

【Title】 Regulations of the People's Republic of China on the Control over Dumping Wastes into the Sea Waters**[现行有效]**

【法规标题】 中华人民共和国海洋倾废管理条例 **[Effective]**

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Regulations of the People's Republic of China on the Control over Dumping Wastes into the Sea Waters
(Promulgated by the State Council of the People's Republic of China on March 6, 1985)

中华人民共和国海洋倾废管理条例
(一九八五年三月六日国务院发布)

(相关资料: [行政法规 2 篇](#) [部门规章 16 篇](#) [地方法规 7 篇](#) [相关论文 5 篇](#))

Article 1. These Regulations are formulated for the purpose of implementing [the Marine Environmental Protection Law of the People's Republic of China](#) and strictly controlling the dumping of wastes at sea so as to prevent pollution damage to the marine environment, maintain ecological balance, preserve marine resources and promote the marine cause.

第一条 为实施《[中华人民共和国海洋环境保护法](#)》，严格控制向海洋倾倒废弃物，防止对海洋环境的污染损害，保持生态平衡，保护海洋资源，促进海洋事业的发展，特制定本条例。

Article 2. For the purposes of these Regulations, "dumping" means the disposal of wastes or other matter from vessels, aircraft, platforms or other vehicles at sea; the disposal of vessels, aircraft, platforms or other man-made structures at sea; the disposal at sea of wastes or other matter arising from, or related to the exploration and exploitation of sea-bed mineral resources and offshore processing related thereto.
"Dumping" does not include the discharge of wastes arising from the normal operation of vessels, aircraft, or other vehicles and facilities.

第二条 本条例中的“倾倒”，是指利用船舶、航空器、平台及其他载运工具，向海洋处置废弃物和其他物质；向海洋弃置船舶、航空器、平台和其他海上人工构造物，以及向海洋弃置船舶、航空器、平台和其他海上人工构造物，以及向海洋处置由于海底矿物资源的勘探开发及与勘探开发相关的海上加工的废弃物和其他物质。
“倾倒”不包括船舶、航空器及其他载运工具和设施正常操作产生的废弃物的排放。

Article 3. The present Regulations shall apply to:
(1) The dumping of wastes or other matter into the internal sea and the territorial sea, onto the continental shelf and into other sea areas under

第三条 本条例适用于：
一、向中华人民共和国的内海、领海、大陆架和其他管辖海域倾倒废弃物和其

the jurisdiction of the People's Republic of China;

(2) The wastes of loading or other matter on land or in the harbours of the People's Republic of China for the purpose of dumping;

(3) The shipping of wastes or other matter in the internal sea, territorial sea and other sea areas under the jurisdiction of the People's Republic of China for the purpose of dumping;

(4) The incineration & disposal of wastes or other matter in the sea areas under the jurisdiction of the People's Republic of China.

In case of wastes arising from the offshore oil exploration and exploitation, [the Regulations of the People's Republic of China Concerning Environmental Protection in Offshore Oil Exploration and Exploitation](#) shall apply.

Article 4. The competent authority in charge of the dumping of wastes at sea shall be the State Oceanic Administration of the People's Republic of China and its agencies (hereinafter referred to as the Competent Authority).

Article 5. The dumping areas at sea shall be designated by the Competent Authority, in consultation with the departments concerned on basis of scientific, rational, safety and economical principles, subject to approval by the State Council.

Article 6. An entity which intends to dump wastes at sea shall make an application to the Competent Authority by filling in an application form for dumping wastes as required and submitting this with a test paper on the characteristics and composition of the wastes.

The Competent Authority shall examine and act on the application within two months of the receipt of the application. Permits for the dumping of wastes shall be issued to those whose applications have been approved. No entities, ships, aircraft, platforms or other vehicles shall be allowed to dump wastes at sea without the approval of the Competent Authority in accordance with law.

Article 7. No wastes of foreign countries shall be allowed to be shipped to the sea areas under the jurisdiction of the People's Republic of China for the purpose of dumping, including the disposal of vessels, aircraft, platforms or other man-made structures at sea. The violators shall be ordered by the Competent Authority to remedy the pollution damage within a definite time, pay clean-up expenses incurred in eliminating the pollution, compensate for the losses and be liable to a fine.

The dumping of wastes which is carried out beyond the sea areas under the jurisdiction of the People's Republic of China, but which has resulted in pollution damage to the sea areas under the jurisdiction of the People's

他物质;

二、为倾倒的目的,在中华人民共和国陆地或港口装载废弃物和其他物质;

三、为倾倒的目的,经中华人民共和国的内海、领海及其他管辖海域运送废弃物和其他物质;

四、在中华人民共和国管辖海域焚烧处置废弃物和其他物质。

海洋石油勘探开发过程中产生的废弃物,按照《[中华人民共和国海洋石油勘探开发环境保护管理条例](#)》的规定处理。

(相关资料: [部门规章 1 篇](#))

第四条 海洋倾倒废弃物的主管部门是中华人民共和国国家海洋局及其派出机构(简称“主管部门”,下同)。

第五条 海洋倾倒区由主管部门商同有关部门,按科学、合理、安全和经济的原则划出,报国务院批准确定。

第六条 需要向海洋倾倒废弃物的单位,应事先向主管部门提出申请,按规定的格式填报倾倒废弃物申请书,并附报废弃物特性和成分检验单。

主管部门在接到申请书之日起两个月内予以审批。对同意倾倒者应发给废弃物倾倒许可证。

任何单位和船舶、航空器、平台及其他载运工具,未依法经主管部门批准,不得向海洋倾倒废弃物。

(相关资料: [部门规章 1 篇](#))

第七条 外国的废弃物不得运至中华人民共和国管辖海域进行倾倒,包括弃置船舶、航空器、平台和其他海上人工构造物。违者,主管部门可责令其限期治理,支付清除污染费,赔偿损失,并处以罚款。

在中华人民共和国管辖海域以外倾倒废弃物,造成中华人民共和国管辖海域污染损害的,按本条例第十七条规定处理。

Republic of China, shall be dealt with pursuant to the provisions of Article 17 of the present Regulations.

Article 8. Any vessels or other vehicles which ship wastes through the sea areas under the jurisdiction of the People's Republic of China for the purpose of dumping shall notify the Competent Authority fifteen days before their entry into the sea areas under the jurisdiction of the People's Republic of China and at the same time report the time of their entry and their routes, as well as the names, quantities and composition of the wastes.

Article 9. Vessels and platforms of foreign nationality which intend to dump wastes or other matter arising from, or related to the exploration, exploitation and associated offshore processing of seabed mineral resources shall report to the Competent Authority for approval in accordance with the stipulated procedure.

Article 10. The permit for dumping shall clearly indicate the waste-dumping entity, term of validity, quantities and categories of the wastes, and method of dumping.

The issuance of permits shall be strictly controlled in accordance with the relevant provisions of the present Regulations. The Competent Authority may change or revoke a permit in view of the variation of the marine ecological environment and the development of science and technology.

Article 11. Wastes shall fall into three categories in accordance with factors such as toxicity, harmful substance content, impact upon the marine environment, etc. The criteria governing the classification of wastes shall be established by the Competent Authority. The Annexes to these Regulations may be amended by the Competent Authority in the light of the variation of the marine ecological environment, the development of science and technology and the need for the preservation of marine environment.

(1) The dumping of wastes or other matter listed in Annex I shall be prohibited (See Annex I). In emergencies when their disposal on land may pose serious danger to human health, such wastes may be dumped in the designated area in a specified way after the dumping is approved by the State Oceanic Administration and an emergency permit is granted.

(2) The dumping of the wastes listed in Annex II requires a prior special permit (See Annex I).

(3) The dumping of the low-toxic and non-toxic wastes not included in Annex I and II requires a prior general permit.

Article 12. The entities which have been permitted to dump wastes at sea shall notify the Competent Authority for verification at the time of loading

第八条 为倾倒的目的，经过中华人民共和国管辖海域运送废弃物的任何船舶及其他载运工具，应当在进入中华人民共和国管辖海域十五天之前，通报主管部门，同时报告进入中华人民共和国管辖海域的时间、航线、以及废弃物的名称、数量及成分。

第九条 外国籍船舶、平台在中华人民共和国管辖海域，由于海底矿物资源的勘探开发及与勘探开发相关的海上加工所产生的废弃物和其他物质需要向海洋倾倒的，应按规定程序报经主管部门批准。

第十条 倾倒许可证应注明倾倒单位、有效期限和废弃物的数量、种类、倾倒方法等事项。

签发许可证应根据本条例的有关规定严格控制。主管部门根据海洋生态环境的变化和科学技术的发展，可以更换或撤销许可证。

第十一条 废弃物根据其毒性、有害物质含量和对海洋环境的影响等因素，分为三类。其分类标准，由主管部门制定。主管部门可根据海洋生态环境得变化，科学技术的发展，以及海洋环境保护的需要，对附件进行修订。

一、禁止倾倒附件一所列的废弃物及其他物质（见附件一）。当出现紧急情况，在陆地上处置会严重危及人民健康时，经国家海洋局批准，获得紧急许可证，可到指定的区域按规定的方法倾倒。

二、倾倒附件二所列的废弃物（见附件二），应当事先获得特别许可证。

三、倾倒未列入附件一和附件二的低毒或无毒的废弃物，应当事先获的普通许可证。

第十二条 获准向海洋倾倒废弃物的单位在废弃物装载时，应通知主管部门予以

such wastes.

Verification shall be carried out in accordance with the items recorded in the permit. If the Competent Authority finds the wastes actually loaded do not accord with the items specified in the permit, it shall order the shipping to be stopped. In serious cases, the permit shall be suspended or withdrawn.

If the dumping of wastes is conducted from vessels, the harbour superintendency administration of the port of departure or of a nearby harbour shall be notified for verification. If the harbour superintendency administration finds discrepancies between the wastes actually loaded and the contents specified in the permit, it shall not sign the exit visa, and give prompt notice to the Competent Authority.

Article 13. The Competent Authority shall monitor and supervise the dumping of wastes at sea and, when necessary, send officials to go with the vessel. The dumping entity shall provide facilities for such officials.

Article 14. The entities which have been permitted to dump wastes at sea shall conduct the dumping in a designated area within the time limit and according to the requirements as specified in the permit, fill in the form for recording details of the dumping in good faith and then submit it to the Competent Authority in accordance with the requirement specified in the permit. Waste-dumping vessels, aircraft, platforms or other vehicles shall have distinctive marks and signals, and the details of dumping shall be recorded in the Log Book.

Article 15. Waste-dumping vessels, aircraft, platforms and other vehicles may be exempt from compensation liabilities under the circumstances specified in [Article 43 of the Marine Environmental Protection Law of the People's Republic of China](#).

If the dumping is not carried out in the area and under the conditions specified by the permit due to urgent need to avert hazards or to save life, the dumping entity shall do its best to avoid or reduce the pollution damage arising from the dumping and report to the Competent Authority after the event as soon as possible. The dumping entity and those who benefit from the emergency aversion of hazards or life salvage shall make compensation for the pollution damage arising therefrom.

As for the pollution damage arising from the wrongful act by a third party, the dumping entity shall present conclusive evidence to the Competent Authority, which, having affirmed the evidence, shall order the third party to be liable for damages.

When the vessels, aircraft, platforms or other vehicles which sail and operate at sea have to be abandoned due to force majeure, the owners shall report to the Competent Authority and the nearby harbour superintendency administration, and shall conduct the salvage and clean-

核实。

核实工作按许可证所载的事项进行。主管部门如发现实际装载与许可证所注明内容不符，应责令停止装运；情节严重的，应中止或吊销许可证。

利用船舶倾倒废弃物的，还应通知驶出港或就近的港务监督核实。港务监督如发现实际装载与许可证所注明内容不符，则不予办理签证放行，并及时通知主管部门。

第十三条 主管部门应对海洋倾倒活动进行监视和监督，必要时可派员随航。倾倒单位应为随航公务人员提供方便。

第十四条 获准向海洋倾倒废弃物的单位，应当按许可证注明的期限和条件，到指定的区域进行倾倒，如实地详细填写倾倒情况记录表，并按许可证注明的要求，将记录表报送主管部门。倾倒废弃物的船舶、航空器、平台和其他载运工具应有明显标志和信号，并在航行日志上详细记录倾倒情况。

（相关资料: [部门规章 1 篇](#)）

第十五条 倾倒废弃物的船舶、航空器、平台和其他载运工具，凡属《[中华人民共和国海洋环境保护法](#)》[第四十三条](#)规定的情形，可免于承担赔偿责任。

为紧急避险或救助人命，未按许可证规定的条件和区域进行倾倒时，应尽力避免或减轻因倾倒而造成的污染损害，并在事后尽快向主管部门报告。倾倒单位和紧急避险或救助人命的受益者，应对由此所造成的污染损害的进行补偿。

由于第三者的过失造成污染损害的，倾倒单位应向主管部门提出确凿证据，经主管部门确认后责令第三者承担赔偿责任。

在海上航行和作业的船舶，航空器、平台和其他载运工具，因不可抗拒的原因而弃置时，其所有人应向主管部门和就近的港务监督报告，并尽快打捞清理。

（相关资料: [行政法规 1 篇](#) [部门规章 1](#)

up work as soon as possible.

Article 16. The Competent Authority shall monitor the ocean dumping areas regularly, strengthen management and avoid harmful impacts upon fishery resources and other activities at sea. When a dumping area is found to be no longer suitable for further dumping, the Competent Authority may decide to have it closed.

Article 17. Those who have violated the present Regulations and thus caused pollution damage to the marine environment shall be ordered by the Competent Authority to remedy the pollution damage within a definite time, pay clean-up expenses incurred in eliminating the pollution and compensate the injured party for the losses arising therefrom, and shall be given a warning or be subject to a fine of no more than one hundred thousand yuan (RMB) in light of the seriousness of the case and the degree of the pollution damage arising therefrom.

Article 18. Any entity or individual claiming damages shall submit to the Competent Authority a statement of claims for pollution damages. The statement shall include: the time, place and area of pollution damage, and objects affected, a detailed list of losses, technical appraisal and certification by a notary public, as well as relevant original documents and photos, etc.

Article 19. Upon the completion of the operation, the entity entrusted with the task of cleaning up pollutants shall submit to the Competent Authority as soon as possible a statement of claims for clean-up expenses. The statement shall include: the time and place of the clean-up operation and the manpower, machines, tools, vessels committed, the quantities and unit prices of the materials used in the clean-up operation, the calculation methods employed, the administrative, transportation and other expenses involved in organizing such a clean-up operation, and the effects of and related information about the clean-up operation, as well as other relevant evidences and documents.

Article 20. The criteria of punishment for offences are as follows:

- (1) Those who commit one of the following offences shall be given a warning or liable to a fine of no more than two thousand yuan (RMB);
 - a) Forgery of the waste-testing certificate;
 - b) Failure to fill in the form for recording the wastes dumping as specified in Article 14 of the present Regulations;
 - c) Failure to report in time to the Competent Authority and the harbour superintendency administration under the circumstances provided for in Article 15 of the present Regulations.
- (2) Where there are obvious discrepancies between the wastes actually loaded and the items indicated in the permit, the violator in serious cases

篇)

第十六条 主管部门对海洋倾倒区应定期进行监测, 加强管理, 避免对渔业资源和其他海上活动造成有害影响。当发现倾倒区不宜继续倾倒时, 主管部门可决定予以封闭。

第十七条 对违反本条例, 造成海洋环境污染损害的, 主管部门可责令其限期治理, 支付清除污染费, 向受害方赔偿由此所造成的损失, 并视情节轻重和污染损害的程度, 处以警告或人民币十万以下的罚款。

(相关资料: [部门规章 2 篇](#))

第十八条 要求赔偿损失的单位和个人, 应尽快向主管部门提出污染损害索赔报告书。报告书应包括: 受污染损害的时间、地点、范围、对象、损失清单, 技术鉴定和公证证明, 并尽可能提供有关原始单据和照片等。

第十九条 受托清除污染的单位在作业结束后, 应尽快向主管部门提交索取清除污染费用报告书。报告书应包括: 清除污染的时间、地点、投入的人力、机具、船只, 清除材料的数量、单价、计算方法, 组织清除的管理费、交通费及其他有关费用, 清除效果及其情况, 其他有关证据和证明材料。

第二十条 对违法行为的处罚标准如下:

一、凡有下列行为之一者, 处以警告或人民币二千元以下的罚款:

(一) 伪造废弃物检验单的;

(二) 不按本条例第十四条规定填报倾倒情况记录表的;

(三) 在本条例第十五条规定的情况下, 未及时向主管部门和港务监督报告的。二、凡实际装载与许可证所注明内容不符, 情节严重的, 除中止或吊销许可证外, 还可处以人民币二千元以上五

may be levied a fine of no less than two thousand yuan (RMB) and no more than five thousand yuan (RMB) in addition to the suspension and withdrawal of the permit;

(3) Those who dump wastes without notifying the Competent Authority and the harbour superintendency administration for verification in accordance with the provisions of Article 12 of the present Regulations shall be liable to a fine of no less than five thousand yuan (RMB) and no more than twenty thousand yuan (RMB);

(4) Those who commit one of the following offences shall be liable to a fine of no less than twenty thousand yuan (RMB) and no more than one hundred thousand yuan (RMB):

(a) The dumping of wastes without approval;

(b) The dumping of wastes not in accordance with the requirements and in the area as stipulated in the approval, the circumstances specified in Article 15 of the present Regulations being excepted.

Article 21. The persons directly responsible for the pollution damage or possible pollution damage to the marine environment in violation of the present Regulations shall be given a warning or liable to a fine, or both. The persons directly responsible for heavy losses of property or causing casualties as a result of the pollution damage to the marine environment in violation of the present Regulations shall be prosecuted for their criminal responsibility by judicial organs according to law.

Article 22. In case the party concerned objects to the penalty imposed by the Competent Authority, it may initiate proceedings in the People's Court within fifteen days of the receipt of the penalty notice.

If the party does not take the above action before the term expires, nor does it carry out the penalty decision, the Competent Authority shall ask the People's Court to take enforcement measures.

Article 23. Any individual who, on his own initiative, has reported on, or exposed acts in violation of the present Regulations resulting in the pollution damage to the marine environment, or actively provided evidences for such happenings, or has taken effective measures to reduce the pollution damage shall be commended or rewarded.

Article 24. These Regulations shall come into force on April 1, 1985.

千元以下的罚款。

三、凡未按本条例第十二条规定通知主管部门核实而擅自进行倾倒的，可处以人民币五千元以上二万元以下的罚款。

四、凡有下列行为之一者，可处以人民币二万元以上十万元以下的罚款：

（一）未经批准向海洋倾倒废弃物的；

（二）不按批准的条件和区域进行倾倒的，但本条例第十五条规定的情况不在此限。

（相关资料: [部门规章 2 篇](#)）

第二十一条 对违反本条例，造成或可能造成海洋环境污染损害的直接责任人，主管部门可处以警告或者罚款，也可以并处。

对于违反本条例，污染损害海洋环境造成重大财产损失或致人伤亡的直接责任人，由司法机关依法追究刑事责任。

（相关资料: [部门规章 2 篇](#)）

第二十二条 当事人对主管部门的处罚决定不服的，可以在收到处罚通知书之日起十五日内，向人民法院起诉；期满不起诉又不履行处罚决定的，由主管部门申请人民法院强制执行。

第二十三条 对违反本条例，造成海洋环境污染损害的行为，主动检举、揭发，积极提供证据，或采取有效措施减少污染损害有成绩的个人，应给予表扬或奖励。

第二十四条 本条例自一九八五年四月一日起施行。

附件一：

禁止倾倒的物质

一、含有机卤素化合物、汞及汞化合物、镉及镉化合物的废弃物，但微量含量的或能在海水中迅速转化为无害物质的除外。

二、强放射性废弃物及其他强放射性物质。

三、原油及其废弃物、石油炼制品、残油，以及含这类物质的混合物。

四、渔网、绳索、塑料制品及其他能在海面漂浮或在水中悬浮，严重妨碍航行、捕鱼及其他活动或危害海洋生物的人工合成物质。

五、含有本附件第一、二项所列物质的阴沟污泥和疏浚物。

附件二：

需要获得特别许可证才能倾倒的物质

一、含有下列大量物质的废弃物：

（一）砷及其化合物；

（二）铅及其化合物；

（三）铜及其化合物；

（四）锌及其化合物；

（五）有机硅化合物；

（六）氰化物；

（七）氟化物；

（八）铍、铬、镍、钒及其化合物；

（九）未列入附件一的杀虫剂及其副产品。

但无害的或能在海水中迅速转化为无害物质的除外。

二、含弱放射性物质的废弃物。

三、容易沉入海底，可能严重障碍捕鱼和航行的容器、废金属及其他笨重的废弃物。

四、含有本附件第一、二项所列物质的阴沟污泥和疏浚物。

ANNEX I:

SUBSTANCES THE DUMPING OF WHICH IS PROHIBITED

1. Wastes containing organohalogen compounds, mercury and mercury compounds, cadmium and cadmium compounds, except those which contain a mere trace of the matter listed above and can be rapidly rendered harmless in sea water;
2. High-level radioactive wastes or other high-level radioactive matter;
3. Crude oil and its wastes, refined petroleum products, petroleum distillate residues or any mixtures containing such matter;
4. Netting, ropes, plastics or other artificial synthetic materials, which may float or may remain in suspension in the sea so as to interfere seriously with navigation, fishing and other activities or endanger marine organisms;

5. Sewage sludges and dredged spoils containing matters referred to in paragraphs 1 and 2 of the present Annex.

ANNEX II:

SUBSTANCES WHICH REQUIRE A SPECIAL PERMIT FOR DUMPING

1. Wastes containing significant amounts of matters listed below:

- (1) Arsenic and its compounds;
- (2) Lead and its compounds;
- (3) Copper and its compounds;
- (4) Zinc and its compounds;
- (5) Organosilicon compounds;
- (6) Cyanides;
- (7) Fluorides;
- (8) Beryllium, chromium, nickel, vanadium and their compounds;
- (9) Pesticides and their by-products not covered in Annex I.

with harmless substance or substances that may be rapidly rendered harmless in sea water being excepted.

2. Wastes containing low-level radioactive matter.

3. Containers, scrap metal or other bulky wastes which are likely to sink to the sea bottom and may present serious obstacles to fishing or navigation.

4. Sewage sludges and dredged spoils containing matters referred to in paragraphs 1 and 2 of the present Annex.

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