

## DECISION OF THE STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS ON REVISING THE PREVENTION AND CONTROL OF ATMOSPHERIC POLLUTION

Decision of the Standing Committee of the National People's Congress on Revising the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution

At its 15th Meeting, the Standing Committee of the Eighth National People's Congress decides to revise the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution as follows:

1. One paragraph is added to Article 8 as Paragraph 1: "The State adopts economic and technological policies and measures to facilitate the prevention and control of atmospheric pollution and comprehensive utilization."

2. One article is added as Article 9: "The people's governments at various levels shall redouble their efforts in afforestation and urban greening to improve the atmospheric environment."

3. One article is added as Article 15: "Enterprises shall give priority to the adoption of clean production techniques that are instrumental to high-efficient use of energy and reduced discharge of pollutants so as to decrease the generation of atmospheric pollutants.

"The State practises an elimination system for the backward production techniques and backward equipment which seriously pollutes the atmospheric environment.

"The competent department for comprehensive economic and trade affairs under the State Council shall, in conjunction with other relevant departments under the State Council, publish a catalog of the techniques which seriously pollute the atmospheric environment and the use of which shall be prohibited within a time limit, and a catalog of the equipment which seriously pollutes the atmospheric environment and the production, sale, importation and use of which shall be prohibited within a time limit.

"Producers, sellers, importers or users shall, 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, stop the production, sale, importation or use of the equipment listed in the catalog specified in the preceding paragraph. People who use the production techniques listed in the catalog specified 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 using such techniques.

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

4. One article is added as Article 24: "The State promotes the dressing of coal by washing to reduce 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."

5. One article is added as Article 25: "People's governments of large or medium-sized cities shall make plans for people in the urban areas to use sulfur-fixed briquette of coal as fuel or other clean fuel for cooking ranges, so as to gradually eliminate the direct use of raw coal as fuel."

6. One article is added as Article 26: "To establish a heat-engine plant within the urban areas of a city, both heating and electricity shall be generated where it is necessary and conditions permit, and construction and acceptance for use of the network of pipelines for heat supply shall be arranged in step with that of the main project of the plant."

7. One article is added as Article 27: "The environmental protection department under the State Council together with relevant department 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, subject to approval by the State Council.

"With respect to the heat-engine plants and other large or medium-sized enterprises in the acid rain control areas or sulfur dioxide pollution control areas that discharge sulfur dioxide, if they are newly-built construction projects which cannot use low-sulfur coal, supporting facilities for desulphurization and dust removal must be installed or other measures for control of the discharge of sulfur dioxide or for dust removal adopted; if they are established enterprises which do not use low-sulfur coal, measures for control of discharge of sulfur dioxide or for dust removal shall be adopted. 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 coal."

8. One article is added as Article 36: "Operators of the catering trade in urban areas must observe the regulations of the State Council on the administration of environmental protection in relation to the catering trade, and adopt measures to prevent and control the pollution caused by lampblack to the residential environment in the neighbourhood."

9. One article is added as Article 38: "The State encourages and supports the production and use of high-grade, unleaded gasoline and restricts the production and use of leaded gasoline.

"Relevant competent departments under the State Council shall make plans for gradually reducing the production of leaded gasoline so as finally to stop the production and use of leaded gasoline."

10. One article is added as Article 40: "Whoever, in violation of the provisions of Article 15 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 limits of authority prescribed by the State Council, order the offender to suspend operation or close down."

11. The title of Chapter III is revised as follows: "Prevention and Control of Atmospheric Pollution by the Burning of Coal".

This Decision shall go into effect as of the date of promulgation.

The Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution shall be revised correspondingly in accordance with this Decision and shall be republished.

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