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## **DECISION OF THE STATE COUNCIL ON SEVERAL ISSUES CONCERNING ENVIRONMENTAL PROTECTION**

[Note]=(August 3, 1996)

### Full Text

With a view to further carrying out the basic state policy of environmental protection, implementing the strategy of sustainable development, executing the Ninth-Five-Year Plan of the People's Republic of China on National Economy and Social Development and Outlines of Objectives in Perspective of the Year 2010, and realizing the environmental protection objectives of bringing the worsening tendency of environmental pollution and ecological deterioration under control and improving to certain extent environmental quality of some cities and regions by the year 2000, the following decision is hereby made:

1. Specifying objectives and adopting procedures through which administrative officials shall be held responsible for environmental quality

Discharge of pollutants should be subject to control of maximum quantity. A national and systemic maximum quantity index of major pollutants and a practice of regular publication thereof should be adopted in real earnest.

By the year 2000, industrial pollution sources all over the country shall meet national or local standards on discharge of pollutants; different provinces, autonomous regions and municipalities directly under the central government should control maximum discharge of major pollutants under their respective jurisdiction within the maximum discharge quantity index laid down by the state. The worsening tendency of environmental pollution and ecological disruption could be generally brought under control. Municipalities directly under the central government, capital cities of provinces, cities within special economic zones, coastal open cities, and key tourist cities should all keep environmental air and environmental quality of surface water up to the corresponding national standards in terms of their functional categories. The Huaihe River and the Taihu Lake should have waters cleared. The Haihe River, the Liaohe River, the Dianchi Lake and the Chaohu Lake should have the quality of surface water markedly improved.

Local people's governments at different levels should adopt a policy of administrative officials being held responsible for environmental quality under their jurisdiction. They should, according to the above-mentioned objectives, set local objectives and measures for control over discharge quantity of major pollutants and for improvement of environmental quality, and should submit them to people's governments at higher levels for the record.

Local people's governments at different levels and leading officials thereof shall perform their duties of environmental protection according to law, and shall resolutely enforce environmental protection laws, regulations and policies. Environmental quality within jurisdiction should be an important item for evaluation of principal leading officials of government.

People's governments at different levels should include environmental protection on their working agendas as an important item, regularly deliberate and solve in time issues concerning environmental protection and make such conducts compulsory practices.

2. Stressing on key points and solving regional environmental problems in real earnest

Local people's governments at different levels should resolutely enforce the law of the People's Republic of China on the Prevention and Control of Water Pollution, effectively strengthen the

prevention and control of water pollution so as to ensure safety in industrial and agricultural production and people's daily use of water. Drinking water sources, which closely concerns people's livelihood, shall be well protected as key points. Drinking water sources protective zones shall be delimited and placed under rigorous supervision. The prevention and control of water pollution in valleys shall be strengthened. The system of maximum quantity control and the verification procedure for control over discharge of major pollutants shall be applied, according to law, where attempts to control discharged water pollutants within prescribed standards still fail to meet national prescribed standards for water environment quality. Water pollution in rivers of Huaihe, Haihe, Liaohe, and lakes of Taihu, Chaohu and Dianchi shall be controlled as key points. The prevention and control on water pollution in other rivers, lakes, reservoirs and coastal waters shall also be strengthened.

Local people's governments at different levels shall, according to the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution, do proper work to prevent and control air pollution, put stress on air pollution by fuel coal, and bring under control the worsening of pollution by sulphur dioxide and acid rain. The State Administration for Environmental Protection shall, as soon as possible and in consultation with relevant departments, put forward opinions on delimitation of acid rain control zones and sulphur dioxide pollution control zones and propose required objectives for their control, then submit them to the State Council for approval before their enforcement.

People's governments of cities shall strengthen comprehensive control over city environment, put emphasis on control of waste water, waste gas, waste residue and noise pollution. During the Ninth-Five-Year Plan period, cities with a municipal government, particularly cities with more than 500,000 non-agricultural population, shall, through a variety of channels, raise and collect funds for the construction of sewage disposal facilities suited to city conditions so that water environmental pollution in cities could be alleviated in real earnest. Municipalities which are located in heating areas shall spread use of clean heating systems such as centralized heating, and may not establish new boiler rooms scattered around. Gas burning areas in cities shall be enlarged and raw coal shall be replaced. By the year 2000, large- and medium-sized cities shall have only sulphur-fixing shaped coal or other clean fuels used for urban residents' kitchen ranges. Priority shall be given to development of different forms of urban public transit. Motor vehicles shall be encouraged to use clean fuels, and similar other measures shall be adopted so as to reduce air pollution by tail gas of vehicles. Large- and medium-sized cities shall, step by step, expand using of bags for urban residential refuse that shall then be sorted out, collected, stored, removed, and processed for harmless conversion. Rigorous measures shall be taken to control environmental noise pollution so as to reduce its disturbance to citizens.

Local people's governments at different levels shall, according to relevant regulations of the State Council, take effective measures to strengthen environmental management in countryside and township enterprises. The governments shall make comprehensive designing for reasonable layouts, offer instructions in light of special situations, and develop low-pollution or non-pollution industries that are suited to localities, and combined with overall countryside and township development. The construction of countryside and township enterprises shall be relatively concentrated so that their ability to dispose of pollution could be markedly raised and the worsening of environmental pollution and ecological deterioration caused by countryside and township enterprises could be thoroughly reversed. The State Administration for Environmental Protection shall be instructed to closely attend to formulating, in consultation with the Ministry of Agriculture, the State Planning Commission, and the State Economic and Trade Commission, detailed rules on strengthening the environmental protection work of countryside and township enterprises.

### 3. Making strict checks and resolutely controlling new pollution

All large-, medium- or small-sized construction projects, expanded construction projects or reconstruction projects, and all technological renovation engineering (hereinafter referred to as construction projects for short) shall start from a raised technological level, adopt clean productive technology with low energy consumption, low materials consumption and low pollutants discharge quantity, and shall be strictly prohibited from using equipment or technology precisely banned by the state. Construction projects that influence on environment shall, in strict accordance with the law,

conform with the environmental impact assessment provisions and the "three-stage simultaneous" requirement, according to which environmental protection facilities shall be designed, constructed and put into production simultaneously with main construction structures. Total construction investments should contain capital for construction of environmental protection facilities. Construction projects after being completed and put into production or use shall steadily attain the standards on discharge of pollutants prescribed by the state or localities. Environmental capacity shall be an important criterion for environmental impact assessment of construction projects. Where pollution is serious, new construction projects shall be supposed to offset old ones in calculating environmental capacity so as to ensure a decrease of total quantity of pollutants discharge.

When a construction project is found to fail to meet environmental protection standards at the stage of examination for approval or at the stage of acceptance after completion, the administrative department in charge of environmental protection may not grant approval to the environmental impact statement of the construction project or the acceptance report on environmental protection facilities. Other relevant approval departments may not approve its construction or use in production. The interested bank may not release loans. The administrative departments in charge of environmental protection at different levels shall exercise rigorous environmental protection management of construction projects and strictly conduct daily monitoring, and shall take overall responsibility for examination and approval of environmental impact assessment of construction projects and for acceptance of environmental protection facilities according to the "three-stage simultaneous" requirement. Departments in charge of planning, economy and trade, construction, industry and commerce, and land administration at different levels and other relevant departments shall, within the scope of their respective responsibility, conduct rigorous checks at the stage of examination for approval, registration, planning, review of land use, design and acceptance of construction projects. Leading officials of local people's governments at different levels may not arbitrarily approve construction projects without prior environmental impact assessment by violating relevant state laws and regulations regarding environmental protection of construction projects. In case of violation, the approval organ and persons who have conducted the examination and granted approval shall be investigated for responsibility.

Administrative supervisory departments shall, according to their duties and relevant provisions, strengthen the supervision over enforcement of environmental protection laws and regulations by the governments, environmental protection departments and other relevant departments, and shall put forward supervisory comments on disposal of problems they discovered.

Ever from the date of promulgation of the present Decision, for any construction project which has already been arbitrarily started or put in production or use without going through the procedure of environmental impact assessment, the administrative department of environmental protection at or above the county level shall put forward suggestions on handling the case, and submit them to the people's government at or above the county level, who may then accordingly order suspension of the construction project or stop using it in production. For any construction project which has been accepted after inspection but fails to steadily keep to national or local standards on discharge of pollutants after being put in production or use, the administrative department of environmental protection at or above the county level shall order it to stop the discharge of pollutants in excess of prescribed standards and at the same time report the case to the people's government at or above the county level for an order to suspend production for rectification.

#### 4. Prescribing a time limit for reaching standards and facilitating control over old pollution

Ever from the date of promulgation of the present Decision, for any unit that discharges pollutants in excess of prescribed standards, local people's governments at or above the county level or the administrative departments of environmental protection authorized thereby shall order the unit to control the situation within a prescribed time limit ranging from one to three years depending on circumstances. Those units that fail to control the situation within the prescribed time limit shall be ordered by the people's government at or above the county level to close down, suspend production or convert to other line of production. The State Administration for Environmental Protection, the State

Planning Commission and the State Economic and Trade Commission shall give instructions to and exercise supervision and check over major projects to be rectified within a prescribed time limit.

Units discharging pollutants shall ensure the normal operation of environmental protection facilities. In case that environmental protection facilities are, without authorization by the administrative department of environmental protection, arbitrarily stopped working or left unused resulting in discharge of pollutants in excess of standards, the administrative department of environmental protection shall order a resumption of their normal operation and impose punishment according to law.

By the date of September 30, 1996, the people's governments at or above the county level shall ban the following factories, plants and enterprises: all papermaking factories with annual output of less than 5,000 tons paper; leather processing plants with annual output of less than 30,000 pieces of oxhide; dyestuff making plants with annual output of less than 500 tons; and all enterprises that coke or refine sulphur through backward approaches known as "pits", "Pingxiang Style", "High Pot" and "Open Air Style". Local people's governments at or above the county level shall order the following enterprises to close down or stop production within the above-mentioned time limit: plants that are using indigenous methods to refine arsenic, mercury, or smelt lead, zinc, or extract oil, or pan gold, or to make agricultural chemicals, bleach and dye, make electroplates, or make asbestos products or radioactive products. In case such enterprises have not been banned, or do not close down or stop production within the prescribed time limit, concerned principal leading officials of local people's governments and enterprise managers shall be investigated for legal liability.

#### 5. Taking effective measures to prohibit from transfer of pollutant wastes

According to the provisions of the Basel Convention on Control over the Transfer and Disposal of Dangerous Wastes cross Boundaries, our country forbids transfer of foreign dangerous wastes into our territory. Departments at different levels in charge of environmental protection, foreign economic cooperation and trade, and customs, etc., shall, according to the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes and other relevant provisions, make rigorous check upon importation and persistently forbid transfer of external dangerous wastes and residential refuse into our country. If importation of other wastes as raw materials is really necessary, such importation shall conform to the state provisions and shall be subject to prior examination and approval. Any unit or individual who, in violation of the state provisions, arbitrarily approves, lets pass or conducts without authorization importation of wastes shall be severely punished according to law. In case domestic wastes need to be transferred for disposal to another province, autonomous region or municipality, the transfer shall be subject to approval of the administrative departments at the provincial level of both the original place and the destination place. In case solid radioactive wastes need transfer for disposal to another province, autonomous region or municipality, the transfer shall be subject to approval of the State Administration for Environmental Protection.

#### 6. Preserving ecological balance, and protecting and rationally exploiting natural resources

Local people's governments at different levels shall effectively strengthen the protection of natural resources such as fresh water, land, forest, grassland, minerals, the sea, animals and plants and climate and the protection of national ecological environment. On condition that ecological balance is maintained, those resources can be exploited and utilized in a rational way. Development of ecological agriculture shall be encouraged. Pollution of farmland and water resources by pesticides, fertilizers and farm plastic films shall be brought under control. Reclamation of waste land and control over ecological environment within mining areas shall be strengthened. Vigorous effort shall be made to carry out tree planting and afforestation. Indiscriminate and excessive felling of trees shall be restrained. The forest-covered area shall be enlarged through efforts. Comprehensive control over soil erosion shall be facilitated. Vegetation of grassland shall be restored and developed. Overgrazing shall be prevented. Shrubs, medicinal herbs or other sand-fixation plants growing in grassland or desertized areas shall be protected from felling or digging. Technology for prevention and fixation of sand shall be actively applied so as to protect land from further desertization.

Biological diversity shall be actively protected. Nature reserves, historic sites and scenic spots, city gardens and green land shall be developed and strictly placed under protection and management. All illegal exploitation and construction activities within nature reserves or historic sites and scenic spots which damage natural resources and environment shall be firmly banned.

Arrangements for early warning of and emergency measures against pollution accidents and calamities shall be strengthened so as to reduce their influence upon ecological environment and loss of people's lives and property.

#### 7. Perfecting economic policies on environment and effectively increasing investment in environmental protection

According to the principle "whoever pollutes, exploits, develops or damages the environment shall be respectively responsible for payment for discharging pollutants, compensation, protection and restoration", the relevant departments of the State Council shall, in terms of infrastructure construction, technical renovation, comprehensive utilization, finance and taxation, banking and credit, and absorption of foreign investment, closely attend to formulating and improving economic policies and measures for promoting environmental protection, preventing environmental pollution and control of ecological damaging. When important decisions on economic construction and social development are made such as designing of regional development or resources exploitation, programming of city development or trade progress and restructuring of industry or productivity layout, overall consideration shall be given to economic, social and environmental efficiency, and environmental assessment shall be made. All provinces, autonomous regions and municipalities directly under the central government shall comply with the guideline that economic construction, rural and urban construction and environmental construction shall be simultaneously designed, conducted and progressed. Investment in environmental protection shall be substantially increased. The proportion of investment in environmental pollution prevention and control in total GNP in a locality over the period shall be raised gradually. A corresponding test and check system shall also be established.

The relevant departments of the State Council shall as soon as possible formulate policies imposing restrictions upon production, import and application of carbon-fluoride-chloride, halong and lead-contained gasoline, and establish and perfect a reimbursement mechanism for non-gratuitous exploitation of natural resources and restoration of ecological environment. Current standards for pollutant discharge fees shall be raised according to the principle of "pollutant discharge fees being higher than cost on pollution control" so that pollutant discharging units could be urged to take vigorous measures for control of pollution. Collection, use and management of pollutant discharge fees shall be strengthened. The administrative departments in charge of environmental protection and local people's governments at different levels shall collect pollutant discharge fees in full. Fees so collected and income from confiscation and pecuniary penalties shall be managed along separate lines of receipts and payments, shall be used according to provisions and may not be embezzled for other use or detained. Cities which have installed centralized facilities for disposal of sewage may levy sewage disposal fees upon those who discharge sewage.

#### 8. Rigorously enforcing environmental protection laws and strengthening supervision and management of environment

The administrative departments in charge of environmental protection at different levels shall perform in real earnest their duty of unified supervision and management of environmental protection, strengthen the development of environmental supervision and law enforcement personnel, reinforce the enforcement of environmental protection laws, perfect procedures governing law enforcement and improve skills in law enforcement. People's governments at or above the county level shall set up environmental protection supervisory institutions, which shall independently perform the duty of unified supervision and management of environmental protection. Appointment and removal of leading officials of local administrative departments of environmental protection at different levels

shall be subject to opinions of the administrative departments of environmental protection at higher levels.

The relevant departments of people's governments at or above the county level shall, according to the relevant provisions of law, exercise the supervision and management over prevention and control of environmental pollution and resources protection.

A legislative framework and management system regarding environmental protection shall be improved further. Administrative enforcement of environmental protection laws shall be subjected to frequent checks. Whenever law is not observed, strictly enforced or violation of law is not punished, or in case law is subordinated by words or power, criminal sentence is replaced by administrative sanction, etc., such cases shall all be investigated for punishment. If a crime is constituted, criminal responsibility shall be investigated according to law.

#### 9. Vigorously conducting environmental scientific research and developing environmental protection industries

The state, localities and relevant departments shall give priority to environmental protection scientific research and technological development projects when making medium- or long-term plans or annual programmes on science and technology development. Major environmental scientific research subjects such as saving of energy, reduction of consumption, clean production, prevention and control of pollution, biological diversity and ecological protection, etc., shall be studied as key ones. New and High technology and pragmatic technology shall be applied actively. Researches on basic environmental sciences, environmental standards and monitoring techniques shall be strengthened. Application of scientific and technological achievements shall be spread vigorously.

The Circular of the General Office of the State Council on Transmitting Suggestions of the State Council Environmental Protection Commission on Actively Developing Environmental Protection Industries (promulgated by Guobanfa No.(1990)64), shall be carried out in real earnest. Encouraging and preferential policies shall be drafted in order to substantially develop environmental protection industries. Quality of environmental protection products and environmental projects and technology involved shall be advanced. Enterprises producing environmental protection products with advanced, stable performance and high efficiency shall enjoy priority in terms of fixed assets investment so that environmental protection industries could be pushed to certain scope.

#### 10. Strengthening publicity and education and improving environmental consciousness of the whole people

Environmental protection concerns the existence and progress of the whole nation. To protect environment is to protect productive forces in nature. All localities and departments shall enhance their awareness of the significance of environmental protection, further strengthen environmental publicity and education, widely disseminate and popularize knowledge of environmental sciences and relevant laws and regulations and effectively reinforce environmental consciousness and related sense of legality of the whole nation.

All localities and departments shall include environmental protection laws as an important content in training of cadres and staff members and improve the consciousness of cadres at different levels and the people for observance of environmental protection laws and regulations. Higher, middle and primary schools shall develop environmental education. A mechanism for public involvement shall be established. Social organizations shall be given play to their role. The public shall be encouraged to involve in environmental protection and to charge against or disclose any kind of illegal activities of violating environmental protection laws and regulations.

Mass media such as newspaper, broadcasting and television shall in due course report and praise advanced or model units or individuals of environmental protection and openly disclose and criticize illegal activities of polluting and damaging ecological environment. The press shall play the role of supervision and monitoring and shall expose to the public any unit or individual who has seriously polluted or damaged ecological environment.

All localities and departments, when attending relevant international events, shall conscientiously observe and publicize our government's principle stand on the global environmental problem, and safeguard rights and interests of our country and other developing countries.

The State Council shall instruct the State Administration for Environmental Protection to supervise and inspect the implementation of the present Decision in consultation with the Ministry of Supervision and other relevant departments and submit a report to the State Council.