

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PREVENTION AND CONTROL OF ATMOSPHERIC POLLUTION

(Adopted at the 22nd Meeting of the Standing Committee of the Sixth National People's Congress on September 5, 1987, amended according to the Decision on Revising the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution adopted at the 15th Meeting of the Standing Committee of the Eighth National People's Congress on August 29, 1995, revised at the 15th Meeting of the Standing Committee of the Ninth National People's Congress and promulgated by Order No. 32 of the President of the People's Republic of China on April 29, 2000)

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Chapter I General Provisions

Article 1 This Law is formulated for the purpose of preventing and controlling atmospheric pollution, protecting and improving people's environment and the ecological environment, safeguarding human health, and promoting the sustainable development of the economy and society.

Article 2 The State Council and the local people's governments at various levels shall incorporate the protection of the atmospheric environment into the national economic and social development plans, make rational plans for the geographical distribution of industry, improve scientific research in the prevention and control of atmospheric pollution and adopt measures to prevent and control atmospheric pollution, in order to protect and improve the atmospheric environment.

Article 3 The State takes measures to control or gradually reduce, in a planned way, the total amount of the major atmospheric pollutants discharged in different areas.

The local people's governments at various levels shall be responsible for the quality of the atmospheric environment within the areas under their jurisdiction, making plans and taking measures to ensure that the quality of the atmospheric environment within the said areas meet the standards.

Article 4 The administrative departments for environmental protection under the people's governments at or above the county level shall exercise unified supervision over the prevention and control of atmospheric pollution.

The administrative departments for public security, transportation, railways and fishery at various levels shall perform their respective functions in conducting supervision over atmospheric pollution caused by motor vehicles and vessels.

The relevant competent departments under the people's governments at or above the county level shall, with the limits of their respective functions conduct supervision over the prevention and control of atmospheric pollution.

Article 5 All units and individuals shall have the obligation to protect the atmospheric environment and shall have the right to inform or lodge charges against units or individuals that cause pollution to the atmospheric environment.

Article 6 The administrative department for environmental protection under the State Council shall establish the national standards for atmospheric environment quality.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for items not specified in the national standards for atmospheric environment quality and report the same to the administrative department for environmental protection under the State Council for the record.

Article 7 The administrative department for environmental protection under the State Council shall, on the basis of the national standards for atmospheric environment quality and the country's economic and technological conditions, establish the national norm for the discharge of atmospheric pollutants.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local discharge norms for items not specified in the national norm for the discharge of atmospheric pollutants; with regard to items already specified in the national norms for the discharge of atmospheric pollutants, they may set local discharge norms which are more stringent than the national norm and report the same to the administrative department for environmental protection under the State Council for the record.

Where the local norms for the discharge of atmospheric pollutants by motor vehicles and vessels established by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government are more stringent than the national norm, they shall be subject to approval by the State Council.

Units that discharge atmospheric pollutants in areas where local discharge norms have been established shall do so in conformity with such norms.

Article 8 The State adopts economic and technological policies and measures to facilitate the prevention and control of atmospheric pollution and the relevant multi-purpose utilization.

Units or individuals that have made outstanding achievements in the prevention and control of atmospheric pollution or in the protection and improvement of the atmospheric environment shall be rewarded by the people's governments at various levels.

Article 9 The States encourages and supports scientific and technological research into the prevention and control of atmospheric pollution, promotes the wide use of advanced and applicable technologies for such prevention and control; encourages and supports the

development and utilization of clean energy like the solar energy, wind energy and water energy.

The State encourages and supports the development of the environmental protection industries.

Article 10 The people's governments at various levels shall redouble their efforts in afforestation, grass planting, urban and rural greening, and take effective measures that are suited to local conditions to prevent and control desertification so as to improve the atmospheric environment.

Chapter II Supervision over the Prevention and Control of Atmospheric Pollution

Article 11 Projects which discharge atmospheric pollutants shall be built, expanded or rebuilt in compliance with the State regulations requiring environmental protection in respect of such projects.

In the statement regarding the environmental impact of a construction project, the atmospheric pollution the project is likely to produce and its impact on the ecological environment shall be assessed and measures for its prevention and control be specified; and the statement shall, in accordance with the specified procedures, be submitted to the administrative department for environmental protection for examination and approval.

Before a construction project is put into operation or to use, its facilities for the prevention and control of atmospheric pollution shall be subject to inspection and acceptance by the administrative department for environmental protection; no construction projects that fail to meet the requirements specified in the State regulations requiring environmental protection in respect of such projects shall be permitted to be put into operation or to use.

Article 12 Units that discharge atmospheric pollutants shall, pursuant to the regulations laid down by the administrative department for environmental protection under the State Council, report to the local administrative department for environmental protection the facilities installed for discharging and treating pollutants and the categories, quantities and density of the pollutants discharged under regular operation conditions and submit to the same department the relevant technical data concerning the prevention and control of atmospheric pollution.

The units that discharge pollutants, as mentioned in the preceding paragraph, shall without delay report on any substantial change in the categories, quantities or density of the atmospheric pollutants discharged. They shall keep their facilities for treating atmospheric pollutants in regular operation; where the said facilities are to be dismantled or left idle, the matter shall be reported to the local administrative department for environmental protection under the people's government at or above the county level for approval in advance.

Article 13 No units may discharge atmospheric pollutants in excess of the density specified by the State or by local authorities.

Article 14 The State institutes a system under which fees are charged discharge of atmospheric pollutants on the basis of the categories and quantities of the pollutants discharged and establishes reasonable rates for such fees according to the need for improved prevention and control of atmospheric pollution and the country's economic and technological conditions.

The rates fixed by the State shall be applied in collecting the fees for discharge of pollutants, specific measures and the procedures for their implementation shall be prescribed by the State Council.

All the fees collected for discharge of pollutants shall be turned over to the Treasury and shall be used for the prevention and control of atmospheric pollution as prescribed by the State Council and may not be used for other purposes. And the auditing authority shall, in accordance with law, exercise supervision over their use through auditing.

Article 15 With regard to the areas, where the specified standards for the quality of the atmospheric environment are not met, and the acid rain control areas and the sulfur dioxide pollution control areas designated as such with the approval of the State Council, the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may delimit them as the areas where the total amount of the main atmospheric pollutants discharged is kept under control. The specific measures for such control shall be prescribed by the State Council.

The relevant local people's governments in the areas where the total amount of the atmospheric pollutants discharged is kept under control shall, in compliance with the requirements and procedures prescribed by the State Council and in line with the principles of openness, fairness and impartiality, check and fix the total amounts of the main atmospheric pollutants discharged by enterprises and institutions and issue them permits for discharge for such pollutants.

The enterprises and institutions that undertake to control their total amounts of atmospheric pollutants discharged shall discharge pollutants in conformity with the checked and fixed total amounts of the main atmospheric pollutants to be discharged and the requirements in respect of their discharge prescribed by the permits.

Article 16 Within the scenic or historic sites, nature reserves, the areas adjacent to historical or cultural sites under protection and other zones that need special protection, delimited as such by the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, no industrial production installations that cause environmental pollution shall be built; the pollutants discharged by other installations to be built in these areas may not exceed the norms prescribed. Enterprises and institutions which, before the enforcement of this Law, have built installations that discharge pollutants in excess of the specified norms shall, in accordance with the provisions of Article 48 of this Law, put such pollution under control within a time limit.

Article 17 The State Council shall designate key cities for prevention and control of atmospheric pollution in accordance with the overall plan for urban development, the planned target for environmental protection and the quality of the atmospheric environment of cities.

Municipalities directly under the Central Government, provincial capitals, open coastal cities and key tourist cities shall be included in the list of key cities for prevention and control of atmospheric pollution.

Key cities for prevention and control of atmospheric pollution that fail to meet the standards for the quality of the atmospheric environment shall be required to do so within the time limit specified by the State Council or the administrative department for environmental under the State Council. The people's governments of such cities shall make plans to meet

the standards within the time limit and may, under the authorization of the State Council or on the basis of its regulations, adopt more stringent measures to fulfil such plans on such plans on schedule.

Article 18 The administrative department for environmental protection under the State Council together with the relevant departments 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 or sulfur dioxide pollution control areas, subject to approval by the State Council.

Article 19 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 outdated production techniques and equipment which cause serious pollution to the atmospheric environment.

The competent department for comprehensive economic and trade affairs under the State Council shall, in conjunction with the relevant departments under the State Council, publish a catalog of the techniques which cause serious pollution to the atmospheric environment and the use of which shall be prohibited within a time limit, and a catalog of the equipment which causes serious pollution to 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 specified by the competent department for comprehensive economic and trade affairs under the State Council in conjunction with the relevant departments under the State Council, discontinue the production, sale, importation or use of the equipment listed in the catalog as mentioned in the preceding paragraph. Users of the production techniques listed in the catalog mentioned in the preceding paragraph shall, within the time limit specified 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 using such techniques.

No equipment eliminated in accordance with the provisions of the preceding two paragraphs may be transferred to another for use.

Article 20 Any unit that, as a result of an accident or any other exigency, discharges or leaks toxic or harmful gas or radioactive substances, thereby causing or threatening to cause an accident of atmospheric pollution and jeopardize human health, shall promptly take emergency measures to prevent and control the atmospheric pollution hazards, make the situation known to such units and inhabitants as are likely to be endangered by the atmospheric pollution hazards, report the case to the local administrative department for environmental protection and accept its investigation and disposal.

Under the urgent circumstances of a severe atmospheric pollution that jeopardizes human health and safety, the local people's government shall make the matter known to the local inhabitants without delay and take compulsory emergency measures, including ordering the pollutant discharging unit concerned to stop discharging pollutant.

Article 21 The administrative departments for environmental protections and other supervisory departments shall have the power to make on-site inspections of the units under their jurisdiction that discharge pollutants. The units under inspection shall truthfully report the situation to them and provide them with the necessary data. The inspecting departments shall have the obligation to keep confidential the technological know-how and business secrets of the units inspected.

Article 22 The administrative department for environmental protection under the State Council shall set up a monitoring system for atmospheric pollution, organize a monitoring network and work out unified monitoring measures.

Article 23 The administrative departments for environmental protection under the people's governments of large and medium-sized cities shall regularly publish bulletins on the quality of the atmospheric environment and gradually introduce the practice of forecasting the quality of the atmospheric environment.

A bulletin on the quality of the atmospheric environment shall include such contents as the characteristics of the urban atmospheric pollution, the types of the main pollutants and the degree of the harm caused by the pollution.

Chapter III Prevention and Control of Atmospheric Pollution by the Burning of Coal

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 keep the sulfur and ash in coal within the limits prescribed.

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, in accordance with the plan approved by the State Council, be installed within a time limit.

It is prohibited to mine the coal containing toxic or harmful substances, such as radioactive and arsenic substances, that exceed the limits prescribed.

Article 25 The relevant departments under the State Council and the local people's governments at various levels shall adopt measures to improve the mix of urban energy and popularize the production and utilization of clean energy.

The people's governments of key cities for prevention and control of atmospheric pollution may, within the regions under their respective jurisdiction, delimit areas as ones where sale and use of the seriously polluting fuels defined by the administrative department for environmental protection under the State Council are prohibited. The units and individuals in such areas, within the time limit prescribed by the local people's governments, stop using such seriously polluting fuels and shall instead use natural gas, liquefied petroleum gas, electricity or other clean energy.

Article 26 The State adopts economic and technical policies and measures conducive to the clean utilization of coal, encourages and supports the use of fine coal of low-sulfur or low-ash, and encourages and supports the development and popularization of the technology of coal cleaning.

Article 27 The competent department concerned under the State Council shall, pursuant to the norms for boiler discharge of atmospheric pollutants prescribed by the State, stipulate corresponding requirements in the boiler quality standards; no boilers that do not meet the prescribed requirements shall be manufactured, sold or imported.

Article 28 Urban construction shall be conducted on the basis of over-all planning. In areas of coal heating, unified provision of heat sources shall be practised and central heating developed. In areas covered by central heating pipelines or networks, no coal heating boilers may be installed.

Article 29 People's governments of large or medium-sized cities shall make plans for catering service enterprises to start the use of clean energy such as natural gas, liquefied petroleum gas and electricity within a time limit.

For other users of domestic cooking ranges in urban areas of large or medium-sized cities not delimited as areas where the use of seriously polluting fuels is prohibited, they shall, within a time limit, start to use sulfur-fixed briquette of coal or other clean energy.

Article 30 Where heat-engine plants and other large or medium-sized enterprises that discharge sulfur dioxide are built or expanded, if the prescribed norms for pollutants discharge or the control quotas for total amounts of discharge are exceeded, supporting facilities for desulphurization and dust removal shall be installed or other measures for control of the discharge of sulfur dioxide or for dust removal adopted.

In the acid rain control areas or sulfur dioxide pollution control areas, if established enterprises discharge atmospheric pollutants in excess of the norms for pollutants discharge, they shall, in accordance with the provisions of Article 48 of this Law, be required to keep the discharge under control within a time limit.

The State encourages enterprises to adopt advanced technology for desulphurization and dust removal.

Enterprises shall adopt measures to control the nitrogen oxide generated by the burning of fuel.

Article 31 When coal, gangue, coal cinder, coal ashes, sandstone lime soil or other material is stored in densely inhabited areas, fire and dust prevention measures shall be taken in order to prevent atmospheric pollution.

Chapter IV Prevention and Control of Pollutants Discharged by Motor Vehicles and Vessels

Article 32 No motor vehicles and vessels shall be permitted to discharge atmospheric pollutants in excess of the prescribed discharge norms.

No unit or individual may manufacture, sell or import motor vehicles or vessels that discharge pollutants in excess of the prescribed discharge norms.

Article 33 No motor vehicles in use that do not meet the norms for pollutants discharge prescribed for motor vehicles in use at the time of their manufacture may be driven on the road.

When the people's governments of provinces, autonomous regions and municipalities directly under the Central Government prescribe new norms for pollutants discharged by motor vehicles in use and decide to have them transformed technically, they shall report the matter to the State Council for approval.

Motor-vehicle repair units shall, in compliance with the requirements for prevention and control of atmospheric pollution and the relevant technical norms of the State, make repairs to ensure that the motor vehicles in use meet the prescribed norms for pollutants discharge.

Article 34 The State encourages the manufacture and use of motor vehicles and vessels that consume clean energy.

The State encourages and supports the production and use of fine fuel oil, and takes measures to reduce pollution of atmospheric environment by harmful substances contained in fuel oil. Units and individuals shall, within the time limit prescribed by the State Council, stop producing, importing and selling leaded gasoline.

Article 35 The administrative departments for environmental protection under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may authorize the units which undertake annual test of motor vehicles and whose qualifications have been verified by the public security authorities to conduct annual test of motor vehicles for their emission of fumes in accordance with the norms prescribed.

The departments of transportation, fishery and other departments vested with supervisory power may authorize the units which undertake annual test of motor vessels and whose qualifications have been verified by the relevant authorities to conduct annual test of motor vessels for their emission of fumes in accordance with the norms prescribed.

The administrative departments for environmental protection under the local people's governments at or above the county level may conduct random supervisory test of the motor vehicles in use for the pollutants discharged at their places of parking.

Chapter V Prevention and Control of Pollution by Waste Gas, Dust and Malodorous Gases

Article 36 Units that discharge dust into the atmosphere shall adopt measures to remove such dust.

The discharge of toxic waste gas and dust into the atmosphere shall be strictly restricted. Where such discharge is really necessary, the discharged gas or dust undergo purification treatment so as not to exceed the prescribed discharge norms.

Article 37 Inflammable gas engendered during industrial production shall be recycled; if such gas is discharged into the atmosphere due to the absence of the means of for recycling, it shall undergo treatment for the prevention and control of pollution.

The discharge into the atmosphere of converter gas, acetylene, yellow phosphoric tail gas engendered by electric furnace process, or organic hydrocarbon tail gas shall be reported to the local administrative department for environmental protection for approval.

Where the installations for recycling inflammable gas cannot operate normally, they shall be repaired or updated without delay. Where the discharge of inflammable gas is really necessary during the period when the installations for recycling cannot operate normally, the

inflammable gas to be discharged shall be fully burnt, or other measures shall be taken, to reduce atmospheric pollution.

Article 38 Units that discharge sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal or smelting non-ferrous metal shall be equipped with desulphurizing installations or shall adopt other measures for desulphurization.

Article 39 Gas and aerosols containing radioactive substances shall be discharged into the atmosphere in compliance with State regulations on protection against radioactivity, and they may not be discharged in excess of the prescribed discharge norms.

Article 40 Units that discharge malodorous gases into the atmosphere shall take measures to prevent pollution of the neighboring residential areas.

Article 41 In densely inhabited areas and other areas that need special protection according to law, the burning of asphalt, asphalt felt, rubber, plastics, leather, garbage or other substances that produce toxic or harmful smoke or dust or malodorous gases is prohibited.

In densely inhabited areas, the areas around the airports, the areas in the vicinity of main traffic arteries or the areas designated by local people's governments, the burning in the open air of stalks, fallen leaves or other substances that will cause smoke or dust pollution is prohibited.

In addition to the provisions in the preceding two paragraphs, municipal people's governments may, in light of the actual conditions, adopt other measures to prevent and control smoke or dust pollution.

Article 42 Where substances that diffuse toxic or harmful gases or dust are transported, loaded or unloaded, or stored, sealing or other protective measures shall be taken.

Article 43 Municipal people's governments shall introduce the responsibility system for afforestation and take measures to strengthen administration of construction, increase the area of paved ground and control the heaping up of debris and waste as well as measures for clean transportation, in order to increase the per capita area of green land, reduce the area of bare land and the amount of surface dust, and prevent and control dust pollution in the urban areas.

Units which engage in construction or other activities that generate dust pollution in the urban areas of cities shall take measures to prevent and control dust pollution in compliance with the local regulations on environmental protection.

The relevant administrative department under the State Council shall make control of dust pollution one of the criteria for assessing a city's comprehensive control of its environment.

Article 44 People providing catering services in cities shall adopt measures to prevent and control pollution caused by soot to the residential environment in the neighborhood.

Article 45 The State encourages and supports the manufacture and use of the substitutes for products that deplete the substances of the ozone layer, gradually reducing the output of such products until the termination of their manufacture and use.

Units which manufacture or import products that deplete substances of the ozone layer shall, within the time limit prescribed by the State, manufacture or import such products in accordance with the quotas approved by the relevant administrative department under the State Council.

Chapter VI Legal Liability

Article 46 Any unit or individual that violates this Law shall, depending on the circumstances of the case, be ordered to discontinue the violation and make rectification within a time limit, be given disciplinary warning or fined not more than 50,000 yuan by the administrative department for environmental protection, or a supervisory department as mentioned in the second paragraph of Article 4 of this Law, for any of the following acts:

- (1) Refusing to report or submitting a false report on items of pollutants discharge for which registration is required by the administrative department for environmental protection under the State Council.
- (2) Refusing an on-site inspection by the administrative department for environmental protection or any other supervisory department, or resorting to trickery and fraud when being inspected;
- (3) Failing, on the part of the unit that discharges pollutants, to keep the facilities for treatment of atmospheric pollutants operating regularly or dismantling or leaving idle such facilities without prior approval by the administrative department for environmental protection; or
- (4) Storing coal, coal gangue, coal cinder, coal ash, sandstone, lime soil or other material in densely inhabited areas without taking any measures for fire and dust prevention.

Article 47 Any unit that, in violation of the provisions of Article 11 of this Law, puts a construction project into operation or to use before the facilities for prevention and control of atmospheric pollution have been installed or when the requirements in respect of construction projects as specified in State regulations concerning environmental protection are not met, shall be ordered by the administrative department for environmental protection responsible for the examination and approval of the statement on the environmental impact of the construction project to suspend operation or used and may also be fined not less than 10,000 yuan but not more than 100,000 yuan.

Article 48 Any unit that, in violation of the provisions of this Law, discharges pollutants to the atmosphere in excess of the discharge norms prescribed by the State or local authorities shall make treatment thereof within a time limit and shall also be fined not less than 10,000 yuan but not more than 100,000 yuan by the administrative department for environmental protection under the local people's government at or above the county level. The limits of power to decide on treatment within a time limit and the administrative penalties for failing to meet the requirements for treatment within a time limit shall be prescribed by the State Council.

Article 49 Any unit or individual that, in violation of the provisions of Article 19 of this Law, produces, sells, imports or uses the equipment the production, sale, importation or use of which is prohibited or employs the techniques the employment of which is prohibited 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, within the limits of power prescribed by the State Council, order the violator to suspend operation or close down.

Any unit or individual that transfers eliminated equipment to another person for use, the illegal earnings therefrom shall be confiscated by the administrative department for environmental protection or any other department exercising the power of supervision according to law under the local people's government at or above the county level, and the unit or individual shall also be fined not more than twice of the illegal earnings.

Article 50 Any unit that, in violation of the provisions of the third paragraph of Article 24 of this Law, mines the coal containing toxic or harmful substances, such as radioactive and arsenic substances, that exceed the prescribed limits, shall be ordered to close down by the people's government at or above the county level within the limits of power prescribed by the State Council.

Article 51 Any unit or individual that, in violation of the provisions of the second paragraph of Article 25 or the first paragraph of Article 29 of this Law, continues to use the seriously polluting fuels at the expiration of the time limit prescribed by the local people's government shall be ordered to dismantle the installations for consumption of the seriously polluting fuels, or such installations shall be confiscated, by the administrative department for environmental protection under the local people's government at or above the county level.

Article 52 Any unit that, in violation of the provisions of Article 28 of this Law, installs coal heating boilers in the urban areas covered by central heating pipelines or networks shall be ordered to discontinue the violation or make rectification within a time limit and may be fined not more than 50,000 yuan by the administrative department for environmental protection under the local people's government at or above the county level.

Article 53 Any unit or individual that, in violation of the provisions of Article 32 of this Law, manufactures, sells or imports motor vehicles or vessels that discharge pollutants in excess of the prescribed norms shall be ordered by the department exercising the power of supervision according to law to discontinue the violation, the said department shall confiscate the illegal gains, if any, and may also impose a fine of not more than the illegal gains; the motor vehicles and vessels that cannot be made to meet the prescribed norms for pollutants discharge shall be confiscated and destroyed.

Article 54 Any unit or individual that, in violation of the provisions of the second paragraph of Article 34 of this Law, fails to discontinue the manufacture, importation or sale of leaded gasoline within the time limit prescribed by the State Council shall be ordered by the administrative department for environmental protection or any other department exercising the power of supervision according to law under the local people's government at or above the county level to discontinue the violation, and the said department shall confiscate the said gasoline and the illegal gains.

Article 55 Any unit that, in violation of the provisions of the first or the second paragraph of Article 35 of this Law, conducts test of motor vehicle or vessels for their emission of fumes, without authorization of the administrative department for environmental protection under the people's government of a province, autonomous region or municipality directly under the Central Government or the authorization of the department of transportation or fishery or

any other department exercising the power of supervision according to law, or practices fraud in the test, shall be ordered to discontinue the violation and make rectification within a time limit and may be fined not more than 50,000 yuan by the administrative department for environmental protection under the people's government at or above the county level or the department of transportation or fishery or any other department exercising the power of supervision according to law; if the circumstances are serious, the unit shall be disqualified to undertake annual test of motor vehicles or vessels by the authorities that verified its qualifications.

Article 56 Any unit or individual that violates this Law shall, for any of the following acts, be ordered to discontinue the violation and make rectification within a time limit and may be fined not more than 50,000 yuan by the administrative department for environmental protection under the local people's government at or above the county level or any other department exercising the power of supervision according to law:

- (1) discharging dust, malodorous gases or other gases containing toxic substances into the atmosphere without taking any effective measures to prevent and control pollution;
- (2) discharging into the atmosphere converter gas, acetylene, yellow phosphoric tail gas engendered by electric furnace process, or organic hydrocarbon tail gas without approval by the local administrative department for environmental protection;
- (3) transporting, loading and unloading, and storing substances that diffuse toxic or harmful gases or dust without adopting sealing or other protective measures; or
- (4) where people providing catering services in cities fail to adopt effective measures to prevent and control pollution, so that the soot discharged pollutes the residential environment in the neighbourhood.

Article 57 Any unit or individual that, in violation of the provisions of the first paragraph of Article 41 of this Law, burns asphalt, asphalt felt, rubber, plastics, leather, garbage or other substances that produce toxic or harmful smoke or dust or malodorous gases in densely inhabited areas or other areas that need special protection according to law shall be ordered to discontinue the violation and be fined not more than 20,000 yuan by the administrative department for environmental protection under the local people's government at or above the county level.

Any unit or individual that, in violation of the second paragraph of Article 41 of this Law, burns in the open air stalks, fallen leaves or other substances that will cause smoke or dust pollution in densely inhabited areas, the areas around the airports, the areas in the vicinity of main traffic arteries or the areas designated by the local people's government shall be ordered to discontinue the violation by the administrative department for environmental protection under the local people's government at or above the county level; if the circumstances are serious, the unit or individual may be fined not more than 200 yuan.

Article 58 Any unit that, in violation of the provisions of the second paragraph of Article 43 of this Law, engages in construction or other activities that generate dust pollution in the urban areas of a city but fails to take effective measures to prevent and control dust pollution, thus causing pollution to the atmospheric environment shall make rectification within a time limit and be fined not more than 20,000 yuan; if, at the expiration of the time limit, it fails to meet the requirements prescribed in the local regulations on environmental protection, it may be ordered to suspend construction or other activities for rectification.

The punishment for dust pollution caused by construction as provided for in the preceding paragraph shall be decided by the administrative department for construction under the local people's government at or above the county level; the punishment for dust pollution caused by other activities shall be decided by the relevant department designated by the said government.

Article 59 Any unit that, in violation of the provisions of the second paragraph of Article 45 of this Law, manufactures or imports, within the time limit prescribed by the State but in excess of the quotas approved by the relevant administrative department under the State Council, products that deplete substances of the ozone layer shall be fined not less than 20,000 yuan but not more than 200,000 yuan by the relevant local administrative department under the people's government of a province, autonomous region or municipality directly under the Central Government; if the circumstances are serious, the manufacture or import quotas shall be revoked by the relevant administrative department under the State Council.

Article 60 Any unit that violates the provisions of this Law shall, for any of the following acts, be ordered to be equipped with supporting facilities within a time limit and may be fined not less than 20,000 yuan but not more than 200,000 yuan by the administrative department for environmental protection under the people's government at or above the county level:

(1) Failing to install the supporting facilities for the dressing of coal by washing in accordance with relevant State regulations, where the coal mined from a new coal mine being of high-sulfur or high-ash is concerned;

(2) Failing to install the desulphurizing installations or take other measures for desulphurization in accordance with relevant State regulations, where an enterprise that discharges sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal or smelting non-ferrous metal is concerned.

Article 61 Any enterprise or institution that, in violation of the provisions of this Law, causes an atmospheric pollution accident shall be fined not more than 50 percent of the direct economic losses thus occasioned but not more than the maximum of 500,000 yuan by the administrative department for environmental protection under the local people's government at or above the county level on the basis of the damages inflicted. If the circumstances are relatively serious, the persons who are directly in charge and the other persons who are directly responsible shall be given administrative sanctions or disciplinary punishment according to law by the unit to which they belong or by the competent authority at a higher level. Where a major atmospheric pollution accident is caused that leads to any grave consequences resulting in heavy public or private property losses or serious personal injuries or deaths, and if a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Article 62 Any unit that causes an atmospheric pollution hazard shall have the responsibility of removing the hazard and of making compensation to the units or individuals that have suffered direct losses.

A dispute over the liability to make compensation or the amount of compensation may, at the request of the parties, be settled through mediation by an administrative department for environmental protection; if mediation fails, the party may bring a suit before a people's court. The party may also bring a suit before the people's court directly.

Article 63 Where atmospheric pollution losses are caused absolutely by irresistible natural disasters and cannot be averted even if reasonable measures are promptly taken, the party concerned shall be exempted from liability.

Article 64 Where an administrative department for environmental protection or any other relevant department, in violation of the provisions of the third paragraph of Article 14 of this Law, misappropriates the fees collected for discharge of pollutants for other purposes, the auditing or supervisory authorities shall order it to refund the money misappropriated or shall take other measures to recover the money, and the persons who are directly in charge and the other persons who are directly responsible for the violation shall be given administrative sanctions according to law.

Article 65 Any supervisor for environmental protection who abuses his power or neglects his duty shall be given administrative sanction; if a crime is constituted, criminal responsibility shall be investigated according to law.

Chapter VII Supplementary Provisions

Article 66 This Law shall go into effect as of September 1, 2000.