust pollution, thus causing pollution to the atmospheric environment shall make rectification within a time limit and be fined not more than 20,000 yuan. Those not meeting the requirements of the local regulations on environmental protection at the expiration of the time limit may be ordered to stop their work to make rectification.

The punishment for dust pollution caused by construction operations as provided in the preceding paragraph shall be decided by the administrative department of construction under the local people's government at or above the county level. The competent departments designated by the local people's government at or above the county level shall decide the punishment for dust pollution caused by other activities.

Article 59 Whoever, in violation of the provisions of the second paragraph of Article 45 of this Law, produces or imports ozone-layer-depleting substances in excess of the quotas approved by the competent administrative department under the State Council within the time limit prescribed by the State shall be fined not less than 20,000 yuan but not more than 200,000 yuan. Fines shall be administered by the competent administrative departments under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in the place the violator is located. If the circumstances is serious, the production or import quotas may be revoked by the competent administrative department under the State Council.

Article 60 Any violator of this Law shall be ordered to construct supporting facilities within a time limit, and may be fined not less than 20,000 yuan but not more than 200, 000 yuan for any of the following acts by the administrative department of environmental protection under the local people's government at or above the county level:

(1) Failing to install supporting facilities for the dressing of coal by washing in accordance with relevant regulations of the State where the coal mined from a newly opened coal mine is of high-sulfur or high-ash;

(2) Failing to install desulphurizing installations or take other measures for desulphurization in accordance with relevant regulations of the State by enterprise that discharge sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal and smelting non-ferrous metal.

Article 61 An enterprise or institution which causes an atmospheric pollution accident through violation of this Law shall be fined less than fifty percent of the direct economic losses thus caused but not more than 500,000 yuan to the maximum level. Fines shall be administered by the competent administrative department of environmental protection under the local people's government at or above the county level on the basis of the damages incurred. In serious circumstances, those in charge who are directly responsible and others who are directly responsible shall be subject to administrative sanctions according to law. Sanctions shall be administered by the unit to which they belong or by a higher competent authority. Should a serious atmospheric pollution accident occur that leads to any grave consequences of heavy public or private property losses or serious personal injuries or deaths, and if the act constitutes a crime, the criminal liability shall be investigated in accordance with the provisions of Article 338 the Criminal Law.

Article 62 Any unit that has caused an atmospheric pollution hazard shall have the responsibility of removing the hazard and of making compensations to the units or individuals that have suffered direct losses.

Any dispute over the liability to make compensations or the amount of compensation may, at the request of the parties, be settled by the administrative department of environmental protection; if a party refuses to accept the decision, it may bring a suit before a people's court. The party may also bring a suit before the people's court directly.

Article 63 If atmospheric pollution losses result directly from uncontrollable natural disasters which cannot be averted even after reasonable measures have been promptly taken, the party concerned shall be exempted from any liability.

Article 64 Where an administrative department of environmental protection or any other relevant

department, in violation of the provisions of the third paragraph of Article 14 of this Law, misappropriates the fees collected for discharge of pollutants, the auditing or supervisory authorities shall order them to refund the money misappropriated or take other measures to recover the funds. The person(s)-in-charge who are directly responsible and other persons directly responsible shall be subject to administrative sanctions according to law.

Article 65 Any supervisory and management person for environmental protection who abuses his power or neglects his duty shall be subject to administrative sanction. If his act constitutes a crime, he shall be liable for criminal liability upon investigation according to law.

## **CHAPTER VII SUPPLEMENTARY PROVISIONS**

Article 66 This Law shall come into force as of September 1, 2000.