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PROVISIONAL REGULATIONS ON ENVIRONMENT CONTROL
FOR ECONOMIC ZONES OPEN TO FOREIGNERS

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promulgated 15 March 1986 by the State Bureau of
Environment Protection)

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TEXT:

[Article 1] These Regulations are formulated to strengthen environment control for the Economic Zones Open to Foreigners, to prevent and control environmental pollution and ecological damage, to ensure the health of human beings, to protect and create a sound investment environment and to promote economic and social development.

[Article 2] The term "Economic Zones Open to Foreigners" used in these Regulations refers to State-approved Special Economic Zones, Port Cities and Open Port Economic Zones.

All units and individuals engaged in production and business activities in the Economic Zones Open to Foreigners must abide by these Regulations.

[Article 3] The People's Government at the various levels in the Economic Zones Open to Foreigners must adhere to the policy of "giving priority to prevention and integrating prevention with control", as well as enforcing the comprehensive restoration and control of the environment. Environment protection should be brought into the economic and social development plans of local areas and aims, tasks and measures for environment protection clearly defined and their implementation organised.

[Article 4] Where the construction of new areas is being carried out in Economic Zones Open to Foreigners an evaluation of environmental effects, overall planning and an appropriate layout must be made. The various relevant departments must carry out construction strictly in accordance with the requirements of the plan and the layout.

Where inappropriate layouts presently exist in the Economic Zones Open to Foreigners, they should be progressively resolved through integration with the reconstruction of the locality and the adjustment of industry. The construction of projects that will pollute the environment in residential areas, water resource protection areas, convalescence areas, nature conservation and scenic and tourist areas, as well as places of historic interest and scenic beauty and other areas which require special protection is not permitted; where

such projects have been built already, a limited period will be allowed to bring the project under control or to carry out adjustments or relocation.

[Article 5] The People's Government of the province, autonomous region or directly administered municipality governing the Economic Zones Open to Foreigners may formulate local supplementary standards in cases where there are no provisions for the quality of the environment under State standards; where the implementation of State standards for the discharge of pollutants does not meet local environment quality requirements, local standards for the discharge of pollutants, more restrictive than the State standards, may be formulated and filed with the State departments for environment protection.

Local enterprises and institutions must implement local standards for the discharge of pollutants formulated in accordance with the provisions in the previous paragraph.

[Article 6] Technology and equipment imported into the Economic Zones Open to Foreigners from abroad must comply with pollution-free or low-level pollution requirements and in cases where pollution will be a resultant factor and where China is unable to provide the supplementary systems necessary to solve such problems, appropriate environment protection facilities shall be imported at the same time. All new construction, reconstruction and extension projects must provide supplementary facilities that prevent and control environmental pollution at the same time that the main part of the project is put into operation.

[Article 7] When signing an economic contract, all units and individuals in the Economic Zones Open to Foreigners shall define the obligations and responsibilities for environment protection of the various parties and carry out measures to prevent and control environmental pollution. The contract is not permitted to include any content in violation of State and local environment protection laws and legislation.

[Article 8] Units undertaking development construction in the Economic Zones Open to Foreigners must, in accordance with State regulations, submit a report (table) on environmental effects and details on environment protection concerning the initial plan of the construction project; after construction is completed, a report concerning the completed environment protection facilities must be lodged for inspection and approval.

Environment protection departments shall provide an official response within 45 days of receiving the report (table) on environmental effects and within 30 days of receiving details on environment protection measures for the initial plan and the report on completed environment protection facilities submitted for inspection and approval; in the absence of an official response prior to the expiry of the time limit, the submitted plan will automatically become effective.

[Article 9] Where enterprises and institutions in the Economic Zones Open to Foreigners wish to discharge pollutants, they must apply to the environment protection department of the local People's Government for permission and accurately complete a form declaring the facilities used for the discharge of pollutants, the facilities for treatment and the categories, methods, quantities and concentration of pollutants discharged under normal working conditions, and only after examination and approval and the obtaining of a registration certificate authorising the discharge of pollutants may production or business operations commence. Changes concerning the discharge of pollutants shall be reported promptly to the environment protection departments of the local People's Government.

In cases where the limits of national or local standards for the discharge of pollutants are exceeded, a fee for exceeding the standard rate for discharge of pollutants shall be paid in accordance with State regulations; a pollutant discharge fee will be paid, in accordance with State regulations, where pollutants are discharged into waterways.

[Article 10] The environment protection departments of the People's Government at the various levels in the Economic Zones Open to Foreigners will be responsible for the organisation, co-ordination, supervision and inspection of environment protection work in the local area. Units under supervision and inspection must accurately provide information about the relevant state of affairs and other data.

The environment protection departments have obligations and responsibilities for maintaining the confidentiality of the information and data provided by the unit under supervision and inspection.

[Article 11] Where a unit has violated these Regulations and caused pollution damage, the environment protection departments of the People's Government at the various levels in the Economic Zones Open to Foreigners, or other departments in charge specified by the State, may instruct the unit to bring the pollution under control within a given period, to pay expenses for the elimination of the pollution and to compensate for losses; and a warning or a fine may be imposed.

Should the party concerned refuse to comply, legal proceedings may be filed with the People's Court within 15 days of the date of delivery of the statement on the decision; where, upon the expiry of the claim period, legal proceedings have not been filed, nor the decision carried out, the environment protection departments or other departments in charge are to submit the case to the People's Court for enforcement.

[Article 12] The People's Governments of the province, autonomous region or directly administered municipality in the local area of the Economic Zones Open to Foreigners may formulate implementing measures in accordance with these Regulations.

[Article 13] These Regulations will be effective from the date of promulgation.