

**Environment and Resources  
Adjudication in China  
(2020)**

**The Supreme People's Court of the People's Republic of China**

**June 2021**

## Table of Contents

|  |    |
|--|----|
| Table of Contents .....  | 2  |
| Foreword.....  | 1  |
| I. Adopting a People-centric Approach to Ensure Fair Hearing of Environment and Resources Cases in Accordance with the Law.....  | 2  |
| 1. Hearing Cases of Environmental Pollution.....   | 2  |
| 2. Hearing Cases of Ecological Protection.....   | 4  |
| 3. Hearing Cases in Exploitation and Utilization of Resources .....  | 7  |
| 4. Hearing Cases of Climate Change Response and Cases Related to Environmental Governance and Services .....   | 10 |
| 5. Hearing Cases of EPIL and EDCL.....   | 12 |
| II. Implementing Philosophy of Green Development for the Overall Work of the Party and the State in the New Era.....   | 15 |
| 1. Supporting the Fight against Covid-19 .....   | 15 |
| 2. Supporting Constant Improvement in Environmental Quality.....   | 17 |
| 3. Promoting Regional Governance in Key Riverbasins.....   | 19 |
| Strengthening judicial protection in other river basins. ....  | 21 |
| 4. Supporting High-quality Economic and Social Development .....   | 21 |
| III. Continuous Institutional and Systematic Innovations for a Environment and Resource Adjudication System with Chinese Characteristics and International Influence ..... | 23 |
| 1. Improving the Regulatory System .....   | 23 |
| 2. Innovating Sentence Enforcement Methods .....   | 26 |
| 3. Enhancing the Supporting System .....   | 27 |
| 4. Advancing the Development of Specialized Institutions for Environmental Adjudication.   | 29 |
| 5. Applying Centralized Adjudication and Jurisdiction of Environmental and Resource Cases  | 30 |
| 6. Promoting Coordination, Cooperation and Alternative Dispute Resolution .....  | 31 |
| IV. Responding to the Judicial Needs of the Public for Overall Enhancement of Judicial Services  | 33 |
| 1. Enhancing Team Building.....  | 33 |
| 2. Deepening theoretical research .....  | 34 |
| 3. Expanding Public Access to Justice .....  | 36 |
| 4. Increasing Public Participation .....   | 37 |
| 5. Building up Stronger International Cooperation.....   | 38 |
| Annex I Number of Environment and Resource Cases Accepted and Heard by the People’s Courts of All Levels in 2020.....  | 40 |
| Annex II Development of Specialized Institutions of Environmental and Resource Adjudication in China (2020) .....  | 41 |
| Table 1: Summary of Specialized Institutions of Environmental and Resource Adjudication Across Provinces (total: 1993).....  | 41 |
| Table 2: Numbers of Environment and Resources Tribunals at Local People’s Courts of All Levels .....   | 42 |

|  |    |
|--|----|
| Table 3: Setting up of Specialized Institutions of Environmental and Resource Adjudication within High People’s Courts ..... | 43 |
| Annex III Normative Documents related to Environment and Resources Adjudication (2020).....                                  | 44 |
| Annex IV Catalogue of Environmental and Resources Model Cases Issued by the Supreme People's Court (2020).....               | 45 |

## Foreword

In 2020, people's courts at all levels conscientiously studied Xi Jinping Thought on Socialism with Chinese Characteristics in the New Era, especially the Xi Jinping Thought on Ecological Civilization and Xi Jinping Thought on Rule of Law. Deeply implementing the 19th Party Congress and the spirit of the second, third, fourth and fifth plenary sessions of the 19th Central Committee. Bearing in mind the plan for balanced economic, political, cultural, social, and ecological progress and the coordinated advancement of the Four-Pronged Comprehensive Strategy. The judges stayed committed to the concept of “Green is Gold” and the new philosophy of development and stepped up judicial protection of the environment. As the reform and innovation of environmental justice deepened, the judges gathered valuable experience and worked to build an environmental adjudication system with Chinese characteristics and international influence. The court system strove to provide strong judicial services and safeguards for the construction of an ecological civilization, the achievement of high-quality economic development, and the building of a beautiful China in the new era.

In 2020, the courts in China concluded 253,286 out of environmental 272,942 cases brought at first instance. Under the principle of “nulla poena sine lege” and the criminal policy of “tempering justice with mercy”, judges punished offences that cause pollution and damage to the environment in accordance with the law. Among 40,834 cases brought at first instance before criminal courts, 37,783 were completed, up 2.2% and 2.9% respectively year on year. Governed by the principle of “polluter pays” and “damages must be paid in full”, the court system held polluters liable for civil offenses that pollute the environment and damage the ecosystem to ensure rational and efficient use of natural resources. 172,574 civil cases were brought at first instance with 162,411 concluded, down 14.9% and 14.1% respectively from the previous year. In particular, the judiciary fully tapped the potential of administrative adjudication in damage prevention and supported the administrative organs in exercising their supervisory duties. 59,534 administrative environmental cases were brought at first instance last year and 53,092 were concluded, up by 25.1% and 26.2% from the previous year.

# **I. Adopting a People-centric Approach to Ensure Fair Hearing of Environment and Resources Cases in Accordance with the Law**

## **1. Hearing Cases of Environmental Pollution**

Judges tried cases concerning discharges of toxic and harmful substances and energy into air, water, soil and the ocean and other environmental media. That includes criminal, civil, administrative, and public interest cases that did damage to the environmental media, the ecosystem services, the health and property of individuals or the public. To be more specific, these are cases concerning contamination of environmental media, pollution from toxic and harmful substance and energy, etc. Environmental pollution caseload in 2020 was as follows: 2,455 were concluded out of 2,908 criminal cases concerning environmental pollution; 213 were completed out of 274 criminal cases of waste smuggling, 1,328 were concluded out of 1,820 civil cases of environmental pollution, and 70 were resolved out of 81 disputes over maritime pollution and 14 out of 20 disputes over pollution caused by vessels; 2,106 were completed out of 2,499 administrative environmental cases.

Courts across the country adopted a zero-tolerance approach to crimes concerning unlawful emissions and discharges, transfer and dumping of waste gas, wastewater, solid waste, household waste and other types of environmental crimes.

In the action for Yang \*, Lv \*zhang, Zhou \*zhong et al polluting the environment, the court in Hunan held that Lv and Zhou handed electroplating sludge over to Yang for treatment, knowing he was unqualified to handle hazardous waste and could cause environmental pollution. The three perpetrators, guilty of the crime of environmental pollution, were sentenced to imprisonment ranging from 14 months to 10 months and subject to fines.

In the environmental pollution case involving an environmental company in Jiaxing, a property company in Hangzhou and Cao \* and 10 others, the court in Anhui found that Cao et al, driven by profits, reached out to an environmental company in Jiaxing and a property company in Hangzhou to collect 7,164 tonnes of toxic and hazardous solid waste and illegally dumped the waste across provinces, causing serious environmental pollution. The court found the two companies and the 11 offenders, Cao included, guilty of the environmental pollution crime. The 11 offenders were variably sentenced to five years, six months, and 13 months of imprisonment and fined; the two companies were subject to a fine of a total of CNY 11 million.

The courts upheld the principle of "assumption of liability for damage" under which environmental polluters, apart from assuming criminal liability, shall pay compensatory damages.

In the civil environmental public interest litigation (EPIL) action brought by the People's Procuratorate of Guangxi Laibin City against 72 defendants including a petroleum technology company, four company managers including Huang \*chang entrusted Liu \*yi to treat acid sludge, knowing the latter was operating without obtaining a hazardous waste permit. Liu then contacted Ke \*shui, Wei \*bang, Liang \*bang etc. to transport the waste to another province for storage and piling, causing severe environmental pollution. Huang, Liu et al were held criminally liable for the above activities. The court decided that those who produce, collect, store hazardous waste, and provide a venue to pile up the waste should be liable for the damage from illegal treatment of hazardous waste. The court ordered that the four companies including the petroleum technology company and Huang and Liu et al to pay CNY 19,415,600 for ecological damage and CNY 2,251,000 for appraisal and assessment.

By hearing environmental civil litigation cases, the courts properly handled disputes over private interests arising from environmental pollution, and protected people's personal and property rights.

In the civil case against a refractory manufacturer for soil pollution, the court in Liaodong found that the dust generated from the refractory manufacturing process, mixed with rain water, had flowed into Xie \*dong's and Liu \*hua's land, causing soil pollution and the change of color of vegetables. Xie and Liu lodged a claim for compensation. The court settled the dispute with minimum litigation cost by organizing consultation multiple times until the parties agreed on the amount of compensatory payment and resolved the case.

In the case against a real estate company and a property company for noise pollution, the plaintiff Zheng \* signed a sales and purchase agreement with the real estate company to purchase a property at the 26th floor of a commercial complex managed by the property management company, and leased out the property. Later the lessee decided to terminate the contract with Zheng on the grounds that the noise level generated by the central air-conditioning condensate pump exceeded the national limits. Therefore, Zheng sued for compensation. The court held that the central air-conditioning condensate pump was installed and managed by the real estate company, and the property company was also responsible for the maintenance and management of the equipment. Therefore, both companies should be held jointly liable for causing noise pollution and compensate for the plaintiff's monetary loss.

The judiciary supervised and supported administrative organs in exercising their environmental duties and relied on administrative litigation for pollution prevention and environmental protection.

A court in Henan heard a case where the Dengfeng Bureau of Ecology and Environment applied for imposition of administrative penalties on a potash feldspar company. The inspection team found on site that the potash feldspar company failed to take effective measures to prevent dust pollution, which posed a threat to the surrounding environment and the health and safety of the community. The Bureau of Ecology and Environment corroborated the company's violation of the environmental law and handed down administrative punishment. However, the company didn't comply with the administrative punishment decision, nor did it apply for administrative reconsideration or bring administrative litigation. Therefore, the Dengfeng Bureau of Ecology and Environment requested for the enforcement of the administrative punishment decision. The court found that the company's failure to take countermeasures resulted in serious fugitive dust which further polluted the air and harmed the health of the local community. Therefore, the court supported the plaintiff's claim, contributing to the fight for blue skies.

In the environmental administrative punishment case brought by a construction company against the Environmental Bureau of Changji Hui Autonomous Prefecture before a court in Xinjiang, the plaintiff had been operating a municipal non-hazardous waste landfill since the end of June 2018. However, during an on-site inspection in December 2018, the environmental bureau found that the landfill had been up and running without environmental protection acceptance since 2007 and thus issued a decision letter seeking to correct the violation, a letter to inform of the hearing of administrative penalty and a letter to inform of administrative penalty. In the context that the construction company failed to file an application for hearing, the environmental bureau handed down an administrative penalty decision. In response, the company lodged an administrative lawsuit against the decision. The court held that the landfill, as an environmental project, should have been subject to the most stringent acceptance. However, it had been running in violation of the environmental law without environmental protection acceptance since 2007. The court rejected the construction company's request and upheld the decision of the environmental bureau.

## **2. Hearing Cases of Ecological Protection**

The courts heard criminal, civil, administrative and public interest cases concerning the destruction of genetic resources, species, ecosystem diversity, landscape diversity and ecosystem services in accordance with the law, including those concerning biodiversity conservation, landscape diversity conservation, key ecological area protection and ecological damage. The statistics of the caseload in 2020 under this category were: concluding 162 out of 209 cases of illegal hunting and killing of endangered wildlife<sup>1</sup>, 2,471 out of 2,738 cases of illegal purchasing, transporting and trading of endangered wildlife and related products, 3,416 out of 3,469 cases of illegal hunting, and 6,017 out of 6,198 cases of illegal fishing of aquatic products, 692 out of 716

---

<sup>1</sup> In 2019, the courts heard 278 cases of smuggling endangered animals and related products and concluded 234.

cases of illegal logging and destruction of plants under state protection, 105 out of 114 cases of illegally purchasing, transporting, processing and selling plants and related products under state protection, 1,520 out of 1,576 cases of illegal forest logging<sup>2</sup>, 111 out of 167 cases of obstructing animal and plant quarantine. Besides, the Chinese courts heard 41 contractual disputes over new plant varieties, the breeding of new plant varieties, the transfer of plant variety rights (PVR), and the licensing of plant varieties, and concluded 32; the courts also concluded 3,105 out of 3,438 forestry administrative cases and 386 out of 412 fishery administrative cases.

The court system prioritized nature protection by trying cases concerning genetic diversity, species diversity and ecosystem diversity.

In the action of illegally harvesting plants under state protection filed before a court in Chongqing, Han \*fang reached out to Yang \*liang in April 2019 and reached an agreement that Han would sell Yang the wild viburnums on her private hilly land for him to fell. Yang cut down the trees and put them up for sale. The police arrested the two upon receiving a tip about the illegal activities. The court found Yang and Han guilty of the crimes of felling and selling protected (level-2 state protection) plants. The case has clarified that the unlicensed felling of protected tree species inside a private property is unlawful and thus sent a strong deterrent message.

In the criminal case with an add-on public interest civil proceeding concerning illegally fishing of aquatic products brought before a court in Hubei, Yu \*quan organized the fishing of spiral shells using "bottom trawling" multiple times in March or June of 2018 and 2019. The court found that 23 people, including Yu, who used prohibited tools to catch aquatic products in large amount in prohibited areas during fishing ban periods, committed a crime of illegal fishing of aquatic products. The defendants damaged aquatic resources and ecosystems, harmed the interest of the public and caused the loss of ecological resources, and thus should be jointly held liable for the compensation of ecological restoration costs of CNY 218,000.

The judiciary protected landscape biodiversity through adjudication of cases concerning the protection of natural monuments, humanistic monuments and so on.

In a civil public interest litigation case brought by Shangrao People's Procuratorate before the court in Jiangxi, Zhang \*ming, Mao \*ming and Zhang \* took electric drills, rock nails, hammers, ropes among other tools to climb the Python Peak at Sanqing Mountain. The three drilled 26 rock nails into the granite column, causing serious damage to the Python Peak. The court held that the three defendants did harm to Python Peak, the world natural heritage site and should be liable for restoration. Therefore, the three defendants were ordered to pay CNY 6 million for the loss of environmental resources and expert fees of CNY 150,000. A public apology on a national media

---

<sup>2</sup> In 2019, the courts heard 2,030 cases of illegal logging and concluded 1,966.



was also required by the court.

In the case involving Zhang \*jian among 11 others who exhumed 14 ancient tombs from November 2013 to June 2016 in a village in Shanxi, the grave robbers led by Zhang et al dug up and stole cultural relics including bronze tripods, vessels, chimes, cooking tripods, washbasins, fish-shaped ornament, and square plates and sold them for a total over CNY 8.34 million. According to the appraisal institute, the above stolen antiques were dated to the Eastern Zhou Dynasty with historical, artistic and scientific values. The court found Zhang et al in violation of the law by unearthing and robbing ancient tombs with historical, artistic and scientific values. The 11 offenders were sentenced to 15 years between 18 months and fined between CNY150,000 to 10,000.

The court system attached great importance to the adjudication of other types of ecological damage cases, including ecological damage caused by alien species, overexploitation of groundwater, destruction of vegetation, indiscriminate capture and killing, mineral exploitation, engineering construction etc. These cases invariably concerned adverse changes in biological elements or ecosystem degradations.

In the civil public interest litigation case brought by Yiyang City People's Procuratorate against Xia \*an and 14 others for illegal mining, the 15 defendants drove a boat to the non-planned mining area in the Xiasai section of Dongting Lake many times for illegal sand mining. Unlicensed mining caused damage to the quality of water environment, the riverbed structure, water conservation and aquatic biological resources in the sand mining area. The court found the 15 people guilty of the crime of unlicensed exploitation of state-owned mineral resources and thus ordered them to pay CNY 8,735,790 for ecological restoration and deliver a public apology on a state-level media.

In the case brought by the First Branch of the Hainan Provincial People's Procuratorate against Qionghai Bureau of Resource Planning, the prosecutors found the villagers in Huishan Provincial Nature Reserve had encroached upon the natural forest by planting betel nut trees and soon issued the *Procuratorial Recommendation* to Qionghai Bureau of Natural Resource and Planning to nudge the competent authority to take measures immediately to restore the destroyed ecological resources. However, the Bureau only paid lip service without taking any actions, making little progress in restoring the ecosystem of the protected area. Therefore, the prosecutors brought administrative public interest litigation against the Bureau before a court in Hainan. The court concluded that Qionghai Bureau of Resource Planning failed to perform its duties of ecological protection, leaving the protected area subject to ongoing encroachment. The court confirmed that Qionghai Bureau of Resource Planning was being remiss in performing its regulatory obligations

and failed to take administrative actions against unlawful occupation of the forest land and shall perform statutory regulatory duties within the specified period.

### **3. Hearing Cases in Exploitation and Utilization of Resources**

Judges tried criminal, civil, administrative and public interest cases arising from the exploitation and utilization of land, minerals and other natural resources that had any bearing on environmental protection and restoration, including cases of exploitation and utilization of natural resources, cases of infringement on environmental rights and interests such as ventilation, lighting, overlooking, landscape, etc. Under this category, courts across the country heard 4,310 criminal cases of illegal mining with 3,619 concluded, 4,582 criminal cases of illegal taking of agricultural land with 4,159 concluded, 5,867 criminal cases of indiscriminate felling of trees with 5,714 concluded, 144 criminal cases of illegal acquisition, transportation, illegal felling and indiscriminate felling of trees with 140 concluded, 907 cases concerning disputes over the right to use of construction land with 741 concluded<sup>3</sup>, 64 cases of easement with 57 concluded; 75 cases of marine exploitation and utilization with 67 concluded, 43 cases of water rights with 40 concluded, 506 cases of disputes over mining rights with 386 concluded, 56,950 cases of contractual disputes over power, water, gas and heat supply with 55,846 concluded, 9 contractual disputes over natural resources exploration and development between Chinese and international entities with 7 concluded, and 9,842 disputes over contracts for agriculture, forestry, fishery and animal husbandry with 9,091 concluded; 30,369 land administrative cases with 27,254 concluded; 482 geological and mineral administrative cases with 418 concluded, 922 water administrative cases with 839 concluded and 12,864 administrative cases of other resource types with 11,497 concluded.

With strengthened adjudication, the judiciary protected national resources by punishing crimes in accordance with the law.

The court in Hunan tried a case involving Shang \*jun and 22 others, and the court in Shanxi tried two cases involving Chen \*zhi and 79 others and Li \*hu and 83 others respectively. The defendants in the three cases above organized, led and participated in mafia-style criminal gangs for unlawful mining and occupation of agricultural land. They all engaged in illegal mining by seizing the agricultural land, causing serious damage to the local environment. The courts found the defendants guilty of the crimes of unlawful occupation of agricultural land and unlawful mining and imposed combined punishment for several offenses.

---

<sup>3</sup> In 2020, the courts nationwide accepted 12 cases of disputes over the right to use construction land for mortgage purposes and concluded 10 cases, 407 cases of disputes over construction land use right contracts and concluded 333 cases, 1237 cases of disputes over construction land use right grants and concluded 1022 cases, and 2208 cases of disputes over transfer contracts and concluded 1851 cases.

In the case of Wu \*hua and 14 others engaged in unlawful felling of forest trees, vandalism, obstruction of proceedings and forced trade, Wu formed a criminal gang to monopolize forestry resources, occupied the mountain fields and disrupt the market. They repeatedly ganged up to commit a series of crimes including illegal and indiscriminately felling of forest trees, vandalism, forcing trade, and obstructing testimony. The court found that the defendants had repeatedly ganged up to commit the illegal and criminal acts of destroying, stealing and indiscriminately logging state- or collective-owned forests, destroying more than 600 mu of forest land and 3,100 cubic meters of forest stock. Their behavior had extremely bad impact. The defendants were found guilty of the crime of stealing and indiscriminate logging, vandalism, forced trading and obstructing testimony, along with several other crimes and were thus subject to combined penalties.

The court system heard various civil cases on resource exploitation in accordance with the law to secure the efficiency of resource utilization.

A court in Hunan heard a contractual dispute between Jiang Ya Freshwater Fisheries and Li Shui Company, the owner of Jiang Ya Reservoir. The Cili area of Jiang Ya Reservoir was designated as the core area upon the establishment of National Giant Salamander Nature Reserve in Zhangjiajie in 1996. On 8 October 2011, Li Shui Company transferred the farming right of Jiang Ya reservoir to Jiang Ya Freshwater Fisheries through a transfer contract (“Contract for Transfer of Aquaculture Management Right of Jiang ya Reservoir”). Jiang Ya Freshwater Fisheries put the reservoir into operation upon the transfer of the farming right. In April 2016, Jiang Ya Freshwater Fisheries entrusted all rights under the Contract to Xiagu Tianhe. In 2017, the People's Government of Cili County issued a circular, requiring the dismantling of nets along the reservoir. In March 2018, the Management Office of National Giant Salamander Nature Reserve notified Li Shui Company in writing that the farming practices agreed by Li Shui Company were unlawful and should be terminated immediately in accordance with the instructions of the Central Environmental Inspection Group. The Office required the fishing net to be dismantled. In the same month, Li Shui Company served a lawyer's letter to Jiang Ya Freshwater Fisheries to terminate the contract. The competent authorities later took follow-up actions to push for the banning and dismantling of the farming project in question. However, the contractual parties failed to reach an agreement on the compensation and other issues and took it to court. The court found under the *Regulations of the People's Republic of China on Nature Reserves*, any production and business activities in the core and buffer zones of nature reserves by any entities or individuals should be prohibited. The waters in question is the core area of the Giant Salamander National Nature Reserve, making the transfer of the farming rights between the two companies unlawful and the contract signed between the two parties null and void.

The court system also heard administrative cases related to the supervision, management, and administrative penalties for the exploitation of natural resources, and worked to build a sound system for resource utilization.

In the case of the state power station v. Pengshui County Water Resources Bureau before a court in Chongqing, the state power station built the water intake in the buffer zone of Qiyueshan Nature Reserve in Longxue Town, Pengshui County, and had been engaged in unlicensed water taking since the station was up and running. Pengshui County Water Resources Bureau investigated the matter, hosted hearings, and imposed administrative penalties on the power station in April 2019. In response, the power station filed an administrative lawsuit against the decision. The court ruled under the *Regulations of the People's Republic of China on Nature Reserves* that no production facilities shall be built within the buffer zone of a nature reserve. The state power station with its water intake inside the buffer zone of the nature reserve had been long engaged in unlicensed water taking electricity, causing damage to the environment of the nature reserve. The court dismissed its petition on the grounds that the water bureau's decision on administrative penalties was based on corroborated facts and resulted from proper application of laws and regulations and compliance with due procedures.

In the case of Wangqing County People's Procuratorate v. Wangqing County Natural Resources Bureau and Zhongping Zhengfu Quarry before a court in Jilin, the Natural Resources Bureau issued a notice declaring the expired mining claims of the quarry to be cancelled. However, instead of going through any cancellation procedures or performing its obligations of environmental restoration, the quarry left the mine unattended after mining operations ceased. It made no actions even after receiving the rectification notice from the Natural Resources Bureau. The People's Procuratorate of Wangqing County thus issued procuratorial recommendations in August 2018 to the Natural Resources Bureau. However, the Natural Resources Bureau failed to respond in writing or perform its regulatory duties within two months upon the delivery of the procuratorial recommendations, The procuratorate had no choice but to lodge an administrative EPIL action. The court held that the competent authorities shall take actions once the quarry failed to cancel the expired mining claims and abandoned the mine, i.e., shall order the quarry to restore the environment of the mining area and impose punishment in case of the failure to do so. Considering that the Natural Resources Bureau had performed its duty of supervising the treatment and restoration and land reclamation in the lawsuit, the court ordered the bureau to follow through until the restoration and reclamation were completed by the deadline.

#### **4. Hearing Cases of Climate Change Response and Cases Related to Environmental Governance and Services**

The judiciary properly dealt with criminal, civil, administrative and EPIL cases concerning GHG emissions, ozone depleting substances and other direct or indirect contributors to climate change, including mitigation cases and adaptation cases. Various judicial means were employed to enhance mitigation and adaptation in responding to climate change and promote the development of a national climate change governance system.

By trying cases on new energy development and utilization, energy conservation services, energy saving and emission reduction, and control of ozone depleting substances, the court system contributed to GHG emission reduction or avoidance and facilitated the progress towards emission peaking and carbon neutrality.

In a case involving an insulation material manufacturer and Qi \*ming, tried by a court in Zhejiang, Qi, fully aware that CFC-11 was a banned ozone-depleting substance expressly prohibited from being used in manufacturing processes, still purchased and used it in producing rigid PU foam between August 2017 to June 2019. The accounted emissions produced from the manufacturing process was 3,049.7 kg. The court thus found Qi and the manufacturer guilty of the environmental pollution crime for using banned materials to produce and sell insulation materials. The manufacturer was fined 700,000 yuan and Qi was subject to 10-month imprisonment and a fine of 50,000 yuan. China, as a party to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, has been devoted to implementing international environmental conventions. The use of CFC-11 has completely banned in its List of Controlled Ozone Depleting Substances released in September 2010. The ruling has sent a strong deterrent message and educated the public and sectors on climate change.

The courts tried criminal, civil, administrative and EPIL cases arising from the control of ecological degradation and improvement of the environmental quality using taxes, allowances, and other regulatory measures, as well as third-party governance, environmental capacity utilization rights, green finance and other market mechanisms, including third-party governance cases, environmental resource taxation cases, environmental capacity utilization rights cases and green finance cases.

Judges worked to improve adjudication rules regarding the third-party participation in environmental governance, green finance, and environmental quality improvement. For instance, the construction entity shall not be exempted from the environmental obligations even if the operation and management of the supporting pollution prevention facilities are commissioned to a third party. Where EIA is prepared by a third party, the third party should be held liable for any

defects in EIA.

In the case lodged by a company against Qiongsan District Ecological and Environmental Bureau and Qiongsan District People's Government over the administrative penalty decision before a court in Haikou, the company outsourced the running of the sewage treatment station within its pig farm to a technology company. The environmental bureau detected excessive discharge of wastewater onto the pig farm's oxidation pond and thus imposed administrative penalty. The company challenged the decision in court after its application for administrative reconsideration was dismissed. The court decided that the fact that the plaintiff entrusted the operation of the sewage treatment station to a tech company made no changes to the pig farm project per se: the sewage treatment station remained to be part of the pig farm, and no separate construction was undertaken in the station. Therefore, the company should be held liable for not performing its environmental obligations.

In the water pollution EPIL case brought by China Biodiversity Conservation and Green Development Foundation (CBCGDF) against Hubei Polytechnic University (HPU), Hongsibao District Water Supplies Bureau (Wuzhong City), Ecology and Environment Department of Ningxia Hui Autonomous Region, Wuzhong Ecology and Environment Bureau, Ningxia Water Investment Limited, HPU was commissioned by the Water Supplies Bureau in June 2011 to conduct EIA on Hongsibao Charity Industrial Park and Lujiayao Ecological Migrant Water Source Project. The EIA report produced by HPU made no reference to the abandoned chimney, nor did it evaluate whether its existence had an environmental impact on the reservoir. The Bureau endorsed HPU's EIA opinion and obtained approval for the project from all levels (the environmental bureau and the environmental department). CBCGDF challenged the EIA outcomes, requesting for HPU to rectify violations during the EIA process. The court ruled that, under the *Water Pollution Prevention and Control Law* and the *Environmental Impact Assessment Law*, HPU was obligated to make a science-based assessment on the potential environmental risk the abandoned chimney in question could pose to the water quality of the reservoir under construction. HPU therefore should be liable for any potential risks arising from its failure to do so.

In order to promote the effective connection between public interest litigation and ecological restoration, to achieve the expected purpose of the public interest litigation system, Jiangxi High Court explored the innovative mode of entrusting a third party to supervise and manage the use of funds for ecological environment restoration, promoted CNDCA Jiangxi Provincial Committee to organize the establishment of Jiangxi Sihua Ecological Environment Protection Foundation, and signed a strategic cooperation framework agreement with the foundation. The foundation is entrusted in the form of public trust to manage and supervise the use of funds for ecological environment restoration and implement ecological restoration. At the same time, the Guidelines on

the Norms of Trial Implementation of Cases Involving Ecological Environment Restoration (Trial) (GGF [2020] No. 147) was issued to promote the effective connection between the court's environmental resources trial implementation and the Foundation's supervision of ecological environment restoration funds, and ensure that the funds are actually used for the purpose of ecological environment restoration. At present, this model is being piloted in Jiujiang.

## **5. Hearing Cases of EPIL and EDCL**

To safeguard the interests of the State and the public, the court system properly tried EPIL cases brought by NGOs, procuratorates and state-mandated agencies as well as ecological damage compensation litigation (EDCL) cases by provincial and municipal governments and the designated departments and agencies. In 2020, courts nationwide heard 266 cases of civil EPIL cases brought by NGOs and concluded 103, up 48.6% and 77.6% respectively. Judges tried 4,411 cases EPIL cases filed by procuratorates and concluded 3,454, up 91% and 82.3% respectively. To further categorize the cases brought by prosecutors, 571 were civil EPIL cases with 386 concluded; 3,355 were criminal cases with add-on public interest civil proceedings and 2,710 out of them were concluded; 485 were administrative EPIL cases with 358 concluded. The courts also tried 91 EDCL cases and concluded 62, up 85.7% and 72.2% respectively. Within this category, 49 were judicial confirmation cases with 41 concluded; and 42 were EDCL cases with 21 concluded.

The figures above showed the court system's commitment to champion the right of NGOs to sue for environmental matters on behalf of the public, encouraging NGOs to defend the public interest in environmental matters. It was supportive of preventive public interest litigation which allowed for pre-emptive actions to prevent environmental damage from occurring at all or put an end to ongoing damages. This approach breaks away from the conventional concept of seeking a remedy after the damage is done and prevents environmental damage from occurring or worsening.

In the civil EPIL case brought by the Green Volunteer League of Chongqing against Beijing Sankuai Technology Co., Ltd, the court in Beijing ruled in favor of the plaintiff's request that the defendant should not provide disposable cutlery by default on its online food delivery platforms unless the customers opt in when placing an order. This judgement has nudged the online food delivery platforms to chip in to reduce their environmental footprints.

In the civil EPIL case of Friends of Nature v. Xinping Company and other heard by the Yunnan court, the hydropower station developed and constructed by Xinping Company would inundate the habitat of the green peafowls once completed. If the construction proceeded, the species might be driven to extinction and the Chen's cycad growing nearby would be endangered, hence damaging the rainforest ecosystem. Friends of Nature brought a civil EPIL case on that ground. The court found that the area to be inundated by the hydropower station in question was frequented by green

peafowls, making it the biological habitat of the species. The survival of the species would be threatened once the area was inundated. At the same time, the EIA report of the hydropower station in question made no reference to the conservation of the Chen's cycad (Cycadaceae). Proceeding with the construction will put the survival of rare endemic flora and fauna at significant risk. Therefore, the court ordered Xiping to stop the construction immediately and redo EIA. The competent authorities would decide what to do next depending on the results of EIA required by the Ministry of Ecology and Environment.

The civil EPIL case brought by CBCGDF against Yalong River Basin Hydropower Development Co., Ltd. before a court in Sichuan revolved around the Yagen Cascaded Power Station to be constructed and run by the defendant. The lawsuit was lodged at a time the feasibility study was being conducted and the construction of the project had yet to begin. The plaintiff brought the lawsuit on the grounds that the construction of the power station would pose a direct threat to the survival of the world's largest remaining population of a rare, endangered maple species (*Acer pentaphyllum*) that can reproduce in the wild, potentially harming the public interest. The court held that the power station, once completed, might harm the habitat of *Acer pentaphyllum* and hence its survival. Considering the project was at the pre-feasibility study stage, the court ordered the defendant to include the impact on the plant's habitat into EIA and not to move on to the next stage until the EIA report was reviewed and approved by the competent authorities.

For prosecution cases, the courts particularly reviewed the announcement procedure of civil EPIL cases, especially the criminal cases with add-on public interest civil proceedings and the pre-litigation procedure of administrative EPIL cases. The two procedures are in place to ensure the effectiveness of procuratorial EPIL.

In a criminal case with add-on public interest civil proceedings heard by a court in Anhui, the People's Procuratorate of Chaohu City prosecuted Wei \*wen and 32 others for illegal fishing of aquatic products. From January to May 2020, Wei \*wen entered into a deal with Deng \*jun, Wang \*yun and others on fishing and selling aquatic products in Chaohu Lake, knowing that fishing on the lake was banned then. Deng \*jun, Wang \*yun and others caught more than 375,000 kilos of aquatic products using banned fishing tools and made an illegal profit of more than CNY 450,000, causing serious damage to the ecosystem and the fish stock. The court found the defendants in violation of China's fishery law for fishing multiple times during the fishing ban period in the banned area and thus guilty of the crime of illegal fishing for aquatic products. The court ordered the defendant to pay for civil damages for harming the environment and the public interest and to make a public apology.

In the civil EPIL case brought by Guangzhou People's Procuratorate against Weijie Waste



Integrated Treatment Plant in Huadu District and Li \*qiang before a court in Guangdong, Li, the investor and operator of the waste management plant, signed a land rental agreement, a contract for cooperative tree planting and a supplementary agreement in May 2007. The contracts allowed for the waste treated by the plant to be landfilled on the leased land of 400 mu which would be afforested afterwards. However, Li instructed workers to pile up untreated waste and slag generated from waste incineration on the back of the leased hilly land for ten years. The court held that the waste treatment plant and Li chose profit over public interest and discarded the untreated waste, causing ongoing damage to the local environment for nearly a decade. The defendants therefore should pay for the costs of ecological restoration and loss of service function of the site in question, totaling approximately 131 million yuan, and deliver a public apology on a provincial media.

In the administrative EPIL case brought by the People's Procuratorate of Zhuxi County against the Zhuxi Water Resources and Lakes Bureau for not fully cleaning up and rectifying the situation, the prosecutors found that the of diversion canal of the hydropower station had been left unattended since its discontinuation in 2010 and were filled with wastewater, sediment and debris. Moreover, solid household waste and domestic sewage of communities nearby were discharged into the canal, resulting in floods of raw sewage into the water Zhuxi River in rainy seasons. The prosecutors then sent the defendant pre-litigation recommendations to clean up the canal. The defendant drafted a plan to remedy the situation upon receiving the recommendations. However, the prosecutors still proceeded to lodge a lawsuit against the bureau on the grounds that the defendant failed to clean up the pollution from the canal or perform its duties in follow-up maintenance, overhaul and restoration of the injured environment despite the action plan. The court supported the prosecutors' claim and ordered the defendant to perform its supervisory and management duties in relation to the follow-up maintenance, remediation and restoration of the abandoned diversion canal of Dongfeng Power Station to clean up pollution and safety hazards.

Bearing in mind the purpose of EDCL, the court system tapped into the strengths of pre-litigation consultation and judicial confirmation. It worked to build a mechanism to align EDCL and EPIL to improve liability assumption methods.

In a case heard by a court in Inner Mongolia, the Tongliao Municipal People's Government and Huolinghe Open-pit Mining Company Limited reached a consultation agreement on ecological damages of CNY 280 million and petitioned for confirmation of the validity the agreement. The court confirmed that the consultation agreement was legal and valid and the damages had been paid in full.

In a case of judicial confirmation of ecological damage compensation involving the

Environmental Protection Bureau of Tianjin Economic and Technological Development Area and Xinte'en Company heard by the court in Tianjin, the Bureau punished the company for dumping wastewater and waste oil onto the grassland within the plant area and passed the case to police. The parties reached an agreement on environmental damages and other matters and applied for judicial confirmation. The Tianjin High Court sought guidance from the Supreme People's Court on the criteria of charging litigation costs. The Supreme People's Court, after reviewing the case and consulting the Ministry of Justice, established that no fees should be charged for hearing judicial confirmation cases concerning ecological damages.

In the case brought by the People's Government of Puyang, Henan against Liaocheng Defeng Chemical Co Ltd, a trichloroacetyl chloride (C<sub>2</sub>Cl<sub>4</sub>O) manufacturer, Defeng subsidized Xu \*hua, Xu \*chao and others (with no qualifications) between December 2017 and March 2018 to treat hydrochloric acid, the by-product created by the manufacturing process. The illegal dumping of waste acid resulted in serious pollution in Huimugou and Yuexinzhuang section of Jindi River. The Environmental Protection Bureau in Puyang County commissioned Puyang Tiandiren Environmental Protection Technology Company Limited to take contingency measures that cost CNY 1,389,000. The assessment result shows that the environmental damages for Huimugou and Jindi River was valued at CNY 4,047,394 and the assessment fee was CNY 80,000. The People's Government of Puyang, after negotiating with Defeng twice on 8 January and 15 January 2020 over the compensation for environmental damage yet failing to reach an agreement, decided to file a lawsuit. The court found Defeng liable for having commissioned unqualified individuals to treat by-product acid and causing serious environmental damage. However, to engage market players in environmental protection, the court decided that input Defeng had made in environmental treatment, technological transformation and the purchases of environmental liability insurance could be deducted in proportion to offset the environmental damages payment arising from this case.

## **II. Implementing Philosophy of Green Development for the Overall**

### **Work of the Party and the State in the New Era**

#### **1. Supporting the Fight against Covid-19**

**Faithfully implementing “the Decision and the Law”.** Courts across the country applied the strictest regulations and laws in implementing the *Decision of the Standing Committee of the National People's Congress to Comprehensively Prohibit the Illegal Trade of Wild Animals, Break the Bad Habit of Excessive Consumption of Wild Animals, and Effectively Secure the Life and Health of the People* and the *Wildlife Protection Law* to crack down on illegal hunting, trading,

consumption of wild animals and illegal disposal of medical waste. The Supreme People's Court issued guiding opinions on several issues concerning the proper adjudication of Covid-19-related civil cases in accordance with the law (I) (II) (III), jointly issued the *Opinions on Punishing Offences and Crimes that Obstruct Covid-19 Control Efforts in accordance with the Law* with the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice, contributed to the drafting and revision of the provisions prohibiting the hunting and consuming of wild animals, preventing infectious diseases and risks from alien species in the *Wildlife Protection Law*, the *Amendment to the Criminal Law (Eleventh) (Draft)* and other laws. The Supreme People's Court also attended the meetings held by the National People's Congress on the enforcement and inspection of "the Decision and the Law" to enhance the protection of public health and the rule of law and safeguard national ecological security and biosecurity. The Fujian High Court issued the *Opinions on Giving Full Play to Judicial System to Provide Strong Judicial Services for Resolutely Winning the Battle against Covid-19 Pandemic*. The High Courts in Hunan, Shaanxi and Guizhou issued opinions to guide the adjudication of pandemic control and wildlife protection; the Inner Mongolia High Court issued example cases of wildlife crimes; the Hainan High Court issued report on comprehensively strengthening judicial protection of wildlife; District Courts in Rugao, Jiangsu and Chongchuan, Nantong signed a framework agreement with the Yangtze River Shipping Public Security Bureau (Nantong Branch), Chongchuan District Procuratorate, the Bureau of Justice and the Bureau of Agriculture and Rural Development on building a collaborative mechanism for wildlife resources protection to set up a cross-county mechanism; Court in Chaohu, Anhui launched bird-loving and bird-protection activities to popularize wildlife protection laws and regulations, etc.

**Adjudication of pandemic related cases.** Courts nationwide sought to strike a balance between Covid-19 prevention and trials, giving full play to the punitive and educational functions of criminal trials, and focusing on the role of property penalties to raise the cost of committing an offence; judges also supported prosecution with add-on or concurrent public interest civil proceedings so as to hold the criminals liable for damaging wildlife resources and the ecosystems; supported administrative enforcement against illegal hunting of wild animals and consuming and purchasing of wild animals and related products, and raised the public awareness of protecting wild animals and their habitats so as to enhance the level of biodiversity conservation. The courts in Hubei held fast to their judicial positions, concluding 6,038 environmental resource cases throughout the year and 96 criminal cases of obstructing pandemic control. They also issued 62 guidelines for handling pandemic-related disputes, using rule of law to resolve the "post-pandemic syndrome". In the case of CBCGDF v. Xie \*qiang, Xie \*jin and Xie \*wen heard by the court in Hunan, and the case of Qingdao People's Procuratorate v. Song \*\* and a hotel heard by the court in Shandong, the courts found the defendants not only guilty of the crime of purchasing and

selling pangolins but also liable for the losses of ecological value. The courts thus ruled that the defendants should compensate for the losses in forms of service or monetary payments while assuming the criminal liability. In the civil EPIL case of CBCGDF v. Li \*du, Zhong \*lin and Huang \*zhen heard by a court in Guangzhou, the court of the second instance decided the court of first instance in the place where the damage occurred should have the jurisdiction over the case of illegal acquisition and sale of pangolin.

## **2. Supporting Constant Improvement in Environmental Quality**

**Applying the strictest rule of law.** Following the overall goal of the nationwide battle to prevent and control pollution, we continued to strengthen the trial of air, water and soil pollution cases, strictly enforced criminal, civil and administrative liabilities, contributing to the overall improvement of environmental quality. In fighting the battle to defend blue sky, we improved the trial of air pollution cases in key regions such as the Beijing-Tianjin-Hebei and surrounding areas, the Yangtze River Delta, and the Fenwei Plain; In supporting the battle to defend the clean water, we strengthened the adjudication of water pollution disputes in the Yangtze River, Yellow River, Poyang Lake, Dongting Lake, Taihu Lake and other key waters; In winning the battle for clean soil, we strengthened the trial of illegal transfer, dumping, use and disposal of hazardous waste, and solid waste.

**Sticking to the principle of prevention at source.** We gave full play to the role of administrative litigation and the procuratorial administrative public interest litigation for prevention at source. In particular, to address air pollution, which is diffusive and difficult to restore, we supported the competent environmental authorities to impose administrative penalties for serious environmental violations, such as construction without EIA, unlicensed emissions, excessive emissions, tampering and falsification of monitoring data, so as to eliminate environmental pollution and ecological damage at the source or limit the damage to an acceptable range. We also used the tool of civil preventive litigation to guide companies to actively fulfill their responsibility for ecological and environmental protection, take the initiative to comply with environmental protection laws and regulations, and promote green production methods. In the case of Qinghai Haibei Tibetan Autonomous Prefecture People's Procuratorate v. \*yuan copper mine heard by a Qinghai Court, a civil public interest litigation case over environmental pollution liabilities, the copper mine never met the national standards by piling in open air in its tailings pond since it acquired mining rights, and the environmental safety facilities were not complete. Though no serious environmental pollution accident occurred, there was a risk of leakage and dam collapse, causing pollution to the surrounding environment, rivers and downstream reservoirs. Upon the urge of the local environmental authorities, land and resources departments, safety production supervision and management authorities and other relevant competent departments for many years,

the mine only took simple measures of prevention and treatment, and the huge risks of environmental damage and safety hazards were never completely eliminated. The procuratorial organs filed a public interest litigation case thereof, and was supported by the Court as the Court held that the construction of tailing ponds in line with national standards would be able to eliminate the potential risks of pollution. At the same time, given the construction of tailing ponds constitutes a separate construction project, which needs funds and time for preparation and implementation, the court set up a time limit for the construction based on actual considerations.

**Emphasizing systematic protection.** We treated ecosystem as a whole, respected its integrity and followed its inherent rules. In the past year, courts protected nature from a holistic perspective, carried out macro-environmental management and integrated governance, and promoted the construction of a supporting system to ecological civilization that strictly prevents pollution from the source, regulates the process, punishes the damage, holds people accountable and enables full environmental damage restoration. We imposed harsh penalties on environmental pollution crimes in accordance with the law, carried out the whole chain, the whole link, all-round combat, strictly apply probation and exemption from criminal punishment, focusing on the role of punishment and compensation of fines, and increase the cost of illegal crimes. We properly tried civil cases related to pollution prevention and control, gave full play to the role of market mechanism, and encouraged investment, construction and operation of pollution control facilities. We took full considerations of the impacts of the restoration of specific environmental elements on the ecosystem as a whole, simulated the nature's way as much as possible in applying methods and technologies for ecological restoration, so as to continuously improve environmental restoration to be more systemic, holistic, functional and balanced. In the civil environmental public interest litigation case of Shandong Environmental Protection Foundation v. \*Ji Aluminum Industry Company, the company had been administratively punished by Luoyang City and Xin'an County Environmental Protection Bureau for repeated exceeding of the emission standards of soot, sulfur dioxide and nitrogen oxides. In response, the company purchased new, high-efficiency desulfurization and denitrification equipment for technical transformation, and its emissions gradually met the standards. Shandong Environmental Protection Foundation filed an environmental civil public interest lawsuit on the grounds that the company had polluted the environment with excessive emissions of soot and sulfur dioxide before the technical transformation. The Court, upon acceptance of the case, mediated the parties to reach a settlement, where the company should bear the cost of air pollution treatment of CNY 6.27 million and make additional voluntary investment of CNY 2 million for environmental management. Through administrative enforcement and civil public interest litigation, the case urged the company to upgrade its environmental management equipment and facilitated ecological restoration.

### **3. Promoting Regional Governance in Key Riverbasins**

**Strengthening judicial protection for the Yangtze River.** In September, the Supreme People's Court carried out the campaign tour under the theme of "Judicial Protection of the Beautiful Yangtze River" across four provinces in Jiangsu, Hubei, Chongqing and Jiangxi. It also held a press conference on judicial protection of the ecology and environment in the Yangtze River Economic Belt to release the "Status of Judicial Protection of the Ecology and Environment in the Yangtze River Basin" and model cases to show the progress of judicial protection of the Yangtze River Economic Belt. The courts also participated in joint supervision and inspection programs to combat and regulate illegal fishing in the Yangtze River basin and protect the fishing resources of the Yangtze River. All courts involved earnestly implemented the "Agreement on Collaborative Framework for Environment and Resources Adjudication among the "11+1" Provincial and Municipal High People's Courts in the Yangtze River Economic Belt" to serve the development of the Yangtze River Economic Belt. Chongqing, Sichuan, Guizhou and Yunnan High Courts signed a collaboration framework agreement to build a mechanism for judicial cooperation in cross-regional environment and resources adjudication along the upper reaches of the Yangtze River; Zunyi and Bijie in Guizhou, Zhaotong in Yunnan and Luzhou in Sichuan signed an agreement on cross-provincial judicial collaboration in the Chishui Riverbasin; Anhui, Jiangsu, Shanghai and Zhejiang High Courts jointly issued model cases related to environmental adjudication in the Yangtze River Delta. The Third Shanghai Intermediate Court, together with the Intermediate Courts of Anhui Xuancheng, Jiangsu Nanjing, Zhejiang Hangzhou, Huzhou, and Jiaxing jointly signed the Implementation Rules for the Framework Agreement on Judicial Collaboration in Environment and Resources Adjudication in the Yangtze River Delta; Hunan launched the Campaign on "Reinforcing the Special Action on Environment and Resources Adjudication", to work hand in hand with the special action to crackdown organized crimes, to hear all types of environment and resources cases and to protect Dongting Lake; Jiangsu, Hubei, Hunan, Chongqing and other high courts issued judicial opinions and adjudication guidelines on penalties for illegal fishing in key waters of the Yangtze River basin in accordance with the law, to support the 10-year fishing ban in the Yangtze River; Gansu Longnan Intermediate Court set up new environmental courts in the Bailong River basin and the Longnan habitat of the Giant Panda.

**Strengthening the judicial protection of the Yellow River.** The Supreme People's Court guided the high courts of nine provinces and regions in the Yellow River basin to sign a framework agreement on collaboration in environment and resources adjudication to build a judicial mechanism in the riverbasin; The Supreme People's Court also issued the Opinions of the Supreme People's Court on Providing Judicial Services and Protection for Ecological Protection and High-Quality Development in the Yellow River Basin to promote coordinated protection and integrated management of the Yellow River Basin. Sichuan, Gansu and Qinghai High Courts held

meetings to facilitate judicial collaboration on ecological and environmental protection in the upper reaches of the Yellow River in the Chuan-Gan-Qing water-conserving area and signed collaborative framework agreements; Inner Mongolia, Shandong, Henan, Shaanxi, Shanxi and Gansu either individually or jointly formulated Opinions on Serving and Safeguarding Ecological Protection and High-quality Development in the Yellow River Basin, and issued rules on centralized jurisdiction for environment and resources cases in the Yellow River Basin. The court of Hancheng and Hejin in Shaanxi signed a memorandum on regional judicial collaboration for Yellow River Protection; Gansu Longnan and Sichuan Guangyuan, Shaanxi Baoji and Hanzhong signed a framework agreement on collaboration in environment and resources adjudication in the upper reaches of the Jialing River at the southern foot of the Qinling Mountains; Courts and procuratorates in three provinces and states including Gansu Gannan, Sichuan Aba and Qinghai Golog State signed a framework agreement on collaboration in ecological and environmental protection in the upper reaches of the Yellow River, and organized a thematic forum; Gansu Gannan Intermediate Court set up an environmental court in the Awancang Yellow River Wetland and Yuhe Provincial Nature Reserve.

**Strengthening judicial protection for key regions. The Beijing-Tianjin-Hebei region.** Guided by the strategy of integrated development in the Beijing-Tianjin-Hebei Region, Beijing, Tianjin and Hebei, followed the requirement of the Framework Agreement on Collaboration in Environmental Resources Adjudication across Beijing, Tianjin and Hebei to promote continuous improvement of the regional environment and to serve and support the decentralization of non-capital functions of Beijing, the Beijing Winter Olympics and the construction of the Xiongan New Area. Courts in Beijing strengthened cooperation with the courts in Tianjin and Hebei to explore the establishment of a system for centralized jurisdiction for ecological and environmental cases across provinces; the Xiongan Intermediate Court of Hebei set up the Baiyangdian Environmental Protection Tribunal in Anxin Court to hear all environmental and resource cases within its jurisdiction; the Zhangjiakou Intermediate Court revised the system for centralized jurisdiction over pollution-related criminal cases to standardize the procedures, contributing to the construction of the capital "two zones". **Hainan Free Trade Zone.** Hainan established Circuit Courts for Adjudication of Environment and Resources Cases and of Maritime Cases in nature reserves and ecological zones such as Yinggeling, Bawangling, Jianfeng Ridge, Diaoluo Mountain Nature Reserve, Wanquan River, Sanya Yucai Ecological Zone, and Sansha Islands. On top of that, intermediate courts located in cities in river estuaries will be responsible for centralized jurisdiction of cross-regional environmental and resource cases throughout the river basin, to achieve "full coverage of adjudication of environmental and resource cases in circuit courts", in other words, the "Hainan Model". Hainan High People's Court, together with the procuratorate and other government departments jointly issued a collaboration mechanism on public interest

litigation for marine and ecological cases to set up a regular channel for communication and collaboration and a mechanism for coordination between law enforcement and the judiciaries; Haikou Maritime Court and Guangzhou Maritime Court, Beihai Maritime Court signed the Cooperation Agreement in the Beibu Gulf - Qiongzhou Strait Region for judicial protection of marine and environmental protection; Courts in Hainan heard a number of cases involving illegal sand mining, poldering of sea shores, damage to the coastal zones and etc, to create a business environment that is stable, fair, transparent, green and law-based.

**Strengthening judicial protection in other river basins.** Courts in Inner Mongolia promoted the "one lake and two seas" (Hulun Lake, Wuliangsu Sea, Daihai Sea) ecological and environmental protection initiative; Intermediate Courts of Shijiazhuang, Baoding and other three in Hebei signed a memorandum of judicial collaboration on ecological and environmental protection in the Taihang Mountains to establish an integrated judicial protection mechanism in the region; 12 local courts in Yancheng and Nantong of Jiangsu Province signed a judicial collaboration agreement on environment and resources protection in the Yellow Sea wetlands. Guannan court and Binhai court collaborated on the judicial protection of Guanhe river basin; Gusu court and twelve people's procuratorates in Suzhou, Wuxi and Changzhou signed a "1+12" framework agreement on joint judicial protection of ecological and environmental resources in the Taihu Lake basin; in Sichuan, Ya'an, Aba Ganzi, and other five municipal intermediate courts signed with two scientific research institutes an "8+2" agreement on the protection of ecological and environmental resources in the Minjiang River basin. Courts in six cities in three provinces of Shaanxi, Henan and Hubei jointly signed on an opinion document to set up a collaboration mechanism to provide judicial safeguard for ecological and environmental resources protection in the water source area of the Central Line of the South-North Water Diversion Project. High Courts of Gansu and Qinghai Province hosted a judicial collaboration meeting on high-quality coordinated development of Lanzhou-Xining City Cluster and signed a framework agreement upon conclusion of the meeting. Six intermediate courts in Quzhou, Hangzhou and other 4 cities in Zhejiang Province along the Qiantang River basin signed a framework agreement on judicial collaboration on environment and resources protection in the Qiantang River basin. The Jiaxing Intermediate Court led courts involved along the Grand Canal (Zhejiang Section) to sign an agreement on judicial collaboration on environmental and resource protection in the region. Ten local courts including courts in Lishui and Wenzhou jointly issued opinions on collaboration in judicial protection in the Oujiang River basin, while Lishui Court also released the Opinions on serving and supporting the establishment of the Baishanzu National Park, contributing to the development of national parks in China.

#### **4. Supporting High-quality Economic and Social Development**

**Implementing Green Development.** We practiced the principle of lucid water and green



mountains are invaluable assets. In supporting high-quality economic development and environmental protection, and serving the supply-side structural reform, we sought to balance the needs for environmental protection, economic development, and the people's environmental rights and benefits. Courts at all levels actively carried out research on the rules of adjudication for new types of cases such as carbon emission rights, pollution emission rights, trading of water rights, new energy development and utilization, green finance, and environmental insurance, to facilitate economic and social development based on efficient recycling of resources and strict protection of the environment, and to achieve green economic development. The courts also heard, in accordance with the law, cases of company restructuring, merging and bankruptcy arising from economic structure and energy policy adjustment as well as overcapacity, to support and safeguard the development of energy-saving and environmental industry, cleaner production and clean energy, and accelerate the formation of green production and lifestyle.

**Improving the business environment.** We implemented the principle of polluters pay in full, strictly punished deliberate conducts of environmental damage such as malicious hiding of emissions, falsification of data, and increased the cost of companies in polluting against the law. We supported the legitimate law enforcement actions of administrative organs according to the law, and guaranteed the eligibility of the right holders of lawsuits against administrative organs for negligence in performing their statutory duties of case investigation and handling. We took measures to encourage law-abiding companies to seek green development, while paying close attention to ensure a fair market, and guiding various types of capitals to participate in environmental governance investment, construction, and operation. We also sought environmental and ecological restoration as much as possible, and applied preventive measures whenever possible during case-hearing so as to reduce environmental risks and the level of damage. We prioritized the protection of human life and health, set it our goal to safeguard the good environment for citizens to live, work and rest, and strive to create a stable, fair, transparent, green and law-based business environment based on the rule of law. Zhejiang court heard a case of environmental pollution by \*Tai company - The company, as a major emission entity, while online monitoring system already installed by the competent environmental department in the company's sewage pipe connecting to the wastewater network, tampered monitoring data and interfered the monitoring process by setting up a water pipe for dilution of emissions next to the monitoring equipment, so as to secretly discharge CODs, ammonia nitrogen and other pollutants. The conduct was caught by the Jiaxing Environmental Protection Bureau during law enforcement inspections. The court found that the \*Tai company discharged toxic substances in violation of national regulations and seriously caused environmental damage, constituting the crime of environmental pollution. The company has now ceased production and has been permanently banned from the printing and dyeing industry.

**Serving rural revitalization.** Courts at all levels set it as a new focus area in environment and resource adjudication to serve the construction of beautiful countryside and promote the strategy of rural revitalization. We supported improvement of rural living environment, and served to building rural areas with thriving businesses, pleasant living environments, social etiquette and civility, effective governance, and prosperity. We prioritized the hearing of cases related to heavy air pollution, black and smelly water bodies, waste-besieged towns, rural environment and other prominent ecological and environmental issues frequently raised by the people, so as to improve the environmental quality in rural areas by judicial means. We also properly tried disputes over the transfer of land ownership arising from the "separation of three rights" in contracted land and homesteads in rural areas, to support rural economic and social development. The courts was also concerned about soil pollution cases in certain rural areas. Through the trial of such cases, the courts sought to change the mindset of rural villagers towards sustainable agricultural practices, contributing to the construction of beautiful villages. In the case of illegal occupation of agricultural land in Yuelu Mountain by Wu \*wu to build a runway, Wu \*wu signed an agreement with the local villagers committee in Xuehua Village and Mashitang village to rent the Fuzi slope of Yuelu Mountain and the Yuantuzi Mountain in Changsha, without any prior approvals from relevant authorities and the authorization of the forest land use review. Following the agreement, Wu \*wu cleared the ground to build a runway, resulting in complete changes of the original landforms of the mountains in the forest land. The original topsoil and vegetation were destroyed. The court held that Wu \*wu violated land management regulations in his conducts of illegal occupation of forest land and change of land. The conducts caused serious destruction of the original vegetation of the forest land, constituting the crime of illegal occupation of agricultural land. The trial of this case played a guiding role for people holding the traditional mindset in certain rural areas that forests and arable lands can be occupied and change for other uses recklessly.

### **III. Continuous Institutional and Systematic Innovations for a Environment and Resource Adjudication System with Chinese Characteristics and International Influence**

#### **1. Improving the Regulatory System**

**Issuing judicial interpretations.** To implement the Civil Code, the Supreme People's Court revised the Interpretation of Several Issues on the Application of Law to the Trial of Mining Rights Disputes, the Interpretation of Several Issues on the Application of Law to the Trial of Environmental Civil Public Interest Litigation Cases, and jointly revised with the Supreme

People's Procuratorate the Interpretation of Several Issues on the Application of Law to the Procuratorial Public Interest Litigation Cases and other related judicial interpretations in environmental and resource adjudication. The Supreme People's Court was also involved in the revision of the Rules for Causes of Civil Cases, adding "civil public interest litigation for ecological and environmental protection" and "light pollution liability disputes" to the chapter of rules on public interest litigation, so as to standardize and guide the trial of civil public interest litigation for ecological and environmental protection. In addition, the Supreme People's Court is studying and drafting the judicial interpretation on injunctions for environmental infringement, setting out the rules for the subject of application for injunction, conditions of application, principles of review, procedures and period of validity, strengthening the preventive principle in environmental adjudication.

**Releasing model cases.** In January 2020, the Supreme People's Court released 10 model cases on judicial protection of ecology and environment in the Yangtze River Economic Belt; in May, 40 model cases on environment and resources adjudication of the year 2019 was released; in June, 10 model cases on judicial protection of ecology and environment in the Yellow River Basin; and in September, 10 model cases on fishing ban and adopting alternative livelihoods in the Yangtze River Basin. The 24th batch of guiding cases also included 13 cases on ecological and environmental protection in 2020. Local courts also highlighted the importance of developing model environmental and resource cases. Long-term mechanisms for case selection, research and summary have been established, to regularly release model cases within different jurisdictions, encouraging the application of the principles set by the model cases. Through the publication of model cases, courts at all levels nationwide have continued to refine and standardize the rules for adjudication of environmental and resource cases, improving the quality of environmental trials.

**Organizing thematic meetings and fieldtrips.** In September, the Supreme People's Court held a symposium on comprehensively strengthening the judicial protection of ecology and environment by thoroughly implementing the "two mountains" philosophy. The symposium provided guidance to courts at all levels to thoroughly implement the "two mountains" philosophy, give full play to the role of environmental adjudication, comprehensively strengthen the judicial protection for the ecology and environment, explore the development of an environmental judicial system with Chinese characteristics. Various fieldtrips were organized by the Supreme People's Court, among them, including a visit to the Beijing No.4 Intermediate Court to study centralized jurisdiction and the construction of specialized institutions; a visit to Suzhou city of Jiangsu province to study the development of the "9+1" mechanism for environmental adjudication; a field trip to Changsha and Yueyang city of Hunan province to study the local experience in building mechanisms for environmental adjudication; and a visit to Hainan to study how the three-level courts in Hainan advanced judicial services for the construction of the national ecological civilization pilot zone.

We also participated in the fieldtrip and research project on the centralized jurisdiction of administrative public interest litigation around the Taihu Lake organized by the Supreme People's Procuratorate. Through such fieldtrips and visits, we further understood the work and the existing problems of environmental adjudication at the local level, providing the basis for the planning of future works. The local level courts also organized various activities such as hosting seminars, fieldtrips to rural areas and companies and others, to better understand key issues such as Yangtze River protection, environmental public interest litigation, ecological restoration, resource integration, illegal fishing, indiscriminate occupation of arable land, wildlife protection, special accounts for public interest funds, environmental and ecological damage assessment, and allocation of burden of proof, and etc. Many theoretical research results have come out of these seminars and fieldtrips. In the Fourth National Competition of Excellent Results in Environmental and Resource Adjudication-Fieldtrip Reports Group, 10 fieldtrip reports were awarded the first prize, including the "Empirical Research on the Environmental and Resource Adjudication in the Yangtze River Economic Belt", the "Research on Enhancing Judicial Protection of Marine Environment to Support the Battle to Enhance Environmental Government in the Bohai Sea" and the "Research on Providing Judicial Services and Support to Ecological Civilization through Environmental and Resource Adjudication" submitted by Chongqing, Tianjin, Guangdong, Hunan, Jiangsu, Heilongjiang, Guizhou, Fujian, Hubei, and Henan high courts. Another 50 research reports recommended by local high courts were awarded the second and third prizes.

**Drafting normative documents.** The Supreme People's Court issued the Template of Public interest Litigation related Documents (for trial implementation) to standardize documents related to public interest litigation, and to improve the quality of the judgments for public interest litigation cases. The Supreme People's Court also jointly issued with the Ministry of Ecology and Environment and other departments the Opinions on Several Issues on Promoting the Reform of the Ecological Damage Compensation System, clarifying the procedural rules such as consultation on compensation, responsibility for restoration, and compensation fund management, strengthening the connection between the judiciary and the law enforcement in ecological and environmental damage compensation cases, and improving the application of the compensation system. Various guiding documents were also developed by local level courts depending on local status of environmental adjudication within their jurisdictions, among them Shanxi and Guizhou High Courts issued Opinions on Strengthening Local Judicial Protection for the Environment; the High Courts of Liaoning, Hebei, Jiangxi, Hainan, and Guizhou, and the Intermediate Courts of Hulunbuir, Tongliao of Inner Mongolia issued sentencing standards, case handling guidelines and other documents. Jilin, Hebei, Henan, Shanxi, Qinghai, Liaoning, Shandong, Chongqing, Xinjiang, Tianjin High Court and Xinjiang Production and Construction Corps issued documents on Rules for Adjudication of Eco-environmental Damage Compensation Litigation; Sichuan High Court

issued Guidance on the Application of Elevated Jurisdiction for 9 Types of Cases.

## **2. Innovating Sentence Enforcement Methods**

**Innovating working methods.** In handling cases, courts in Zhejiang and Inner Mongolia actively implemented pre-litigation injunction, prior enforcement, interim measures of preservation and others to effectively limit the impacts of environmental damage. The Inner Mongolia Court focused on the research on categorization of environmental and resource cases and established the "three-meeting system" working rules - the analysis meeting of environmental and resource cases, the discussion meeting for cases of similar nature, and the coordination meetings. The Xi'an Railway Intermediate Court of Shaanxi Province implemented the "1+7" trial mode in hearing public interest litigation cases - the "1" principle of adhering to the goal that conflicts can be resolved, judgments should be enforced, and the environment damage must be restored; while the "7" refers to the seven links that needs to be prioritized in hearing cases, including investigation, coordination of the parties, case report, case guidance, standardized trial, fair judgment, and post-case follow-ups. Zhejiang, Hainan, Shaanxi, Inner Mongolia and others implemented the system of post-case follow-up visits, testing and evaluation, to make sure the liabilities assumed and environmental restoration implemented. Xinjiang court included detailed ecological restoration plans as annex to the judgment documents. No. 3 Intermediate Court of Chongqing issued Implementation Measures (for trial) on the Establishment of a Mechanism for Supervising Effective Ecological and Environment Restoration, adopting measures such as sending judicial suggestions, coordinating with environmental authorities, supervising the process of restoration by the court for cases requiring environmental restoration. The Measures took the initiative to urge the obligors to assume the liabilities of environmental restoration obligations prescribed in the effective legal documents, and to transfer in accordance with the court's statutory authorities (or upon application) the obligors who refuse to perform their duties to competent authorities for enforcement.

**Promoting the Building of Smart Courts.** Courts in Zhejiang gave full play to the advantages of IT-based adjudication by creating an "integrated office platform for case handling", and comprehensively implementing paperless case hearing for environmental cases. A new judicial mode that is coordinated and interconnected has been established, combining online and offline resources, internal and external network, and wired and wireless internet. The Xinjiang Production and Construction Corps used big data platform for real-time monitor of the status of the cases related to environmental pollution and ecological destruction. Fujian Sanming Intermediate People's Court established the country's first "Water Law Enforcement and Digital Judicial Assistance Cloud Center", relying on the "data collaboration platform + Judge Online Cloud". It made full use of the river chief command platform, the video monitoring of river channels and

judicial data, to follow closely the changes of key areas, key links, and key projects. Sharing and application of data was also encouraged, contributing to the building of a timely, effective, full-process and strict judicial protection mechanism for riverbasins, forming synergies for source protection of ecology and environment.

**Exploring diversified ways of ecological restoration.** Zhejiang, Anhui, Sichuan, Yunnan, Xinjiang, Tibet and other places improved their sentence enforcement mechanisms of "restorative justice + integrated community management" - it actively applied various ways of liability assumption such as "replanting for green", "increasing fish stock", "fixed-term restoration" and "community service for compensation payment". For example, Zhejiang issued 52 judicial ecological orders and restocked more than 3.07 million fish fry, while Sichuan replanted 72600 trees of all kinds, Xinjiang restored 27582.51 mu of woodland and grassland, and Anhui sentenced ecological restoration measures to 161 environmental public interest litigation cases. Judgments as such served multiple purposes, including punishing crimes, restoring the ecology and environment and compensating economic losses.

**Building ecological restoration bases.** In Jiangsu, 18 judicial bases for environmental protection were established, 20 in Zhejiang, 30 in Sichuan, 56 in Shandong and 67 in Henan. The bases were to serve and guarantee the adjudication of environmental cases, and to improve quality of environmental trials to be more science-based and accurate. Among them, Jiangsu and Nanjing Yangtze River Xinzhou National Wetland Park Management Center set up a restoration base. On top of serving the function of ecological restoration, the base also hosts a pool of technical expert, to provide expert support and to explore the system of technical investigators. Lianyungang Intermediate People's Court and Agriculture and Rural Bureau signed a framework agreement to jointly establish a judicial enforcement base for protection of marine farm environment. In addition, building on the case of intentional damage to Jumang Peak of the Sanqingshan Mountain the Jiangxi High Court collaborated with the Shangrao Intermediate people's Court to build the Jiangxi Environmental Adjudication Exhibition Room (Sanqingshan), and with the Jiujiang Intermediate people's Court to build the Jiangxi Environmental Adjudication Exhibition Hall (Xihai). Heilongjiang, Hebei, Guizhou, Gansu and other local courts also built practice bases and judicial education centers with distinctive features.

### **3. Enhancing the Supporting System**

**Exploring the fund management system.** Inner Mongolia established a system for management and use of the special restoration fund, and clarified the rules for audit supervision and accountability, ensuring timely and effective ecological and environmental restoration. In the case of Beijing Chaoyang District Friends of Nature Environmental Research Institute v. Yunnan

Jiangchuan Xianhu Jinxiu Tourism Property Development Co., Ltd. heard by the Yunnan court, through mediation, the court established a special ecological and environmental protection fund paid by the defendant of the case. Jiangxi explored the mechanism of entrusting a third party to supervise ecological restoration funds - it promoted the establishment of the Jiangxi Sihua Ecological Environmental Protection Foundation by the CNDCA Jiangxi Provincial Committee, entrusting the management and supervision of the use of ecological restoration funds in the form of a public interest trust. Jilin, Hebei and Henan co-signed with other relevant departments on the management of ecological and environmental damage compensation funds, exploring solutions to address the difficulties in fund management and use. Tianjin High Court, together with the Beijing No.4 Intermediate Court, the Northern Trust International Group and the Tianjin Trust Investment Company carried fieldtrips and discussion meetings, exploring the feasibility of setting up an environmental public interest fund management mechanism, seeking to build a management mechanism for ecological and environmental fund.

**Improving the technical support system.** The Beijing No.4 Intermediate Court and the courts in Shenyang of Liaoning, Huzhou and Shaoxing of Zhejiang, and Shaanxi introduced measures for management of an expert pool for environmental and resource adjudication. Inner Mongolia, Hebei, Guizhou, and Tibet strengthened third-party cooperation with environmental assessment agencies, scientific research institutions, expert think tanks, and other third-party organizations to seek expert support. Guizhou addressed the difficulties in evidence collection, determination and damage assessment in environmental cases by referring to expert opinions in determining environmental loss. Fujian Zhangzhou Intermediate Court explored a system of technical investigation officer - in a criminal case of pollution by Huang \*, the court appointed two technical investigation officers to carry out field visit, investigation, and sampling for preparation of the technical and restoration reports for the environmental damage caused by Huang \*'s direct discharge of heavy metal waste liquid and waste. Zhangzhou Intermediate Court adopted the reports by the investigation officers and ruled based on the reports that Huang \*'s acts constituted the crime of environmental pollution. The Court also issued an order for soil remediation, requesting Huang to assume the liability for remediation. Shenyang Intermediate Court in Liaoning heard a case of disputes over environmental pollution, where Company A polluted the fish pond of villager Sun \* during construction, resulting in the death of a large number of fish, and causing economic loss. As fish farming is a highly technical subject, and evidence collection involved in the case was time-sensitive, it was difficult to ascertain the facts involved in the case. To address the issue, the Court actively brought in environmental experts to provide expert opinions, ensuring the judgment was accurate, authoritative and science-based.

**Continuing to use the public announcement platform for information sharing.** The Supreme People's Court set up a column on "Announcement of Public Interest Litigation Cases" on the

Website of the People's Court Announcement, to share notices on case acceptance, and mediation (settlement) of civil public interest litigation cases and ecological and environmental damage compensation cases for free. In 2020, notices related to 415 cases were announced, providing an important access for the public to inquire about the state of cases, participate in environmental governance and provide public supervision.

#### **4. Advancing the Development of Specialized Institutions for Environmental Adjudication**

In steadily advancing the development of specialized institutions for environmental adjudication, courts at all levels actively implemented the requirements for building a modern environmental governance system, and took into consideration the demands for protection of key river basins, world natural heritage sites, national nature reserves, national forest parks, national geological parks and other areas. With the establishment of the environment and resources tribunals in Ningxia High Court and Xinjiang Production and Construction Corps in 2020, by the end of 2020, there were a total of 1,993 specialized institutions for environmental adjudication across the country, including 617 environmental tribunals/divisions (1 in the Supreme People's Court, 27 high people's courts, 1 in Xinjiang Production and Construction Corps, 148 intermediate people's courts and 440 basic people's courts), 1167 collegiate panels, and 209 people's courts and circuit courts. Guizhou set up 33 standardized environment and resources courts across all basic courts in the province, including the Chishui River Basin Environmental Protection Court and the Fanjingshan Environmental Protection Court, further creating an upgraded version of Guizhou's environmental court. In Guangxi, environmental and water circuit courts and environmental circuit courts for natural reserves were set up in the Longlin reservoir area of Wanfeng Lake and the Jinzhongshan Black-necked Long-tailed Pheasant National Nature Reserve. In Anhui Province, 74 intermediate and basic courts set up separate environmental divisions or added the function of environmental adjudication to existing divisions. In particular, environmental divisions were set up across all levels in Huaibei, Huainan, Liuan, Wuhu, Tongling, Anqing and other cities in Anhui Province. In Fujian, in supporting the constructions of the national ecological civilization pilot zone, 77 specialized institutions for environmental adjudication were set up out of the province's 95 courts, building a new era of Fujian environmental adjudication system. Zhejiang formulated opinions on strengthening environmental trials, and gradually developed an environmental adjudication mode where courts at all levels including the provincial, municipal and county levels are equipped with environmental adjudication divisions. Sichuan set up 34 environmental tourism courts in tourist attractions such as Jiuzhaigou and Emeishan, and seven special courts for giant panda national parks in Ya'an Yingjing, Aba Wenchuan and Mianyang Pingwu. Shandong established 102 environmental circuit court (workstation) in natural reserves, scenic spots and other key areas, in line with the setting of competent administrative authorities in key ecological



areas. On top of the Sanyuanjuan Environmental Court, Qinghai approved the establishment of environmental courts in Qilian Mountains and Qinghai Lake. Liaoning built a system for environmental adjudication in the mode of "1+6+16+1" (Dalian Maritime Court). Inner Mongolia, Tianjin, Hunan, Shanxi, Xinjiang and Tibet also actively advanced the specialization of environmental and resource adjudication.

## **5. Applying Centralized Adjudication and Jurisdiction of Environment and Resource Cases**

**Centralized adjudication.** Courts at all levels, based on local realities, coordinated the application of criminal, civil and administrative liabilities, and actively explored to centralize the hearing of all civil, administrative, and criminal environmental and resource cases. **"Four-in-one" model** - The High Courts of Fujian, Jiangxi, and Yunnan Province as well as the Qingzhen Court in Guizhou Province, adopted a "four-in-one" model where all criminal, civil, administrative and enforcement cases related to environmental and resource protection were heard in one designated court; South Taihu Lake Court and Lanxi Court in Zhejiang also actively explored the "Four-in-one" hearing model for the adjudication of environmental and resource cases. **"Three-in-one" model** - 19 high courts, including High Courts of Beijing, Hebei, Shanxi, Inner Mongolia, Liaoning, Jilin, Shanghai, Jiangsu, Zhejiang, Henan, Hubei, Hunan, Chongqing, Sichuan, Guizhou, Shaanxi, Gansu, Ningxia, Xinjiang and the Xinjiang Production and Construction Corps implemented the "three-in-one" model, where all criminal, civil, administrative environmental cases were heard in one court. Yanqing Court of Beijing, 11 intermediate people's courts in Shanxi, 6 intermediate people's courts (Huaibei, Bengbu, Maanshan, Wuhu, Xuancheng, Tongling) and 18 basic courts (including Qimen, Jinzhai, etc) in Anhui also adopted the "three-in-one" model. **"Two-in-one" model.** Guangxi and Qinghai heard all civil and administrative environmental cases in one court; the environmental adjudication tribunal of the ecological center of the Tianjin central ecological city adopted the two-in-one model by hearing all criminal and civil environmental cases in one court.

**Centralized jurisdiction.** In 2020, courts at all levels developed mechanisms for centralized jurisdiction over environmental cases, and the practice was more mature in provinces such as Jiangsu, Gansu, Fujian, Jiangxi, and Guizhou. Liaoning released cross-regional centralized jurisdiction over environmental and resource cases, to build an environment and resources adjudication system with Liaoning characteristics; Beijing promoted centralized jurisdiction over all environmental courts handled by intermediate courts by the No.4 intermediate court; The environmental adjudication tribunal of the ecological center of the Tianjin central ecological city was assigned to be responsible for the centralized jurisdiction over all environmental and resource cases in Tanggu, Hangu, Dagang, and functional areas of the Binhai New Area; Guangdong

followed the principle of "one core, one belt, and one district" principle for coordinated regional development, and adjusted the setting of the centralized jurisdiction over environmental civil public interest litigation; Guizhou revised the provisions of centralized jurisdiction and implemented centralized jurisdiction and cross-jurisdiction of environmental resources cases across administrative boundaries; Qinghai issued the Implementation Opinions on Adjusting Centralized Jurisdiction (for trial) to establish that one basic court within one state/city has centralized jurisdiction over all first instance environmental and resource cases in their respective administrative regions; Anhui and Tibet explored to determine the jurisdiction over environmental cases based on ecosystem and ecological functional areas; Xinjiang and the local procuratorate jointly promoted reform in cross-regional centralized jurisdiction over environmental cases by the railway court and procuratorate; Ningxia developed the Measures for Adjudication of Cases under Centralized Jurisdiction (for trial); Hebei collaborated with the local public security, procuratorate and environmental authorities to promote centralized jurisdiction over ecological and environmental cases involving the Baiyangdian riverbasin. In Zhejiang, South Taihu Lake Court was assigned to be responsible for centralized jurisdiction over environmental and resource cases of first instance in Huzhou, and Wenzhou Lucheng District Court for centralized jurisdiction over environmental administrative cases of first instance in Wenzhou; In Sichuan, Luzhou Intermediate Court was designated the jurisdiction over criminal cases related to Yangtze River aquatic products, while Zigong Intermediate Court delegated the jurisdiction over environmental cases related to Tuo River main stream to Fushun County Court, and the jurisdiction over drinking water source for main urban areas to Rong County Court.

## **6. Promoting Coordination, Cooperation and Alternative Dispute Resolution**

**Enhancing internal coordination in adjudication.** Jiangsu established a mechanism for coordination and collaboration within the court system. In the system, non-jurisdictional courts shall support the jurisdiction courts during on-site circuit trials, including to set up the venue for case hearing, provide technical support, and take safety measures. They shall also undertake the review and enforcement of non-litigation administrative cases. Jiangsu also explored to entrust the enforcement of public interest litigation cases and ecological and environmental damage compensation cases from the jurisdiction court to the local court where the damage occurred, including items related to the amounts of compensation, penalties for criminal cases, confiscation of illegal gains and environmental restoration. Tibet established a coordinated meeting mechanism, where the environmental and resource divisions of the courts take the lead to coordinate among criminal, civil, administrative, enforcement and other relevant divisions in the trial of environmental cases. **External cooperation with other authorities.** Courts at all levels in Inner Mongolia, Tianjin, Jiangsu, Zhejiang, Fujian, Anhui, Henan, Hunan, Guizhou, Yunnan, Shaanxi,

Shanxi, Qinghai, Ningxia and Gansu collaborated with other local departments to jointly develop a system of coordination and cooperation between administrative law enforcement and the judiciary, including to hold joint meetings with multiple parties; the high courts in Liaoning, Shaanxi, Guangxi and Xinjiang jointly issued Opinions on Coordination and Cooperation in Environmental public interest litigation with other departments to promote the establishment of coordination and cooperation mechanisms in the areas of evidence extraction, information sharing, etc. Fujian Xiamen Maritime Court signed a framework agreement with the Bureau of Resources and Planning, the Bureau of Ecology and other administrative agencies involved in marine management, establishing a mechanism of collaboration with various administrative law enforcement agencies in marine management, effectively enabling positive interactions between the judiciary and the administrative authorities. **Alternative dispute resolution mechanisms.** We gave full play to the role of non-litigation dispute resolution mechanisms such as administrative mediation, public mediation, arbitration and others, promoted dispute settlement at local level and at the scene where the case took place, and encouraged public participation in environmental governance. Hebei and Tibet carried forward the "Fengqiao Experience" in the new era, implemented the principle of "mediation first, and mediation and adjudication combined", and jointly formulated with the local Bureau of Ecology and Environment and other four competent departments the Implementation Opinions on the Establishment of Alternative Dispute Resolution Mechanism (for trial). Inner Mongolia promoted the construction of a modern environmental governance system with party leadership, government accountability, social coordination, public participation and legal safeguards, forming a strong synergy for ecological and environmental protection. Shenyang Intermediate Court of Liaoning Province, together with the Procuratorate and seven six other departments, formulated the Implementation Opinions on Alternative Dispute Resolution Mechanism for Ecological, Environmental and Resource Cases. Chongqing No. 1 Intermediate Court made institutional innovations in hearing environmental cases by inviting experts from universities to form a working group to facilitate mediation of environmental disputes. Three environmental civil public interest lawsuits and one ecological and environmental damage lawsuit were successfully mediated through the mechanism. The Zhejiang court heard the case of Luo and others v. Quzhou Municipal Bureau of Market Supervision and a farm hotel (the third party) over administrative permit. Affected by the fumes and noise pollution of the farm hotel, Luo and others filed an administrative lawsuit requesting the revocation of the business license and food processing license of the Farm Hotel. The court, in the process of trial, visited the Law Commission of the Municipal People's Congress, the Municipal Management Office and other relevant authorities for opinions and suggestions. In the end, the Municipal Management Office took the lead in convening authorities related to market supervision, integrated law enforcement, environmental protection and others to carry out substantive feasibility analysis of possible solutions, and finally the parties reached a settlement agreement, resolving the prolonged

problem of fumes nuisance affecting the public.

## **IV. Responding to the Judicial Needs of the Public for Overall Enhancement of Judicial Services**

### **1. Enhancing Team Building**

**Strengthening ideological and political construction.** In-depth study of Xi Jinping thought of socialism with Chinese characteristics in the new era, always adhere to the absolute leadership of the Party, and constantly strengthen the scientific and theoretical armament, strict political discipline and political rules, firmly "four consciousness", firm "four self-confidence", to achieve the "two maintenance", and strive to serve and protect the overall situation of the work of the Party and the State, to ensure that environmental resources trials adhere to the correct political direction. We actively took the responsibility to develop environmental and resource adjudication to serve economic development, maintain social stability, protect the rights and interests of the people, and promote the core values of socialism. **Establishing modern judicial principles.** We guided courts at all levels to carefully study Xi Jinping's thoughts on ecological civilization and on the rule of law, and to thoroughly implement the "two mountains" philosophy. We adhered to the strategy of overall national security, to maintain national ecological security, biosecurity and public health security; we followed the concept of ecological livelihood, to safeguard the environmental rights and interests of the people; we insisted on applying the strictest rule of law, to help prevent and control pollution; we implemented the principle of integrated governance, to serve the national and regional development strategies; we upheld the philosophy of green development, to promote high-quality economic development. **Enhancing capacity building.** We strengthened capacity building based on the needs of the judicial accountability system and the specialization of environmental and resource adjudication. We held national trainings on environmental and resource adjudication for national courts, invited senior judges, experts and scholars from China and abroad to give lectures on key topics in the field of environmental justice to 200 trainees; we co-organized with the Ministry of Ecology and Environment a joint training on environmental justice and environmental administrative law enforcement to promote cooperation and exchange between the judiciary and administrative authorities. The Supreme People's Court also supported local trainings by sending staff to give lectures on environmental and resource adjudication. Jilin, Hebei, Yunnan and Gansu conducted trainings on environmental and resource adjudication respectively, and Anhui, Jiangsu, Shanghai and Zhejiang jointly conducted a training to improve the quality of environmental and resource adjudication. Jiangsu established a mechanism to send adjudicating members of the environmental and resource tribunal in the province's ecological function area for secondment in higher-level courts, so as to ensure that

environmental and resource laws within the jurisdiction are correctly implemented. Qinghai sent a team to Nanjing Environment and Resources Tribunal in Jiangsu Province for training and visits based on the arrangements of the support program from Jiangsu Court to Qinghai court. Ningxia visited Jiangsu and Fujian for learning; Courts in Chongqing, Zhejiang, Hubei, Hunan, and Anhui sent people to Jiangxi Province to study their advanced experience and practices. Hainan and Guangxi carried out mutual learning through symposiums and developed study plans.

**Strengthening the integrity style construction.** Strictly implement the eight provisions of the Central Government and its implementation rules, and continue to rectify the four wind problems. Deeply promote the party style and discipline style construction, enhance the sense of integrity, tighten the fence of the system, refrain from formalism, bureaucracy, regular discipline education and "three provisions" special rectification activities, give full play to the role of education and warning of typical cases, analyze the causes of the problems and urge rectification in place. Efforts to build a politically determined, competent, excellent style, fair and clean high-quality environmental resources trial team.

## 2. Deepening theoretical research

**Active participation in legislation Initiatives.** We supported the National People's Congress in the revision of the Noise Pollution Prevention and Control Law, the Law on the Protection of Cultural Relics and the drafting of the Law on the Protection of Wetlands; we also jointly signed off the Reform Program of the Disclosure System of Environmental Information together with the National Development and Reform Commission(NDRC), the Ministry of Industry and Information Technology and other six ministries and commissions, to better regulate companies in adopting environmental actions and fulfilling their legal obligations of environmental protection, giving full play to the role of companies as the main actor in environmental protection. We joined the drafting of the Three-year Work Plan for Building Mordern Environmental Governance" together with NDRC(2020-2022), the Management Measures for the Fund of Soil Pollution Prevention and Control with the Ministry of Finance, the Regulations on Ecological and Environmental Monitoring (Draft for Review) with the Ministry of Justice, and the Implementation Plan for the Reform of Hazardous Waste Supervision, Utilization and Disposal (Draft for Comments) with the Ministry of Ecology and Environment. Local courts also actively provided judicial opinions to local people's congresses, the People's Political Consultative Conference, and government departments in formulating relevant rules and regulations.

**Summarizing theoretical results.** The Supreme People's Court hosted a seminar on judicial practice and theory in implementing the green clause of the Civil Code, where the high courts of Henan, Guangxi, Gansu, Hunan, Xinjiang and Anhui were awarded excellent organizational prizes; the SPC also hosted the Fourth National Competition of Excellent Results in Environmental and Resource Adjudication, where courts at all levels submitted 664 pieces of results in three

categories, including fieldtrip reports, case studies, and judgments. The competition awarded 10 first prizes, 20 second prizes and 30 third prizes, and in addition, Jiangsu, Fujian, Guizhou, Hubei, Hunan, Zhejiang, Guangdong, Shandong, Henan and Xinjiang were awarded the Award of Best Organization. We also competition to encourage pair-study projects between the bases for judicial theoretical research and the bases for judicial practices. In the competition, the Research on the Role of the People's Court in Ecological and Environmental Damage Compensation Litigation won the first prize, while five other projects won the second and third prizes. Through such competitions, the award-winning study and practice results played an inspiring, guiding and exemplary role in improving the quality of environmental and resource trials in courts nationwide. The Environment and Resources Judicial Research Center of the Supreme People's Court, in cooperation with the Environment, Resources and Energy Law Research Center of Tsinghua University, published the Report on China Environmental Judicial Development (2019).

**Enriching the forms of cooperation.** Relying on the expertise of the visiting scholars to the court, the Supreme People's Court carried out theoretical and practice-based research projects on various themes such as adjudication rules for biodiversity conservation, climate change response, environmental torts and etc. Local courts independently or jointly with other departments and universities carried out research, for example, Shandong established a pairing mechanism between theoretical research and practice, by setting up theoretical research bases for environmental justice in Shandong Normal University, Shandong University of Construction, Shandong University of Science and Technology, and practice bases in 10 local courts including the Taierzhuang Court. Through cooperation, the theoretical research base and the practice base worked together to tackle challenges and difficulties in environmental and resource adjudication, contributing to the coordinated development of judicial trials and jurisprudence research.

**Disseminating featured results of environmental adjudication.** Fujian comprehensively summarized its experience and initiatives in judicial protection for ecology and environment, including the 3+1 mechanism for environmental and ecological adjudication, the circuit trial mechanism for environment and resources cases, and the ecological restorative justice, which have been selected as part of the "List of Reform Initiatives and Experiences and Practices for Dissemination in National Ecological Civilization Pilot Zones" for duplication and dissemination nationwide. Fujian also actively promoted the cooperative judicial innovation program "Ecological Justice+", including 6 projects such as the "Ecological Justice + Audit" by Putian Intermediate Court, the "Ecological Justice + Technical Investigation Officer" by Zhangzhou Intermediate Court, the "Ecological Justice + Finance" by Sanming Intermediate Court, the "Ecological Justice + Education and Communications" by Nanping Intermediate Court, the "Ecological Justice + Ecological Bank" by Shunchang Court, the " Ecological Justice + Restoration" by Yongtai Court. Sichuan Aba state created a "four circles and for syncs" mechanism for environmental and resource adjudication, i.e., building a circle of consensus among all relevant parties for environmental adjudication, a circle

that aims to resolve disputes within half an hour, a circle for providing safeguards to fair adjudication, and a circle for synergy in building effective mechanisms for environmental adjudication; by "four syncs" it means to provide environmental rule of law at the same time, in the same place, with the same standard, and covers the same content.

### **3. Expanding Public Access to Justice**

**Improving access to litigation.** The Supreme People's Court promoted the construction of two one-stop platforms, namely the "one-stop alternative dispute resolution mechanism" and the "one-stop litigation service center", and actively explored the online litigation model; we also advanced the construction of smart courts, making the courts more accessible and beneficial to the public, continuously providing high-quality environmental judicial services. We developed online case-filing and hearing - the Supreme People's Court, during covid, opened online case filing system and hearing to enable litigation; Guannan Court and Binhai Court in Jiangsu signed an agreement specifically to collaborate in cross-region case filing and circuit trial. **Conducting circuit trials.** In order to strengthen public participation and facilitate the participation of parties in litigation, courts across the country adopted the circuit trial approach whenever possible for environmental and resource cases, holding court hearings at the location of the parties. In Jiangsu, when facing the situation where the defendant was in criminal custody, the jurisdiction court of the environmental case visited the court where the accused defendant was held to hear the case. For civil and administrative cases, courts in Jingsu tried as many cases as possible in circuit courts or local courts. For civil and administrative cases with major social impacts and the involvement of a large number of people, the court took active steps to hear the case where the pollution and damage occurred, and where the defendant was located. Zhejiang Longquan court set up a focal point for circuit trial at the city river chief office, developed a system of river judges, and invited staff members of the river chief office and the local water management office to join the collegial panel with environmental judges to hear water cases, enhancing the expertise of adjudication of water management related cases. Shandong Jinan Yellow River Circuit Court heard the case of damage to the Yellow River hydrological facilities by Cui \*. The court ruled that Cui \*and others should bear the loss caused by the damage to the Yellow River flood control facilities of over 500,000 yuan. The case triggered a strong social reaction, and the news received 76 million reads on the internet. **Carrying out judicial assistance.** Courts at all levels followed the requirements of the Guiding Opinions of the Supreme People's Court for Several Issues on Proper Handling of Covid-related Civil Cases, to respond in a timely manner to applications for exemption, reduction or deferment of litigation payment from parties economically affected by Covid and hence in genuine need of judicial assistance. If the party applied for judicial assistance is determined in genuine needs for economic support, timely assistance should be provided in accordance with the applications. According to the Rules for Providing Judicial Assistance to Economically-challenged

Practices issued by the Supreme People's Court, social organizations may apply for a deferment of payment of the case acceptance fee if they file a civil environmental public interest lawsuit, or a reduction of the fee if the social organization loses the lawsuit. Other necessary expenses for investigation and evidence collection, expert consultation, testing and environmental damage assessment can be paid from the compensation for environmental and ecological function loss afforded by the defendant from other public interest lawsuits, as appropriate. In criminal environmental and resource cases, where the conditions for the appointment of a lawyer for the defendant are met, a lawyer as such should be appointed in a timely manner.

#### **4. Increasing Public Participation**

**Subjecting to public scrutiny.** For example, we invited NPC deputies and CPPCC members to participate in the release event of the "Opinions on Providing Judicial Services and Protection for the Ecological Protection and High-Quality Development of the Yellow River Basin" and the "State of the Play of Judicial Protection of the Ecological Environment in the Yangtze River Basin", as well as the Yellow River Basin Environmental Adjudication Work Conference in Dongying, Shandong Province, a move to deepen the public understanding of China's progress in environmental justice; we held publicity and research campaign entitled "Judicial Protection of the Beautiful Yangtze River " and invited NPC deputies and CPPCC members to courts in Chongqing, Hubei, Jiangxi and Jiangsu provinces to observe trials, visit restoration bases, and attend seminars. All these moves were to showcase the efficacy of judicial protection of the environment of the Yangtze River Economic Belt. **Promoting judicial information disclosure to the public.** The people's courts at all levels ensured that trials are generally accessible to the public by live-streaming on multiple platforms including [tingshen.court.gov.cn](http://tingshen.court.gov.cn), WeChat accounts, and Weibo.com and so on. NPC deputies, CPPCC members, and representatives from the business community and the public, students and so on were to invited attend the trials to enhance the openness, transparency and specialty of the trials. In 2020, the Environment and Resources Division of the Supreme People's Court held four press conferences and released the White Paper on China's Environmental and Resources Adjudication (2019) and a total of 70 example cases of the year. We released a variety of articles and information on the WeChat public account, "China Environment and Resources Adjudication". People's courts at all levels were instructed to hold press conferences to release annual reports, example cases, public trials and other forms of publicity activities on the June 5th Environment Day and other important occasions to expand the reach of environmental justice. Jiangsu Xuzhou Railway Transport Court online trial of Shi \* illegal hunting of wild turtledoves, Shi \* illegally poisoned and killed 63 terrestrial wildlife turtledoves during the hunting ban period, the court found that Shi \* constituted the crime of illegal hunting. The case had more than 40 media platforms participating in the live broadcast, including primary and secondary schools, universities, agricultural and aquatic products market



owners, public security police, NPC deputies, CPPCC members, including 15 million people watched online, realizing the deep integration of judicial trials and ecological science, rule of law education. **Consolidating procedural safeguards.** We brought in public participation in specialized adjudication. Under the People's Jurors Law, for environmental public interest litigation, ecological and environmental damage compensation litigation and other cases with significant social significance, experts and the public shall be invited to the trial, forming a seven-person collegial bench; for environmental civil public interest litigation brought by NGOs, independent civil public interest litigation or civil public interest proceedings attached to criminal cases brought by procurators, announcement shall be made to inform the public; for environmental civil public interest litigation and ecological and environmental damage compensation litigation wherein parties have reached agreement in mediation, settlement, consultation and restoration, the agreements aforementioned shall be announced and the implementation of the agreements shall be supervised by the public to guarantee the public's right to knowledge, participation and supervision to the maximum extent. **Engaging wider public participation.** The court in Sucheng District, Jiangsu Province, together with 12 government agencies, including the watershed procuratorial authorities and animal regulators, issued the "Measures to Reward Reporting of Animal Criminal Cases in the Lake Loma Basin", announcing the reporting channels to receive reports from all walks of life. The court in Longlin, Guangxi, launched the "Environmental Protection Legal System on Campus" campaign to raise awareness of ecological protection among elementary school students and to instill the concept of "green is gold" in young minds. Tongling Intermediate Court in Anhui Province carried out "environmental law enforcement in the countryside" activities to provide legal advice and law enforcement lectures and took questions from villagers about forest protection and fire prevention, wild boars endangering farmland and other issues. All proved effective in resolving or preventing disputes from arising at source.

## **5. Building up Stronger International Cooperation**

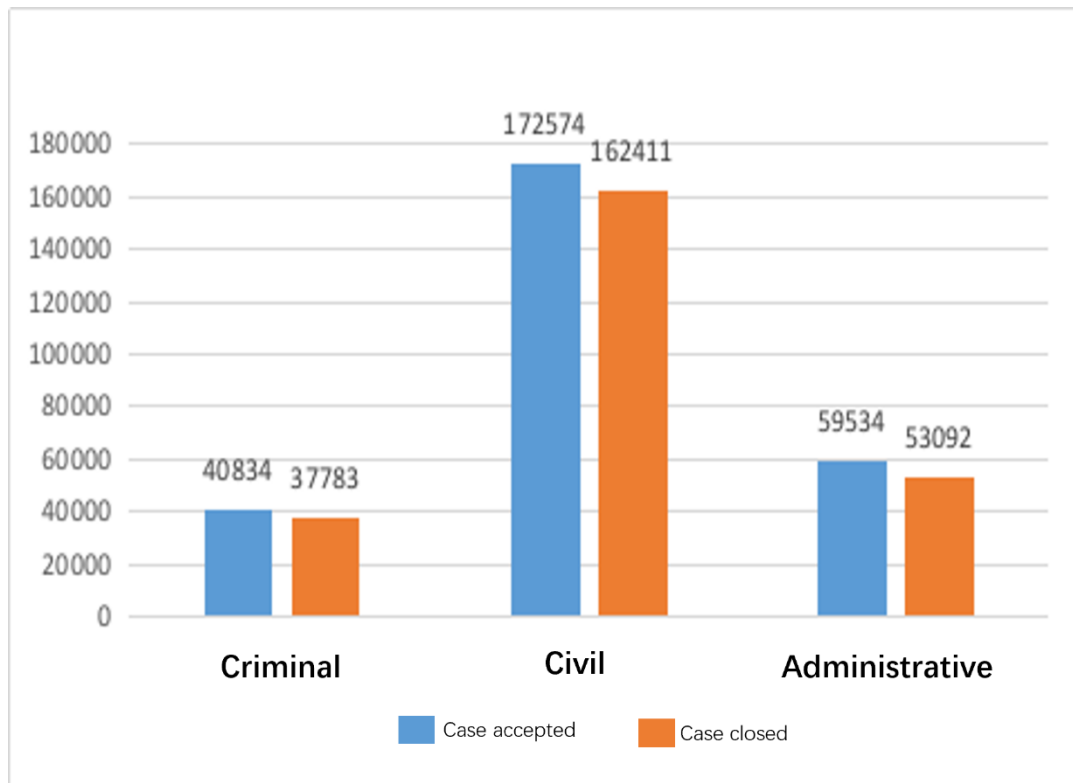
We sent our staff to participate in the "Asia-Pacific Judicial Conference on Climate Change: Justice in Covid Times" co-organized by the United Nations Environment Program and the Asian Development Bank, and the EU-China Seminar on Climate Legislation, to enhance international exchange and discussion on environmental law. We invited environmental law experts from the U.S., the U.K., Australia, Singapore and other countries, as well as senior judges from Brazil and East Africa, to give video lectures on topics such as soil pollution, climate change response and biodiversity protection at the national training on environment and resources adjudication. We worked with ClientEarth to publish the "10 Most Influential Environmental Cases in China" in English and Chinese, sharing the principles applied in China's environmental justice and the rules of adjudication. We prepared for the World Conference on Environmental Justice to be held with the United Nations Environment Programme in 2021, dedicated to environmental governance

across the world. In the case of the smuggling of precious animal products by Li \*\* and Huang \*\* heard in the Hainan court, Li \*\* was entrusted by someone in Hong Kong to smuggle two green woven bags of items from Hong Kong to Haikou of Hainan province to deliver them to Huang \*\* on or about June 20, 2018, using the convenience of his job on the vessel "Huilong 729. Later on, the goods got sized by anti-smuggling police at the Guanyinshan Road Section in Zhangmutou Town in Dongguan during transportation. Two pieces of ivory were packaged in the green woven bag and were seized at the scene. Upon appraisal, the two pieces of ivory caught were original ivory from living elephants, with a total value of 500,000 yuan. The court heard the case and found that the defendant Li \*\* and Huang \*\* smuggled precious animal products prohibited by the state for import and export, amounting to 500,000 yuan, constituting the crime of smuggling precious animal products. China is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, hereinafter referred to as "the Convention"). The Convention aims to protect endangered wildlife from over-exploitation due to international trade, i.e., the object of its protection is the endangered wildlife and plants that exist in the natural environment. In this case, the perpetrator smuggled the original ivory tusks of living elephants of the order Proboscidea, a protected species of the Convention. The adjudication of the case demonstrated the China's judicial practice of fulfilling the obligations of the Convention in accordance with domestic laws.

Through thick and thin, we remained true to our original aspiration. 2020 was a tough year with daunting challenges to fight against the pandemic, however, through joint efforts of the people's courts at all levels, we made significant progress in all aspects of environment and resources adjudication. There are still many problems and challenges, such as incompatible rules of adjudication for environmental cases in different regions, and the needs for further improvement of the courts' overall capacity in environmental and resource adjudication. Moving forward, the people's courts at all levels will continue to take Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era as a guide, study and understand Xi Jinping Thought on Ecological Civilization and Xi Jinping Thought on the Rule of Law, thoroughly implement the spirit of the 19th CPC National Congress and the 2nd, 3rd, 4th and 5th Plenary Sessions of the 19th CPC Central Committee, not forgetting the original intention, bearing in mind the mission, accelerate the modernization of the environment and resource adjudication system and enhance our capacity, so as to effectively perform the tasks of safeguarding ecological civilization, support high-quality development and build a beautiful China, contributing wisdom and strength to provide strong judicial services for the "14th Five-Year Plan" and the outline of the 2035 visionary goals, and make new and greater contributions to the realization of the great rejuvenation of the Chinese nation!.

## Annex I Number of Environment and Resource Cases Accepted and Heard by the People's Courts of All Levels in 2020

Unit: cases



## Annex II Development of Specialized Institutions of Environmental and Resource Adjudication in China (2020)

**Table 1: Summary of Specialized Institutions of Environmental and Resource  
Adjudication Across Provinces (total: 1993)**

| Province/Region               | Tribunal   | Collegial Panel<br>(specialized team) | People's Court<br>(Circuit Court) |
|-------------------------------|------------|---------------------------------------|-----------------------------------|
| Beijing                       | 2          | 20                                    | 0                                 |
| Tianjin                       | 1          | 6                                     | 0                                 |
| Hebei                         | 12         | 75                                    | 3                                 |
| Shanxi                        | 12         | 34                                    | 11                                |
| Inner Mongolia                | 10         | 50                                    | 3                                 |
| Liaoning                      | 23         | 1                                     | 0                                 |
| Jilin                         | 8          | 77                                    | 1                                 |
| Heilongjiang                  | 1          | 28                                    | 2                                 |
| Shanghai                      | 6          | 13                                    | 0                                 |
| Jiangsu                       | 19         | 24                                    | 1                                 |
| Zhejiang                      | 6          | 70                                    | 1                                 |
| Anhui                         | 74         | 53                                    | 6                                 |
| Fujian                        | 77         | 0                                     | 0                                 |
| Jiangxi                       | 92         | 26                                    | 8                                 |
| Shandong                      | 4          | 134                                   | 97                                |
| Henan                         | 13         | 167                                   | 7                                 |
| Hubei                         | 6          | 110                                   | 0                                 |
| Hunan                         | 21         | 80                                    | 6                                 |
| Guangdong                     | 9          | 0                                     | 0                                 |
| Guangxi                       | 8          | 68                                    | 8                                 |
| Hainan                        | 7          | 0                                     | 7                                 |
| Chongqing                     | 11         | 0                                     | 0                                 |
| Sichuan                       | 118        | 23                                    | 41                                |
| Guizhou                       | 43         | 0                                     | 0                                 |
| Yunnan                        | 11         | 0                                     | 0                                 |
| Tibet                         | 1          | 0                                     | 0                                 |
| Shaanxi                       | 7          | 20                                    | 4                                 |
| Gansu                         | 2          | 19                                    | 1                                 |
| Qinghai                       | 4          | 1                                     | 1                                 |
| Ningxia                       | 5          | 5                                     | 0                                 |
| Xinjiang                      | 2          | 63                                    | 1                                 |
| Construction Corps            | 1          | 0                                     | 0                                 |
| Military Court                | 0          | 0                                     | 0                                 |
| The Supreme People's<br>Court | 1          | 0                                     | 0                                 |
| <b>Total</b>                  | <b>617</b> | <b>1167</b>                           | <b>209</b>                        |

**Table 2: Numbers of Environment and Resources Tribunals at Local People's Courts of All Levels**

| <b>Province/Region</b> | <b>Basic level</b> | <b>Intermediate People's Court</b> | <b>High People's Court</b> | <b>Total</b> |
|------------------------|--------------------|------------------------------------|----------------------------|--------------|
| Beijing                | 1                  | 0                                  | 1                          | 2            |
| Tianjin                | 1                  | 0                                  | 0                          | 1            |
| Hebei                  | 3                  | 8                                  | 1                          | 12           |
| Shanxi                 | 0                  | 11                                 | 1                          | 12           |
| Inner Mongolia         | 3                  | 6                                  | 1                          | 10           |
| Liaoning               | 16                 | 6                                  | 1                          | 23           |
| Jilin                  | 5                  | 2                                  | 1                          | 8            |
| Heilongjiang           | 0                  | 1                                  | 0                          | 1            |
| Shanghai               | 4                  | 1                                  | 1                          | 6            |
| Jiangsu                | 9                  | 9                                  | 1                          | 19           |
| Zhejiang               | 1                  | 4                                  | 1                          | 6            |
| Anhui                  | 72                 | 2                                  | 0                          | 74           |
| Fujian                 | 66                 | 10                                 | 1                          | 77           |
| Jiangxi                | 87                 | 4                                  | 1                          | 92           |
| Shandong               | 0                  | 3                                  | 1                          | 4            |
| Henan                  | 0                  | 12                                 | 1                          | 13           |
| Hubei                  | 0                  | 5                                  | 1                          | 6            |
| Hunan                  | 14                 | 6                                  | 1                          | 21           |
| Guangdong              | 3                  | 5                                  | 1                          | 9            |
| Guangxi                | 6                  | 1                                  | 1                          | 8            |
| Hainan                 | 2                  | 4                                  | 1                          | 7            |
| Chongqing              | 5                  | 5                                  | 1                          | 11           |
| Sichuan                | 96                 | 21                                 | 1                          | 118          |
| Guizhou                | 33                 | 9                                  | 1                          | 43           |
| Yunnan                 | 4                  | 6                                  | 1                          | 11           |
| Tibet                  | 0                  | 1                                  | 0                          | 1            |
| Shaanxi                | 4                  | 2                                  | 1                          | 7            |
| Gansu                  | 0                  | 1                                  | 1                          | 2            |
| Qinghai                | 2                  | 1                                  | 1                          | 4            |
| Ningxia                | 3                  | 1                                  | 1                          | 5            |
| Xinjiang               | 0                  | 1                                  | 1                          | 2            |
| Construction Corps     | 0                  | 0                                  | 1                          | 1            |
| <b>Total</b>           | <b>440</b>         | <b>148</b>                         | <b>28</b>                  | <b>616</b>   |

**Table 3: Setting up of Specialized Institutions of Environmental and Resource Adjudication within High People’s Courts**

| <b>No.</b> | <b>Court</b>              | <b>Institution</b>                    | <b>Types of Cases Heard</b>  |
|------------|---------------------------|---------------------------------------|--|
| 1          | Beijing High Court        | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 2          | Hebei High Court          | Environmental Protection Tribunal     | Criminal, Civil, Administrative  |
| 3          | Shanxi High Court         | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 4          | Inner Mongolia High Court | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 5          | Liaoning High Court       | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 6          | Jilin High Court          | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 7          | Shanghai High Court       | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 8          | Jiangsu High Court        | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 9          | Zhejiang High Court       | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 10         | Fujian High Court         | Ecological and Environmental Tribunal | Criminal, Civil, Administrative  |
| 11         | Jiangxi High Court        | Environment and Resources Tribunal    | Criminal, Civil, Administrative, sentence enforcement (civil environmental public interest litigation) |
| 12         | Shandong High Court       | Environment and Resources Tribunal    | Civil  |
| 13         | Henan High Court          | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 14         | Hubei High Court          | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |
| 15         | Hunan High Court          | Environment and Resources Tribunal    | Civil  |
| 16         | Guangdong High Court      | Environment and Resources Tribunal    | Civil  |
| 17         | Guangxi High Court        | Environment and Resources Tribunal    | Civil, Administrative  |
| 18         | Hainan High Court         | Environment and Resources Tribunal    | Criminal, Civil, Administrative  |

|    |                           |  |  |
|----|---------------------------|--|--|
| 19 | Chongqing High Court      | Environment and Resources Tribunal             | Criminal, Civil, Administrative  |
| 20 | Sichuan High Court        | Environment and Resources Tribunal             | Criminal, Civil, Administrative  |
| 21 | Guizhou High Court        | Environment and Resources Tribunal             | Criminal, Civil, Administrative  |
| 22 | Yunnan High Court         | Environment and Resources Tribunal             | Criminal, Civil, Administrative, sentence enforcement (civil environmental public interest litigation) |
| 23 | Shaanxi High Court        | Environment and Resources Tribunal             | Criminal, Civil, Administrative  |
| 24 | Gansu High Court          | Environmental and Resource Protection Tribunal | Criminal, Civil, Administrative  |
| 25 | Qinghai High Court        | Environment and Resources Tribunal             | Civil, Administrative  |
| 26 | Ningxia High Court        | Environment and Resources Tribunal             | Criminal, Civil, Administrative  |
| 27 | Xinjiang High Court       | Environment and Resources Tribunal             | Criminal, Civil, Administrative  |
| 28 | Construction Corps Branch | Environment and Resources Tribunal             | Criminal, Civil, Administrative  |

### **Annex III Normative Documents related to Environment and Resources Adjudication (2020)**

|                     | <b>Name of the Document</b>   | <b>Document No.</b> | <b>Time of Release</b> | <b>Effective since</b> |
|---------------------|---|---------------------|------------------------|------------------------|
| Normative Documents | Opinions of the Supreme People's Court on Providing Judicial Services and Protection for Ecological Protection and High-Quality Development in the Yellow River Basin | Fafa (2020) No.19   | June 1 2020            | June 1 2020            |

## **Annex IV Catalogue of Environmental and Resources Model**

### **Cases Issued by the Supreme People's Court (2020)**

#### **1. Ten Model Cases regarding Judicial Protection of Ecological Environment in the Yangtze River Economic Zone Published by the Supreme People's Court (January 7, 2020)**

- (1) Case regarding environmental pollution by Anhui Aland New Energy Materials company, Lv Shouguo, and six other defendants
- (2) Case regarding environmental pollution by Yao Duoyou and thirteen other defendants
- (3) Case regarding environmental pollution by Wang Weifan and three other defendants
- (4) Case regarding environmental pollution by defendants Wang Chao and Wang Yiping and civil public interest litigation case regarding water pollution (People's Procuratorate of Jinyun County, Zhejiang Province v. Jinyun Nanhe Electroplating Factory, Wang Chao, and three other defendants)
- (5) Case regarding environmental pollution by Hubei Ruisi Technology company, Wang Xianwen, and three other defendants
- (6) Case regarding environmental pollution by Chengdu Yizheng Environmental Sanitation Engineering company, Chengdu Chenguang Acrylic Plastic company, Lv Shunti, and fifteen other defendants
- (7) Case regarding environmental pollution by Liao Ruoyun and two other defendants
- (8) Case regarding an administrative penalty for environmental protection (Zizhong Yinshan Hongzhan Industry company v. former Environmental Protection Bureau of Neijiang City)
- (9) Administrative public interest litigation case regarding negligence in the performance of statutory duties (People's Procuratorate of Yanhe Tujia Autonomous County v. Environmental Protection Bureau of Yanhe Tujia Autonomous County)
- (10) Case regarding liability of compensation for ecological and environmental damages (People's Government of Jiujiang City v. Jiangxi Zhengpeng Environmental Protection Technology company, Hangzhou Lianxin Construction Materials company, Li De, and six other persons)

#### **2. Model Environmental Resources Criminal Cases Tried by the People's Courts in 2019 Published by the Supreme People's Court**

##### **Criminal**

- (1) Case of environmental pollution by defendant entity a Zhejiang chemical company and defendant Wu \*fu, and other seven people
- (2) Case of environmental pollution by defendants Tian \*fang, Ruan \*hua and Wu \*shun
- (3) Case of waste smuggling by defendants Tian \*rong and Luo \*
- (4) Case of smuggling of endangered animal products by defendants Zhao \*rui and Tan \*hong
- (5) Case of illegal purchase, transport and sale of endangered wildlife by defendant Quan \*lan and other five people



- (6) Case of illegal fishing of aquatic products by defendants Luo \*gui, Qiu \*mei and Zhou \*jun
- (7) Case of illegal harvesting of protected-plants by defendant Zhang \*chang
- (8) Case of illegal and wanton felling of forest trees, intentional destruction of property, blocking testimony, and forced trade by defendant Wu \*hua and other 14 people
- (9) Case of illegal mining by defendants Peng \*jianqiang, Peng \*jianping, Wu \*guang
- (10) Case of illegal occupation of agricultural land by defendant entity a Fuzhou rock supplier and defendant Huang \*you

### **Civil**

- (11) Case of Meng \* and Li \*fu v. a real estate developer in Yunnan for dispute over lighting and sunshine of neighboring buildings
- (12) Case of Meng \*yu v. a construction and investment company in Tianjin for dispute over noise pollution liability
- (13) Case of a copper company in Lanping v.a mining company in Lanping for dispute over property damage compensation
- (14) Case of a villagers' group in Lianzhou City v. Municipal Administration of Liannan Yao Autonomous County for dispute over environmental pollution liability
- (15) Case of a company in Zhongshan v. Su \*xin and three other persons and an agricultural investment company in Zhongshan for dispute over soil pollution liability
- (16) Case of a investment group in Shanghai v. a company in Provence Shipowner, a French shipping company and a company in Rockwell for dispute over ship pollution damage liability
- (17) Case of a villagers' committee in Heilongjiang Province v. Su \*xiang for dispute over a rural land contract
- (18) Case of Qinghai Branch of a Jiangxi-based company and a Jiangxi-based company v. a Qinghai-based coal development company for dispute over a contract
- (19) Case of a technology investment company v. a Sichuan-based coking group, a Sichuan-based construction company and Luo \*ming for dispute over a service contract
- (20) Case of Department of Ecological Environment of Shandong Province v. a Shandong-based new energy technology company for dispute over a contract

### **Administrative**

- (21) Case of Ni \*chun v. Tianjin Ecology and Environment Bureau for failure to perform the environmental protection supervision and administration duties
- (22) Case of Zhu \*chen v. Environmental Protection Bureau of Anyang County for performance of statutory duties of environmental protection and information disclosure
- (23) Case of an industry company v. former Environmental Protection Bureau of Neijiang City for an administrative penalty for environmental protection
- (24) Case of a health Care Center under the General Administration of Customs (Beijing) International Travel v. Ecology and Environment Bureau of Haidian District, Beijing Municipality for an administrative penalty and administrative reconsideration
- (25) Case of a Beihai-based marine technology company v. Ocean and Fisheries Bureau of Beihai City for a marine administrative penalty
- (26) Case of application of the Fisheries Administration Detachment of Sansha City for executing the administrative penalty given to a Hainan-based shipping company

- (27) Case of Lin \* and 50 other persons v. Ecology and Environment Bureau of Xinluo District, Longyan City for environmental administrative licensing
- (28) Case of Forestry Bureau of Hunchun City, Jilin Province v. Animal Husbandry Administration of Hunchun City for grassland administrative registration
- (29) Case of a Yanjin-based aquaculture cooperative v. People's Government of Yanjin County, Yunnan Province for dispute over an administrative agreement
- (30) Case of a Yunnan-based mining company v. People's Government of Zhenkang County, Yunnan Province for administrative compensation for geological mineral resources

### **Public Interest Litigation and Compensation for Environmental Damage**

- (31) Case of China Biodiversity Conservation and Green Development Foundation v. a Shenzhen-based environmental protection company and a Zhejiang-based company for dispute over air pollution liability
- (32) Case of China Biodiversity Conservation and Green Development Foundation v. a Guizhou-based real estate developer for dispute over right to pass adjacent land
- (33) Case of Friends of Nature Environmental Research Institute in Chaoyang District, Beijing Municipality v. an investment company for dispute over air pollution liability
- (34) Case of civil public interest Litigation of People's Procuratorate of Taizhou City, Jiangsu Province v. Wang \*peng and 58 other persons for ecological damage
- (35) Case of incidental civil public interest litigation of People's Procuratorate of Gulou District, Nanjing City, Jiangsu Province v. a Nanjing-based water company, Zheng \*geng, and 11 other persons for environmental pollution
- (36) Case of incidental civil public interest litigation of People's Procuratorate of Dongtai City, Jiangsu Province v. Shi \*hua for illegal hunting
- (37) Case of public interest litigation of People's Procuratorate of Rongjiang County, Guizhou Province v. People's Government of Zaima Township, Rongjiang County for environmental protection administration
- (38) Case of People's Procuratorate of Anyi County, Jiangxi Province v. Land and Resources Bureau of Anyi County for failure to perform duties of geological environmental protection in the mining area
- (39) Case of People's Procuratorate of Wenchang City, Hainan Province v. Agriculture and Rural Affairs Bureau of Wenchang City for marine administrative public interest litigation
- (40) Case of People's Government of Jiujiang City v. a Jiangxi-based environmental technology company, a Hangzhou-based construction materials company, Li \*, and six other persons for compensation for damage to the ecological environment

### **3. Model Cases of Judicial Protection of the Ecological Environment in the Yellow River Basin Published by the Supreme People's Court (June 5, 2020)**

- (1) Case of civil public interest litigation incidental to criminal proceedings of illegally felling trees by defendant Jia \*zhou
- (2) Case of excavating and robbing ancient cultural sites and ancient tombs by Hu \*jun, Li \*qiang, and other four defendants
- (3) Case of civil public interest litigation incidental to criminal proceedings of illegally hunting and killing rare and endangered wild animals by defendant Gong \*\* and two other persons

- (4) A Yima-based Farming Plant v. a Henan-based chemical company (case of dispute over water pollution liability)
- (5) A Gansu-based hydroelectric development company v. People's Government of Xiahe County, Gansu Province (case of unilateral rescission of an administrative agreement)
- (6) Henan Environment Federation v. a Liaocheng-based chemical company (case of public interest litigation of dispute over environmental pollution)
- (7) People's Procuratorate of Dongying District, Dongying City, Shandong Province v. Water Affairs Bureau of Dongying City (case of administrative public interest litigation of failure to fully perform the
- (8) People's Procuratorate of Sanyuan County, Shaanxi Province and People's Government of Dacheng Township, Sanyuan County, Shaanxi Province (case of administrative public interest litigation of failure to perform the statutory duties of riverway regulation)
- (9) Shanxi Lan County People's Procuratorate v. Lan County Water Conservancy Bureau (case of administrative public interest litigation of failure to perform the statutory duties of environmental protection and pollution prevention)
- (10) Zhengzhou Ecological and Environment Bureau v. a Henan-based construction company (case of judicial confirmation of environmental damages agreement )

#### **4. Model Cases Involving Judicial Protection of Water Ecology in the Yangtze River Basin Published by the Supreme People's Court (September 25, 2020)**

- (1) Case Involving Illegal Hunting of Rare Wild Animals by Xiong \*hui and Two Other Persons
- (2) Case Involving Illegal Fishing of Aquatic Products by Mao \*cai and Twelve Other Persons
- (3) Case of Civil Public Interest Litigation Incidental to Criminal Proceedings Involving Illegal Fishing of Aquatic Products (People's Procuratorate of Panlong District, Kunming City, Yunnan Province v. Min \* and Qian \*li
- (4) Case of Civil Public Interest Litigation Incidental to Criminal Proceedings Involving Illegal Fishing of Aquatic Products (People's Procuratorate of Qixingguan District, Bijie City, Guizhou Province v. Zeng \*fei and Two Other Persons)
- (5) Case of Public Interest Litigation Incidental to Criminal Proceedings Involving Illegal Fishing of Aquatic Products (People's Procuratorate of Chongzhou City, Sichuan Province v. Zhang \*and Wang \*lin
- (6) Case of Civil Public Interest Litigation Incidental to Criminal Proceedings Involving Illegal Fishing of Aquatic Products (People's Procuratorate of Junshan District, Yueyang City, Hunan Province v. He \*Huan (Part of Name Withheld) and Sun \*qiu
- (7) Case of Civil Public Interest Litigation Incidental to Criminal Proceedings Involving Illegal Fishing of Aquatic Products (People's Procuratorate of Wujiagang District, Yichang City, Hubei Province v. Li \* Jiu and Seven Other Persons)
- (8) Case of Civil Public Interest Litigation Incidental to Criminal Proceedings Involving Illegal Hunting and Killing of Endangered Wildlife (Shanghai Railway Transportation Procuratorate v. Xing \*cheng )
- (9) Case of Environmental Civil Public Interest Litigation (Yangzhou City, Jiangsu Province People's Procuratorate v. Gao \*long and other 9 people)
- (10) Case of Judicial Confirmation of Environmental Damages Agreement Involving "Wangjiaba River"