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## [中华人民共和国清洁生产促进法 \(全文\)](#)

[\(英文版中华人民共和国清洁生产促进法-English\)](#)

### 中华人民共和国清洁生产促进法

(2002年6月29日第九届全国人民代表大会常务委员会第二十八次会议通过)

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### 第一章 总 则

第一条 为了促进清洁生产，提高资源利用效率，减少和避免污染物的产生，保护和改善环境，保障人体健康，促进经济与社会可持续发展，制定本法。

第二条 本法所称清洁生产，是指不断采取改进设计、使用清洁的能源和原料、采用先进的工艺技术与设备、改善管理、综合利用等措施，从源头削减污染，提高资源利用效率，减少或者避免生产、服务和产品使用过程中污染物的产生和排放，以减轻或者消除对人类健康和环境的危害。

第三条 在中华人民共和国领域内，从事生产和服务活动的单位以及从事相关管理活动的部门依照本法规定，组织、实施清洁生产。

第四条 国家鼓励和促进清洁生产。国务院和县级以上地方人民政府，应当将清洁生产纳入国民经济和社会发展规划以及环境保护、资源利用、产业发展、区域开发等规划。

第五条 国务院经济贸易行政主管部门负责组织、协调全国的清洁生产促进工作。国务院环境保护、计划、科学技术、农业、建设、水利和质量技术监督等行政主管部门，按照各自的职责，负责有关的清洁生产促进工作。

县级以上地方人民政府负责领导本行政区域内的清洁生产促进工作。县级以上地方人民政府经济贸易行政主管部门负责组织、协调本行政区域内的清洁生产促进工作。县级以上地方人民政府环境保护、计划、科学技术、农业、建设、水利和质量技术监督等行政主管部门，按照各自的职责，负责有关的清洁生产促进工作。

第六条 国家鼓励开展有关清洁生产的科学研究、技术开发和国际合作，组织宣传、普及清洁生产知识，推广清洁生产技术。

国家鼓励社会团体和公众参与清洁生产的宣传、教育、推广、实施及监督。

## **第二章 清洁生产的推行**

第七条 国务院应当制定有利于实施清洁生产的财政税收政策。

国务院及其有关行政主管部门和省、自治区、直辖市人民政府，应当制定有利于实施清洁生产的产业政策、技术开发和推广政策。

第八条 县级以上人民政府经济贸易行政主管部门，应当会同环境保护、计划、科学技术、农业、建设、水利等有关行政主管部门制定清洁生产的推行规划。

第九条 县级以上地方人民政府应当合理规划本行政区域的经济布局，调整产业结构，发展循环经济，促进企业在资源和废物综合利用等领域进行合作，实现资源的高效利用和循环使用。

第十条 国务院和省、自治区、直辖市人民政府的经济贸易、环境保护、计划、科学技术、农业等有关行政主管部门，应当组织和支持建立清洁生产信息系统和技术咨询服务体系，向社会提供有关清洁生产方法和技术、可再生利用的废物供求以及清洁生产政策等方面的信息和服务。

第十一条 国务院经济贸易行政主管部门会同国务院有关行政主管部门定期发布清洁生产技术、工艺、设备和产品导向目录。

国务院和省、自治区、直辖市人民政府的经济贸易行政主管部门和环境保护、农业、建设等有关行政主管部门组织编制有关行业或者地区的清洁生产指南和技术手册，指导实施清洁生产。

第十二条 国家对浪费资源和严重污染环境的落后生产技术、工艺、设备和产品实行限期淘汰制度。国务院经济贸易行政主管部门会同国务院有关行政主管部门制定并发布限期淘汰的生产技术、工艺、设备以及产品的名录。

第十三条 国务院有关行政主管部门可以根据需要批准设立节能、节水、废物再生利用等环境与资源保护方面的产品标志，并按照国家规定制定相应标准。

第十四条 县级以上人民政府科学技术行政主管部门和其他有关行政主管部门,应当指导和支持清洁生产技术和有利于环境与资源保护的产品的研究、开发以及清洁生产技术的示范和推广工作。

第十五条 国务院教育行政主管部门,应当将清洁生产技术和管理课程纳入有关高等教育、职业教育和技术培训体系。

县级以上人民政府有关行政主管部门组织开展清洁生产的宣传和培训,提高国家工作人员、企业经营管理者 and 公众的清洁生产意识,培养清洁生产管理和技术人员。

新闻出版、广播影视、文化等单位和有关社会团体,应当发挥各自优势做好清洁生产宣传工作。

第十六条 各级人民政府应当优先采购节能、节水、废物再生利用等有利于环境与资源保护的产品。

各级人民政府应当通过宣传、教育等措施,鼓励公众购买和使用节能、节水、废物再生利用等有利于环境与资源保护的产品。

第十七条 省、自治区、直辖市人民政府环境保护行政主管部门,应当加强对清洁生产实施的监督;可以按照促进清洁生产的需要,根据企业污染物的排放情况,在当地主要媒体上定期公布

污染物超标排放或者污染物排放总量超过规定限额的污染严重企业的名单，为公众监督企业实施清洁生产提供依据。

### **第三章 清洁生产的实施**

第十八条 新建、改建和扩建项目应当进行环境影响评价，对原料使用、资源消耗、资源综合利用以及污染物产生与处置等进行分析论证，优先采用资源利用率高以及污染物产生量少的清洁生产技术、工艺和设备。

第十九条 企业在进行技术改造过程中，应当采取以下清洁生产措施：

- (一) 采用无毒、无害或者低毒、低害的原料，替代毒性大、危害严重的原料；
- (二) 采用资源利用率高、污染物产生量少的工艺和设备，替代资源利用率低、污染物产生量多的工艺和设备；
- (三) 对生产过程中产生的废物、废水和余热等进行综合利用或者循环使用；
- (四) 采用能够达到国家或者地方规定的污染物排放标准和污染物排放总量控制指标的污染防治技术。

第二十条 产品和包装物的设计，应当考虑其在生命周期中对人类健康和环境的影响，优先选择无毒、无害、易于降解或者便于回收利用的方案。

企业应当对产品进行合理包装，减少包装材料的过度使用和包装性废物的产生。

第二十一条 生产大型机电设备、机动运输工具以及国务院经济贸易行政主管部门指定的其他产品的企业，应当按照国务院标准化行政主管部门或者其授权机构制定的技术规范，在产品的主体构件上注明材料成分的标准牌号。

第二十二条 农业生产者应当科学地使用化肥、农药、农用薄膜和饲料添加剂，改进种植和养殖技术，实现农产品的优质、无害和农业生产废物的资源化，防止农业环境污染。

禁止将有毒、有害废物用作肥料或者用于造田。

第二十三条 餐饮、娱乐、宾馆等服务性企业，应当采用节能、节水和其他有利于环境保护的技术和设备，减少使用或者不使用浪费资源、污染环境的消费品。

第二十四条 建筑工程应当采用节能、节水等有利于环境与资源保护的建筑设计方案、建筑和装修材料、建筑构配件及设备。

建筑和装修材料必须符合国家标准。禁止生产、销售和使用有毒、有害物质超过国家标准的建筑和装修材料。

第二十五条 矿产资源的勘查、开采，应当采用有利于合理利用资源、保护环境和防止污染的勘查、开采方法和工艺技术，提高资源利用水平。

第二十六条 企业应当在经济技术可行的条件下对生产和服务过程中产生的废物、余热等自行回收利用或者转让给有条件的其他企业和个人利用。

第二十七条 生产、销售被列入强制回收目录的产品和包装物的企业，必须在产品报废和包装物使用后对该产品和包装物进行回收。强制回收的产品和包装物的目录和具体回收办法，由国务院经济贸易行政主管部门制定。

国家对列入强制回收目录的产品和包装物，实行有利于回收利用的经济措施；县级以上地方人民政府经济贸易行政主管部门应当定期检查强制回收产品和包装物的实施情况，并及时向社会公布检查结果。具体办法由国务院经济贸易行政主管部门制定。

第二十八条 企业应当对生产和服务过程中的资源消耗以及废物的产生情况进行监测，并根据需要对生产和服务实施清洁生产审核。

污染物排放超过国家和地方规定的排放标准或者超过经有关地方人民政府核定的污染物排放总量控制指标的企业，应当实施清洁生产审核。

使用有毒、有害原料进行生产或者在生产中排放有毒、有害物质的企业，应当定期实施清洁生产审核，并将审核结果报告所在地的县级以上地方人民政府环境保护行政主管部门和经济贸易行政主管部门。

清洁生产审核办法，由国务院经济贸易行政主管部门会同国务院环境保护行政主管部门制定。

第二十九条 企业在污染物排放达到国家和地方规定的排放标准的基础上，可以自愿与有管辖权的经济贸易行政主管部门和环境保护行政主管部门签订进一步节约资源、削减污染物排放量的协议。该经济贸易行政主管部门和环境保护行政主管部门应当在当地主要媒体上公布该企业的名称以及节约资源、防治污染的成果。

第三十条 企业可以根据自愿原则，按照国家有关环境管理体系认证的规定，向国家认证认可监督管理委员会授权的认证机构提出认证申请，通过环境管理体系认证，提高清洁生产水平。

第三十一条 根据本法第十七条规定，列入污染严重企业名单的企业，应当按照国务院环境保护行政主管部门的规定公布主要污染物的排放情况，接受公众监督。

#### **第四章 鼓励措施**

第三十二条 国家建立清洁生产表彰奖励制度。对在清洁生产工作中做出显著成绩的单位和个人，由人民政府给予表彰和奖励。

第三十三条 对从事清洁生产研究、示范和培训，实施国家清洁生产重点技术改造项目和本法第二十九条规定的自愿削减污染物排放协议中载明的技术改造项目，列入国务院和县级以上地方人民政府同级财政安排的有关技术进步专项资金的扶持范围。

第三十四条 在依照国家规定设立的中小企业发展基金中，应当根据需要安排适当数额用于支持中小企业实施清洁生产。

第三十五条 对利用废物生产产品的和从废物中回收原料的，税务机关按照国家有关规定，减征或者免征增值税。

第三十六条 企业用于清洁生产审核和培训的费用，可以列入企业经营成本。

## **第五章 法律责任**

第三十七条 违反本法第二十一条规定，未标注产品材料的成分或者不如实标注的，由县级以上地方人民政府质量技术监督行政主管部门责令限期改正；拒不改正的，处以五万元以下的罚款。

第三十八条 违反本法第二十四条第二款规定，生产、销售有毒、有害物质超过国家标准的建筑和装修材料的，依照产品质量法和有关民事、刑事法律的规定，追究行政、民事、刑事法律责任。

第三十九条 违反本法第二十七条第一款规定，不履行产品或者包装物回收义务的，由县级以上地方人民政府经济贸易行政主管部门责令限期改正；拒不改正的，处以十万元以下的罚款。

第四十条 违反本法第二十八条第三款规定，不实施清洁生产审核或者虽经审核但不如实报告审核结果的，由县级以上地方人民政府环境保护行政主管部门责令限期改正；拒不改正的，处以十万元以下的罚款。

第四十一条 违反本法第三十一条规定，不公布或者未按规定要求公布污染物排放情况的，由县级以上地方人民政府环境保护行政主管部门公布，可以并处十万元以下的罚款。

## **第六章 附 则**

第四十二条 本法自2003年1月1日起施行。

# Cleaner Production Promotion Law

Approved by the Standing Committee of the National People's Congress  
(NPC) of the People's Republic of China in the 28th Session on June 29,

2002

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## Chapter 1 General Provisions

**Article 1** This Law is enacted in order to promote cleaner production, increase the efficiency of the utilization rate of resources, reduce and avoid the generation of pollutants, protect and improve environments, ensure the health of human beings and promote the sustainable development of the economy and society.

**Article 2** Cleaner production as used in this Law means the continuous application of measures for design improvement, utilization of clean energy

and raw materials, the implementation of advanced processes, technologies and equipment, improvement of management and comprehensive utilization of resources to reduce pollution at source, enhance the rates of resource utilization efficiency, reduce or avoid pollution generation and discharge in the course of production, provision of services and product use, so as to decrease harm to the health of human beings and the environment.

**Article 3** Within the territory of the People's Republic of China, any units or individuals engaged in activities relating to production or provision of services and their corresponding management agencies must organize and implement systems for cleaner production in accordance with the provisions therefor contained in this Law.

**Article 4** The nation is committed to encouraging and promoting cleaner production. The State Council and the local people's governments at or above county level must infuse cleaner production into plans and programs for national economic and social development, as well as environmental protection, resources utilization, industrial development and regional development.

**Article 5** The state departments for economics and trade subject to the authority of the State Council shall bear the responsibility for undertaking the work of organizing and coordinating the promotion of cleaner production throughout the nation.

The relevant administrative departments responsible for environmental protection, planning, science and technology, agriculture, construction, water conservation, and quality and technological supervision under the State Council shall assume the responsibility for promoting cleaner production in accordance with and pursuant to their respective functions and responsibilities.

The local people's governments at or above county level shall be responsible for taking the initiative to promote cleaner production in the areas under their administration. The relevant departments responsible for economics and trade under the local people's governments at or above county level shall bear the responsibility for organizing and coordinating cleaner production in the areas under their administration. The relevant administrative departments responsible for environment protection, planning, science and technology, agriculture, construction, water conservation and quality and technology supervision under the local people's governments at or above county level shall be responsible for promoting cleaner production in accordance with and pursuant to their respective functions and responsibilities.

**Article 6** It is the policy of the nation to encourage scientific research, technical development and international cooperation to develop cleaner production, and to organize the dissemination of information with respect to

and to popularize cleaner production and extend the range of cleaner production technologies.

The nation is committed to encouraging social groups and citizens to participate in the dissemination of public awareness with respect to cleaner production through education, popularization, implementation and supervision.

## **Chapter 2 Realization of Cleaner Production**

**Article 7** The State Council shall formulate fiscal and tax policies conducive to the implementation of cleaner production.

The State Council and other relevant administrative departments having corresponding responsibility and the people's governments of provinces, autonomous regions and municipalities directly under the central government shall formulate and implement beneficial industrial development policies and technological development and popularization policies and undertake supervision and management measures conducive to the implementation of cleaner production.

**Article 8** The above departments responsible for economics and trade under the people's governments at or above county level shall formulate plans for the popularization of cleaner production jointly with relevant

departments responsible for environmental protection, planning, science and technology, agriculture, construction and water conservation.

**Article 9** The local people's governments at or above county level shall formulate plans rationally for regional economic blueprints and readjust industrial structures to enhance adherence to a recycling economy and promote active enterprise cooperation in the comprehensive utilization of resources and waste products, thus ensuring high-efficiency utilization and recycling of resources.

**Article 10** The relevant administrative departments having responsibility for economics and trade, environmental protection, planning, science and technology and agricultural in the State Council and the people's governments of the provinces, autonomous regions and the municipalities directly under the central government shall exert their organizational efforts and provide support for the establishment of cleaner production information systems and technical consulting and services system to provide the public with information with respect to methodologies and technologies relating to cleaner production, and information and services relating to supply and demand for renewable and recyclable waste products and cleaner production policies.

**Article 11** The relevant departments for economics and trade under the State Council, together with related departments having coordinate

responsibility, shall periodically release guidance catalogues on cleaner production technologies, processes, equipment and products.

The relevant administrative departments responsible for economics and trade, environmental protection, planning, science and technology, agriculture and construction in the State Council and the provincial people's governments, autonomous regions and municipalities directly under the central government shall organize the compilation of industry- or region-specific cleaner production guidelines or technical manuals illustrating methods for the implementation of cleaner production.

**Article 12** The nation shall implement a time-limited system for the elimination of obsolete or obsolescent production technologies, processes, equipment and products gravely hazardous to environments and wasteful of resources. The relevant departments for economic and trade under the State Council shall issue a directory of production technologies, processes and equipment and products to be eliminated within the time limit, jointly with other relevant administrative departments in the State Council.

**Article 13** The responsible administrative departments under the State Council may approve the establishment of a product labeling system in accordance with need in the fields of environmental and resource protection such as energy conservation, water conservation, waste reuse and recycling, and devise the relevant standards according to the national requirements.

**Article 14** The relevant administrative departments responsible for science and technology and other relevant administrative departments under the people's governments at or above county level shall guide and support research into and development of cleaner production technologies and products beneficial to protection of the environment and resources, as well as demonstrating and popularizing cleaner production technologies.

**Article 15** The relevant administrative departments responsible for education under the State Council shall integrate relevant courses of study on cleaner production technologies and management into higher education, professional education and technical training programs.

The relevant administrative departments under the people's governments at or above county level having responsibility in this area shall organize to engage in the dissemination of information and training relative to cleaner production, in order to raise the level of awareness regarding cleaner production among government officials, enterprise managers and the public and provide training in cleaner production to management and technical personnel.

News publishers, TV and film broadcasters, and units engaged in the dissemination of cultural content and related social organizations shall avail themselves of their respective advantageous positions to disseminate information regarding cleaner production.

**Article 16** Governments at all levels shall give priority to purchase products conducive to energy and water conservation, waste reuse, environmental protection and resource conservation.

Governments at all levels shall engage in the measures of publicity, education or training to encourage the public to purchase and use products conducive to energy and water conservation, waste reuse, environmental protection and resource conservation.

**Article 17** The relevant departments responsible for environmental protection in the people's governments of the various provinces, autonomous regions and municipalities directly under the central government shall enhance their supervision of the process of implementation of cleaner production. In accordance with their needs of promoting cleaner production, these governments may publish a list of the names of heavily-polluting enterprises in local primary media based on the pollution discharge conditions of such enterprises, where the pollutants discharged exceed the standards or the total volume of pollutants exceeds regulatory limits, in order to provide the public with a basis for policing enterprise implementation of cleaner production.

### **Chapter 3 Implementation of Cleaner Production**

**Article 18** New construction, construction renovation and expansion projects shall conduct environmental impact assessments with respect to analysis and assessment of use of raw materials, resource consumption, comprehensive utilization of resources, as well as generation of pollutants and their treatment; shall accord priority to adopting cleaner production technologies, processes and equipment, which maximize the resource utilization rate and generate few pollutants.

**Article 19** Enterprises in the course of technological upgrades shall adopt the following cleaner production measures:

1. Adopting toxin-free, non-hazardous or low-toxin and low-harm raw materials to replace toxic and hazardous raw materials;
2. Adopting processes and equipment with high resource utilization rates and little pollutant-generation to replace processes and equipment with high resource consumption and significant generation of pollutants;
3. Comprehensive use or recycling of materials such as waste products, waste water and heat generated from production procedures.
4. Adopting pollution prevention and control technologies sufficient to permit the enterprises to comply with national or local pollution discharge standards and total volume control quotas for pollutants.

**Article 20** When products and packaging are designed, their influences on mankind and natural environments during their life-cycle must be considered and priority accorded to selecting toxin-free, non-hazardous, easily degraded and easily recycled options.

Enterprises should package the products in a reasonable manner to reduce the overuse of packaging materials and reduce the generation of packaging wastes.

**Article 21** Any enterprise producing large-sized electromechanical equipment, motor-driven transport apparatuses, and other any products designated accordingly by the relevant departments for economic and trade under the State Council shall place the standard label listing material composition on a main structural component of the product in accordance with the technical specifications therefor devised by the relevant administrative department responsible for such standardization under the State Council or its duly authorized organizations.

**Article 22** Agricultural producers shall use chemical fertilizers, pesticides, agricultural films and feed additive compounds in accordance with scientific principles, improve planting and breeding techniques so as to bring about high-quality, non-hazardous agricultural products and generate resources from wastes from agricultural production and prevent and control agricultural environmental pollution.

The use of toxic or hazardous wastes as fertilizer or as fill to build up fields is prohibited.

**Article 23** Enterprises purveying services, such as restaurants, places of entertainment, hotels, etc., shall adopt measures for energy and water conservation and other environmentally-friendly technologies and equipment and reduce or avoid the use and consumption of goods which waste resources and pollute the environment.

**Article 24** Construction projects shall adopt the design options, construction and decoration materials, construction structures, fixtures and equipment resulting in energy and water conservation and other environmentally-friendly and resource-conserving construction planning options.

Construction or decoration materials must comply with national standards therefor. The production, sale and utilization of any construction or decoration materials containing toxic or hazardous content exceeding national standards therefor is prohibited.

**Article 25** Mining exploration and exploitation activities shall adopt methods and technologies geared towards reasonable utilization of resources, environmental protection and pollution control and prevention, to increase the utilization level of resources.

**Article 26** To the extent economically and technically feasible, enterprises shall recover and utilize their own wastes or wasted heat generated from the processes of production and/or provision of services or transfer these wastes to other enterprises or persons with the ability to do so.

**Article 27** If any product or package is listed in the compulsory recycling directory, enterprises engaged in their production or sale shall recycle the discarded product or used packaging. The relevant department for economics and trade under the State Council will formulate the compulsory recycling directory of products and packages and its detailed methods for recycling.

The state will devise economic measures favorable to recycling and utilization of the products and packages listed in the compulsory recycling directory; the relevant departments for economics and trade under the local people's governments at or above county level shall periodically monitor the implementation conditions of the compulsory recycling products and packages, and make timely reports to the public regarding the results of such monitoring. The relevant departments for economic and trade under the State Council shall formulate concrete methodologies to effectuate these objectives.

**Article 28** Enterprises shall monitor resource consumption and generation of wastes during the course of production and provision of services, and

conduct cleaner production audits with respect to production and service procedures according to need.

Enterprises that exceed the national or local discharging standards or exceed the total volume control targets for pollutants set by the relevant local people's governments shall conduct cleaner production audits.

Any enterprise using toxic and hazardous materials in production or discharging toxic and hazardous substances shall periodically conduct cleaner production audits, and report the audit results to the relevant administrative departments for environmental protection and the relevant departments for economic and trade under the local people's government at or above county level.

The administrative procedures for conducting cleaner production audits shall be formulated by the relevant departments for economic and trade under the State Council jointly with the relevant administrative department for environmental protection under the State Council.

**Article 29** After an enterprise attains a national or local discharge threshold standard, the enterprise may enter into a voluntary agreement or agreements for further resource conservation and pollution discharge reduction with the relevant local administrative departments responsible for economics and trade, and the relevant administrative department responsible for

environmental protection. The relevant local administrative departments for economics and trade, and the relevant administrative departments for environmental protection shall publicize the name of the enterprise and the results of its resource conservation and pollution control and prevention in the primary local media.

**Article 30** Enterprises may voluntarily submit applications for certification to state-authorized certification organizations, in accordance with the regulations promulgated pursuant to the national environmental management certification system, to qualify under the environmental management certification system standards as having improved the cleaner production tableau.

**Article 31** In accordance with the provisions of Article 17 of this Law, enterprises appearing on the list of names of enterprising generating significant pollution, in accordance with regulations promulgated by relevant departments responsible for environmental protection under the State Council, must periodically publicly publish the status of their discharge of their major pollutants, and submit to public supervision.

#### **Chapter 4 Inducement Measures**

**Article 32** The Nation establishes a system of commendation and reward for cleaner production. The people's governments shall give commendations

and rewards to those units and individuals that have made conspicuous achievements in the work of realizing cleaner production.

**Article 33** With respect to conducting cleaner production research, demonstration projects and training, implementing key national cleaner production technological innovation projects and implementing individual technological innovation projects listed in the voluntary pollutant reduction agreements entered into per the provisions of Article 29 of this Law, the above activities and projects shall fall within the scope of the support parameters of the Special Technological Development Funds set aside by the fiscal management departments of the State Council and its coordinate local people's governments at or above county level.

**Article 34** Funding from the Small- and Medium-Sized Enterprise Development Fund established in accordance with national regulations shall be set aside to support cleaner production for small- and medium-sized enterprises in accordance with their needs.

**Article 35** With respect to products produced from wastes and materials reclaimed from wastes, the taxation authorities shall reduce or exempt these from Value-Added Tax in accordance with relevant national regulations.

**Article 36** Expenses incurred for cleaner production auditing and training may be booked as enterprise operating costs.

## Chapter 5 Legal Liability

**Article 37** If any enterprise or individual violates the provisions contained in Article 21 of this Law or fails to affix a label stating the material composition, or fails to provide such information truthfully and accurately, the relevant departments responsible for quality and technological supervision under the people's government at or above county level shall order such party to make rectification within a specified time limit and may further impose a fine in an amount not to exceed RMB 50,000 yuan.

**Article 38** If any enterprise or individual violates the provisions contained in the second paragraph of Article 24 of this Law by producing or selling toxic or hazardous construction and decoration materials whose toxicity or degree of hazard exceeds the national standards therefor, such enterprise or individual shall be prosecuted in accordance with the corresponding respective administrative law, civil law or criminal law.

**Article 39** If any enterprise or individual violates the provisions contained in the first paragraph of Article 27 of this Law, and fails to discharge the product or package recycling obligations corresponding thereto, the relevant departments responsible for economics and trade under the people's government at or above county level shall order such party to make rectification within a specified time limit, and may further impose a fine in an

amount not to exceed RMB 100,000 yuan if the party fails to make rectification.

**Article 40** If any enterprise or individual violates the provisions of the third paragraph contained in Article 28 of this Law, fails to implement cleaner production auditing, or has conducted cleaner production auditing but fails to accurately report the results thereof, the relevant departments responsible for environmental protection under the people's government at or above county level shall order such party to make rectification within a specified time limit, and may further impose a fine in an amount not to exceed RMB 100,000 yuan if the party fails to make rectification.

**Article 41** If any enterprise or individual violates the provisions contained in Article 31 of this Law, or fails to publicly publish, or fails to publicly publish in accordance with the requirements therein its pollutant discharge information, the relevant departments responsible for environmental protection under the people's government at or above county level shall publish the subject information relative to the circumstances of such party's pollutant discharge, and may further impose a fine in an amount not to exceed RMB 100,000 yuan.

## **Chapter 6 Supplementary Articles**

**Article 42** This law shall come into effect as of January 1, 2003.