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Current Legal Developments

China



New Revision of China's Marine Environmental Protection Law

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Abstract

China's Marine Environmental Protection Law was first adopted in August 1982 and came into force on 1 March 1983, and since then, it has gone through two revisions and three amendments. The latest revision in 2023 reflects China's determination to further strengthen the protection of the marine environment and to prepare itself to meet new challenges and needs. This short article first provides a brief historical background of the Law and then evaluates some key changes in the 2023 revision. Finally, it highlights some features of the changes and pinpoints some concerns remaining in the Law even after the revision.

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Keywords

China – marine environmental protection – Marine Environmental Protection Law – revision – ecological protection

Introduction

United Nations Sustainable Development Goal 14 requires all members of the international community to preserve and protect the marine environment and ecosystems in line with the sustainable use of marine resources.¹ In that context, the Law of the People's Republic of China on Marine Environmental Protection (MEPL) plays a significant role in addressing the challenges facing a wide range of coastal and marine areas. The MEPL is the principal law in China giving effect to its obligations under the United Nations Convention on the Law of the Sea.² Behind the revision of the MEPL in 2023 are multifaceted considerations based on China's recent vision to build a marine ecological civilisation.³ While the implementation of the MEPL has made commendable progress,⁴ the complexity of monitoring, the emergence of new types of pollution, and the need for effective enforcement mechanisms pose continuing challenges which require a refreshed legal framework.

1 For details, see United Nations Department of Economic and Social Affairs, 'The 17 Goals' available at <https://sdgs.un.org/goals>. All websites accessed 15 March 2024.

2 United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982, in force 16 November 1994) 1833 *UNTS* 396.

3 The concept of ecological civilisation was first proposed at the Seventeenth National Congress of Communist Party of China (CPC) in 2007. On 21 September 2015, CPC Central Committee and the State Council jointly issued the Overall Programme for the Reform of the Ecological Civilization System, emphasising the vision to respect, go with and protect nature. On 11 March 2018, the amended Constitution incorporated ecological civilisation with the goal 'to promote the coordinated development of material, political, spiritual, social, and ecological civilizations to build China into a great modern socialist country that is prosperous, powerful, democratic, civilized, harmonious, and beautiful and achieve the grand rejuvenation of the Chinese nation'. For relevant discussions, see J Wang and K Zou, 'China's efforts in marine biodiversity conservation: Recent developments in policy and institutional reform' (2020) 35 *International Journal of Marine and Coastal Law* 415.

4 For example, China has intensified its law enforcement efforts in illegal fishing through regular Coast Guard patrols, and in punishing those who have damaged marine ecosystems through forced restoration and increased fines.

Historical Background

The MEPL has been amended three times, in 2013, 2016, and 2017 respectively, and revised twice, in 1999 and 2023. The 2023 revision, being the most significant one since 1999, came into effect on 1 January 2024.⁵

Between the 1950s and the early 1980s, China's capacity for marine development was at a rudimentary level, and the need to balance marine economic production activities with marine environmental protection was not that salient. However, with the open-door policy and economic reform after 1978, marine economic activities were quickly increased, and thus there was a need to develop legal measures to protect the marine environment.⁶

In 1982, China promulgated the MEPL, which came into force on 1 March 1983 and is regarded as the first basic law on the protection of the marine environment in China.⁷ It was primarily centred on pollution prevention and control, but it did not establish a comprehensive system capable of addressing all marine environmental problems. Between 1982 and 1999, urban domestic sewage and industrial and agricultural wastewater caused serious pollution of the seas around China, with frequent marine disasters causing serious damage to marine resources.⁸ In response, the MEPL was significantly revised in 1999.⁹

Since the twenty-first century, China has further accelerated the construction of the rule of law in ecological and environmental protection, and it was manifested in the revisions of the Environmental Protection Law and the Water Pollution Prevention and Control Law, as well as the promulgation of the Law on the Management of the Use of Maritime Areas (2001), the Law on Environmental Impact Assessment (2002), and the Law on the Protection of Offshore Islands (2009). Likewise, the MEPL had been amended three times before the 2023 revision.

5 For this article, the term 'revision' in the legal context is usually a wide-ranging change in the law, while 'amendment' usually refers to a minor change.

6 For example, China adopted the Environmental Protection Law (Trial) in 1979, which provides for the prevention and control of marine pollution and ecological conservation.

7 See K Zou, 'Implementing marine environmental protection law in China: Progress, problems and prospects' (1999) 23 *Marine Policy* 207–225.

8 See Ministry of Natural Resources, 'Development of China's marine economy in 1998 [EB/OL]', 2020, available at http://gc.mnr.gov.cn/201806/t20180619_1798476.html.

9 For details on the 1999 revision, see K Zou, 'Curbing marine environmental degradation: China's new legislation' (2001) 16 *International Journal of Marine and Coastal Law (IJMCL)* 347–360.

Features of the New Revision

The 2023 revised MEPL contains nine chapters, comprising 124 clauses, including the general provisions, supervision, and management of the marine environment, protection of marine ecology, prevention and control of pollution from land-based sources, prevention and control of pollution from engineering and construction projects, prevention and control of pollution from dumping of wastes, prevention and control of pollution from vessels and related operational activities, and legal liability.¹⁰ It mainly adheres to the principles of giving priority to protection, focusing on prevention and control at source, land and sea integration, comprehensive management, public participation, and responsibility for damage.

This 2023 revision focuses on further strengthening the regulation of land-based sources of pollutants and pollution from ships and related operational activities, including the prevention and control of pollution from off-shore engineering and construction projects, the prevention and control of pollution from the dumping of waste, and ship-related operational activities.¹¹ More stringent requirements are stipulated for the control of discharges into the sea, and for coastal and marine engineering construction projects to avoid or mitigate impacts on marine organisms, and the control of pollution that may be caused by ships throughout their life cycle.¹²

One interesting change in the revised Law concerns its scope of application. In the previous MEPL, the Law applies to 'the inland waters, territorial seas, contiguous zone, exclusive economic zone, continental shelf, and all other sea areas under the jurisdiction of the People's Republic of China'.¹³ However, in the 2023 MEPL, the scope refers to 'sea areas under the jurisdiction of the People's Republic of China', thus making the scope of application more ambiguous and possibly including the waters within the U-shaped line in the South China Sea.¹⁴

10 In comparison, the 2017 amended Law has ten chapters and 97 clauses, while the 2023 revised Law has been expanded with new clauses, particularly relating to supervision and management as well as ecological protection.

11 See Marine Environmental Protection Law of the Peoples' Republic of China (MEPL) (25 October 2023), Chapters 5–7, available at https://www.mee.gov.cn/ywgz/fgbz/fl/202310/t20231025_1043942.shtml.

12 See *ibid.*, Articles 47, 62.

13 See Marine Environmental Protection Law of the Peoples' Republic of China (2017 Amendment), Article 2, available at <https://www.fazonghui.com/falvwenben/1106.html>.

14 For the legal implications of the U-shaped Line, see K Zou, 'The Chinese traditional maritime boundary line in the South China Sea and its legal consequences for the resolution of the dispute over the Spratly Islands' (1999) 14 *IJMCL* 27–55.

The 2017 amended MEPL focused on how to control the entry of pollutants into the sea from industrial and agricultural production processes but ignored the importance of the marine environment and its associated ecosystems. To address this, the 2023 revised MEPL focuses on the outstanding issues of ecological protection. It significantly tightens the measures for marine ecological protection and pollution prevention, and the supervision and management of the ocean and seas. It places special emphasis upon the following six aspects:

1. *Safeguarding ecological civilisation and national maritime rights and interests*

In Article 1, the phrase ‘to safeguard ecological security and public health, safeguard the rights and interests of the State in the oceans and seas, build a strong maritime nation, and promote the building of an ecological civilization’ has been added to the Law’s aims for protecting the marine environment.¹⁵ It reflects a thorough consideration of the integrated management of national maritime affairs, focusing not only on the pursuit of economic interests but also the dual responsibility of the nation for both ecological civilisation and national maritime rights and interests. Article 3 provides that ‘marine environmental protection shall adhere to the principles of giving priority to protection, focusing on prevention and control at source, integration of land and sea, comprehensive management, public participation and assumption of responsibility for damage.’¹⁶ The introduction of these principles makes marine environmental protection law more forward-looking, and they serve as clear guidelines for marine environmental protection. For example, the ‘principle of protection first’ requires the establishment of stronger regulatory mechanisms that include stricter environmental approval and inspection, as well as effective penalties for non-compliance; and the principle of public participation may call for broader participation from local communities and a transparent decision-making process.

2. *Reform of the regulatory and supervisory regime*

The revised MEPL has consolidated departmental and local responsibilities, clarified the division of duties, and sought to improve institutional mechanisms. The new provisions in the Law require coastal local governments to be responsible for the quality of the marine environment in the sea areas under their management, to implement a target-oriented responsibility system for marine environmental protection and an assessment and evaluation system, and to promote capacity-building for the supervision and management of the

15 See 2023 MEPL (n 11), Article 1.

16 See *ibid.*, Article 3.

marine environment.¹⁷ It improves the system of ecological zoning control, integrated management of important sea areas, interviews and rectification,¹⁸ information sharing, credit evaluation,¹⁹ seizure, and detention.²⁰ The 2023 revisions further provide for planning, standards, monitoring, early warning, investigation, environmental assessment, and emergency response.²¹ It is clear that the revised MEPL strengthens the responsibility of local governments by specifying more precisely the nature of their duties. It indicates a more urgent and comprehensive focus on the issue of marine environmental protection. This emphasis on the responsibility of local governments reflects the recognition of the growing challenges facing the marine environment and the urgent need to strengthen local government participation, supervision, and management. Moreover, the introduction of mechanisms such as information-sharing and credit evaluation in MEPL can remedy shortcomings. For example, information-sharing can break down information silos and ensure that relevant parties are able to access and share critical information about the marine environment in a timely manner. It can prevent environmental decision-making bias due to information opacity. Credit evaluation can provide incentives for companies to better regulate their behaviour and raise public awareness of their responsibilities for marine environmental protection.

It is believed that once the Law comes into effect, these newly added stipulations may contribute to a more comprehensive and beneficial legal regime for the protection of the marine environment. However, their effectiveness still needs to be tested in practice.

17 See 'The spokesman from the Legal Affairs Commission of the Standing Committee of the National People's Congress (NPC) at the press conference answering questions related to the revision of the MEPL' (24 October 2023) available at <https://mp.weixin.qq.com/s/WFy7fqkRjBF7y3n2Le7YPA>.

18 The term 'interviews and rectification' typically refer to a systematic approach of engaging with stakeholders to gather information and then taking appropriate actions to address any identified shortcomings or areas for improvement. This process helps organisations or authorities ensure compliance, enhance quality, or resolve issues effectively.

19 The term 'credit evaluation' refers to the process of assessing an individual's or entity's creditworthiness, which is their ability to repay borrowed funds or fulfil financial obligations. This evaluation is typically conducted by financial institutions, such as banks or credit agencies, when considering extending credit or issuing loans to individuals, businesses, or other organisations.

20 See Political and Legal Committee of the CPC Guang'an Municipal Committee, 'Guarding the blue sea, blue sky and clean beaches with the power of the rule of law – Interpretation of the new highlights of the newly amended MEPL' (6 November 2023) available at <https://www.guanganpeace.gov.cn/fxyj/20231106/2804793.html>.

21 See 2023 MEPL (n 11), Articles 12–32.

3. *Land-sea integration and regional connectivity*

Monitoring data show that about 80 per cent of China's marine pollutants come from the land.²² The impact of these pollutants on the marine environment is inextricably linked to the lack of coordination between land and sea in terms of quality standards, monitoring criteria, norms, environmental assessment of sea-related construction projects, and the management of discharge permits.²³ In response to this need, the revised MEPL places strong emphasis on land-sea integration, which is a comprehensive planning and management concept.²⁴ It is primarily aimed at more effective coordination of activities between land and sea and aims to ensure the synergistic development of the ocean and the land.

The ocean is characterised by unclear maritime boundaries and trans-regional pollution flows. Regional cooperation and interaction can improve the handling capacity of marine ecological and environmental pollution emergencies through resource integration and sharing. A successful example in this regard is the implementation of the action plan for the comprehensive management of the Bohai Sea. The Action Plan for the Bohai Sea Comprehensive Management was formulated in 2018 to accelerate the resolution of the prominent ecological and environmental problems existing in the Bohai Sea.²⁵ From the end of 2018 to February 2021, fourteen marine ecological restoration projects had been completed and significantly reduced the number of pollutants from land-based sources into the sea, as well as leading to a total of 2,844.28 hectares of coastal wetland restorations.²⁶

The 2023 revised MEPL explicitly takes land-sea integration as one of the principles that should be adhered to in marine environmental protection

22 See Baidu Encyclopaedia, 'Terrestrial marine pollution' available at https://baike.baidu.com/item/陆生海洋污染/22147638?fr=ge_ala.

23 See Ministry of Ecology and Environment, 'Notice on the work related to the interface between the environmental impact assessment system and the sewage licensing system' (15 October 2017) available at https://www.mee.gov.cn/gkml/hbb/bgt/201711/t20171122_426716.htm.

24 Article 12 of the 2023 MEPL (n 11) is a brand-new provision, which mainly addresses the land-sea integration. For relevant discussions, see W Yuan and Y-C Chang, 'Land and sea coordination: Revisiting integrated coastal management in the context of community interests' (2021) 13 *Sustainability* 8183, doi: 10.3390/su13158183.

25 See Baidu Encyclopaedia, 'Action Plan for Bohai Sea Comprehensive Management' (30 November 2018) available at https://baike.baidu.com/item/渤海综合治理攻坚战行动计划/23200558?fr=ge_ala.

26 See Jiangsu Development and Reform Commission, 'Jiangsu Province Ecological Protection and Construction Plan (2014-2020)' (19 November 2021) available at http://fzggw.jiangsu.gov.cn/art/2015/6/30/art_83784_10119328.html.

and uses 'land-sea integration and regional cooperation' as the basis for the supervision and management system of the marine environment.²⁷ This is extremely important for strengthening the prevention and control of marine pollution, mitigating marine ecological damage, and improving comprehensive management.

4. *Enhancing the protection of marine biodiversity*

China's marine biodiversity is very rich. To prevent the destruction of marine biodiversity, the revised MEPL advances a series of measures, including the need to improve the system of investigation, monitoring, assessment and protection of marine biodiversity;²⁸ maintenance and restoration of important marine ecological corridors; regulation of the exploitation of marine and coastal zone resources; and the need for scientific proof of the introduction of plant and animal species into the sea so as not to cause harm to the marine ecosystem.²⁹ It is stipulated that the State should encourage scientific value-added aquatic life releases, and measures such as placing artificial reefs or planting seaweed farms, seagrass beds and corals in accordance with local conditions. The improvement of the marine ecological environment should be based on natural restoration, supplemented by artificial restoration, and giving priority to restoration of marine ecosystems that are typical and representative of the environment.³⁰ This reflects practice in the European Union (EU) with the recent introduction of the Nature Restoration Law, which aims to restore wetlands, rivers, forests, grasslands, and marine ecosystems in the territories of the EU.³¹ The measures in the 2023 MEPL, once effectively implemented, may push the existing marine biodiversity conservation system towards a healthier and more sustainable direction.

27 See 2023 MEPL (n 11), Article 12.

28 See National Ocean Forecasting Center, 'Newly amended MEPL to come into force on New Year's Day 2024' (31 October 2023) available at https://m.thepaper.cn/baijiahao_25132754.

29 See 'Adherence to scientific development to protect a clean sea' (7 September 2023) available at https://mp.weixin.qq.com/s?__biz=MzA4MjU3MjYwMQ==&mid=2650961404&id_x=3&sn=3ca9926c342b670540617a089d63fdab&chksm=847571aab302f8bc3c0ofegb92217bc701dc98604e594fdb3e3f94322ebc5d9a0da152634de1&scene=27.

30 See 2023 MEPL (n 11), Articles 33–45. For relevant discussions, see R Rayfuse, 'Protecting marine biodiversity and vulnerable marine ecosystems' in R Rayfuse, A Jaeckel and N Klein (eds), *Research Handbook on International Marine Environmental Law* (2nd edn, Edward Elgar, Cheltenham, 2023) 311–332.

31 For details, see European Commission, 'Nature Restoration Law' available at https://environment.ec.europa.eu/topics/nature-and-biodiversity/nature-restoration-law_en.

Given the concerning state of marine biodiversity in China,³² the Chinese government needs to strengthen the investigation, monitoring, assessment, and documentation of ecosystems, biological species, and genetic resources. Improved understanding of marine biodiversity contributes to a more comprehensive understanding of marine ecosystems but does not guarantee that the challenges to their diversity will be fully and effectively addressed.

5. *Stricter management of marine discharge permits*

Prevention and control of marine pollution needs the proper handling of both land-based and marine pollutants. The revised MEPL further tightens the management of issuing discharge permits for sea areas.³³ It specifies who can obtain discharge permits in accordance with the law and requires the responsible body to abide by the relevant provisions in discharge responsibility, discharge licensing, and discharge monitoring.³⁴

6. *Strengthening marine litter control*

The prevention and control of marine litter pollution requires the establishment of a marine litter monitoring and clean-up system.³⁵ The revised MEPL provides for the coordinated planning and construction of land-based facilities for the reception of marine waste, to transfer and disposal of marine debris,

32 By 2019, China had established 271 protected areas that included ocean spaces. They cover 12.4 million hectares of ocean but represent only 4.1 per cent of China's maritime area, far below the 10 per cent goal set by Aichi Target 11. See W Zhou, M Wang, M Huang and F Wei, 'A marine biodiversity plan for China and beyond' (2021) 371 *Science* 685–686, doi: 10.1126/science.abg7976.

33 Article 19 of the 2023 MEPL (n 11) provides that coastal engineering and marine engineering units that need to discharge industrial wastewater and medical sewage directly into the sea, as well as operating units of centralised urban wastewater treatment facilities and other enterprises, institutions, and producers, shall obtain sewage discharge permits in accordance with the law. Enterprises, institutions, and other production operators that have implemented the management of sewage discharge permits shall implement the requirements of the sewage discharge permits regarding the type, concentration, volume, mode of discharge, direction of discharge and self-monitoring of the pollutants to be discharged.

34 See 'Highlights of the revision of the MEPL' (26 November 2023) available at <https://mp.weixin.qq.com/s/8aW3jV3XIMDXPGkgBkCG4A>.

35 Not only is it mentioned in the MEPL, but also in the Circular of the General Office of the State Council on the Issuance of a Pilot Work Programme for the Construction of 'Waste-Free Cities' (Guo Ban Fa [2018] No. 128) back in 2018. It aims to establish a system to effectively control 'marine debris'.

and to define areas for the control of marine debris.³⁶ It encourages support for public participation in the prevention and control of marine litter pollution and prohibits the discharge of shipboard rubbish and other pollutants harmful to the marine environment from ships and related operators into the sea.³⁷ It is believed that this new revision resonates with the global 'Plastics Treaty' in relation to the control of marine plastics, even though the treaty is still under negotiation.³⁸

Further Observations

The marine environment continues to deteriorate due to climate change, ocean acidification, sea level rise, marine plastic pollution, and nuclear wastewater discharges.³⁹ Revising the MEPL could provide a framework or opportunity to create conditions for improved protection of the marine environment.

Firstly, the 2023 MEPL reflects the importance of information sharing and 'intelligitisation'. Emerging technologies, such as artificial intelligence, big data, and 'digital twins of the ocean',⁴⁰ are having a profound impact on the marine sector, bringing about many innovations and changes. These technologies provide new opportunities for marine research, resource management, and environmental protection through data collection, analysis, and application. However, the 2017 amended MEPL has certain limitations, such as the difficulty of meeting the regulatory needs of the complex marine environment. It is lagging in responding to emerging situations and promoting intelligence in the protection of the marine environment. Article 25 of the 2023 revised MEPL

36 The Regulations on the Management of Marine Dumping of Wastes (amended 2011) specifically governs dumping of wastes at sea (8 January 2011) available at <https://zhidao.baidu.com/question/1055972164765112579.html>.

37 See 2023 MEPL (n 11), Article 57.

38 For details, see S Wang, 'International law-making process of combating plastic pollution: Status quo, debates and prospects' (2023) 147 *Marine Policy* 105376.

39 See Greenpeace, *In Hot Water: The Climate Crisis and the Urgent Need for Ocean Protection* (2019); IPCC, *Special Report on the Ocean and Cryosphere in a Changing Climate* [H-O Pörtner *et al.* (eds)] (IPCC, 2019); Oceans and the Law of the Sea, Report of the UN Secretary-General, UN Doc A72/70 (6 March 2017) (on 'the effects of climate change on oceans').

40 'Digital twins of the ocean' refers to virtual replicas or models that simulate and represent various aspects of the ocean environment using digital technology. These digital twins leverage data from the real-world ocean, combining sensor data, satellite imagery, and other observational inputs to create a comprehensive and dynamic digital representation of the ocean.

provides for ‘the adoption of intelligent environmental monitoring, monitoring information management system, responsible for the management of the integrated marine information system, for the supervision and management of marine environmental protection, information-sharing and providing services’.⁴¹ It reflects the awareness and importance of the full application of modern science and technology to promote marine environmental protection.

Secondly, the revised MEPL has made a series of improved provisions for the prevention and control of marine pollution. Article 28(1) and (2) of the MEPL provide that ‘the State shall, in accordance with the needs of preventing and controlling pollution of the marine environment, formulate a national contingency plan for major marine pollution incidents, and establish and improve the emergency response mechanism for oil spills at sea and other pollution’.⁴² This increased emergency response mechanism allows for a rapid and effective response in the event of a pollution incident and mitigates the impact of the pollution.⁴³

The MEPL has also revised the regulations on the discharge of low-level radioactive wastewater by ‘prohibiting the discharge into the sea of radioactive wastewater that pollutes the marine environment and damages the marine ecology’.⁴⁴ This revision imposes stringent requirements for the discharge of low-level radioactive wastewater and contributes to the protection of marine ecosystems against the potential hazards that radioactive wastewater may pose to marine life and human health.

Thirdly, the newly revised MEPL defines more clearly the legal liability for pollution of the marine environment. It divides the functions among various administrative authorities and confers the relevant powers on different departments and agencies. It stipulates that the Ministry of Ecology and Environment is responsible for the regulation of ecological environmental protection, while the Ministry of Natural Resources is responsible for organising marine resource surveys and marine ecological early warning and detection and issuing marine ecological early warning and detection alerts and bulletins.

41 See 2023 MEPL (n 11), Article 25.

42 *Ibid.*, Article 28.

43 For relevant discussions, see K Zou and J Wang, ‘China’s practice in marine environmental contingency planning’ in A Telesetsky, W Gullett and S Lee (eds), *Marine Pollution Contingency Planning: State Practice in Asia Pacific States* (Brill, Leiden, 2017) 62–82.

44 Article 51 provides ‘[p]rohibiting the discharge of oil, acid, lye and highly toxic waste liquid into the sea. Prohibiting the discharge into the sea of radioactive wastewater that pollutes the marine environment and damages the marine ecology. Strictly control the discharge of wastewater containing organic matter and heavy metals that are not easily degradable into the sea’.

It adds provisions on the relevant functions of the maritime police agencies.⁴⁵ Moreover, the MEPL confers the power of seizure and detention on the departments and agencies exercising supervisory and management powers over the marine environment.

The 2023 MEPL not only provides a more rigorous legal system for marine environmental protection, but also promotes scientific and technological innovation, regional cooperation, ecological civilisation building, and other aspects of development. Nevertheless, there are still some concerns in relation to its effective implementation. First, in the process of implementing the MEPL, it usually requires sufficient human, material, and financial support, in addition to the close coordination of various competent departments and local governments. As the structure of China's marine environmental protection is divided among various agencies and local governments, there is a real concern about the effective implementation of the MEPL, even if there is sufficient support. Second, for some emerging environmental pollution problems, such as microplastic pollution or e-waste pollution, the regulatory mechanisms may not be mature enough to provide comprehensive and effective regulation. One response to such challenges could be to utilise new technologies, including digital technologies, to bolster China's maritime law enforcement capacity. For example, the 'digital twins of the ocean' can be used to accurately reproduce the marine environment through digital modelling and providing intelligent monitoring and decision support for maritime enforcement operations. Such advanced technology can help to improve the knowledge of law enforcement authorities about the state of the sea area, thereby addressing marine environmental protection challenges more effectively.

Third, interests in local areas may conflict with MEPL provisions, making implementation more difficult.⁴⁶ These conflicts arise from the complex interplay between economic activities, local development objectives, and environmental protection. Thus, how to balance the economic benefits local governments and/or industries seek with the MEPL environmental objectives remains a challenge. But this challenge can be addressed by putting in place sensible trade-off mechanisms, namely, to develop and implement a rational trade-off mechanism to balance the conflicts between environmental protection and economic development. This may involve the development of flexible

45 See 'Highlights of the revision of the MEPL' (n 34).

46 Different stakeholders in local areas may have conflicting interests in respect of environmental protection and marine activities such as fishing and such conflicting interests may create tensions and obstacles in implementing the MEPL.

management measures, such as the establishment of fishing quotas or shipping route planning, to ensure the sustainable use of marine resources.

Conclusion

In summary, the revision of the MEPL in 2023 marks an important milestone in China's ongoing commitment to balancing economic growth with environmental sustainability. The revised MEPL provides China with a more comprehensive legal framework for marine environmental protection than ever before. Finally, it is noted that the revision coincides with the growing public awareness of environmental issues in China. The newly revised law was a timely response to the public call for environmental protection and healthier living conditions.⁴⁷ What is more significant is that it serves as the basis for the better protection of the marine environment in future.

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47 For example, the public is very concerned about the protection of the marine environment as well as the safety of seafood after Japan discharged nuclear waste waters into the sea.