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## VANCE CENTRE ENVIRONMENT PROGRAM

# Analysis of the Adoption and Implementation of the Environmental Principles in the Proposed Global Pact for the Environment (Global Pact) in Regional Instruments

## China

### 1. Overview of document

This document provides an analysis of how the environmental principles in the Global Pact (**Environmental Principles**) have been adopted or recognized in Chinese instruments and how they have been implemented.

### 2. Overview of China

China is a country with a population of over 1.4 billion people. It is a member of the United Nations, the ASEAN Plus mechanism, the WTO, APEC, BRICS, the Shanghai Cooperation Organisation, and the Bangladesh—China—India—Myanmar Forum for Regional Cooperation, among others. Its environmental protection is embodied mainly in the PRC Environmental Protection Law, which sets out the basic legal framework and general policy for China's environmental protection.

### 3. Analysis

Global Pact Article	Instruments Adopted in the Region	Sections Elaborated
<p><b>Article 1 – Right to an ecologically sound environment</b></p> <p>Every person has the right to live in an ecologically sound environment adequate for their health, well-being, dignity, culture and fulfilment.</p>	<p><b>Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p>The Environmental Protection Law sets out the basic legal framework and general policy for China’s environmental protection legislation, which specifically provides that environmental protection is a basic state policy of China.</p>
	<p><b>National Human Rights Action Plan of China (2012-2015)</b></p> <p><i>Weblink:</i> <a href="http://news.southcn.com/zhuanti/gjrqxd/quanw/content/2016-06/14/content_149425317.htm">http://news.southcn.com/zhuanti/gjrqxd/quanw/content/2016-06/14/content_149425317.htm</a></p>	<p>The National Human Rights Action Plan of China (2012-2015) serves as a framework for promoting the implementation of the constitutional principles of respecting people’s human rights, including people’s economic, political, social, cultural and environmental rights.</p>
<p><b>Article 2 – Duty to take care of the environment</b></p> <p>Every State or international institution, every person, natural or legal, public or private, has the duty to take care of the environment. To this end, everyone contributes at their own levels to the conservation, protection and restoration of the integrity of the Earth’s</p>	<p><b>Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 6</b></p> <p>All entities and individuals have the obligation to protect the environment.</p> <p><b>Article 53</b></p> <p>Local Environment Protection Bureaus (EPB) shall publish environment related information and accept supervision and inspection by the general public.</p>
	<p><b>Measures for Public Participation in Environmental Protection</b></p> <p><i>Weblink:</i> <a href="http://www.zhb.gov.cn/gkml/hbb/bl/201507/t20150720_306928.htm">http://www.zhb.gov.cn/gkml/hbb/bl/201507/t20150720_306928.htm</a></p>	<p><b>Article 4</b></p> <p>Individuals, legal persons and other organizations can participate in environmental protection through public opinion solicitations, surveys, hearings, reports, forums and other processes.</p>



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ecosystem.		
<p><b>Article 3 – Integration and Sustainable Development</b></p> <p>Parties shall integrate the requirements of environmental protection into the planning and implementation of their policies and national and international activities, especially in order to promote the fight against climate change, the protection of oceans and the maintenance of biodiversity. They shall pursue sustainable development. To this end, they shall ensure the promotion of public support policies, patterns of production and consumption both sustainable and respectful of the environment.</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p> <p><b>China’s Policies and Actions for Addressing Climate Change (2017 Annual Report)</b></p> <p><i>Weblink:</i> <a href="http://www.ndrc.gov.cn/gzdt/201710/W020171101318500878867.pdf">http://www.ndrc.gov.cn/gzdt/201710/W020171101318500878867.pdf</a></p> <p><b>National Planning regarding Climate Change (2014-2020)</b></p> <p><i>Weblink:</i> <a href="http://www.ndrc.gov.cn/gzdt/201411">http://www.ndrc.gov.cn/gzdt/201411</a></p>	<p><b>Article 2</b></p> <p>“Environment” refers to the total body of all nature and artificially transformed natural elements that affect human existence and development, including the atmosphere, water, seas, land, minerals, forests, grasslands, wet land, wildlife, natural and human remains, nature reserves, historic sites and scenic spots, and urban and rural areas.</p> <p><b>Article 4</b></p> <p>Protecting the environment is a basic national policy of China. The State adopts economic and technological policies and measures that favour the conservation and recycling of resources, the protection and improvement of the environment, and the harmony between humans and nature so as to integrate the environmental protection with the economic and social development.</p> <p>The China’s Policies and Actions for Addressing Climate Change sets out the Chinese government’s national plan (i.e., principles, strategies and objectives) for addressing climate change, including control of greenhouse gas emissions, disaster monitoring and early warning and enhancement of public awareness and management and policies.</p> <p>The National Planning regarding Climate Change sets out the specific environmental goals under the 13th Five Year Plan by the Chinese government (2014-2020), including a total energy consumption cap, climate targets, targets for air quality progress, sewage treatment targets, and soil pollution action plan.</p> <p><b>Chapter 3</b> of the National Planning regarding Climate Change provides for detailed</p>



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	<p>/t20141104_643314.html</p> <p><b>13<sup>th</sup> Five-Year National Ecological Environment Protection Guideline (2016-2020)</b></p> <p><i>Weblink:</i>  <a href="http://www.mep.gov.cn/gkml/hbb/bwj/201611/t20161102_366739.htm">http://www.mep.gov.cn/gkml/hbb/bwj/201611/t20161102_366739.htm</a></p>	<p>implementing measures for reducing greenhouse gases, including measures to control the industrial, construction, and traffic greenhouse gas emissions.</p> <p>The 13th Five-Year National Ecological Environment Protection Guideline (2016-2020) sets out the guidelines for environmental protection from 2016-2020, including emphasis on equal strong efforts and importance of environmental protection and restoration and the goal of a more environmentally friendly way of living, considerable reduction of major pollutions and a sounder ecological system by 2020.</p> <p><b>Article III 2(1)</b></p> <p>Focusing on biodiversity conservation priority areas, we shall (i) carry out biodiversity surveys and assessments to thoroughly identify biological diversity in China, to strengthen the on-site protection and off-site conservation, and to improve the protection network system and to ensure that national strategic biological resources are better preserved; (ii) restore biodiversity-damaged areas, carry out demonstrable biodiversity conservation and poverty reduction, and promote the transformation, upgrading and reducing poverty of traditional industries in western areas with rich biodiversity; (iii) strengthen the building of basic biodiversity regulatory capacity, and comprehensively improve the level of biodiversity conservation and management of governments at all levels; (iv) coordinate the relevant departments to ensure funds for projects, organize the relevant departments to implement major projects, and promote the implementation of the strategy and action plan herein.</p> <p><b>Article IV (4)</b></p> <p>By relying on activity platforms such as Biodiversity Day and Environment Protection Day, we shall (i) strengthen ecological protection publicity and education, strengthen policy interpretation, expand protection consensus, and call upon all citizens and their enthusiasm and initiative in protecting the environment; (ii) strengthen the ecological protection training for governments, enterprises and the public, encourage the construction of environmental</p>



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		<p>education social practice centers in primary and secondary schools, improve the ecological protection responsibility consciousness of the whole society; (iii) by relying on environmental protection press release system and making full use of “12369” environmental protection hotline and other platforms, increase disclosure of ecological and environmental information, regularly release ecological protection information, and protect the right to know and supervision right of the general public in ecological protection; (iv) play the leading and supervising role of social organizations and strengthen the main responsibility of enterprises in protecting the ecology to promote synergies in ecological protection participated by the whole society.</p>
	<p><b>PRC Circular Economy Promotion Law</b> <i>Weblink:</i> <a href="http://www.gov.cn/flfg/2008-08/29/content_1084355.htm">http://www.gov.cn/flfg/2008-08/29/content_1084355.htm</a></p>	<p><b>Article 4</b> The promotion of circular economy shall be implemented on the basis of being feasible in technology, reasonable in economy and desirable for saving resources and protecting the environment. In the process of waste recycling and resource recovery, efforts shall be made to guarantee production safety, and ensuring that the quality of products meets standards provided by the state, and avoid repeated pollution.</p>
<p><b>Article 4 – Intergenerational Equity</b>  Intergenerational equity shall guide decisions that may have an impact on the environment. Present generations shall ensure that their decisions and actions do not compromise the ability</p>	<p><b>China’s Program of Action For Sustainable Development In The Early Twenty-First Century</b>  <i>Weblink:</i> <a href="http://www.gov.cn/gongbao/content/2003/content_62606.htm">http://www.gov.cn/gongbao/content/2003/content_62606.htm</a></p>	<p>The China’s Programme of Action For Sustainable Development In The Early Twenty-First Century provides that sustainable development is a basic national policy and sets out the guidelines, targets and principles for implementing sustainable development policy in China, and states China’s intention to preserve its natural resources for forthcoming generations.</p>



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of future generations to meet their own needs		
<p><b>Article 5 – Prevention</b></p> <p>The necessary measures shall be taken to prevent environmental harm. The Parties have the duty to ensure that activities under their jurisdiction or control do not cause damage to the environments of other Parties or in areas beyond the limits of their national jurisdiction. They shall take the necessary measures to ensure that an environmental impact assessment is conducted prior to any decision made to authorise or engage in a project, an activity, a plan, or a program that is likely to have a significant adverse impact on the environment. In particular, States shall</p>	<p><b>PRC Marine Environment Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.soa.gov.cn/zwgk/fwjgwj/wj/shfl/201705/t20170517_56111.html">http://www.soa.gov.cn/zwgk/fwjgwj/wj/shfl/201705/t20170517_56111.html</a></p>	<p><b>Article 3</b></p> <p>China shall establish and put into practice a system of controlling sea pollution for its key sea areas, determine the standards for controlling sea pollutants and shall assign controlled pollution discharges to key pollution sources.</p> <p><b>Article 2</b></p> <p>All personnel and units conducting navigation, exploration, research, and other such activities in the aforementioned oceanic regions shall comply with the PRC Marine Environment Protection Law.</p>
	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 19</b></p> <p>Any development and utilization plans without environmental impact assessment conducted according to the laws shall not be implemented, and any construction projects without environmental impact assessment conducted according to the laws shall not be constructed.</p>
	<p><b>Regulations on Import and Export of Ozone Depleting Substances</b></p> <p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gkml/zj/wj/200910/t20091022_171954.htm">http://www.mep.gov.cn/gkml/zj/wj/200910/t20091022_171954.htm</a></p>	<p><b>Article 1</b></p> <p>The purpose of these regulations is to perform China’s obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer (London Amendment).</p> <p><b>Article 5</b></p> <p>The import and export of ozone depleting substances shall be subject to strict quota management.</p>



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<p>keep under surveillance the effect of an above-mentioned project, activity, plan, or program which they authorise or engage in, in view of their obligation of due diligence.</p>		<p><b>Article 6</b></p> <p>Any entity that intends to engage in the import or export of ozone depleting substances is to be qualified to be a legal person, and go through the registration formalities for the filing of foreign trade operators.</p>
	<p><b>PRC Law on Prevention and Control of Environmental Pollution by Solid Waste</b></p> <p><i>Weblink:</i> <a href="http://english.mofcom.gov.cn/aarticle/policyrelease/internationalpolicy/200703/20070304471567.html">http://english.mofcom.gov.cn/aarticle/policyrelease/internationalpolicy/200703/20070304471567.html</a></p>	<p>The PRC Law on Prevention and Control of Environmental Pollution by Solid Waste sets out detailed implementation rules on prevention and control of solid waste pollution, which covers the permits, licenses, certificates and approvals requested for export of ozone depleting substances and annual importation and exportation quota for such substances.</p>
	<p><b>PRC Environment Impact Assessment Law</b></p> <p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gzfw_13107/zcfg/fl/201609/t20160927_364752.shtml">http://www.mep.gov.cn/gzfw_13107/zcfg/fl/201609/t20160927_364752.shtml</a></p>	<p><b>Article 3</b></p> <p>Planning and construction of any project within the territory of the People’s Republic of China shall be subject to an environment impact assessment performed in accordance with this law.</p> <p><b>Article 25</b></p> <p>Where the environmental impact assessment documents of a construction project has not been submitted for review in accordance with the law or approved upon review by the approval authority, the construction entity shall not start construction of the project.</p>
<p><b>Article 6 – Precaution</b></p> <p>Where there is a risk of serious or irreversible</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i></p>	<p><b>Article 47</b></p> <p>In the event of environmental pollution which may have impact on public health and environmental safety, contingency measures must be initiated immediately. Other measures</p>



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<p>damage, lack of scientific certainty shall not be used as a reason for postponing the adoption of effective and proportionate measures to prevent environmental degradation.</p>	<p><a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p>include risk control, remediation, recovery, and reassessment.</p>
	<p><b>Administrative Measures for Contingent Responses to Environmental Emergencies</b></p> <p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gkml/hbb/bl/201504/t20150429_299852.htm">http://www.mep.gov.cn/gkml/hbb/bl/201504/t20150429_299852.htm</a></p>	<p>The Administrative Measures for Contingent Responses to Environmental Emergencies set out explicit rules and procedural requirements on risk control, emergency readiness and emergency measures regarding environmental emergencies, including pollutants or radioactive substances and other toxic and hazardous substances entering into the atmosphere, water, soil and other environmental media resulting from pollutants or natural disasters, production safety accidents and other factors, which may endanger the public health and property safety, cause damage to the ecological environment or significant social impact.</p>
	<p><b>National Contingency Plan for Environmental Emergencies</b></p> <p><i>Weblink:</i> <a href="http://www.gov.cn/zhengce/content/2015-02/03/content_9450.htm">http://www.gov.cn/zhengce/content/2015-02/03/content_9450.htm</a></p>	<p>The National Contingency Plan for Environmental Emergencies sets out detailed implementation rules on risk control, emergency preparedness and emergency measures regarding environmental emergencies, including pollutants or radioactive substances and other toxic and hazardous substances entering into the atmosphere, water, soil and other environmental media resulting from pollutants or natural disasters, production safety accidents and other factors, which may endanger the public health and property safety, cause damage to the ecological environment or significant social impact.</p>
<p><b>Article 7 – Environmental Damages</b></p> <p>The necessary measures shall be taken to ensure an adequate remediation of environmental damages. Parties shall immediately notify</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 47</b></p> <p>In the event of environmental pollution which may have impact on public health and environmental safety, contingency measures must be initiated immediately. Other measures include risk control, remediation, recovery, and reassessment.</p>
	<p><b>Administrative Measures for Contingent Responses to Environmental Emergencies</b></p>	<p><b>Article 2</b></p> <p>Emergency notification and responsive works regarding environmental emergencies that cause international environmental impact shall be actioned according to the respective</p>





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<p>other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Parties shall promptly cooperate to help concerned States.</p>	<p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gkml/hbb/bl/201504/t20150429_299852.htm">http://www.mep.gov.cn/gkml/hbb/bl/201504/t20150429_299852.htm</a></p>	<p>international cooperation provisions.</p> <p><b>Article 23</b></p> <p>Contingency plans must be immediately initiated upon the occurrence of environmental emergencies, and necessary measures must be taken to cut off or control pollution sources and prevent additional impact.</p>
	<p><b>National Contingency Plan for Environmental Emergencies</b></p> <p><i>Weblink:</i> <a href="http://www.gov.cn/zhengce/content/2015-02/03/content_9450.htm">http://www.gov.cn/zhengce/content/2015-02/03/content_9450.htm</a></p>	<p>The National Contingency Plan for Environmental Emergencies sets out detailed implementation rules on risk control, emergency preparedness and emergency measures regarding environmental emergencies, including pollutants or radioactive substances and other toxic and hazardous substances entering into the atmosphere, water, soil and other environmental media resulting from pollutants or natural disasters, production safety accidents and other factors, which may endanger the public health and property safety, cause damage to the ecological environment or significant social impact.</p>
<p><b>Article 8 – Polluter Pays</b></p> <p>Parties shall ensure that prevention, mitigation and remediation costs for pollution, and other environmental disruptions and degradation are, to the greatest possible extent, borne by their originator.</p>	<p><b>Tort Liability Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/huiyi/cwh/1112/2009-12/26/content_1533221.htm">http://www.npc.gov.cn/huiyi/cwh/1112/2009-12/26/content_1533221.htm</a></p>	<p><b>Article 65</b></p> <p>Where any damage is caused by environmental pollution, the polluter shall bear tortious liability.</p>
	<p><b>Criminal Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/wxzl/gongbao/2000-12/17/content_5004680.htm">http://www.npc.gov.cn/wxzl/gongbao/2000-12/17/content_5004680.htm</a></p>	<p><b>Article 338</b></p> <p>Whoever, in violation of the regulations of the State, discharges, dumps or treats radioactive waste, waste containing pathogens of infectious diseases, toxic substances or other hazardous waste on the land or in the water bodies or the atmosphere, thus causing a major environmental pollution accident which leads to the serious consequences of heavy losses of public or private property or human casualties, shall bear criminal liability.</p>



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	<p><b>Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 5</b></p> <p>For environmental protection, the principle of “protection first, stress on prevention, comprehensive treatment, public participation, accountability for damages” shall be adhered to.</p>
	<p><b>PRC Environmental Protection Tax Law</b></p> <p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gzfw_13107/zcfg/fl/201704/t20170417_411610.shtml">http://www.mep.gov.cn/gzfw_13107/zcfg/fl/201704/t20170417_411610.shtml</a></p>	<p><b>Article 2</b></p> <p>Enterprises, entities, other producers and operators that directly emit taxable pollutants into the environment within the territory and other sea areas under the jurisdiction of the People’s Republic of China will be taxpayers of environmental protection tax, who shall pay tax in accordance with this law.</p> <p><b>Chapter 3</b></p> <p>Chapter 3 of the PRC Environmental Protection Tax Law provides that there will be tax rebates for reducing emissions.</p>
	<p><b>PRC Environmental Protection Tax Law Implementation Regulation</b></p> <p><i>Weblink:</i> <a href="http://www.gov.cn/zhengce/content/2017-12/30/content_5251797.htm">http://www.gov.cn/zhengce/content/2017-12/30/content_5251797.htm</a></p>	<p>This PRC Environmental Protection Tax Law Implementation Regulation sets forth implementation rules for the PRC Environmental Protection Tax Law, which covers taxation targets, tax-setting basis, conditions for tax reduction and exemptions as well as tax collection management.</p>
<p><b>Article 9 – Access to Information</b></p> <p>Every person, without being required to state an interest, has a right</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.zhb.gov.cn/gzfw_13107/">http://www.zhb.gov.cn/gzfw_13107/</a></p>	<p><b>Article 53</b></p> <p>Citizens, legal persons and other organizations enjoy, in accordance with the law, the rights to get environmental information and to participate in and to supervise the environmental protection.</p>



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<p>of access to environmental information held by public authorities. Public authorities shall, within the framework of their national legislations, collect and make available to the public relevant environmental information.</p>	<p>zcfg/fl/201605/t20160522_343393.shtml</p>	
	<p><b>Measures for the Disclosure of Environmental Information by Enterprises and Public Institutions</b></p> <p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gkml/hbb/bl/201412/t20141224_293393.htm">http://www.mep.gov.cn/gkml/hbb/bl/201412/t20141224_293393.htm</a></p>	<p>The Measures for the Disclosure of Environmental Information by Enterprises and Public Institutions delineates the implementation of China’s enterprise environmental information disclosure system.</p> <p><b>Article 1</b></p> <p>The Measures for the Disclosure of Environmental Information were formulated and promulgated with a view to safeguarding the rights of citizens, legal persons and other organizations to enjoy access to environmental information according to the law, facilitating enterprises and public institutions to truthfully make public their environmental information, and promoting the public participation in and supervision on the environmental protection.</p> <p><b>Article 2</b></p> <p>The Ministry of Environmental Protection shall be responsible for guiding and supervising the disclosure of environmental information by enterprises and public institutions nationwide. The competent environmental protection departments at or above the county level shall be responsible for guiding and supervising the disclosure of environmental information by enterprises and public institutions within their respective administrative regions.</p> <p><b>Article 3</b></p> <p>Enterprises and public institutions shall promptly and truthfully disclose their environmental information by following the principles of mandatory disclosure and voluntary disclosure.</p>



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<p><b>Article 10 – Public Participation</b></p> <p>Every person has the right to participate, at an appropriate stage and while options are still open, to the preparation of decisions, measures, plans, programmes, activities, policies and normative instruments of public authorities that may have a significant effect on the environment.</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p> <p><b>Measures for Public Participation in Environmental Protection</b></p> <p><i>Weblink:</i> <a href="http://www.zhb.gov.cn/gkml/hbb/bl/201507/t20150720_306928.htm">http://www.zhb.gov.cn/gkml/hbb/bl/201507/t20150720_306928.htm</a></p>	<p><b>Article 53</b></p> <p>The competent departments of environmental protection of the people’s governments at all levels and other departments responsible for supervision and management on environmental protection shall, in accordance with the law, disclose environmental information and perfect the procedures for public participation to provide convenience for citizens, legal persons and other organizations to participate in and supervise environmental protection.</p> <p>The Measures for Public Participation in Environmental Protection set out the general principles, methods, procedures for the general public to participate in the environment protection process.</p> <p><b>Article 1</b></p> <p>The Measures for Public Participation in Environmental Protection were formulated and promulgated with a view to safeguarding the rights of citizens, legal persons and other organizations to enjoy access to environmental information according to the law, facilitating enterprises and public institutions to truthfully make public their environmental information, and promoting the public participation in and supervision on the environmental protection.</p> <p><b>Article 4</b></p> <p>Individuals, legal persons and other organizations can participate in environment protection process through public opinion solicitation process, hearings, reporting, forum and other process.</p>
<p><b>Article 11 – Access to Environmental Justice</b></p> <p>Parties shall ensure the right of effective and</p>	<p><b>Tort Liability Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/huiyi/cwh/1112/2009-12/26/content_1533221.htm">http://www.npc.gov.cn/huiyi/cwh/1112/2009-12/26/content_1533221.htm</a></p>	<p><b>Article 65</b></p> <p>Where any damage is caused by environmental pollution, the polluter shall bear tortious liability.</p>



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<p>affordable access to administrative and judicial procedures, including redress and remedies, to challenge acts or omissions of public authorities or private persons which contravene environmental law, taking into consideration the provisions of the present Pact.</p>	<p><b>Criminal Law</b> <i>Weblink:</i> <a href="http://www.npc.gov.cn/wxzl/gongbao/2000-12/17/content_5004680.htm">http://www.npc.gov.cn/wxzl/gongbao/2000-12/17/content_5004680.htm</a></p>	<p><b>Article 338</b> Whoever, in violation of the regulations of the state, discharges, dumps or treats radioactive waste, waste containing pathogen of infectious diseases, toxic substances or other hazardous waste on the land or in the water bodies or the atmosphere, thus causing a major environmental pollution accident which leads to the serious consequences of heavy losses of public or private property or human casualties, shall be criminally liable.</p>
	<p><b>Environmental Protection Law</b> <i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 5</b> For environmental protection, the principle of “protection first, stress on prevention, comprehensive treatment, public participation, accountability for damages” shall be adhered to.</p>
<p><b>Article 12 – Education and Training</b> The Parties shall ensure that environmental education, to the greatest possible extent, is taught to members of the younger generation as well as to adults, in order to inspire in everyone a responsible</p>	<p><b>PRC Environmental Protection Law</b> <i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 9</b> Local people’s governments at all levels shall strengthen the publicity and popularization of environmental protection, encourage grassroots people’s self-governing organizations, social organizations and volunteers for environmental protection to spread the environmental protection laws, regulations and knowledge, and create a good atmosphere for protecting the environment.  The administrative departments for education and all schools shall incorporate the environmental protection knowledge into the school education and cultivate the students’ awareness of environmental protection.</p>



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<p>conduct in protecting and improving the environment. The Parties shall ensure the protection of freedom of expression and information in environmental matters. They support the dissemination by mass media of information of an educational nature on ecosystems and on the need to protect and preserve the environment.</p>	<p><b>National Environmental Education Action Plan (2016-2020)</b></p> <p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gkml/hbb/bwj/201604/t20160418_335307.htm">http://www.mep.gov.cn/gkml/hbb/bwj/201604/t20160418_335307.htm</a></p>	<p>The National Environmental Education Action Plan sets out the Chinese government's national plan (i.e., principles, strategies and objectives) on promoting environmental education and sense of environmental protection nationwide.</p>
<p><b>Article 13 – Research and Innovation</b></p> <p>The Parties shall promote, to the best of their ability, the improvement of scientific knowledge of ecosystems and the impact of human activities. They shall cooperate through exchanges of scientific and technological</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 7</b></p> <p>China supports the research, development and application of environmental protection science and technology, encourages the development of environmental protection related industries and facilities, and promotes environmental protection research and technologies.</p>



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<p>knowledge and by enhancing the development, adaptation, dissemination and transfer of technologies respectful of the environment, including innovative technologies.</p>		
<p><b>Article 14 – Role of Non-State Actors and Subnational Entities</b></p> <p>The Parties shall take the necessary measures to encourage the implementation [of this Pact] by non-State actors and subnational entities, including civil society, economic actors, cities and regions taking into account their vital role in the protection of the environment.</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 6</b></p> <p>All entities and individuals have the obligation to protect the environment.</p> <p><b>Article 9</b></p> <p>News media should publish environmental protection laws, regulations and knowledge, and conduct media supervision of environmental violations.</p> <p><b>Article 11</b></p> <p>The government shall reward and commend entities and individuals that have made outstanding contributions to the protection and improvement of environment.</p> <p><b>Article 58 (2)</b></p> <p>NGOs shall be able to sue parties impairing environmental protection.</p>
	<p><b>Measures on Public Participation in Environmental Protection</b></p> <p><i>Weblink:</i></p>	<p><b>Article 1</b></p> <p>The Measures on Public Participation in Environmental Protection was formulated and promulgated with a view to safeguarding the rights of citizens, legal persons and other</p>



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	<p><a href="http://www.mep.gov.cn/gkml/hbb/bl/201507/t20150720_306928_wap.shtml">http://www.mep.gov.cn/gkml/hbb/bl/201507/t20150720_306928_wap.shtml</a></p>	<p>organizations to enjoy access to environmental information according to the law, facilitating enterprises and public institutions to truthfully make public their environmental information, and promoting the public participation in and supervision on the environmental protection.</p> <p><b>Article 4</b></p> <p>Individuals, legal persons and other organizations can participate in environment protection process through public opinion solicitation process, hearings, reporting, forum and other process.</p>
<p><b>Article 15 – Effectiveness of Environmental Norms</b></p> <p>The Parties have the duty to adopt effective environmental laws, and to ensure their effective and fair implementation and enforcement.</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p><b>Article 15</b></p> <p>The competent department of environmental protection under the State Council formulates the national environmental quality standards.</p> <p>Local governments may formulate local environmental quality standards for items not specified in the national environmental quality standards; with regard to items already specified in the national standards, they may formulate local standards that are more stringent than the national standards. The local environmental quality standards shall be submitted to the competent department of environmental protection under the State Council for record.</p> <p><b>Article 16</b></p> <p>The competent department of environmental protection under the State Council shall, in accordance with national environmental quality standards and China’s economic and technological conditions, formulate national standards for the discharge of pollutants.</p> <p>Local governments may formulate local standards for the discharge of pollutants for items not specified in national standards; with regard to items already specified in national standards, they may formulate local standards that are more stringent than national</p>





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		standards and submit the same to the competent department of environmental protection under the State Council for record.
<p><b>Article 16 – Resilience</b></p> <p>The Parties shall take necessary measures to maintain and restore the diversity and capacity of ecosystems and human communities to withstand environmental disruptions and degradation and to recover and adapt.</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p> <p><b>13<sup>th</sup> Five-Year National Ecological Environment Protection Guideline (2016-2020)</b></p> <p><i>Weblink:</i> <a href="http://www.mep.gov.cn/gkml/hbb/bwj/201611/t20161102_366739.htm">http://www.mep.gov.cn/gkml/hbb/bwj/201611/t20161102_366739.htm</a></p>	<p><b>Article 47</b></p> <p>The people’s governments at all levels and other relevant departments as well as the enterprises and public institutions shall, in accordance with the provisions of the Emergency Response Law of the People’s Republic of China, spare no efforts to carry out such work as risk control, response preparation, emergency response and post-emergency rehabilitation of the relevant emergency incidents.</p> <p><b>Article III 2(1)</b></p> <p>Implementing major biodiversity conservation projects. With the focus on biodiversity conservation priority areas, we shall carry out biodiversity surveys and assessments to thoroughly identify biological diversity in China; strengthen on-site protection and off-site conservation, and improve the protection network system to ensure that the national strategic biological resources are better preserved; restore biodiversity-damaged areas, carry out demonstration of biodiversity conservation and poverty reduction, and promote the transformation, upgrading and reducing poverty of traditional industries in western areas with rich biodiversity; strengthen the building of basic biodiversity regulatory capacity, and comprehensively improve the level of biodiversity conservation and management of governments at all levels; coordinate the relevant departments to ensure funds for projects, organize the relevant departments to implement major projects, and promote the implementation of the Strategy and Action Plan and Decade of China Action.</p>



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	<p><b>Land Reclamation Law and Implementation Measures</b></p> <p><i>Weblink:</i>  <a href="http://www.mlr.gov.cn/zwgk/flfg/tdglflfg/201301/t20130107_1173455.htm">http://www.mlr.gov.cn/zwgk/flfg/tdglflfg/201301/t20130107_1173455.htm</a></p>	<p><b>Article 41</b></p> <p>The rehabilitation of cultivated land, forest land, and grassland that is being destroyed by construction activities shall yield an entitlement to claim tax benefits for relevant authorities.</p>
	<p><b>Guiding Opinions on Strengthening the Recovery and Management of Geological Environment of Mines</b></p> <p><i>Weblink:</i>  <a href="http://www.mep.gov.cn/gkml/hbb/gwy/201611/t20161124_368161.htm">http://www.mep.gov.cn/gkml/hbb/gwy/201611/t20161124_368161.htm</a></p>	<p>The Guiding Opinions on Strengthening the Recovery and Management of Geological Environment of Mines provides the principle, goal, responsible party, policies and other requirements with respect to the recovery and management of geological environment of mines.</p>
<p><b>Article 17 – Non-regression</b></p> <p>The Parties and their sub-national entities refrain from allowing activities or adopting</p>	<p><b>PRC Environmental Protection Law</b></p> <p><i>Weblink:</i>  <a href="http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm">http://www.npc.gov.cn/npc/xinwen/2014-04/25/content_1861279.htm</a></p>	<p>The PRC Environmental Protection Law sets out the general principles of protecting and improving the environment and the ecological environment, preventing and controlling pollution and other public hazards, safeguarding human health and facilitating the sustainable development.</p>



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<p>norms that have the effect of reducing the global level of environmental protection guaranteed by current law.</p>	<p><b>Technical Guide for Ecological Protection Red-Line Delineation</b></p> <p><i>Weblink:</i>  <a href="http://www.mep.gov.cn/gkml/hbb/bwj/201505/W020150519635317083395.pdf">http://www.mep.gov.cn/gkml/hbb/bwj/201505/W020150519635317083395.pdf</a></p>	<p>The Technical Guide for Ecological Protection Red-Line Delineation sets forth the technical guideline for delineating the ecological protection red-line to ensure no ecological regression beyond the red-line.</p>
	<p><b>National Ecological Function Division</b></p> <p><i>Weblink:</i>  <a href="http://www.mep.gov.cn/gkml/hbb/bg/201511/W020151126550511267548.pdf">http://www.mep.gov.cn/gkml/hbb/bg/201511/W020151126550511267548.pdf</a></p>	<p>The National Ecological Function Division sets forth the various national ecological function divisions, major ecological issues of each division and remedial and protection actions to be taken.</p>
<p><b>Article 18 – Cooperation</b></p> <p>In order to conserve, protect and restore the integrity of the Earth’s ecosystem and community of life, Parties shall cooperate in good faith and in a spirit of global partnership for the implementation of the provisions of the present Pact.</p>	<p><b>China’s Policies and Actions for Addressing Climate Change (2011)</b></p> <p><i>Weblink:</i>  <a href="http://www.scio.gov.cn/zfbps/ndhf/2011/Document/1052718/1052718_8.htm">http://www.scio.gov.cn/zfbps/ndhf/2011/Document/1052718/1052718_8.htm</a></p>	<p><b>Article VIII</b></p> <p>China has taken an active part in international climate change negotiations, playing a constructive role. It insists on the double-track negotiation mechanism of the UNFCCC and the Kyoto Protocol and upholds the principle of “common but differentiated responsibilities” in promoting the progress of international climate change negotiations.</p>



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<p><b>Article 19 – Armed Conflicts</b></p> <p>States shall take pursuant to their obligations under international law all feasible measures to protect the environment in relation to armed conflicts.</p>	<p><b>PRC National Security Law</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/xinwen/2015-07/07/content_1941161.htm">http://www.npc.gov.cn/npc/xinwen/2015-07/07/content_1941161.htm</a></p>	<p><b>Article 30</b></p> <p>The State shall increase environmental protection efforts, properly respond to environmental emergencies, safeguard natural environments and promote harmonious development between man and nature. The National Security Law specifically addresses issues that arise from criminal activities, terrorism, and threats to national security.</p>
<p><b>Article 20 – Diversity of National Situations</b></p> <p>The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special attention. Account shall be taken, where appropriate, of the Parties' common but differentiated responsibilities and respective capabilities, in light of different national circumstances.</p>	<p><b>The PRC Outline of the 13th Five-Year Plan for the National Economic and Social Development</b></p> <p><i>Weblink:</i> <a href="http://www.npc.gov.cn/npc/dbdhy/12_4/2016-03/18/content_1985670_13.htm">http://www.npc.gov.cn/npc/dbdhy/12_4/2016-03/18/content_1985670_13.htm</a></p>	<p><b>Chapter 46, Section 3</b></p> <p>China will adhere to the common but differentiated responsibility principle and undertake international responsibilities in light of its capabilities to support other developing countries to enhance their capabilities to deal with the climate change.</p>
	<p><b>Opinions of the Central Committee of the Communist Party of China (CPC) and the State Council on Accelerating the Development of Ecological Civilization</b></p> <p><i>Weblink:</i> <a href="http://www.xinhuanet.com/politics/2015-05/05/c_1115187518_3.htm">http://www.xinhuanet.com/politics/2015-05/05/c_1115187518_3.htm</a></p>	<p><b>Article 5(16)</b></p> <p>China confirms the common but differentiated responsibility principle and shall actively participate in international negotiations regarding climate change and establish a structured effort to protect the environment.</p>