Tougher stance on environment: Revised PRC Environmental Protection Law.

Coming into effect on 1 January 2015, the long debated amendments to China’s Environmental Protection Law have been passed providing the government with greater enforcement powers and imposing more severe sanctions on polluters. In addition, for the first time in China public interest litigation is envisaged, exposing polluters to greater scrutiny and supervision from the public than ever before. More detailed implementing rules providing further guidance and details on the amendments are expected to follow.

**Tougher supervision**

*Enhanced sanctions.* Environmental authorities will have recourse to a wider range of sanctions, including the ability to seize facilities and equipment from polluters if the pollutants discharged by them have resulted in, or are likely to result in, serious pollution. Environmental authorities will also be able to immediately suspend or shut down a business for non-compliance without first needing to allow for a grace period to rectify any non-compliance.

*Pollutant discharge control.* Businesses will be allocated a pollutant discharge quota by provincial governments, with discharges in excess of the quota triggering fines and possible arrest of those responsible. In addition, the government is in the process of formulating a new nationwide pollutant discharge permit system under which polluters will only be allowed to discharge the type of pollutants specified in their permit.

**Public participation**

*Information disclosure.* Polluters will be required to publicly disclose information about any pollutants they discharge, including the type of pollutants, method of discharge, pollutant concentration, total volume of pollutants, whether the volume discharged has exceeded its quota and information regarding the construction and operation of pollution control facilities.

*Public consultation on environment impact assessment.* Businesses will be required to solicit public opinion for any construction project that may have an impact on the environment.
Public interest litigation. A concept of public interest litigation is envisaged for the first time in China, with environmental organisations registered with the PRC authorities who have a clean compliance history and at least five years experience in the field, able to bring actions against polluters to protect the public interest.

Reference: Environmental Protection Law of the People’s Republic of China
《中华人民共和国环境保护法》

Issuing authority: Standing Committee of National People’s Congress (“CSNPC”)