

The 1st NOWPAP Workshop on Marine Litter

Legal instruments related to Marine Litter in China
— Summary and Analysis

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- List of national laws, regulations, and institutional legislation
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- Analysis and comments

List of laws, regulations, institutional legislation

National legal system in China

Approved by

Law	National People's Congress
Regulation	the State Council
Institutional legislation	state administrative department

List of laws, regulations, institutional legislation

List (1)

- **Constitution** of the people's republic of China, Amended for the fourth time on March 14, 2004
- **Environmental Protection Law** of the people's republic of China, December 26, 1989
- **Marine Environmental Protection Law**, Revised on December 25, 1999



List of laws, regulations, institutional legislation

List (2)

- **Regulations on the Prevention of Pollution Damage to the Marine Environment by Land-based Pollutants**, Effective on August 1, 1990
- **Regulations on the Administration of Environmental Protection in the Exploration and Development of Offshore Petroleum**, December 29, 1983
- **Regulations on the prevention of Vessel-induced Sea Pollution**, December 29, 1983
- **Regulations on Control over Dumping of Wastes in the Ocean**, March 6, 1985

List of laws, regulations, institutional legislation

List (3)

- **Proposals on Strengthening the Management of the Plastic Package Wastes along Main Roads, in River Basins and at Tourist Attractions, Approved by the State Council on September 22, 1998.**
- **the Law on Prevention of Environmental Pollution Caused by Solid Waste and Law on Prevention and control of Water pollution**

clear descriptions - are not applicable to the prevention and control of marine pollution

Detailed articles related to the marine litter

General status

- **Total amount of the related articles**
Over 30 articles/annex
- **Direct/indirect**

Detailed articles related to the marine litter

Examples – department roles

Environmental Protection Law, Article 7 & Marine Environmental Protection Law, Article 5

Roles of different departments in marine protection: the competent State administrative departments in charge of environment protection, marine affairs, maritime affairs, fisheries, Armed Forces



their roles in the Marine Litter

Detailed articles related to the marine litter

Examples – definition of marine pollution

Marine Environmental Protection Law, Article 95

“pollution damage to the marine environment” means any direct or indirect introduction of substances or energy into the marine environment which results in deleterious effects such as harm to marine living resources, hazards to human health, hindrance to fishing and other legitimate operations at sea, impairment of the useful quality of sea water and degradation of environment quality.....

Detailed articles related to the marine litter

Examples - offshore petroleum

Exploration and Development of Offshore Petroleum Regulations, Article 12

- dumping of industrial garbage in large quantities is to be managed...
- domestic garbage that need to be discharged within 12 nautical miles from the nearest land shall undergo pulverization treatment with the granules less than 25 millimeters in diameter

Detailed articles related to the marine litter

Examples – facilities for vessel-induced pollutants

Marine Environmental Protection Law, Article 69

Ports, docks, loading and unloading spots and shipyards must be equipped with proper facilities to accommodate and deal with vessel-induced pollutants and wastes, and shall keep these facilities in good conditions.

Detailed articles related to the marine litter

Examples - vessel-induced pollution

Regulations on the prevention of Vessel-induced Sea Pollution , Article 27,28,30,31,36

- Garbage from vessels shall not be dumped at will into harbor waters
- Any vessel in the harbor that needs to dump garbage shall raise on board signals
- plastic products may not be cast off into the sea; domestic garbage, less than 25mm may be cast off ..
- In surface ship scrapping, the scraps may not be cast off into the sea
- ...

Detailed articles related to the marine litter

Examples - dumping of wastes

Regulations on Control over Dumping of Wastes in the Ocean , Article 11, Annex I,II

- Wastes and other substances as listed in Annex I is prohibited; the dumping of wastes as listed in Annex II shall require special permits in advance; the dumping of wastes of low or no toxicity other than those listed in Annex I and Annex II shall require ordinary permits.
- Annex I ...4. Fishing net, ropes, plastic products and other artificial synthesis which can float on the surface or suspend in the water, ...
- Annex II... 3. Containers, waste metals and other heavy waste materials that will easily sink to the bottom of the sea ...

in compliance with the London Convention

Detailed articles related to the marine litter

Examples – facilities for vessel-induced pollutants

Marine Environmental Protection Law, Article 69

Ports, docks, loading and unloading spots and shipyards must be equipped with **proper facilities to accommodate and deal with vessel-induced pollutants and wastes**, and shall keep these facilities in good conditions.

Detailed articles related to the marine litter

Examples – plastic package wastes

Proposals on Strengthening the Management of the Plastic Package Wastes along Main Roads, in River Basins and at Tourist Attractions

- 3.It is prohibited to litter or deposit plastic package wastes or other solid wastes into rivers, lakes and or on their banks ...
- 5.The departments of communications at different levels shall strengthen the management of ship rubbish. All ships shall be equipped with the Ship Rubbish Register, the Ship Rubbish Management Plan, the bulletin boards and enough containers to store rubbish as required by relevant laws and regulations...

Analysis and comments

Advantages (1)

Main marine litter sources are well covered through the regulations

The four regulations on Land-based Pollutants, Exploration and Development of Offshore Petroleum, Vessel-induced Sea Pollution, and Dumping of Wastes cover the main sources for marine litter including both the land-based source and sea-based source.

Analysis and comments

Advantages (2)

Each corresponding administrative department has a distinct authority and responsibility on marine environmental protection

Concerning the marine litter, it can be said that competent administrative department in charge of environmental protection cares for the land-based marine litter, maritime affairs and fisheries authority together care for ship-based marine litter, and marine affairs authority for other sea-based marine litter except the ship-based one

Analysis and comments

Advantages (3)

Marine litter is included, even not by a direct manner, in the law
Article 95 of the Marine Environmental Protection Law

There are several clauses highly related to marine litter

Management of the Plastic Package Wastes is emphasized by the State Council

Analysis and comments

Disadvantages

The word(s) “marine litter” or “Litter” never appears

Long revision period
For example, the fine involved in the four regulations are all limited to 100,000 RMB yuan (about 12,500\$)

Compliance and enforcement

