

Measures for the Administration of Entrusted Issuance of Licenses for Dumping Wastes into the Sea

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Measures for the Administration of Entrusted Issuance of Licenses for Dumping Wastes into the Sea (Promulgated by Order No.25 of the Ministry of Land and Resources of the People's Republic of China on October 20, 2004)

Article 1 The present Measures are formulated in accordance with the Marine Environmental Protection Law of the People's Republic of China, the Administrative Licensing Law of the People's Republic of China and the Regulation of the People's Republic of China on Controlling the Dumping of Wastes into the Sea for the purpose of strengthening the control over dumping wastes into the seas and effectively protecting the marine environment.

Article 2 The present Measures shall be applicable to the issuance of common licenses for dumping wastes into the seas by the administrative departments of marine affairs of all coastal provinces, autonomous regions, municipalities directly under the Central Government (hereinafter referred to as the provincial administrative departments of marine affairs) under the commission of the state administrative department of marine affairs.

Article 3 The state administrative department of marine affairs may entrust the provincial administrative departments of marine affairs to issue common licenses for dumping any of the following kinds of wastes into the sea:

- (1) dredged stuffs, the specific amount thereof shall be separately determined by the State Oceanic Administration;
- (2) fishing boats;
- (3) fishing processing wastes;
- (4) inertia inorganic geological wastes;
- (5) natural organic wastes; and
- (6) human bone ashes.

The common licenses for dumping any kind of waste other than those prescribed in the preceding Paragraph into the sea shall be issued by the representative offices under the state administrative department of marine affairs (hereinafter referred to as the marine affairs branches).

The common licenses for dumping wastes into the sea areas contiguous to the Shenzhen and Zhuhai Municipalities shall be respectively issued by the administrative offices of marine affairs of the State Oceanic Administration of Shenzhen and Zhuhai.

Article 4 An entity which intends to dump wastes into the sea shall submit a written application and the following materials:

- (1) the planned time for dumping;
- (2) characteristics of the wastes and an inspection report about their components;
- (3) quantities of the wastes to be dumped;
- (4) a working plan and a working drawing map of the project and the general situation of the construction site;
- (5) any other relevant material prescribed by the state administrative department of marine affairs to be submitted.

Article 5 The application for a common license for dumping wastes as listed in Paragraph 1 of Article 3 of the present Measures into the seas shall be put forward to a local provincial administrative department of marine affairs.

The application for a common license for dumping wastes other than those as listed in Paragraph 1 of Article 3 of the present Measures into the seas shall be put forward to a local marine affairs branch.

The application for a common license for dumping wastes into the sea areas contiguous to the Shenzhen and Zhuhai municipalities shall be respectively put forward to the administrative offices of marine affairs of the State Oceanic Administration in Shenzhen and Zhuhai.

Article 6 The provincial administrative departments of marine affairs shall examine the application materials upon the receipt of applications for common licenses for dumping wastes into the sea, decide whether or not to accept them and notify the applicants of the decisions in written form. Where an applicant needs to supplement any of the materials as provided for in Article 4 of the present Measures, the provincial administrative department of marine affairs shall inform the applicant of all the materials required to be supplemented on the spot.

Article 7 A provincial administrative department of marine affairs shall present the opinions of preliminary examination within 5 days upon receipt and send them to the marine affairs branch together with the application materials. The opinions of preliminary examination shall include:

- (1) whether the dumping is permitted;
- (2) the suggested areas for dumping; and
- (3) Giving an explanation if there is no dumping area.

Article 8 A marine affairs branch shall present its examination opinions and inform the provincial administrative department of marine affairs in written form within 5 days upon receipt of the opinions of preliminary examination and the application materials. The examination opinions shall include:

- (1) the approval of the application;
- (2) the disapproval and reasons of disapproval; or
- (3) the necessity to select or demarcate a dumping area.

Article 9 A provincial administrative department of marine affairs shall, within 5 days upon receipt of the examination opinions presented by the marine affairs branch, make a decision in accordance with the said examination opinions:

- (1) issuing a common license for dumping wastes into the if it approves the application;
- (2) informing the applicant of and giving the reasons of disapproval in written form; or
- (3) requesting the applicant to handle it according to relevant provisions about the selection and demarcation of dumping areas if the selection and demarcation of a dumping site is required.

Article 10 A provincial administrative department of marine affairs shall issue the applicant a common license for dumping wastes into the sea, which bears the seal of the state administrative department of marine affairs, and report the issued license to the local marine affaires branch for archival filing within 3 days after the issuing day.

Article 11 In case the quotas of the wastes to be dumped have not been used up within the valid term of the common license for dumping wastes into the sea, the valid term of the said license may be extended.

Where the valid term of a common license for dumping wastes into the sea needs to be extended, the entity that dumps wastes shall file an application to the original license issuing organ 15 days prior to the expiry of the valid term of the license and shall go through the formalities of extension. If the entity fails to file an application or go through the formalities of extension within the time limit, the common license for dumping wastes into seas shall be automatically invalidated.

Article 12 An entity that dumps wastes shall pay dumping fees in accordance with the amount as determined by the organ issuing the common license for dumping wastes into the sea. The provisions on separating revenue account from expenditure account regarding dumping charges

shall be strictly implemented.

Article 13 In case a provincial administrative department of marine affairs violates the relevant provisions in this Measures, the state administrative department of marine affairs shall cease its authority to issue common licenses for dumping wastes into the sea, and decide whether to resume the said authority on the basis of its corrections.

During the period of the said suspension, the acceptance and issuance work about the common licenses for dumping wastes into the sea as undertaken by the provincial administrative department of marine affairs shall be processed by the marine affairs branch.

Article 14 The state administrative department of marine affairs shall be responsible for administering the dumping of wastes into the sea waters nationwide.

A provincial administrative department of marine affairs shall be responsible for the dumping of wastes into the sea waters contiguous to its own administrative areas and exert supervision over and inspection of the dumping activities under the common licenses issued by itself for dumping wastes into the sea, carry out verification when wastes are loaded and where necessary, may assign personnel to go with the vessel for supervision.

A marine affairs branch shall be responsible for guiding, coordinating, supervising and administering the dumping of wastes into its own sea areas.

The administrative offices of marine affairs of the State Oceanic Administration in Shenzhen and Zhuhai shall be respectively responsible for administering the dumping of wastes into the contiguous sea areas.

Article 15 In case there are no corresponding provisions in the present Measures, the relevant provisions in the Marine Environmental Protection Law of the People's Republic of China and the Regulation of the People's Republic of China on Controlling the Dumping of Wastes into the Sea Waters, etc. shall be implemented.

Article 16 The common licenses for the dumping of wastes into seas and other formats shall be uniformly formulated by the state administrative department of marine affairs.

Article 17 The time limits as prescribed in the present Measures shall be counted on the basis of workdays, not including legal festivals and holidays.

Article 18 The present Measures shall come into force as of January 1, 2005.