

【Title】 Environmental Protection Law of the People's Republic of China[现行有效]
【法规标题】 中华人民共和国环境保护法 [Effective]

Date issued:	12-26-1989	发布日期:	1989-12-26
Effective date:	12-26-1989	生效日期:	1989-12-26
Issuing authority:	Standing Committee of the National People's Congress	发布部门:	全国人大常委会
Area of law:	Environmental Protection	类别:	环境保护

【本法变迁史】

[中华人民共和国环境保护法\(试行\)\[失效\]\[19790913\]](#)

[中华人民共和国环境保护法\[19891226\]](#)

Environmental Protection Law of the People's Republic of China
(Adopted at the 11th Meeting of the Standing Committee of the
Seventh National People's Congress on December 26, 1989,
promulgated
by Order No.22 of the President of the People's Republic of China
on December 26, 1989, and effective on the date of promulgation)

中华人民共和国环境保护法
(1 9 8 9 年 1 2 月 2 6 日第七届
全国人民代表大会常务委员会第十一次
会议通过)
中华人民共和国主席令
(第二十二号)

(相关资料: [法律 12 篇](#) [行政法规 31 篇](#) [部门规章 342 篇](#) [司法解释 1 篇](#) [其他规范性文件 9 篇](#) [案例 3 篇](#) [裁判文书 109 篇](#) [修订沿革](#) [相关论文 320 篇](#) [实务指南](#))

《中华人民共和国环境保护法》已由中华人民共和国第七届全国人民代表大会常务委员会第十一次会议于 1 9 8 9 年 1 2 月 2 6 日通过，现予公布，自公布之日施行。

中华人民共和国主席 杨尚昆
(1 9 8 9 年 1 2 月 2 6 日)

CHAPTER I GENERAL PROVISIONS

第一章 总则

Article 1. This Law is formulated for the purpose of protecting and improving people's environment and the ecological environment, preventing and controlling pollution and other public hazards, safeguarding human health and facilitating the development of

第一条 为保护和改善生活环境与生态环境，防治污染和其他公害，保障人体健康，促进社会主义现代化建设的发展，制定本法。

socialist modernization.

Article 2. " Environment " as used in this Law refers to the total body of all natural elements and artificially transformed natural elements affecting human existence and development, which includes the atmosphere, water, seas, land, minerals, forests, grasslands, wildlife, natural and human remains, nature reserves, historic sites and scenic spots, and urban and rural areas.

Article 3. This Law shall apply to the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

Article 4. The plans for environmental protection formulated by the state must be incorporated into the national economic and social development plans; the state shall adopt economic and technological policies and measures favourable for environmental protection so as to coordinate the work of environmental protection with economic construction and social development.

Article 5. The state shall encourage the development of education in the science of environmental protection, strengthen the study and development of the science and technology of environmental protection, raise the scientific and technological level of environmental protection and popularize scientific knowledge of environmental protection.

Article 6. All units and individuals shall have the obligation to protect the environment and shall have the right to report on or file charges against units or individuals that cause pollution or damage to the environment.

Article 7. The competent department of environmental protection administration under the State Council shall conduct unified supervision and management of the environmental protection work throughout the country.

The competent departments of environmental protection administration of the local people's governments at or above the county level shall conduct unified supervision and management of the environmental protection work within areas under their jurisdiction. The state administrative department of marine affairs, the

(相关资料: [修订沿革](#) [相关论文 7 篇](#))

第二条 本法所称环境,是指影响人类生存和发展的各种天然的和经过人工改造的自然因素的总体,包括大气、水、海洋、土地、矿藏、森林、草原、野生生物、自然遗迹、人文遗迹、自然保护区、风景名胜区、城市和乡村等。

(相关资料: [案例 1 篇](#) [裁判文书 5 篇](#) [修订沿革](#) [相关论文 11 篇](#) [实务指南](#))

第三条 本法适用于中华人民共和国领域和中华人民共和国管辖的其他海域。

(相关资料: [修订沿革](#) [相关论文 3 篇](#) [实务指南](#))

第四条 国家制定的环境保护规划必须纳入国民经济和社会发展规划,国家采取有利于环境保护的经济、技术政策和措施,使环境保护工作同经济建设和社会发展相协调。

(相关资料: [修订沿革](#) [相关论文 4 篇](#))

第五条 国家鼓励环境保护科学教育事业的发展,加强环境保护科学技术的研究和开发,提高环境保护科学技术水平,普及环境保护的科学知识。

(相关资料: [部门规章 1 篇](#) [修订沿革](#) [相关论文 1 篇](#))

第六条 一切单位和个人都有保护环境的义务,并有权对污染和破坏环境的单位和个人进行检举和控告。

(相关资料: [地方法规 2 篇](#) [裁判文书 2 篇](#) [修订沿革](#) [相关论文 18 篇](#))

第七条 国务院环境保护行政主管部门,对全国环境保护工作实施统一监督管理。

县级以上地方人民政府环境保护行政主管部门,对本辖区的环境保护工作实施统一监督管理。

国家海洋行政主管部门、港务监督、渔政渔港监督、军队环境保护部门和各级公安、交通、铁道、民航管理部门,依

harbour superintendency administration, the fisheries administration and fishing harbour superintendency agencies, the environmental protection department of the armed forces and the administrative departments of public security, transportation, railways and civil aviation at various levels shall, in accordance with the provisions of relevant laws, conduct supervision and management of the prevention and control of environmental pollution. The competent administrative departments of land, minerals, forestry, agriculture and water conservancy of the people's governments at or above the county level shall, in accordance with the provisions of relevant laws, conduct supervision and management of the protection of natural resources.

Article 8. The people's government shall give awards to units and individuals that have made outstanding achievements in protecting and improving the environment.

CHAPTER II SUPERVISION AND MANAGEMENT OF THE ENVIRONMENT

Article 9. The competent department of environmental protection administration under the State Council shall establish the national standards for environment quality. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for environment quality for items not specified in the national standards for environment quality and shall report them to the competent department of environmental protection administration under the State Council for the record.

Article 10. The competent department of environmental protection administration under the State Council shall, in accordance with the national standards for environment quality and the country's economic and technological conditions, establish the national standards for the discharge of pollutants. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for the discharge of pollutants for items not specified in the national standards; with regard to items already specified in the national standards, they may set local standards which are more stringent than the national standards and report the same to the competent department of environmental protection administration under the State Council for the record. Units that discharge pollutants in areas where the local standards

照有关法律的规定对环境污染防治实施监督管理。

县级以上人民政府的土地、矿产、林业、农业、水利行政主管部门，依照有关法律的规定对资源的保护实施监督管理。

（相关资料: [行政法规 1 篇](#) [部门规章 2 篇](#) [地方法规 7 篇](#) [裁判文书 10 篇](#) [相关论文 11 篇](#)）

第八条 对保护和改善环境有显著成绩的单位和个人，由人民政府给予奖励。

（相关资料: [地方法规 3 篇](#) [修订沿革 相关论文 1 篇](#)）

第二章 环境监督管理

第九条 国务院环境保护行政主管部门制定国家环境质量标准。

省、自治区、直辖市人民政府对国家环境质量标准中未作规定的项目，可以制定地方环境质量标准，并报国务院环境保护行政主管部门备案。

（相关资料: [部门规章 1 篇](#)）

第十条 国务院环境保护行政主管部门根据国家环境质量标准和国家经济、技术条件，制定国家污染物排放标准。

省、自治区、直辖市人民政府对国家污染物排放标准中未作规定的项目，可以制定地方污染物排放标准；对国家污染物排放标准中已作规定的项目，可以制定严于国家污染物排放标准的地方污染物排放标准。地方污染物排放标准须报国务院环境保护行政主管部门备案。

凡是向已有地方污染物排放标准的区域排放污染物的，应当执行地方污染物排放标准。

（相关资料: [部门规章 2 篇](#)）

for the discharge of pollutants have been established shall observe such local standards.

Article 11. The competent department of environmental protection administration under the State Council shall establish a monitoring system, formulate the monitoring norm and, in conjunction with relevant departments, organize a monitoring network and strengthen the management of environmental monitoring. The competent departments of environmental protection administration under the State Council and governments of provinces, autonomous regions and municipalities directly under the Central Government shall regularly issue bulletins on environmental situations.

Article 12. The competent departments of environmental protection administration of the people's governments at or above the county level shall, in conjunction with relevant departments, make an investigation and an assessment of the environmental situation within areas under their jurisdiction, draw up plans for environmental protection which shall, subject to overall balancing by the department of planning, be submitted to the people's government at the same level for approval before implementation.

Article 13. Units constructing projects that cause pollution to the environment must observe the state provisions concerning environmental protection for such construction projects. The environmental impact statement on a construction project must assess the pollution the project is likely to produce and its impact on the environment and stipulate the preventive and curative measures; the statement shall, after initial examination by the authorities in charge of the construction project, be submitted by specified procedure to the competent department of environmental protection administration for approval. The department of planning shall not ratify the design plan descriptions of the construction project until after the environmental impact statement on the construction project is approved.

Article 14. The competent departments of environmental protection administration of the people's governments at or above the county level or other departments invested by law with power to conduct environmental supervision and management shall be empowered to make on-site inspections of units under their jurisdiction that discharge pollutants. The units being inspected shall truthfully report the situation to them and provide them with the necessary information. The inspecting authorities shall keep confidential the technological know-how and business secrets of the units inspected.

第十一条 国务院环境保护行政主管部门建立监测制度，制定监测规范，会同有关部门组织监测网络，加强对环境监测的管理。

国务院和省、自治区、直辖市人民政府的环境保护行政主管部门，应当定期发布环境状况公报。

（相关资料: [部门规章 2 篇](#) [裁判文书 1 篇](#) [相关论文 2 篇](#)）

第十二条 县级以上人民政府环境保护行政主管部门，应当会同有关部门对管辖范围内的环境状况进行调查和评价，拟订环境保护规划，经计划部门综合平衡后，报同级人民政府批准实施。

（相关资料: [地方法规 2 篇](#)）

第十三条 建设污染环境的项目，必须遵守国家有关建设项目环境保护管理的规定。

建设项目的环境影响报告书，必须对建设项目产生的污染和对环境的影响作出评价，规定防治措施，经项目主管部门预审并依照规定的程序报环境保护行政主管部门批准。环境影响报告书经批准后，计划部门方可批准建设项目设计任务书。

（相关资料: [部门规章 10 篇](#) [地方法规 12 篇](#) [案例 1 篇](#) [裁判文书 7 篇](#) [相关论文 3 篇](#)）

第十四条 县级以上人民政府环境保护行政主管部门或者其他依照法律规定行使环境监督管理权的部门，有权对管辖范围内的排污单位进行现场检查。被检查的单位应当如实反映情况，提供必要的资料。检查机关应当为被检查的单位保守技术秘密和业务秘密。

（相关资料: [部门规章 2 篇](#) [地方法规 1 篇](#) [相关论文 1 篇](#)）

Article 15. Work for the prevention and control of the environmental pollution and damage that involve various administrative areas shall be conducted by the relevant local people's governments through negotiation, or by decision of the people's government at a higher level through mediation.

CHAPTER III PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT

Article 16. The local people's governments at various levels shall be responsible for the environment quality of areas under their jurisdiction and take measures to improve the environment quality.

Article 17. The people's governments at various levels shall take measures to protect regions representing various types of natural ecological systems, regions with a natural distribution of rare and endangered wild animals and plants, regions where major sources of water are conserved, geological structures of major scientific and cultural value, famous regions where karst caves and fossil deposits are distributed, traces of glaciers, volcanoes and hot springs, traces of human history, and ancient and precious trees. Damage to the above shall be strictly forbidden.

Article 18. Within the scenic spots or historic sites, nature reserves and other zones that need special protection, as designated by the State Council, the relevant competent department under the State Council, and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, no industrial production installations that cause environmental pollution shall be built; other installations to be built in these areas must not exceed the prescribed standards for the discharge of pollutants. If the installations that have been built discharge more pollutants than are specified by the prescribed discharge standards, such pollution shall be eliminated or controlled within a prescribed period of time.

Article 19. Measures must be taken to protect the ecological environment while natural resources are being developed or utilized.

Article 20. The people's governments at various levels shall provide better protection for the agricultural environment by

第十五条 跨行政区的环境污染和环境破坏的防治工作，由有关地方人民政府协商解决，或者由上级人民政府协调解决，作出决定。（相关资料: [相关论文 1 篇](#)）

第三章 保护和改善环境

第十六条 地方各级人民政府，应当对本辖区的环境质量负责，采取措施改善环境质量。

（相关资料: [部门规章 1 篇](#) [地方法规 7 篇](#) [相关论文 5 篇](#)）

第十七条 各级人民政府对具有代表性的各种类型的自然生态系统区域，珍稀、濒危的野生动植物自然分布区域，重要的水源涵养区域，具有重大科学文化价值的地质构造、著名溶洞和化石分布区、冰川、火山、温泉等自然遗迹，以及人文遗迹、古树名木，应当采取措施加以保护，严禁破坏。

第十八条 在国务院、国务院有关主管部门和省、自治区、直辖市人民政府划定的风景名胜区、自然保护区和其他需要特别保护的区域内，不得建设污染环境的工业生产设施；建设其他设施，其污染物排放不得超过规定的排放标准。已经建成的设施，其污染物排放超过规定的排放标准的，限期治理。

（相关资料: [地方法规 1 篇](#) [修订沿革 相关论文 1 篇](#) [实务指南](#)）

第十九条 开发利用自然资源，必须采取措施保护生态环境。

（相关资料: [修订沿革](#) [相关论文 1 篇](#)）

第二十条 各级人民政府应当加强对农业环境的保护，防治土壤污染、土地沙

preventing and controlling soil pollution, the desertification and alkalization of land, the impoverishment of soil, the deterioration of land into marshes, earth subsidence, the damage of vegetation, soil erosion, the drying up of sources of water, the extinction of species and the occurrence and development of other ecological imbalances, by extending the scale of a comprehensive prevention and control of plant diseases and insect pests, and by promoting a rational application of chemical fertilizers, pesticides and plant growth hormone.

Article 21. The State Council and the people's governments at various levels in coastal areas shall provide better protection for the marine environment. The discharge of pollutants and the dumping of wastes into the seas, the construction of coastal projects, and the exploration and exploitation of offshore oil must be conducted in compliance with legal provisions so as to guard against the pollution and damage of the marine environment.

Article 22. The targets and tasks for protecting and improving the environment shall be defined in urban planning.

Article 23. In urban and rural construction, vegetation, waters and the natural landscape shall be protected and attention paid to the construction of gardens, green land and historic sites and scenic spots in the cities in the light of the special features of the local natural environment.

CHAPTER IV PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION AND OTHER PUBLIC HAZARDS

Article 24. Units that cause environmental pollution and other public hazards shall incorporate the work of environmental protection into their plans and establish a responsibility system for environmental protection, and must adopt effective measures to prevent and control the pollution and harms caused to the environment by waste gas, waste water, waste residues, dust, malodorous gases, radioactive substances, noise, vibration and electromagnetic radiation generated in the course of production, construction or other activities.

Article 25. For the technological transformation of newly-built industrial enterprises and existing industrial enterprises, facilities and processes that effect a high rate of the

化、盐渍化、贫瘠化、沼泽化、地面沉降和防治植被破坏、水土流失、水源枯竭、种源灭绝以及其他生态失调现象的发生和发展，推广植物病虫害的综合防治，合理使用化肥、农药及植物生长激素。

（相关资料: [部门规章 1 篇](#) [裁判文书 1 篇](#) [修订沿革](#) [相关论文 3 篇](#)）

第二十一条 国务院和沿海地方各级人民政府应当加强对海洋环境的保护。向海洋排放污染物、倾倒废弃物，进行海岸工程建设和海洋石油勘探开发，必须依照法律的规定，防止对海洋环境的污染损害。

第二十二条 制定城市规划，应当确定保护和改善环境的目标和任务。

（相关资料: [修订沿革](#) [相关论文 1 篇](#)）

第二十三条 城乡建设应当结合当地自然环境的特点，保护植被、水域和自然景观，加强城市园林、绿地和风景名胜区的建设。（相关资料: [相关论文 3 篇](#)）

第四章 防治环境污染和其他公害

第二十四条 产生环境污染和其他公害的单位，必须把环境保护工作纳入计划，建立环境保护责任制度；采取有效措施，防治在生产建设或者其他活动中产生的废气、废水、废渣、粉尘、恶臭气体、放射性物质以及噪声、振动、电磁波辐射等对环境的污染和危害。

（相关资料: [部门规章 7 篇](#) [地方法规 3 篇](#) [裁判文书 7 篇](#) [修订沿革](#) [相关论文 4 篇](#) [实务指南](#)）

第二十五条 新建工业企业和现有企业的技术改造，应当采取资源利用率高、污染物排放量少的设备和工艺，采

utilization of resources and a low rate of the discharge of pollutants shall be used, along with economical and rational technology for the comprehensive utilization of waste materials and the treatment of pollutants.

Article 26. Installations for the prevention and control of pollution at a construction project must be designed, built and commissioned together with the principal part of the project. No permission shall be given for a construction project to be commissioned or used, until its installations for the prevention and control of pollution are examined and considered up to the standard by the competent department of environmental protection administration that examined and approved the environmental impact statement.

Installations for the prevention and control of pollution shall not be dismantled or left idle without authorization. If it is really necessary to dismantle such installations or leave them idle, prior approval shall be obtained from the competent department of environmental protection administration in the locality.

Article 27. Enterprises and institutions discharging pollutants must report to and register with the relevant authorities in accordance with the provisions of the competent department of environmental protection administration under the State Council.

Article 28. Enterprises and institutions discharging pollutants in excess of the prescribed national or local discharge standards shall pay a fee for excessive discharge according to state provisions and shall assume responsibility for eliminating and controlling the pollution. The provisions of [the Law on Prevention and Control of Water Pollution](#) shall be complied with where they are applicable.

The income derived from the fee levied for the excessive discharge of pollutants must be used for the prevention and control of pollution and shall not be appropriated for other purposes. The specific measures thereof shall be prescribed by the State Council.

Article 29. If an enterprise or institution has caused severe environmental pollution, it shall be required to eliminate and control the pollution within a certain period of time. For enterprises and institutions directly under the jurisdiction of the Central Government or the people's government of a province, an autonomous region, or a municipality directly under the Central Government, the decision on a deadline for the elimination or control of pollution shall be made by the people's government of the

用经济合理的废弃物综合利用技术和污染物处理技术。

第二十六条 建设项目中防治污染的设施，必须与主体工程同时设计、同时施工、同时投产使用。防治污染的设施必须经原审批环境影响报告书的环境保护行政主管部门验收合格后，该建设项目方可投入生产或者使用。

防治污染的设施不得擅自拆除或者闲置，确有必要拆除或者闲置的，必须征得所在地的环境保护行政主管部门同意。

（相关资料: [部门规章 7 篇](#) [地方法规 25 篇](#) [裁判文书 5 篇](#) [修订沿革](#) [相关论文 2 篇](#)）

第二十七条 排放污染物的企业事业单位，必须依照国务院环境保护行政主管部门的规定申报登记。

（相关资料: [部门规章 2 篇](#) [地方法规 5 篇](#) [实务指南](#)）

第二十八条 排放污染物超过国家或者地方规定的污染物排放标准的企业事业单位，依照国家规定缴纳超标排污费，并负责治理。[水污染防治法](#)另有规定的，依照[水污染防治法](#)的规定执行。征收的超标排污费必须用于污染的防治，不得挪作他用，具体使用办法由国务院规定。

（相关资料: [法律 2 篇](#) [部门规章 3 篇](#) [地方法规 2 篇](#) [裁判文书 2 篇](#) [修订沿革](#) [相关论文 1 篇](#) [实务指南](#)）

第二十九条 对造成环境严重污染的企业事业单位，限期治理。

中央或者省、自治区、直辖市人民政府直接管辖的企业事业单位的限期治理，由省、自治区、直辖市人民政府决定。市、县或者市、县以下人民政府管辖的企业事业单位限期治理，由市、县人民政府决定。被限期治理的企业事业单位

province, autonomous region and the municipality directly under the Central Government. For enterprises and institutions under the jurisdiction of a people's government at or below the city or county level, such decision shall be made by the people's government of the city or county. Such enterprises and institutions shall accomplish the elimination or control of pollution within the specified period of time.

Article 30. A ban shall be imposed on the importation of any technology or facility that fails to meet the requirements specified in the regulations of our country concerning environmental protection.

Article 31. Any unit that, as a result of an accident or any other exigency, has caused or threatens to cause an accident of pollution, must promptly take measures to prevent and control the pollution hazards, make the situation known to such units and inhabitants as are likely to be endangered by such hazards, report the case to the competent department of environmental protection administration of the locality and the departments concerned and accept their investigation and decision.
Enterprises and institutions that are likely to cause severe pollution accidents shall adopt measures for effective prevention.

Article 32. If the safety of the lives and property of inhabitants is endangered by severe environmental pollution, the competent department of environmental protection administration of the local people's government at or above the county level must promptly report to the local people's government. The people's government concerned shall take effective measures to remove or alleviate the hazard.

Article 33. The production, storage, transportation, sale and use of toxic chemicals and materials containing radioactive substances must comply with the relevant state provisions so as to prevent environmental pollution.

Article 34. No unit shall be permitted to transfer a production facility that causes severe pollution for use by a unit that is unable to prevent and control pollution.

CHAPTER V LEGAL LIABILITY

必须如期完成治理任务。

（相关资料: [部门规章 9 篇](#) [地方法规 12 篇](#) [裁判文书 3 篇](#) [相关论文 3 篇](#)）

第三十条 禁止引进不符合我国环境保护规定要求的技术和设备。

（相关资料: [部门规章 1 篇](#)）

第三十一条 因发生事故或者其他突然性事件，造成或者可能造成污染事故的单位，必须立即采取措施处理，及时通报可能受到污染危害的单位和居民，并向当地环境保护行政主管部门和有关部门报告，接受调查处理。

可能发生重大污染事故的企业事业单位，应当采取措施，加强防范。

（相关资料: [裁判文书 1 篇](#) [相关论文 3 篇](#) [实务指南](#)）

第三十二条 县级以上地方人民政府环境保护行政主管部门，在环境受到严重污染威胁居民生命财产安全时，必须立即向当地人民政府报告，由人民政府采取有效措施，解除或者减轻危害。

（相关资料: [地方法规 2 篇](#)）

第三十三条 生产、储存、运输、销售、使用有毒化学物品和含有放射性物质的物品，必须遵守国家有关规定，防止污染环境。

（相关资料: [修订沿革](#)）

第三十四条 任何单位不得将产生严重污染的生产设备转移给没有污染防治能力的单位使用。（相关资料: [部门规章 1 篇](#)）

第五章 法律责任

Article 35. Any violator of this Law shall, according to the circumstances of the case, be warned or fined by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management for any of the following acts:

- (1) refusing an on-site inspection by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management, or resorting to trickery and fraud while undergoing inspection;
- (2) refusing to report or submitting a false report on items for which declaration is required by the competent department of environmental protection administration under the State Council;
- (3) failing to pay, as provided for by the state, the fee for the excessive discharge of pollutants;
- (4) importing technology or a facility that fails to meet the requirements specified in the state provisions concerning environmental protection; or
- (5) transferring a production facility that causes severe pollution for use by a unit that is unable to prevent and control pollution.

Article 36. When a construction project is commissioned or put to use in circumstances where facilities for the prevention and control of pollution either have not been completed or fail to meet the requirements specified in state provisions, the competent department of environmental protection administration responsible for the 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.

Article 37. A unit which dismantles or leaves idle the installations for the prevention and control of pollution without prior approval by the competent department of environmental protection administration, thereby discharging pollutants in excess of the prescribed discharge standards, shall be ordered by the competent department of environmental protection administration to set up the installations or put them to use again, and shall concurrently be fined.

Article 38. An enterprise or institution which violates this Law, thereby causing an environmental pollution accident, shall be fined by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management in accordance with the consequent damage; in a serious case, the persons responsible shall be subject to administrative sanction by the unit to which they

第三十五条 违反本法规定，有下列行为之一的，环境保护行政主管部门或者其他依照法律规定行使环境监督管理权的部门可以根据不同情节，给予警告或者处以罚款：

（一）拒绝环境保护行政主管部门或者其他依照法律规定行使环境监督管理权的部门现场检查或者在被检查时弄虚作假的。

（二）拒绝或者谎报国务院环境保护行政主管部门规定的有关污染物排放申报事项的。

（三）不按国家规定缴纳超标准排污费的。

（四）引进不符合我国环境保护规定要求的技术和设备的。

（五）将产生严重污染的生产设备转移给没有污染防治能力的单位使用的。

（相关资料: [部门规章 5 篇](#) [地方法规 5 篇](#) [裁判文书 1 篇](#) [相关论文 1 篇](#)）

第三十六条 建设项目的防治污染设施没有建成或者没有达到国家规定的要求，投入生产或者使用的，由批准该建设项目的环境影响报告书的环境保护行政主管部门责令停止生产或者使用，可以并处罚款。

（相关资料: [部门规章 7 篇](#) [地方法规 2 篇](#) [裁判文书 4 篇](#)）

第三十七条 未经环境保护行政主管部门同意，擅自拆除或者闲置防治污染的设施，污染物排放超过规定的排放标准的，由环境保护行政主管部门责令重新安装使用，并处罚款。

（相关资料: [部门规章 3 篇](#) [地方法规 4 篇](#) [相关论文 1 篇](#)）

第三十八条 对违反本法规定，造成环境污染事故的企业事业单位，由环境保护行政主管部门或者其他依照法律规定行使环境监督管理权的部门根据所造成的危害后果处以罚款；情节较重的，对有关责任人员由其所在单位或者政府主管机关给予行政处分。

belong or by the competent department of the government.

Article 39. An enterprise or institution that has failed to eliminate or control pollution by the deadline as required shall, as provided for by the state, pay a fee for excessive discharge; in addition, a fine may be imposed on it on the basis of the damage incurred, or the enterprise or institution may be ordered to suspend its operations or close down.

The fine as specified in the preceding paragraph shall be decided by the competent department of environmental protection administration. An order for the suspension of operations or shut-down of an enterprise or institution shall be issued by the people's government that set the deadline for the elimination or control of pollution. An order for the suspension of operations or shut-down of an enterprise or institution directly under the jurisdiction of the Central Government shall be submitted to and approved by the State Council.

Article 40. A party refusing to accept the decision on administrative sanction may, within 15 days of receiving the notification on such a decision, apply for reconsideration to the department next higher to the authorities that imposed the sanction; if the party refuses to accept the decision of reconsideration, it may, within 15 days of receiving the reconsideration decision, bring a suit before a people's court. A party may also bring a suit directly before a people's court within 15 days of receiving the notification on the sanction. If, upon the expiration of this period, the party has not applied for reconsideration or has neither brought a suit before a people's court nor complied with the sanction, the authorities that imposed the sanction may apply to the people's court for compulsory enforcement.

Article 41. A unit that has caused an environmental pollution hazard shall have the obligation to eliminate it and make compensation to the unit or individual that suffered direct losses.

A dispute over the liability to make compensation or the amount of compensation may, at the request of the parties, be settled by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management. If a party refuses to accept the decision on the settlement, it may bring a suit before a people's court. The party may also directly bring a suit before the people's court.

If environmental pollution losses result solely from irresistible natural disasters which cannot be averted even after the prompt

(相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#))

第三十九条 对经限期治理逾期未完成治理任务的企业事业单位,除依照国家规定加收超标准排污费外,可以根据所造成的危害后果处以罚款,或者责令停业、关闭。

前款规定的罚款由环境保护行政主管部门决定。责令停业、关闭,由作出限期治理决定的人民政府决定;责令中央直接管辖的企业事业单位停业、关闭,须报国务院批准。

(相关资料: [部门规章 6 篇](#) [地方法规 14 篇](#) [裁判文书 1 篇](#) [相关论文 2 篇](#))

第四十条 当事人对行政处罚决定不服的,可以在接到处罚通知之日起十五日内,向作出处罚决定的机关的上一级机关申请复议;对复议决定不服的,可以在接到复议决定之日起十五日内,向人民法院起诉。当事人也可以在接到处罚通知之日起十五日内,直接向人民法院起诉。当事人逾期不申请复议、也不向人民法院起诉、又不履行处罚决定的,由作出处罚决定的机关申请人民法院强制执行。

(相关资料: [法律 1 篇](#) [部门规章 3 篇](#) [地方法规 1 篇](#) [相关论文 2 篇](#) [实务指南](#))

第四十一条 造成环境污染危害的,有责任排除危害,并对直接受到损害的单位或者个人赔偿损失。

赔偿责任和赔偿金额的纠纷,可以根据当事人的请求,由环境保护行政主管部门或者其他依照法律规定行使环境监督管理权的部门处理;当事人对处理决定不服的,可以向人民法院起诉。当事人也可以直接向人民法院起诉。

完全由于不可抗拒的自然灾害,并经及时采取合理措施,仍然不能避免造成环境污染损害的,免于承担责任。

(相关资料: [法律 1 篇](#) [部门规章 3 篇](#) [地](#)

adoption of reasonable measures, the party concerned shall be exempted from liability.

Article 42. The limitation period for prosecution with respect to compensation for environmental pollution losses shall be three years, counted from the time when the party becomes aware of or should become aware of the pollution losses.

Article 43. If a violation of this Law causes a serious environmental pollution accident, leading to the grave consequences of heavy losses of public or private property or human injuries or deaths of persons, the persons directly responsible for such an accident shall be investigated for criminal responsibility according to law.

Article 44. Whoever, in violation of this Law, causes damage to natural resources like land, forests, grasslands, water, minerals, fish, wild animals and wild plants shall bear legal liability in accordance with the provisions of relevant laws.

Article 45. Any person conducting supervision and management of environmental protection who abuses his power, neglects his duty or engages in malpractices for personal gains shall be given administrative sanction by the unit to which he belongs or the competent higher authorities; if his act constitutes a crime, he shall be investigated for criminal responsibility according to law.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 46. If an international treaty regarding environmental protection concluded or acceded to by the People's Republic of China contains provisions differing from those contained in the laws of the People's Republic of China, the provisions of the international treaty shall apply, unless the provisions are ones on which the People's Republic of China has announced reservations.

Article 47. This Law shall enter into force on the date of promulgation. [The Environmental Protection Law of the People's Republic of China \(for Trial Implementation\)](#) shall be abrogated therefrom.

[方法规 6 篇](#) [裁判文书 48 篇](#) [相关论文 28 篇](#) [实务指南](#)

第四十二条 因环境污染损害赔偿提起诉讼的时效期间为三年，从当事人知道或者应当知道受到污染损害时起计算。

（相关资料: [裁判文书 4 篇](#) [相关论文 1 篇](#) [实务指南](#)）

第四十三条 违反本法规定，造成重大环境污染事故，导致公私财产重大损失或者人身伤亡的严重后果的，对直接责任人员依法追究刑事责任。

（相关资料: [部门规章 1 篇](#) [相关论文 3 篇](#) [实务指南](#)）

第四十四条 违反本法规定，造成土地、森林、草原、水、矿产、渔业、野生动植物等资源的破坏的，依照有关法律的规定承担法律责任。

（相关资料: [相关论文 1 篇](#)）

第四十五条 环境保护监督管理人员滥用职权、玩忽职守、徇私舞弊的，由其所所在单位或者上级主管机关给予行政处分；构成犯罪的，依法追究刑事责任。

（相关资料: [部门规章 1 篇](#) [相关论文 2 篇](#) [实务指南](#)）

第六章 附则

第四十六条 中华人民共和国缔结或者参加的与环境保护有关的国际条约，同中华人民共和国的法律有不同规定的，适用国际条约的规定，但中华人民共和国声明保留的条款除外。

（相关资料: [裁判文书 1 篇](#) [相关论文 1 篇](#)）

第四十七条 本法自公布之日起施行。

《[中华人民共和国环境保护法（试行）](#)》同时废止。

