

Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering Construction Projects

Promulgation date: 09-19-2006
Effective date: 11-01-2006
Department: STATE COUNCIL OF CHINA
Subject: ENVIRONMENTAL PROTECTION

Order of the State Council
(No. 475 [2006])

The Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering Construction Projects, which has been adopted at the 148th executive meeting of the State Council on August 30, 2006, is hereby promulgated and shall come into force as of November 1, 2006.

Premier Wen Jiabao
September 19, 2006

Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering Construction Projects

Chapter I General Provisions

Article 1 This Regulation is formulated according to the Marine Environment Protection Law of the People's Republic of China for the purpose of preventing, treating and reducing the pollution and damage to the marine environment by marine engineering construction projects (hereinafter referred to as marine projects), keeping marine ecological balance, and preserving marine resources.

Article 2 This Regulation shall be applicable to the prevention of pollution and damage to the marine environment by marine projects within the marine jurisdiction of the People's Republic of China.

Article 3 The "marine projects" as mentioned in this Regulation refers to the newly built, restructured or expanded projects that are constructed for the exploitation, utilization, protection and restoration of marine resources, and whose main parts are situated along the coastline to the side of the sea, and that specifically include:

- (1) Projects of enclosing or filling in the sea, and marine dike projects;
- (2) Projects of artificial islands, sea and seabed material storage facilities, cross-sea bridges, and seabed tunnels;
- (3) Projects of seabed pipes and seabed electric (optical) cables;
- (4) Projects of marine mineral resources exploration and exploitation, and ancillary works;
- (5) Projects of maritime tidal power stations, wave power stations, stations based on temperature difference, and other marine energy exploitation and utilization projects;
- (6) Projects of large seawater farms, and artificial fish-reefs;
- (7) Such seawater utilization projects as the desalination of salt pans and seawater;
- (8) Maritime entertainment, sports and landscape exploitation projects; and
- (9) Other marine projects as prescribed by the state marine administrative department together with the environmental protection administrative department of the State Council.

Article 4 The state marine administrative department shall be responsible for the supervision over

and administration of the environmental protection work on the marine projects across the country, and accept the guidance, coordination and supervision of the environmental protection administrative department of the State Council. The marine administrative department of the people's government at or above the level of coastal county shall be responsible for the supervision over and administration of the environmental protection work on marine projects in the sea areas adjacent to its own administrative area.

Article 5 The site selection and construction of marine projects shall be conducted in line with the zoning of marine functions, planning for the marine environmental protection and national environmental protection standards, and shall not affect the environmental quality of marine functional zones or damage the functions of adjacent sea areas.

Article 6 The state marine administrative department shall distribute the pollutant discharge control volume for the marine projects in key sea areas in light of the total pollutant discharge control indicator for the marine projects in national key sea areas.

Article 7 Any entity or individual shall be entitled to tip off the pollution to the marine environment or the damage to the marine ecology by marine projects to the marine administrative department.

The marine administrative department that has received the said tip-off shall carry out the investigation, and keep secrets for the tip-offer.

Chapter II Environmental Impact Assessment

Article 8 The State implements the environmental impact assessment system to marine projects.

The environmental impact assessment of a marine project shall mainly include the comprehensive analysis, forecast and assessment of the effects of the project to the marine environment and marine resources, corresponding ecological protection measures, as well as the forecast, control or reduction of the effects and damage of the project to the marine environment and marine resources.

An environmental impact report on a marine project shall be formulated according to the technical standards for the environment impact assessment of marine projects and other relevant environmental protection standards. The survey and monitor materials as required by the state marine administrative department shall be used for the formulation of environment impact reports.

Article 9 An environmental impact report on a marine project shall include:

- (1) General information about the project;
- (2) Environmental situation of the sea area where the project is located, and the conditions about the exploitation and utilization of adjacent sea areas;
- (3) Analysis, forecast and assessment of possible impacts of the project to the marine environment and marine resources;
- (4) Analysis and forecast of the impacts of the project to the functions of adjacent sea areas and other exploitation and utilization activities;
- (5) Analysis of the economic profits and losses and environmental risks of the project to the marine environment;
- (6) Environmental protection measures to be adopted, and the economic and technical demonstration thereof;
- (7) Conditions on public participation; and
- (8) Environment impact assessment conclusion. In case a marine project may damage the seashore ecological environment, the environment impact assessment report shall also include the analysis and assessment of the impacts of the project to the natural reserves alongshore and other land ecological systems.

Article 10 The construction entity for a newly-built, restructured or expanded marine project shall

entrust an institution with corresponding environment impact assessment qualification to formulate an environment impact report, and shall report it to the marine administrative department that has the examination and approval power for approval.

The marine administrative department shall, before approving an environmental impact report on a marine project, solicit the opinions from the administrative departments of marine affairs and fishery, and the environmental protection department in the army; and may hold a hearing when necessary. For a project of enclosing or filling in the sea, a hearing shall be held.

The marine administrative department shall, after approving an environmental impact report on a marine project, submit the environment impact report as approved to the environmental protection administrative department at the same level for archival filing, and be subject to the supervision of the environmental protection administrative department.

When the marine project construction entity goes through the formalities for examination, approval and archival filing of the project, it shall submit an environmental impact report on the marine project as approved by the marine administrative department.

Article 11 The environment impact reports on the following marine projects shall be subject to the examination and approval of the state marine administrative department:

- (1) Projects involving state marine rights and interests or national defense security, etc.
- (2) Projects of marine mineral resources exploration and exploitation, and ancillary works;
- (3) Projects of filling in the sea with an area of 50 or more hectares, and projects of enclosing the sea with an area of 100 or more hectares;
- (4) Projects of maritime tidal power stations, wave power stations, stations based on temperature difference, and other marine energy development and utilization projects; and
- (5) Marine projects as examined and approved by the State Council or the relevant departments of the State Council.

Other environment impact reports on marine projects than those as mentioned in the preceding Paragraph shall be subject to the examination and approval of the marine administrative department of the people's government at or above the level of coastal county in light of the limit of power as prescribed by the people's government of the province, autonomous region or municipality directly under the Central Government.

In case a marine project may affect the environment of two or more regions and the relevant marine administrative departments have dispute over the environment impact assessment conclusion, the environment impact report on the said project shall be subject to the examination and approval of their common marine administrative department at the next higher level.

Article 12 The marine administrative department shall, within 60 working days upon receipt of an environment impact report on a marine project, make a decision on whether or not to approve it, and notify the construction entity of the decision in written form.

Where the materials need to be supplemented, the marine administrative department shall notify the construction entity in a timely manner, and the term of approval shall be re-calculated as of the day when all the materials are supplemented.

Article 13 Where, after an environment impact report on a marine project is approved, any major change occurs to the nature, scale, site, production technique of the project or to the environmental protection measures to be adopted, the construction entity shall entrust an institution with corresponding environment impact assessment qualification to formulate a new environment impact report, and report it to the marine administrative department that has originally examined and approved the environment impact report on the said project for approval. Where the construction of

a marine project is started after five years from the date when the environment impact report on the project has been examined and approved, the environment impact report on the said project shall, before the construction, be reported to the marine administrative department that has originally examined and approved the environment impact report on the said project for a new approval.

The marine administrative department shall, after re-approving the environment impact report on a marine project, submit the environment impact report as re-approved to the environmental protection administrative department at the same level for archival filing.

Article 14 A construction entity may determine an environment impact assessment institution for a marine project by way of bid invitation. No entity or individual may designate any environment impact assessment institution for the marine project.

Article 15 Any institution and its technicians for environment impact assessment of marine projects shall obtain corresponding quality certificate and qualification certificates according to the relevant provisions of the environment protection administrative department of the State Council.

Before the environment protection administrative department of the State Council issues qualification certificates to the environment impact assessment institutions for marine projects, it shall solicit the opinions from the marine administrative department of the State Council.

Chapter III Prevention and Treatment of the Pollution Caused by Marine Projects

Article 16 The environmental protection facilities for a marine project shall be designed, constructed and put into use simultaneously with the main part of the marine project.

Article 17 In the preliminary design of a marine project, an environmental protection chapter shall be formulated, environmental protection measures shall be implemented and the investment for environmental protection shall be generally calculated according to the criteria for environmental protection design and the environment impact report as approved.

Article 18 A construction entity shall, within 30 working days before the marine project is put into operation, apply for the check and acceptance of environmental protection facilities to the marine administrative department that has originally approved the environment impact report on the said project; and in case a marine project is put into trial operation, the construction entity shall, within 60 working days before the marine project is put into trial operation, apply for the check and acceptance of environmental protection facilities to the marine administrative department that has originally approved the environment impact report on the said project.

In case a marine project is constructed and put into operation by stages, the corresponding environmental protection facilities shall be checked and accepted by stages.

Article 19 The marine administrative department shall, within 30 working days upon receipt of an application for the check and acceptance of environmental protection facilities, complete the check and acceptance; and if the facilities are found to be unqualified upon check and acceptance, the marine administrative department shall order the rectification within the prescribed time limit.

Where the supporting environmental protection facilities necessary for a marine project have not been checked and accepted by the marine administrative department or are found to be unqualified upon check and acceptance, the said project shall not be put into operation.

No construction entity may illegally dismantle or leave unused the environmental protection facilities for a marine project.

Article 20 Where a marine project became inconsistent with the environment impact report as

approved during the course of construction or operation, the construction entity shall, within 20 working days after the said circumstance appears, organize a follow-up environment impact assessment, and take measures for improvement according to the follow-up assessment conclusion, and submit the follow-up assessment conclusion and the measures for improvement as adopted to the marine administrative department that has originally approved the environment impact report on the said project for archival filing; and the marine administrative department that has originally approved the environment impact report on the said project may also order the construction entity to conduct a follow-up assessment conclusion and take the measures for improvement.

Article 21 Any project of enclosing or filling in the sea shall be rigorously controlled. It is prohibited to enclose or fill in the sea at the natural spawning, breeding and feeding grounds of economic organism or bird habitats.

The fillings for a project of enclosing or filling in the sea shall conform to the relevant environmental protection standards.

Article 22 The construction of a marine project shall not cause the erosion, sludging or damage to the territorial sea base points and their surroundings, or endanger the stability of territorial sea base points.

In the case of the construction of a project of sea dam, cross-sea bridge, marine entertainment, sports and landscape development, effective measures shall be adopted to prevent the erosion or sludging of sea coast.

Article 23 The set-up of pollutant outlets for an offshore sewage disposal project shall conform to the division of marine functions and the plans for marine environmental protection, and shall not damage the functions of adjacent sea areas.

The offshore sewage discharge shall not exceed the discharge standards as prescribed by the Central or local government, and shall not exceed the total pollutant discharge control indicator in the case of a sea area for which the total pollutant discharge control is implemented.

Article 24 A culturist engaged in mariculture shall adopt scientific cultivation method to reduce the pollution to marine environment by baits. Where the marine area is polluted or the marine landscape is seriously damaged due to the mariculture, the culturist shall make restitution and put things in order.

Article 25 A construction entity shall, in the process of constructing or operating a marine solid mineral resources exploration and exploitation project, take effective measures to prevent pollutants from large-scale spread and destruction of marine environment.

Article 26 The marine oil and gas mineral resources exploration and exploitation shall be equipped with water separation facilities, oily wastewater treatment equipment, monitoring devices for oil emission, residual oil and used oil recycling facilities, and waste grinding equipment.

Fixed platforms, mobile platforms, floating oil storage devices, pipelines and other supporting facilities used in the marine oil and gas mineral resources exploration and exploitation shall conform to the impermeable, leak-proof and anti-corrosion requirements. An operating entity shall conduct regular inspections so as to prevent oil spills.

The “fixed platforms” and “mobile platforms” as mentioned in the preceding Paragraph refers to the drilling vessels, drilling platforms, oil production platforms and other platforms used in the marine oil and gas mineral resources exploration and exploitation.

Article 27 An entity of marine oil and gas mineral resources exploration and exploitation shall purchase the relevant pollution and damage liability insurance.

Article 28 In case blasting operations at sea are necessary for the construction of a marine project, the construction entity shall report it to the marine administrative department before the blasting operations, and the marine administrative department shall timely report it to the administrative departments of marine affairs and fisheries.

Obvious signs and signals shall be set up and effective measures for marine resources protection shall be adopted for the blasting operations at sea. Blasting operations in major fishing waters or other operations that may cause damage to the fishery resources shall not be conducted within the spawning season of major economic fish and shrimps.

Article 29 In case a marine project needs to be demolished or used for other purposes, it shall be reported to the marine administrative department that has originally approved the environment impact report on the said project for approval. In case the demolition or change of uses may significantly affect the environment, an environmental impact assessment shall be carried out.

In case a marine project needs to be abandoned at sea, the part that may cause pollution and damage to the marine environment or affect the exploitation and utilization of marine resources shall be demolished according to the relevant provisions on marine dumping wastes.

When a marine project is demolished, the construction entity shall formulate an environmental protection scheme for demolition, adopt necessary measures, and prevent pollution and damage to the marine environment.

Chapter IV Pollutant Discharge Administration

Article 30 The disposal of pollutants occurred in the marine oil and gas mineral resources exploration and exploitation shall be governed by the following provisions:

- (1) The oily sewage shall not be discharged into the sea directly or upon dilution, it shall be treated in line with the relevant state discharge standards and then be emitted; and
- (2) Plastic products, residual oil, waste oil, oil-based mud, oily garbage and other toxic and harmful residues shall not be discharged directly into the sea or be thrown into the sea, they shall be collectively stored in special containers and be shipped to the land for disposal.

Article 31 It is strictly controlled to add oil into the water-based slurry. Where it is necessary to add oil, it shall be faithfully recorded down, and the types and quantity of the oil to be added shall be reported to the marine administrative department that has originally approved the environment impact report on the said project. It is prohibited to discharge water-based mud or cuttings whose oil contents are in excess of the standards prescribed by the State.

Article 32 The construction entity shall, after the marine project is put into trial operation or is put into formal operation, accurately record down the conditions about the functioning of pollutant discharge facilities and processing equipment, as well as the discharge and treatment of pollutants, and regularly report them to the marine administrative department that has originally approved the environment impact report on the said project according to the provisions of the state marine administrative department.

Article 33 The marine administrative department of the people's government at or above the county level shall, according to its own power, verify the types and quantity of pollutants discharged by marine projects, and determine the amount of charges for disposing pollutants that should be paid by pollutant dischargers according to the charging rates as determined by the administrative departments of price and finance of the State Council.

A pollutant discharger shall pay the charges for disposing pollutants at a designated commercial bank.

Article 34 In the marine oil and gas mineral resources exploration and exploitation, the automatic pollutants flow monitoring equipment shall be installed to measure the discharge of production sewage, engine emissions and domestic sewage.

Article 35 It is prohibited to discharge oily, acid, lye or toxic sewage or middle or high-level radioactive sewage into the sea, and it is strictly restricted to discharge low-level radioactive sewage. Where the discharge is required, it shall be governed by the State standards for the prevention and treatment of radioactive pollution.

It is strictly restricted to emit the gases containing toxic substances into the atmosphere. Where the emission is required, the said gas should be emitted after purification within the emission standards prescribed by the Central or local government; and the emission of the gases containing toxic substances into the atmosphere shall be governed by the State standards for the prevention and treatment of radioactive pollution.

It is strictly restricted to discharge the sewage containing organics and heavy metals that are not easy to be degraded into the sea; and the discharge of other pollutants shall comply with national or local standards.

Article 36 The charges for disposing sewage paid by marine projects shall be fully incorporated into the budget of treasury, and shall be subject to the separate management of expenditures and incomes, and be all earmarked for the prevention and treatment of pollution to the marine environment. The specific measures therefor shall be formulated by the administrative department of finance together with the state marine administrative department.

Chapter V Prevention and Treatment of Pollution Accidents

Article 37 A construction entity shall, before a marine project is put into formal use, formulate an advanced emergency handling scheme on the prevention and treatment of pollution and damage caused by the marine project, and report it to the marine administrative department that has originally approved the environment impact report on the said project for archival filing.

Article 38 An advanced emergency handling scheme on the prevention and treatment of pollution and damage caused by the marine project shall include:

- (1) Conditions about the project and the environment and resources of adjacent sea areas;
- (2) Analysis of pollution accident risks;
- (3) Emergency handling facilities; and
- (4) Scheme for dealing with pollution accidents.

Article 39 In case any accident or any other emergency occurred during the construction or operation of a marine project causes or may cause any pollution accident to the marine environment, the construction entity shall immediately report it to the marine administrative department of the people's government at or above the level of coastal county or any other competent administrative department, and take effective measures to reduce or eliminate the pollution, and simultaneously circulate a notice to the entities and individuals that may be endangered.

The marine administrative department of the people's government at or above the level of coastal county or any other competent administrative department shall, upon receipt of the report, timely report it to the people's government at or above the county level and the relevant competent department at the higher level according to the provisions on classification of pollution accidents. The people's government at or above the county level and the relevant competent department shall, in accordance with their respective responsibilities, immediately assign persons to rush to the scene,

take effective measures to reduce or eliminate the pollution, and carry out investigation and treatment of pollution accidents.

Article 40 The construction of marine projects within marine natural reserves shall be governed by the State provisions on marine natural reserves.

Chapter VI Supervision and Check

Article 41 The marine administrative department of the people's government at or above the county level shall be responsible for supervision over and check of the prevention and treatment of pollution and damage to the marine environment caused by marine projects, investigate the acts in violation of the laws or regulations on prevention and treatment of marine pollution, and impose punishments.

The personnel for supervision and check of the marine administrative department of the people's government at or above the county level shall carry out supervision and check in strict accordance with the procedures and limit of power as prescribed in the laws or regulations.

Article 42 When the marine administrative department of the people's government at or above the county level checks a marine project on the spot, it shall have the power to adopt the following measures:

- (1) Requiring the entity or individual under check to provide documents, certificates, data and technical materials relating to the environmental protection for consultation or copying;
- (2) Requiring the person in-charge or any other relevant person of the entity under check to explain relevant issues;
- (3) Entering into the work site of the entity under check for monitoring, survey, sampling inspection, photography, and videoing;
- (4) Checking the installation and operation of all kinds of facilities, installations and equipment for environmental protection;
- (5) Ordering offenders to stop illegal activities and to accept investigation and punishments; and
- (6) Requiring offenders to adopt effective measures to prevent aggravation of pollution accidents.

Article 43 The personnel for supervision and check of the marine administrative department of the people's government at or above the county level shall show the law enforcement certificates as prescribed when carrying out law enforcement inspections on the spot. Official aircraft, ships and vehicles for cruise surveillance in the law enforcement inspections shall be clearly marked.

Article 44 Any entity or individual under check shall faithfully provide materials, and shall not refuse or hamper the personnel for supervision and check from legally implementing public duties.

Relevant entities or individuals shall give coordination to the supervision and check of the marine administrative department.

Article 45 The marine administrative department of the people's government at or above the county level shall make administrative punishment decisions on the acts in violation of the laws or regulations on the prevention and treatment of marine pollution; and in case the relevant marine administrative department fails to make administrative punishment decisions according to law, the marine administrative department at the higher level shall order it to make administrative punishment decisions or shall directly make administrative punishment decisions.

Chapter VII Legal Liabilities

Article 46 In case the construction entity of a marine project violates this Regulation by committing either of the following acts, the marine administrative department responsible for examination and approval of the environment impact report on the said project shall order it to stop the construction and operation and to make up formalities within the time limit, and shall impose a fine of 50,000

yuan up to 200,000 yuan on it:

- (1) Illegally constructing the marine project before the environment impact report is approved; or
- (2) Putting the environmental protection facilities for the marine project into use when no application for check and acceptance of such facilities has been filed or such facilities are found to be unqualified upon check and acceptance.

Article 47 In case the construction entity of a marine project violates this Regulation by committing any of the following acts, the marine administrative department responsible for examination and approval of the environment impact report on the said project shall order it to stop the construction and operation and to make up formalities within the time limit, and shall impose a fine of 50,000 yuan up to 200,000 yuan on it:

- (1) The construction entity fails to formulate a new environment impact report and submit it to the marine administrative department that has originally approved the environment impact report on the said project for approval where any major change occurs to the nature, scale, site, production technique of the project or to the environmental protection measures to be adopted;
- (2) The construction entity fails to submit an environment impact report to the marine administrative department that has originally approved the environment impact report on the said project for a new approval where the construction of the project is started after five years from the date when the environment impact report has been examined and approved; or
- (3) The construction entity fails to make a report to the marine administrative department that has originally approved the environment impact report on the said project for approval or carry out an environmental impact assessment as required where a marine project needs to be demolished or used for other purposes.

Article 48 In case the construction entity of a marine project violates this Regulation by committing either of the following acts, the marine administrative department that has originally approved the environment impact report on the said project shall order it to make correction within the time limit; if it fails to do so, it shall be ordered to stop the operation and be imposed on a fine of 10,000 yuan up to 100,000 yuan:

- (1) Illegally demolishing or leaving unused the environmental protection facilities; or
- (2) Failing to organize a follow-up environment impact assessment within the prescribed time limit, or failing to take correction measures as required.

Article 49 In case the construction entity of a marine project violates this Regulation by committing either of the following acts, the marine administrative department of the people's government at or above the county level shall order it to stop the construction and operation, and to make restitution; if the construction entity fails to make restitution within the time limit, the marine administrative department may designate an entity with corresponding qualification for restitution, the construction entity shall assume the fees incurred therefrom, as well as a fine of one up to two times of the fees for restitution:

- (1) Causing the erosion, sludging or damage to the territorial sea base points and their surroundings; or
- (2) Carrying out the construction of marine projects within marine natural reserves.

Article 50 In case a construction entity violates this Regulation by using the fillings for a project of enclosing or filling in the sea that do not conform to the relevant environmental protection standards, the marine administrative department of the people's government at or above the county level shall order it to make correction within the time limit; if it fails to do so, it shall be ordered to stop the construction and operation, and be imposed on a fine of 50,000 yuan up to 200,000 yuan; where a marine environment pollution accident is caused, and a crime is constituted, the person in-charge and others held directly responsible shall be subject to criminal liabilities.

Article 51 In case the construction entity of a marine project violates this Regulation by committing any of the following acts, the marine administrative department that has originally approved the

environment impact report on the said project shall order it to make correction within the time limit; if it fails to do so, it shall be imposed on a fine of 10,000 yuan up to 50,000 yuan:

- (1) Failing to report the conditions about the functioning of pollutant discharge facilities and processing equipment or the discharge and treatment of pollutants as required;
- (2) Failing to report the types and quantity of the oil to be added into the water-based slurry as required;
- (3) Failing to report the advanced emergency handling scheme on the prevention and treatment of pollution and damage to the marine environment by the marine project as required;
- (4) Failing to make a report to the marine administrative department before carrying out blasting operations at sea; or
- (5) Failing to set up eye-catching marks and singles as required when carrying out blasting operations at sea.

Article 52 In case a construction entity violates this Regulation by failing to take effective measures to protect marine resources when carrying out blasting operations at sea, the marine administrative department of the people's government at or above the county level shall order it to make correction within the time limit; if it fails to do so, it shall be imposed on a fine of 10,000 yuan up to 100,000 yuan.

In case a construction entity violates this Regulation by carrying out blasting operations in major fishing waters or other operations that may cause damage to the fishery resources within the spawning season of major economic fish and shrimps, the marine administrative department of the people's government at or above the county level shall give it a warning and order it to stop the operation, and impose a fine of 50,000 yuan up to 200,000 yuan on it.

Article 53 In case an entity of marine oil and gas mineral resources exploration and exploitation violates this Regulation by discharging oily sewage into the sea or directly discharging or throwing plastic products, residual oil, waste oil, oil-based mud, oily garbage or other toxic and harmful residues into the sea, the state marine administrative department or its detached office shall order it to make restitution within the time limit, and impose a fine of 20,000 yuan up to 200,000 yuan on it; if the entity fails to do so within the time limit, the state marine administrative department or its detached office may designate an entity with corresponding qualification for restitution, and the entity of marine oil and gas mineral resources exploration and exploitation shall assume the fees incurred therefrom; and where a marine environment pollution accident is caused, and if a crime is constituted, the person in-charge and others held directly responsible shall be subject to criminal liabilities.

Article 54 In case a culturist engaged in mariculture fails to adopt scientific cultivation methods and causes pollution to the marine environment or seriously damages the marine landscape, the marine administrative department of the people's government at or above the county level shall order it/him to make correction within the time limit; if the culturist fails to do so within the time limit, it/he shall be ordered to stop the cultivation, and be imposed on a fine of one up to two times of the fees for clearing the pollution or restoring the marine landscape.

Article 55 In case a construction entity fails to pay the charge for disposing pollutants according to this Regulation, the marine administrative department of the people's government at or above the county level shall order it to make payments within the time limit; if it fails to do so, it shall be imposed on a fine of two up to three times of the charge for disposing pollutants.

Article 56 In case anyone violates this Regulation by causing pollution and damage to the marine environment, the person liable shall remove the danger and compensate for losses. In case the pollution and damage to the marine environment is caused completely due to the intent or negligence of a third person, the third person shall remove the danger and compensate for losses.

In case any entity violates this Regulation and causes a pollution accident to the marine environment, and if a crime is constituted, the person in-charge and others held directly responsible shall be subject to criminal liabilities.

Article 57 In case any functionary of the marine administrative department violates this Regulation and is under any of the following circumstances, he shall be given an administrative sanction; and if a crime is constituted, he shall be subject to criminal liabilities:

- (1) Failing to examine the environment impact reports on marine projects as prescribed;
- (2) Failing to check and accept environmental protection facilities as required;
- (3) Failing to report, investigate or deal with marine environment pollution accidents as required;
- (4) Failing to collect the charge for disposing pollutants as required; or
- (5) Failing to carry out supervision and check.

Chapter VIII Supplementary Provisions

Article 58 The prevention and treatment of pollution by ships shall be governed by the laws or administrative regulations of the State.

Article 59 This Regulation shall come into force as of November 1, 2006.