

Environment and Resources Adjudication in China (2021)

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

June 2022

Table of Contents

Foreword.....	4
I. Leveraging Judicial Functions to Guarantee the Overarching Cause of Building a Beautiful China in the New Era	8
(1) Assisting in the Further Promotion of the Nationwide Battle to Prevent and Control Pollution, and the Trial of Cases on Environmental Pollution Prevention and Control in Accordance with the Law	8
(2) Implementing the National Biodiversity Conservation Strategy and Trying Ecological Protection Cases in Accordance with the Law.....	9
(3) Promoting the Efficient, Economic, and Rational Use of Resources and Trying Cases of Resource Exploitation and Use in Accordance with the Law	11
(4) Serving Green, Low-Emissions Circular Development and Trying Cases of Climate Change Response in Accordance with the Law	12
(5) Assisting in Optimizing and Upgrading Industrial Structure and Trying Cases of Ecological Governance and Service in Accordance with the Law	13
(6) Serving Coordinated Regional Development and Promoting the Systematic Governance of Key River Basins.....	15
II. Adhering to Sound Law and Good Governance, Constantly Improving the System of Rules for Environmental Resources Trials	16
(1) Further Promoting the Top-Level Design of Judicial Policy	16
(2) Improving the Rules for the Application of Laws.....	17
(3) Giving Full Play to the Exemplary Effect and Supplementary Authority of Cases	18
(4) Innovating the Way of Conducting Trials and Expanding Adjudicatory Functions	19
III. Continually Guiding Innovation and Striving to Build an Environmental Resources Trial System with Chinese Characteristics	20
(1) The basic formation of a system of environmental resources trials	20

(2) Widespread implementation of a system of centralized trial and jurisdiction	21
(3) Maturity of judicial cooperation mechanism construction.....	22
(4) Constant expansion in the inter-agency joint action mechanism building.....	23
(5) Effectiveness of alternative dispute resolution mechanism building	24
IV. Strengthening team building and improving environmental justice.....	24
(1) Deepening theoretical studies and improving professional expertise	24
(2) Sweeping away obstacles to litigation and further improving judicial measures to provide the public with greater convenience	25
(3) Promoting judicial openness and reinforcing public participation.....	26
V. Deepening international exchanges and sharing the experience and best practices in China’s environmental justice.....	27
(1) The World Judicial Conference on Environment.....	27
(2) Providing judicial solutions for global environmental governance	28
(3) Strengthening resource sharing in the adjudication of environmental cases ..	29
(4) Participating in international seminars to exchange judicial experience	30
Looking into the Future	30
Annex.....	32

Foreword

The year 2021 represented a milestone in the history of environmental resources trials for the people's courts. On May 26th, President Xi Jinping noted in his congratulatory letter to the World Judicial Conference on Environment that “The Earth is our shared home. Countries must take concerted and swift actions to turn our planet into a beautiful home where man lives in harmony with nature. Guided by a new development philosophy emphasizing innovative, coordinated, green, and open development for all, China has stepped up ecological and environmental protection in all respects and taken an active part in international cooperation for ecological conservation. China has kept deepening the reform and innovation of environment-related judicial practices and has gained useful experience in protecting the ecology and environment by judicial means. China stands ready to work with other countries and international organizations to enhance global governance on environment.” President Xi Jinping’s congratulatory letter fully affirmed China’s beneficial experience in environmental judicial reform and innovation, pointing out the direction of development and providing the people’s courts with fundamental guidance in conducting environmental resources trials. On December 10th, the Supreme People’s Court held the Third National Conference on Environmental Resources Trials. The conference systematically summarized the past three years’ work and analyzed the situation facing environmental resources trials. Besides, the conference issued specific work instructions in such areas as serving and achieving the overarching cause of building a beautiful China, striving to build a system of environmental resources trials with Chinese characteristics, actively promoting the systematization of rules for applying ecological and environmental laws, and striving to build high quality and professional judicial capability for environmental resources trials. The conference also clarified the overall thinking and future direction of judicial work, embarking on a new journey in environmental resources trials.

In 2021, courts across China adhered to the guidance of the *Xi Jinping Thought on*

Socialism with Chinese Characteristics for a New Era, thoroughly implemented the *Xi Jinping Thought on Ecological Civilization* and the *Xi Jinping Thought on the Rule of Law*, as well as earnestly putting into practice the key instructions of President Xi Jinping's congratulatory letter to the World Judicial Conference on Environment. They focused on comprehensively and organically advancing the "Five-Sphere Integrated Plan" and promoting the "Four-pronged Comprehensive Strategy" in a coordinated manner, firmly followed the philosophy of people-centered development, focused on the new stage of development, built a new pattern of development and promoted high-quality development. Furthermore, courts adhered to the construction of an environmental resources trial system with Chinese characteristics as their primary task, which involved promoting the professionalization of trials as the breakthrough point, deepening reform and innovation as the driving, improving the level of 'smart' justice as the support, expanding international cooperation and exchanges as the platform, so as to give full play to the functions of environmental resources trials, resulting in all work being taken to a new level.

All kinds of cases were given fair hearings in accordance with the law. In 2021, courts across China accepted 297,492 cases filed at the first instance concerning environmental resources and concluded 265,341 cases, with a year-on-year increase of 8.99% and 4.76% respectively. Courts have also intensified the punishment of crimes of environmental pollution and ecological destruction, safeguarding the country's ecological environment and natural resources. In doing so, they accepted 39,023 first-instance criminal cases and concluded 35,460 cases. Actors causing environmental pollution and ecological damage were investigated for civil liability in accordance with the law, and 185,468 first-instance civil cases concerning environmental resources have been accepted with 167,055 cases concluded. Full play has been given to the preventive and supervisory functions of administrative trials. Administrative agencies have been supported and supervised in the timely discharging of their supervisory duties in accordance with the law. In this way, 73,001 first-instance cases concerning environmental and resources administration have been accepted and 62,826 cases were

concluded. The trial of environmental public interest litigation and damages litigation for ecological harms has been strengthened, effectively safeguarding the interests of the country, social public interest, and the people's environmental rights and interests. In doing so, 5,917 cases of environmental public interest litigation have been accepted with 4,943 cases concluded;¹ 169 cases of compensation for ecological damage have been accepted with 137 cases concluded.²

The courts also aim to: serve and guarantee the grand mission of building a beautiful China in the new era, assist the further promotion of the nationwide battle to prevent and control pollution, implement the national strategy of biodiversity conservation, promote the efficient, economic and rational use of resources, serve low-carbon green circular development, assist in optimizing and upgrading industrial structure, serve the national strategy for regional development, and promote systematic governance in key river basins; adhere to sound law and good governance, introduce guidelines on strengthening and innovating environmental resources trials in the new era, formulate judicial interpretations and minutes of meetings such as those regarding the application of injunctions and punitive damages, publish guiding cases and typical cases, pioneer new ways of trials and enforcement, expand the adjudicatory function, and constantly improve the uniform application of judicial rules for ecological trials; continue to promote innovation and guidance, strengthen the development of specialized institutions for environmental resources trials, improve the mechanisms for specialized management, centralized jurisdiction, judicial cooperation, multi-agency and coordination, and alternative dispute resolution, and essentially complete a specialized environmental resources trial system; strengthen the ideological, political and professional construction of the judiciary, deepen jurisprudential research, improve judicial measures for the convenience and benefit of the people, promote judicial

¹ 299 environmental public interest cases brought by non-profit organizations were accepted and heard, with 151 concluded. 5,610 such cases brought by procuratorates were accepted and heard, with 4,785 concluded (of which 847 civil environmental public interest cases brought, with 580 concluded); 4,151 joint civil and criminal environmental public interest cases were brought, with 3,695 concluded; 612 administrative environmental public interest cases were brought, with 510 concluded.

² 83 cases of judicial affirmation of compensation for ecological damage were accepted and heard, with 72 concluded; 86 cases of compensation for ecological damage were accepted and heard, with 65 concluded.

transparency, enhance greater public participation, and constantly improve the level of judicial services for the environmental resources; deepen international exchanges by successfully holding the World Judicial Conference on Environment, drafted and promoted the adoption of the *Kunming Declaration of the World Judicial Conference on Environment*, published typical cases and white papers of China's environmental resources on the UNEP website, and shared China's useful experience in environmental justice.

I. Leveraging Judicial Functions to Guarantee the Overarching Cause of Building a Beautiful China in the New Era

(1) Assisting in the Further Promotion of the Nationwide Battle to Prevent and Control Pollution, and the Trial of Cases on Environmental Pollution Prevention and Control in Accordance with the Law

Courts have implemented the *Opinions of the CPC Central Committee and the State Council on Fighting the Critical Battle against Pollution*, adhered to the philosophy that a sound ecological environment is of universal benefit to the people's livelihood, and made full use of judicial means to effectively safeguard the people's environmental rights and interests. People's courts at all levels have seriously cracked down on prominent illegal acts such as sewage in "secret pipes", cross-border dumping, and illegal disposal of pollutants, tried cases involving air, water, soil, solid waste, and noise pollution, and striven to solve prominent environmental pollution problems encountered by the people. Courts have also heard cases involving heavy urban pollution, remediation of black and odorous water, and disposal of medical waste in accordance with the law, while continuing to improve the urban living environment. In addition, they have heard cases involving agricultural diffuse pollution, soil pollution involving agricultural land, and the classification of household waste in accordance with the law so as to serve the mission of building beautiful rural landscapes.

The Supreme People's Court has published typical cases involving air, water, soil, solid waste and noise pollution for further judicial guidance on pollution prevention and control. Courts have actively participated in amending the *Law on the Prevention and Control of Noise Pollution*, made suggestions on the revision of relevant provisions of legal liability, and provided practical judicial support for revising the *Law on the Prevention and Control of Noise Pollution*. Courts in the Beijing-Tianjin-Hebei region as well as the Yangtze and the Yellow River basins have intensified judicial governance of core environmental problems in their respective jurisdictions, fighting to protect the

blue skies, clear waters, and clean land with ever higher standards. Local courts have strengthened the trial of cases related to medical waste disposal, which made judicial contributions to epidemic prevention and control, and maintained public health security. Shanghai courts have tried a civil public interest litigation case involving “foreign waste”, strengthened the accountability for solid waste pollution, and generally improved the people’s living environment.

In 2021, courts across the country accepted 2,837 criminal cases of environmental pollution with 2,328 concluded; 198 cases of criminal waste-smuggling cases with 167 concluded; 1,817 cases of environmental pollution disputes involving air, water, soil, solid waste and noise pollution with 1,361 concluded; 26 disputes of maritime and sea access-way pollution with 20 concluded; 17 cases of liability for ship pollution with 9 concluded; 3,377 administrative cases of environmental protection with 2,743 concluded.

(2) Implementing the National Biodiversity Conservation Strategy and Trying Ecological Protection Cases in Accordance with the Law

Courts have implemented the *Opinions on Further Strengthening Biodiversity Conservation* issued by the General Offices of the CPC Central Committee and the State Council, systematically protected rare and endangered wild animals and plants and their living environment, and safeguarded biodiversity and biosecurity. People’s courts at all levels have heard genetic diversity, species diversity, and ecosystem diversity protection related cases in accordance with the law, cracked down on all criminal activity of harming wildlife resources, punished the illegal trade in wildlife and wildlife products committed online or in other ways in accordance with the law as well as the illegal introduction, release or discarding of invasive alien species. They have strengthened judicial protection of national parks, nature reserves, and other nature parks, and protected the ecological environment of precious and endangered wildlife habitats, and the safety of migratory birds. They have made overall planning of the

judicial protection of epidemic prevention and control, and biodiversity conservation, so as to continuously improve China's capacity in bio-security governance.

The Supreme People's Court has issued the first batch of seven key guiding cases on biodiversity conservation, including the "green peacock protection" preemptive public interest lawsuit, and clarified rules for deciding the judicial protection of biotic populations and their living environment. Courts in the Yangtze River basin have strictly implemented the *Law of the People's Republic of China on the Protection of the Yangtze River*, promoting the restoration of aquatic biological resources in the Yangtze River by releasing judicial opinions on protection, strengthening regional judicial cooperation, and implementing a holistic crackdown on illegal fishing to promote recovery of the Yangtze River's biological resources and support the ten-year fishing ban. Chongqing courts tried the criminal case of illegally fishing for aquatic products against Li *jian and others. The defendants were punished for their unauthorized release of invasive alien species harmful to the local ecological environment in accordance with the law, with the courts making it clear that any such proliferation and release should be in accord with the characteristics of the ecological environment to maintain local biodiversity and the waterways' ecological security.

In 2021, courts across China heard 155 cases of smuggling precious animals and animal products with 113 concluded; 3,262 cases of harming precious or endangered animals with 2,944 concluded; 177 cases of illegally hunting, purchasing, transporting and selling wild animals with 154 concluded; 3,694 cases of illegal hunting with 3,549 concluded; 5,950 cases of illegally harvesting aquatic products with 5,714 concluded; 875 cases of harming key national protected plants with 839 concluded; 1,481 cases of illegal logging with 1,407 concluded; 5,663 cases of excessive logging with 5,334 concluded; 18 cases of cronyism in the context of animal and plant bio-security with 13 concluded; 4,251 administrative cases concerning the forestry sector with 3,697 concluded; 303 administrative cases concerning the fishing sector with 281 concluded.

(3) Promoting the Efficient, Economic, and Rational Use of Resources and Trying Cases of Resource Exploitation and Use in Accordance with the Law

Courts have put into practice the philosophy that “Lucid waters and lush mountains are invaluable assets”, properly handled the relationship between man and nature as well as the relationship between environmental protection and development, and comprehensively improved the efficient use of resources. People’s courts at all levels have punished criminal activities which disrupt the ecological environment such as illegal mining and sand extraction, illegal occupation of rivers and lakes, excessive deforestation, destruction of trees and grass, and illegal reclamation. Courts have heard cases involving the ownership of such natural resources as land, plains, mineral reserves, forests, and maritime space in accordance with the law, correctly delineated boundaries for exercising ownership and use rights of natural resources, and safeguarded the rights and interests of owners of mass-owned natural resources. They have also improved the link between administrative mediation of disputes related to the ownership of natural resources and adjudication, building a market-oriented and diversified compensation mechanism for ecological protection.

The Supreme People’s Court has drafted opinions about punishing the crime of illegal mining based on the service of socioeconomic development and correctly understanding the relationship between severe punishment of crime, ecological protection, economic development, and guaranteeing the people’s livelihoods. In doing so, it has given full play to the adjudicatory function of environmental resources trials, punished illegal mining according to law, effectively regulated and prevent illegal mining as well as protected the safety of mineral resources and ecological security. The Heilongjiang courts have heard a case against Wang * and others for illegal mining, seriously cracked down on illegal peat mining, and protected black soil, the ‘endangered species of arable land’.

In 2021, courts across China have heard 4,425 cases of illegal mining with 3,549 concluded; 162 cases of purchasing and transporting illegally or wantonly felled logs with 158 concluded; 3,594 cases of illegal occupation of farmland with 3,489 concluded; 5,158 cases of disputes over use rights to construction land with 3,932 concluded; 83 cases of disputes over easements with 75 concluded; 69 cases of disputes over maritime development and exploitation with 55 concluded; 26 cases of disputes over the right to draw water with 25 concluded; 548 cases of disputes over mining rights with 423 concluded; 58,647 cases of disputes over contracts for the supply of power, water, gas and heating with 55,517 concluded; three cases of disputes over contracts for joint Sino-foreign exploitation of natural resources with all concluded; 11,202 cases of disputes over contracts in the farming, forestry, fishing and animal husbandry sectors with 9,874 concluded; 35,988 administrative cases related to land with 31,418 concluded; 700 administrative cases related to mining with 609 concluded; 847 administrative cases related to water conservation with 699 concluded; 17,785 other resources-related administrative cases with 15,371 concluded.

(4) Serving Green, Low-Emissions Circular Development and Trying Cases of Climate Change Response in Accordance with the Law

Courts have implemented the *Working Guidance for Carbon Dioxide Peaking and Carbon Neutrality in Full and Faithful Implementation of the New Development Philosophy*, promoted synergy between pollution reduction and emission reduction, and assisted in achieving the objectives of carbon peaking and carbon neutrality. People's courts at all levels have heard cases of energy conservation and emission reduction in major emitter industries and in the development and utilization of new energy sources in accordance with the law, reducing or avoiding greenhouse gas emissions in energy, transportation, ozone-depleting substances as well as land and forestry utilization to address the global climate change crisis. Another imperative will be to accurately grasp the economic, public, and ecological attributes of carbon-related rights, such as carbon credit, carbon sinks, and carbon derivatives, and properly handle

relevant carbon-related civil disputes such as rights confirmation, trading, guarantee, and performance in accordance with the law. Administrative agencies will be supervised and supported in investigating and punishing illegal acts such as emitters falsifying or concealing data on greenhouse gas emissions data, and refusing to perform their obligations of reporting greenhouse gas emissions.

The Supreme People's Court has carried out thematic research on judicial rules on disputes surrounding carbon emissions trading, drafted guiding opinions to assist in achieving the objectives of carbon dioxide peaking and carbon neutrality, and issued judicial interpretations on hearing civil cases involving forestry resources. Local courts have strictly applied national laws, regulations, and policies related to pollution reduction and carbon reduction, actively explored the new characteristics of carbon-related disputes, tried carbon-related cases in accordance with the law, and jointly helped the courts achieve the objectives of carbon dioxide peaking and carbon neutrality. Maritime courts in Jiangsu, Shanghai, Zhejiang, and Fujian signed a framework agreement to protect marine resources and the ecological environment in the East China Sea as well as marine "Ocean Blue Carbon" resources; Sichuan courts have established the "Green Finance Workstation for Managing Disputes at the Source" to closely follow up on issues related to the application of law involving the trading of environmental rights, such as carbon credit and energy use rights, and financing disputes; Guangdong courts have properly handled carbon emission trading contract disputes, clarifying the responsibilities of all parties; courts in Zhejiang and Hubei have issued work opinions to ensure carbon dioxide peaking and carbon neutrality.

(5) Assisting in Optimizing and Upgrading Industrial Structure and Trying Cases of Ecological Governance and Service in Accordance with the Law

Courts have adopted the principle of prioritizing ecology and green development, implemented supply-side structural reform of judicial services, and promoted the comprehensive green transformation of socioeconomic development. People's courts at

all levels have heard cases involving environmental impact assessments, environmental monitoring, environmental damage assessment and identification, the maintenance and operation of ecological monitoring equipment as well as facilities for pollution prevention and control, and ecological environment restoration in accordance with the law. Courts have properly heard disputes arising from the planning, construction, and production of enterprises with high energy consumption and emissions, encouraged clean production, and promoted green reform in key industries and sectors. In addition, courts have intensified efforts to handle cases involving the reform, bankruptcy, and restructuring of enterprises with high energy consumption and high emissions, and improve the market-exit mechanism. Courts have supported the use of financial instruments to promote green development, and supported insurance companies in innovating green insurance products and services to promote the healthy development of the green financial market.

Under the framework of the injunction system in civil procedure law, local courts have actively explored the application of injunctions in cases of environmental pollution and ecological damage. In doing so, they have been able to promptly prevent or reduce ecological damage, and strengthen ecological risk prevention. Fujian courts have led the way with their “Ecological Justice + Rescue Insurance” innovation and in signing cooperation agreements with insurance companies, whereby ecological restoration funds paid by the defendant go into a special company account. Jiangxi courts have explored the possibility of entrusting public welfare foundations to manage and supervise the use of ecological restoration funds and organize the implementation of environmental restoration, effectively standardizing the funds’ management and use. In hearing cases of enterprises with high energy consumption and emission to restructure from bankruptcy and liquidation, courts in Zhejiang put forward an “environmental protection commitment” as a requirement for investment, which allows enterprises to revive through restructuring and embarking on a new development path of green and low-carbon.

(6) Serving Coordinated Regional Development and Promoting the Systematic Governance of Key River Basins

Courts have implemented the principle of joint protection and coordinated governance, actively integrating ecological and judicial protection into major regional development strategies such as the development of the Yangtze River Economic Belt, construction of the Guangdong-Hong Kong-Macao Greater Bay Area, integrated development of the Yangtze River Delta, and the ecological protection and high-quality development of the Yellow River Basin. People's courts at all levels have tried environmental pollution cases involving the mainstream and important tributaries of the Yangtze River, the protection of cultural parks such as the Grand Canal and the Great Wall, and the protection of traditional dwellings, ancient villages, and historic ancient buildings so as to safeguard the environmental rights and interests of the people. Courts have heard ecological and environmental protection cases involving the Qinghai-Tibet Plateau in accordance with the law, and effectively protected the ecology of the Himalayas, subscribing to the notion that "ice-and-snow-covered lands are also invaluable assets". Courts have carefully heard cases involving the restoration and protection of key national ecological function zones as management of the source of Beijing and Tianjin's sandstorms, ecological protection and construction of Sanjiangyuan Area (the source of the three rivers, Yangtze River, Yellow River and Lancang River), ecological protection of the Qilian Mountain Range, comprehensive management of rocky desertification in karst areas. They have increased judicial protection for extremely fragile ecological areas suffering from soil, land, and coastal erosion and rocky desertification, thereby safeguarding national ecological security.

The Supreme People's Court has promulgated the *Opinions on Implementing the Yangtze River Protection Law of the People's Republic of China*, and convened progress meetings on implementing the law and on environmental resources trials for the Yellow River, Grand Canal and the South-North River Diversion Project. It has also released

relevant meeting minutes and typical cases to provide guidance on adjudicatory rules for courts at all levels in serving the national regional development strategy and promoting the systematic governance of key areas and river basins. Local courts have deepened the centralized jurisdiction and judicial collaboration of environmental resources cases in key regions. Courts in Anhui, Jiangxi, Hubei and Hunan have signed the *Framework Agreement on Judicial Coordination Relating to Environmental Resources of the Middle and Lower Reaches of the Yangtze River*, reaching a consensus on strengthening cross-regional environmental judicial cooperation in the area; Hebei has organized eight basic courts along the Grand Canal to sign the *Memorandum of Understanding on Coordinating Judicial Protection of Ecological Resources for the Grand Canal (Cangzhou Section)* and implemented integrated protection. Beijing courts have heard the “Great Wall protection case”, aiming at strengthening historical and cultural heritage protection.

II. Adhering to Sound Law and Good Governance, Constantly Improving the System of Rules for Environmental Resources Trials

(1) Further Promoting the Top-Level Design of Judicial Policy

The Supreme People’s Court has held the Third National Work Conference for Environmental Resources Trials, systematically summarizing work results, deeply analyzing the situation at hand, putting forward the construction of a trial system with Chinese characteristics and international reputation as a key work priority, and clarifying the overall objective of providing strong judicial support for modernizing the construction of harmonious coexistence between man and nature as well as coordinating the promotion of the prosperity of the people, national strength and a beautiful China. With a view to serving the overall construction of a beautiful China, deepening reform and innovation, promoting the systematic application of laws and rules as well as building a high-quality and professional judiciary, the Supreme People’s Court has planned environmental resources trials in a scientific manner and made

specific work arrangements. The Supreme People's Court has also issued the *Opinions on Strengthening and Innovating Environmental Resources Trials in the New Era to Provide Judicial Services and Guarantees for Modernizing the Harmonious Coexistence between Man and Nature*, which puts forward comprehensive guidance and specific requirements for the people's courts in all fields and stages of environmental resources trials in the new era. It also issued the *Rules for Categorizing and Enumerating Environmental and Resource Cases (for Trial Implementation)* in order to guide courts at all levels to reasonably delimit the scope of environmental resources cases and the scope of responsibilities of courts or tribunals for environmental resources trials, ensuring that such trials do not stray from their main responsibilities. Courts in Heilongjiang, Jilin, Guizhou, and Qinghai have issued normative rules in light of their respective jurisdiction's characteristics to promote the high-quality development of environmental resources trials.

(2) Improving the Rules for the Application of Laws

The Supreme People's Court has issued the *Provisions on the Application of Injunctions in Ecological Tort Cases*, implementing the principle of prioritizing protection and prevention, promptly and effectively protecting the ecological environment as well as safeguarding the legitimate rights and interests of civil subjects. It has also issued the *Interpretation on the Application of Punitive Damages in Environmental Tort Cases* to enforce the strictest possible ecological protection under the rule of law, intensify judicial sanctions against malicious ecological damage and strike a balance for environmental trials between ecological protection, socioeconomic development and ensuring people's livelihood. The formulation and promulgation of these two judicial interpretations have played a leapfrog role in ecological protection, and the two judicial interpretations have been widely welcomed by the courts at all levels and fully endorsed by relevant administrative agencies and academic communities. The system of rules has been constantly improved through the drafting of judicial interpretations on civil disputes involving forest resources, rules of evidence for civil litigation in

environmental torts, and the participation of persons with technical knowledge as people's assessors in environmental resources cases. The High Courts in Hainan and Chongqing issued sentencing guidelines, the Guizhou High Court issued trial guidelines and the Shandong and Henan High Courts issued case management regulations and other documents to further strengthen the trial of environmental resources cases.

(3) Giving Full Play to the Exemplary Effect and Supplementary Authority of Cases

The Supreme People's Court has strengthened the guidance of environmental resources cases; improved the working mechanism for the discovery, cultivation, and recommendation of guiding cases; improved the pertinence, rationality, and operability of case compilation and selection; and clarified the criteria for application of laws. The first seven guiding cases concerning biodiversity protection were released in 2021, and the selection of the second batch of guiding cases concerning environmental public interest litigation has been started. Efforts have been made to give full play to the exemplary effect of typical cases, enhance the research on the application of laws to difficult, complicated, and novel cases, and promote the uniformity of the judgment rules in different types of cases concerning environmental resources. The year 2021 witnessed the publication of a total of 30 typical cases including cases concerning ecological and environmental protection of the Yangtze River and the Yellow River and typical cases of 2020, and the mediated settlement or retrial of *All-China Environment Federation (ACEF) v. Guoneng Liaoning Environmental Protection Industry Group Co., Ltd.* and other civil public interest lawsuits concerning environmental pollution, for the purpose of promoting the timely and effective ecological and environmental restoration. According to the requirements for the reform of the trial-level functional positioning of the courts at four levels, efforts have been made to constantly improve the mechanism for granting certiorari over environmental resources cases of new types, with universal guidance for the application of laws and with significant controversies

over application of laws, so as to make up for the shortage of relevant adjudication rules. Sichuan court's trial of the public interest lawsuit concerning the protection of *Acer pentaphyllum* can guide the intensified preventive judicial protection of precious and endangered wild plants. Jiangxi court's trial of the public interest lawsuit concerning environmental pollution caused by illegal dumping of chemical waste liquids constituted a useful exploration for the correct application of the punitive damages clause on ecological and environmental infringement in the Civil Code.

(4) Innovating the Way of Conducting Trials and Expanding Adjudicatory Functions

The courts have been committed to restorative justice and innovated and applied a variety of restoration methods that meet the ecological and environmental protection requirements in view of the restoration needs with different environmental factors. In the trial of the civil public interest lawsuit concerning air pollution by an automobile manufacturing company, Shandong court explored “green enforcement”, urging the defendant enterprise to realize ecological restoration by donating electric vehicles for public welfare undertakings, and coordinating economic development and environmental protection as a whole. The Jiangxi court explored the charitable trust mechanism of entrusting an ecological and environmental foundation to monitor the restoration funds in public interest lawsuits and coordinate the implementation of ecological and environmental restoration, with positive results. The courts in Fujian, Zhejiang, Sichuan, and Guizhou have ordered the tortfeasors to fulfill their legal liability for ecological and environmental restoration by subscribing to carbon credit in court proceedings or enforcement, promoting pollution control and carbon reduction. Courts in Xinjiang and Ningxia have established a mechanism for return visits in enforcement to ensure that the obligation of ecological and environmental restoration will be effectively fulfilled.

The requirements for restorative justice have been implemented, and innovative

adjudication methods have been explored. In criminal cases, the defendants' proactive restoration of ecology and environment, afforestation, proliferation, setting free animals, and other acts in line with the laws of nature are considered attenuating factors of lighter sentencing, so as to promote the timely restoration of the damaged ecology and environment. In civil cases, the concerned business' funds for continued technological upgrading and transformation while having already met the national environmental standards will be deducted for technological transformation to offset the ecological and environmental restoration expenses, so as to promote the business' green transformation and upgrading. The purpose is to give full play to the role of ecological and environmental restoration bases and carry out diversified ecological protection, publicity, restoration, and other work. Hubei courts set up 44 protection bases in key areas; Gansu courts carried out the restoration bases, having cumulatively achieved the greening area of 8,600 *mu* (\approx 573.3 hectares), more than 150,000 replanted plants, and an average annual carbon dioxide neutralization capacity of about 9,886 tons.

III. Continually Guiding Innovation and Striving to Build an Environmental Resources Trial System with Chinese Characteristics

(1) The basic formation of a system of environmental resources trials

As of the end of 2021, there had been 2,149 specialized courts and tribunals for cases concerning environmental resources in China, consisting of 649 trial courts for environmental resources (including the Supreme People's Court, 29 high people's courts, Xinjiang Production and Construction Corps Branch of Xinjiang High People's Court, 158 intermediate people's courts, and 460 basic people's courts), 215 people's tribunals, and 1,285 trial teams (collegiate bench). Following the establishment of Nanjing and Lanzhou Environmental Resources Courts, the Supreme People's Court approved the establishment of Kunming and Zhengzhou Environmental Resources Courts, exploring new practices in specialized judicial bodies. Courts across China set up circuit courts, environmental protection courts, tourism courts, etc. in key basins,

world natural heritage sites, river sources, national parks, nature reserves, etc., to strengthen the judicial protection of key ecological function areas. All 16 prefecture-level cities in Shandong Province set up environmental resources trial courts, and 155 basic courts identified 187 environmental resources trial institutions; Guizhou sets up 114 judge workstations for judicial protection of traditional villages.

(2) Widespread implementation of a system of centralized trial and jurisdiction

In 2021, the Supreme People's Court centralized the criminal, civil, and administrative trial functions for environmental resources to the environmental resources trial division, and further improved the supervision of and guidance for lower courts. A total of 27 high people's courts and Xinjiang Production and Construction Corps Branch of Xinjiang Higher People's Court adopted the "three-in-one" centralized trial mode for criminal, civil, and administrative cases concerning environmental resources, among which Jiangxi, Yunnan, and other higher courts adopted the "four-in-one" centralized trial and enforcement mode for criminal, civil, administrative and enforcement cases.

The diversified mode of centralized jurisdiction across administrative divisions was improved. Kunming Environmental Resources Court has centralized jurisdiction over the first instance, second instance, and retrial of environmental resources-related cases previously heard by the intermediate courts in Yunnan Province. Zhengzhou Environmental Resources Court has centralized jurisdiction over the cases concerning environmental resources along the trunk stream of Huaihe River and the South-to-North Water Diversion Project. Hubei courts initially formed a "1+5+10+N" specialized system for trial of environmental resources-related cases, which was composed of the higher court, the intermediate courts, the ecological and environment protection tribunals, and the trial teams. Hainan High People's Court, the procuratorial office, and the Coast Guard jointly signed the opinions on the pilot work of centralized designated jurisdiction over specific maritime criminal cases, centrally designating the maritime courts to have jurisdiction over two types of cases, namely, crimes of maritime traffic

accidents, and crimes of destroying marine ecological and environmental resources. Zhejiang Province has adjusted the mode of jurisdiction over the cases concerning environmental resources in Huzhou to “South Taihu Lake Court’s centralized jurisdiction over the entire administrative region plus the designated jurisdiction over Anji and other key areas”. Sichuan has set up the Giant Panda National Park Ecological Court, which is responsible for centralized jurisdiction over related cases in the Sichuan part of the Giant Panda National Park, realizing the integrated judicial protection of regional environmental resources.

(3) Maturity of judicial cooperation mechanism construction

All local courts have implemented the principle of integrated protection and systematic governance and continuously deepened judicial cooperation in environmental resources in view of the characteristics of key regions and basins. The Supreme People’s Court has held a meeting to promote the trial of cases concerning environmental resources in the basins of the Yellow River, the Grand Canal, and the South-to-North Water Diversion Project, further strengthening the judicial protection and cooperation in ecological, environmental, and cultural resources in the basins of the Yellow River, the Grand Canal, and the South-to-North Water Diversion Project. Henan, Hubei and Shaanxi High People’s Courts signed the agreement on cooperation in ecological and environmental protection and restoration of Danjiangkou Reservoir; Heilongjiang and Inner Mongolia High People’s Courts signed the agreement on cooperation in the trial of cases concerning the protection of forests, grasslands, wetlands and wildlife resources in the two provinces (regions) in the northeast frontier; Henan and Beijing courts signed the agreement on cooperation in the development of a judicial demonstration base for water conservation under the rule of law in the starting and ending areas of the Middle Route of the South-to-North Water Diversion Project; Hubei, Hunan and Jiangxi High People’s Courts signed a cooperation mechanism for trial work in the urban agglomeration in the middle reaches of the Yangtze River; Tianjin, Liaoning and Shandong signed the agreement on judicial cooperation in ecological and

environmental protection of Bohai Sea; seven intermediate people's courts and maritime courts along the East China Sea in Zhejiang Province established the "1+7" mechanism for judicial cooperation around the East China Sea, constantly strengthening judicial cooperation in key regions and basins.

(4) Constant expansion in the inter-agency joint action mechanism building

The Supreme People's Court signed a collaborative governance agreement with the Office of the Leading Group for Promoting Ecological Protection and High-quality Development of the Yellow River Basin, and held a discussion with the Ministry of Ecology and Environment, promoting the coordination and linkage between administrative law enforcement and judicial work. China's courts, ecological and environmental administrations, and other authorities jointly issued opinions on administrative law enforcement and judicial cooperation mechanism for ecological, environmental, and resource protection, so as to address the difficulty in cooperation among regions in judicial and administrative protection. Courts, ecological and environmental administrations and other authorities of Jiangsu, Shanghai and Zhejiang signed the minutes of the meeting on the mechanism for the mutual recognition of ecological and environmental inspection and law enforcement in the Yangtze River Delta Integration Demonstration Zone; Guangxi Higher People's Court and the administrations signed the framework agreement on cooperation in ecological and environmental protection in Lijiang River Basin and Beibu Gulf; Shaanxi Higher People's Court, procuratorial authorities and other authorities signed the measures for linkage between administrative law enforcement and criminal justice in forestry; the courts and procuratorial authorities of Liaoning and Tianjin, among others, signed the opinions on the trial of cases concerning environmental public interest litigation and other aspects; Hainan High People's Court and procuratorial authorities jointly issued the sentencing guidance on standardized sentencing in cases concerning illegal logging and deforestation commonly seen in the tropical rain forest national park, facilitating the construction of Hainan Tropical Rainforest National Park.

(5) Effectiveness of alternative dispute resolution mechanism building

Courts all over China promoted the use of alternative dispute resolution methods such as mediation, consultation, and arbitration to more efficiently and conveniently meet people's diverse judicial needs concerning environmental issues. To give full play to the positive role of judicial advice, Guangdong courts put forward judicial advice on working with an Internet company in deleting more than 30,000 illegal online posts, intercepting 175 groups of keywords related to wildlife, and providing criminal clues for public security authorities when handling wildlife-related criminal cases. Efforts were made to carry forward the "Fengqiao Experience" in the new era, give play to the role of people's courts and circuit trials in grassroots-level environmental governance, and create models of grassroots-level environmental justice in conflict resolution. On its own initiative, the People's Court of Simao District, Pu'er Municipality, Yunnan Province extended its judicial functions, setting up China's first "Legal Service Station for Human-Elephant Harmony" in the domicile of the "Asian Elephant Breeding Center", which strengthened the source prevention and front-end resolution of human-elephant conflicts and disputes, promoted the resolution of human-elephant conflicts and disputes into the green channel of rule of law, and explored a new mode of litigation source governance and environmental resources cases trial. Fujian courts explored the integration of the forest chief system and justice, and established a network for resolving forest-related ecological disputes before litigation based on the key aspects of forest-related ecological governance.

IV. Strengthening team building and improving environmental justice

(1) Deepening theoretical studies and improving professional expertise

The interaction of judicial practice and theory has been enhanced. Efforts have been made to bring into play the role of the Environment and Resources Judicial Research Center of the Supreme People's Court. Specifically, in terms of environment-related

provisions of the Civil Code, research on practical issues such as the legal application, selection of papers, and special symposiums have been designed to promote the integrated development of theory and practice. In 2021, theoretical research centers and practice centers released a total of 24 research findings of various types. That year also witnessed that the Supreme People's Court launched an online training course on trials of environmental and resource cases for courts across China; a training workshop was held in cooperation with the China Environmental Protection Foundation for judges in the central and western regions of China on environmental and resources trials; a Green Development Forum was held with Chinese and international experts, scholars and senior judges invited for exchanges and trips to Zhejiang, Shaanxi, Yunnan and other places in China to conduct intensive research on environmental and resource adjudication; a nation-wide selection of excellent judgment documents and outcomes in environmental and resources trials was organized. In the selection, 15 judgment documents from courts in Yunnan, Chongqing, Jiangsu, and others, as well as research results submitted by 19 courts in Beijing, Zhejiang, Guangdong, and others were awarded, which has effectively improved the expertise of personnel in the judicial system. To meet requirements for specialized trials of environmental and resource cases, local courts across China have strengthened training and conducted special research to enhance the professional capabilities of judges and clerks.

(2) Sweeping away obstacles to litigation and further improving judicial measures to provide the public with greater convenience

The Supreme People's Court has fully implemented one-stop diversified dispute resolution and litigation services, improved judicial measures to provide greater convenience and benefits to people, and continued to increase the scale of high-quality environmental justice. Active efforts are being made to promote the development of smart courts and accelerate the establishment of China's judicial platform for environment and resources. Online case filing, cross-jurisdiction case filing, online court hearings, and circuit court trials have enabled the parties involved to conveniently

participate in litigation. Courts in Chongqing have set up a circuit court for judicial cooperation on environmental and resource cases to provide people in Sichuan Province and Chongqing Municipality with efficient and easily accessible cross-jurisdiction litigation services featured by all-in-one integration of case filing, trial, and enforcement; a court in Jiangsu Province has set up a “Circuit Court Station for the Judicial Protection of the Ancient Grand Canal” for community circuit court trials; courts in Xinjiang have adopted a circuit court mode of “being stationary and mobile” and assigned judicial officers to circuit court trial stations to provide “door-to-door” judicial services; a court in Shandong Province has used a boat for circuit court trials in the Weishan Lake Basin, making judicial services highly accessible to the people.

(3) Promoting judicial openness and reinforcing public participation

The people’s courts at all levels have rigorously implemented the open trial system by broadcasting trials live through various media such as the China Court Trial Online, WeChat official accounts, Weibo, etc. For environmental and resource cases that have a significant impact on the jurisdiction, the people’s courts have proactively invited deputies to people’s congresses, members of the National Committee of the Chinese People’s Political Consultative Conference (CPPCC), representatives of relevant enterprises and the public as well as students to be present in courtrooms for the trials, with a view to enhancing the openness and transparency of trials. In 2021, the Supreme People’s Court held 6 press conferences to issue judicial interpretations, guiding cases, etc.; 85 deputies to the National People’s Congress and members of the CPPCC National Committee were invited to participate virtually in the third national conference on trials of cases on environment and resources and other major events. Publicity about environmental justice has been strengthened through the WeChat official account of “Environmental and Resource Adjudication in China”. The Supreme People’s Court guided the people’s courts at all levels to hold press conferences to release annual reports and typical cases, and to conduct public hearings and other publicity activities on landmark dates such as June 5th (World Environment Day), so as to form an intensive

demonstration effect and effectively extend the influence of environmental justice. For lawsuits, mediation agreements, restoration plans, or any other matters involving environmental civil public interest litigation cases and ecological and environmental damages cases, the announcement procedure is strictly implemented, so as to put the judicial process under public supervision, protect the people's rights to know, participate in, and supervise environmental justice.

V. Deepening international exchanges and sharing the experience and best practices in China's environmental justice

(1) The World Judicial Conference on Environment

In May 2021, as the 15th Conference of Parties to the *UN Convention on Biological Diversity* was about to be held in Kunming, the Supreme People's Court of the People's Republic of China and the United Nations Environment Programme (UNEP) jointly organized the World Judicial Conference on Environment with the theme of "Role of the Judiciary in Advancing Ecological Civilization: Building a Shared Future for All Life on Earth." President Xi Jinping sent a congratulatory letter to the Conference, fully affirming the beneficial experience of China in the reform and innovation of environmental justice. In the letter, President Xi also charted the course in strengthening international exchanges and cooperation in environmental justice and promoting the global environmental rule of law. Mr. Zhou Qiang, President and Chief Justice of the Supreme People's Court, delivered a keynote speech, fully showing vivid examples of judicial protection of the ecology and environment in China. Over 160 Chinese and international delegates attended the Conference. They were Chief Justices, Justices, Presidents, and Judges of supreme courts, constitutional courts, and supreme administrative courts from 27 countries including Russia and French, representatives of international organizations like the UNEP, foreign diplomats, as well as Presidents of 8 high people's courts of Yunnan and other provinces of China. The attendees had in-depth exchanges and discussions on the role of the judiciary in global environmental

governance, adjudication principles of environmental cases, judicial protection of biodiversity, and judicial response to climate change. Moreover, the *Kunming Declaration of the World Judicial Conference on Environment* was unanimously adopted at the Conference. The success of the World Judicial Conference on Environment has consolidated the international consensus on the judicial protection of the global ecology and environment, signifying that the international exchanges on environmental justice have reached a new height. It not only laid a solid foundation for further deepening the exchanges and cooperation in environmental justice in the future but also had great significance in building a community of life between humans and nature. International representatives at the Conference spoke highly of China's achievements in the development of ecological and environmental protection and environmental justice. A UNEP official commented in the preface to the *Case Report of the World Judicial Conference on Environment* that China had made remarkable and exciting achievements in promoting the environmental rule of law, and that the handling of typical cases such as the green peafowls' habitat protection case demonstrated judges for environmental cases in China had been actively practicing the core principles of environmental protection law, leading the global environmental governance.

(2) Providing judicial solutions for global environmental governance

The Supreme People's Court drafted and facilitated the adoption of the *Kunming Declaration of the World Judicial Conference on Environment*, with the goal of communicating the philosophy of ecological civilization, establishing the principle of upholding the rule of environmental law, and building a community of life for mankind and nature. By sharing the principles, rules, experiences, and practices of China's environmental justice, the Supreme People's Court aims to find the "largest common ground" for global environmental justice. As specified in the *Kunming Declaration of the World Judicial Conference on Environment*, the three principles of the rule of law should be observed in environmental justice, namely, the principle of equity, common but differentiated responsibilities and respective capabilities, the principle of protection and sustainable use of natural resources, as well as the "polluter pays" principle. The

use of four judicial measures should be advocated, i.e., to actively adopt preventive judicial measures, to preferentially apply restorative judicial measures, to explore and improve the public interest litigation system, and to encourage the use of diversified dispute resolution methods. Moreover, continuous efforts should be made to promote the professional, information technology-based, and international development of environmental justice. The *Kunming Declaration of the World Judicial Conference on Environment* reveals the judiciary's resolution to facilitate the building of a community of life for mankind and nature. It is a declaration on the protection of environmental rights and interests worldwide, and on the rule of law in international environmental justice. Thanks to the declaration, countries around the world can have access to practical and feasible judicial solutions to strengthen judicial responses to global environmental crises.

(3) Strengthening resource sharing in the adjudication of environmental cases

The overall coordination of the rule of law in China and international legal practice has been enhanced. While focusing on environmental legislation, theoretical study, and practices in China, courts in China have been fostering a global perspective. By using case sharing as a “universal language” that all countries in the world can understand, the courts have presented the evolving environmental rule of law system in China. Cooperation with international organizations such as the UNEP, the Asian Development Bank, and ClientEarth is being enhanced to comprehensively promote international judicial exchanges in various fields. In this respect, courts in China would like to introduce domestic major typical cases on environment and resources, in addition to sharing innovative experiences in environmental judicial reform. In 2021, the UNEP posted ten typical environmental and resource cases in China (second batch) and two white papers titled *Environmental and Resources Adjudication in China* on its website, showing the practice of China's environmental justice to the world. The English version of *Top 10 Influential Environmental Cases in China* has been published in Pakistan and other countries participating in the Belt and Road Initiative to share the philosophy and

principles of China in environmental justice and adjudication rules.

(4) Participating in international seminars to exchange judicial experience

Best practices in other countries have been “brought in”. International experts on environmental law and senior judges were invited to the Training Program for Courts in China on the Adjudication of Environmental and Resource Cases. They exchanged views on topics such as soil pollution, response to climate change, biodiversity protection, etc. through a video conferencing system. “Going global” to highlight the achievements of China’s environmental justice, representatives were sent to participate in many international conferences and delivered keynote speeches. For instance, the Ecological Civilization Forum of the 15th Conference of Parties to the *UN Convention on Biological Diversity*, the Asia-Pacific Judicial Conference on Climate Change: Justice in the Era of COVID-19, the China-EU Workshop on Climate Change Legislation, the World Conservation Congress High-level Roundtable, Symposium on Biodiversity Conservation and Preventive Prosecution Public Interest Litigation, and Symposium on the Specialization of Judicial Authorities for the Adjudication of Environmental and Resource Cases of the Sino-French Legal and Judicial Exchange Week. Through these conferences, courts in China have actively communicated the effectiveness of domestic environmental justice.

Looking into the Future

Through the joint efforts of the people’s courts at all levels, significant progress has been made in trials of environmental and resource cases in 2021. However, there are still challenges to be addressed. For example, the insufficient understanding of the principles of environmental justice, underplayed role of specialized judicial organs, and the gap between the requirements for ecological progress in the new era and the people’s judicial needs for a pleasant and well-protected environment and ecology. Moving forward, the people’s courts at all levels will continue to put into practice the spirit of the instructions given by President Xi Jinping in his congratulatory letter to the

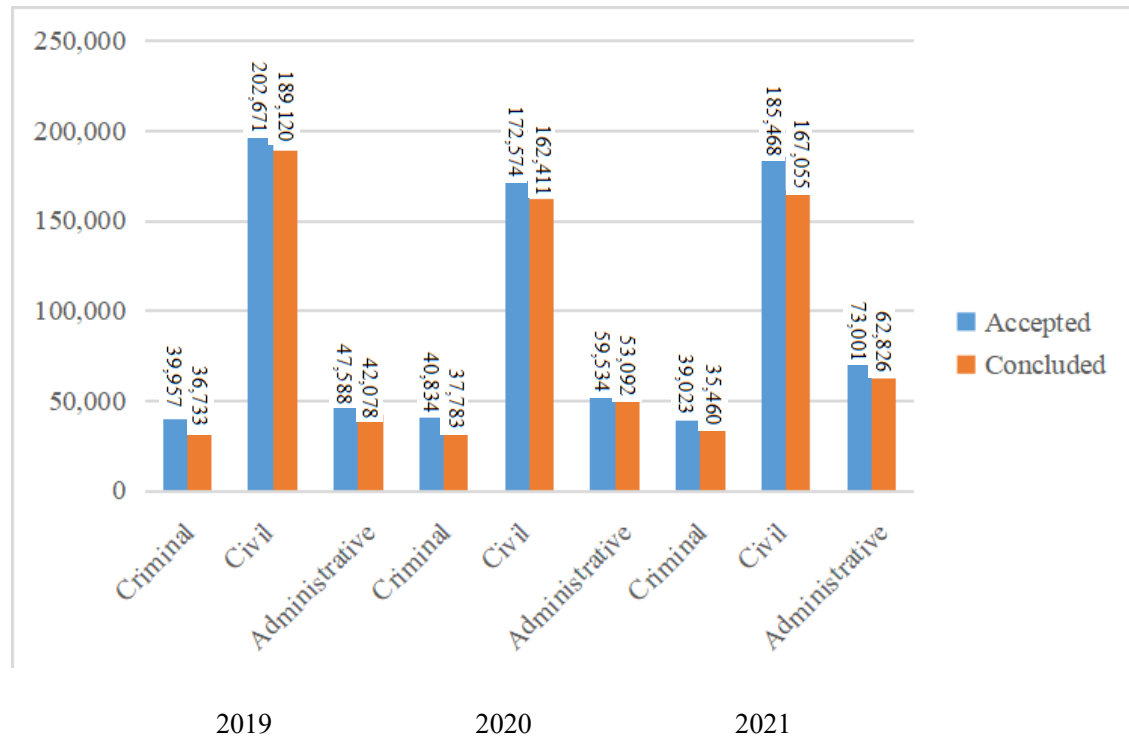
World Judicial Conference on Environment. And it is required for courts to fully and faithfully implement the new development philosophy on all fronts to facilitate high-quality economic and social development. In addition, the reform and innovation of environmental justice will be deepened, with continuous efforts to promote judicial specialization. People's courts will also cement and extend international exchanges and cooperation, striving to build a judicial system for the environment and resources with Chinese characteristics. All the endeavors aim to provide more solid judicial services and guarantee for the harmonious coexistence between mankind and nature, and for coordinated promotion of the prosperity of the people and nation as well as the beauty of China's landscape.

Annex

Annex 1

First-Instance Environmental and Resource Cases Accepted and Concluded by People's Courts at All Levels (2019-2021)

Unit: Piece



Annex 2

Setup of Environment and Resources Divisions/Tribunals Across China

Table 1: Setup of Environment and Resources Divisions/Tribunals Across China
(2,149 in total)

Courts	Divisions	Collegial Benches (Team)	Dispatched People's Tribunals (Circuit Courts)
Beijing	2	20	0
Tianjin	1	6	0
Hebei	12	72	5
Shanxi	16	106	11
Inner Mongolia	11	50	3
Liaoning	23	1	0
Jilin	8	77	1
Heilongjiang	2	34	2
Shanghai	6	13	0
Jiangsu	19	24	9
Zhejiang	15	72	1
Anhui	75	53	8
Fujian	77	0	0
Jiangxi	92	26	9
Shandong	8	132	75
Henan	12	167	7
Hubei	16	114	0
Hunan	21	80	6
Guangdong	8	36	3

Guangxi	8	68	8
Hainan	7	0	7
Chongqing	11	0	0
Sichuan	119	25	41
Guizhou	44	0	0
Yunnan	13	0	0
Tibet	1	0	0
Shaanxi	7	20	4
Gansu	2	19	13
Qinghai	4	2	1
Ningxia	5	5	0
Xinjiang	2	63	1
Production and Construction Corps	1	0	0
Military Court	0	0	0
The Supreme People's Court	1	0	0
Total	649	1,285	215

Table 2: Setup of Environment and Resources Divisions by People’s Courts at All Levels

Province/Region	Primary People’s Court	Intermediate People’s Court	High People’s Court	Total
Beijing	1	0	1	2
Tianjin	1	0	0	1
Hebei	3	8	1	12
Shanxi	4	11	1	16
Inner Mongolia	3	7	1	11
Liaoning	16	6	1	23
Jilin	5	2	1	8
Heilongjiang	0	1	1	2
Shanghai	4	1	1	6
Jiangsu	9	9	1	19
Zhejiang	3	11	1	15
Anhui	72	2	1	75
Fujian	66	10	1	77
Jiangxi	87	4	1	92
Shandong	0	7	1	8
Henan	0	11	1	12
Hubei	10	5	1	16
Hunan	14	6	1	21
Guangdong	3	4	1	8
Guangxi	6	1	1	8
Hainan	2	4	1	7
Chongqing	5	5	1	11
Sichuan	97	21	1	119

Guizhou	34	9	1	44
Yunnan	6	6	1	13
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
Production and Construction Corps	0	0	1	1
Total	460	158	30	648

Table 3. Setup of Environment and Resources Divisions by the High People’s Courts

No.	Court	Organ	Centralized adjudication of environmental and resource cases
1	Beijing High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
2	Hebei High People’s Court	Environmental Protection Division	Criminal, civil and administrative cases
3	Shanxi High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
4	Inner Mongolia High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
5	Liaoning High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
6	Jilin High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
7	Shanghai High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
8	Jiangsu High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
9	Zhejiang High People’s Court	Environment and Resources Division	Criminal, civil and administrative cases
10	Fujian High People’s Court	Ecology and Environment Division	Criminal, civil and administrative cases
11	Jiangxi High People’s Court	Environment and Resources Division	Criminal, civil, administrative and enforcement (environmental civil public interest litigation) cases

12	Shandong High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
13	Henan High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
14	Hubei High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
15	Hunan High People's Court	Environment and Resources Division	Civil cases
16	Guangdong High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
17	Guangxi High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
18	Hainan High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
19	Chongqing High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
20	Sichuan High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
21	Guizhou High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
22	Yunnan High People's Court	Environmental Protection Division	Criminal, civil, administrative and enforcement (environmental civil public interest litigation) cases
23	Shaanxi High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
24	Gansu High People's Court	Environmental and Resource Protection	Criminal, civil and administrative cases

		Division	
25	Qinghai High People's Court	Environment and Resources Division	Civil and administrative cases
26	Ningxia High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
27	Xinjiang High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
28	Anhui High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
29	Heilongjiang High People's Court	Environment and Resources Division	Criminal, civil and administrative cases
30	Xinjiang Production and Construction Corps Branch High People's Court	Environment and Resources Division	Criminal, civil and administrative cases

Annex 3

Judicial Interpretations and Normative Documents Related to Environmental and Resource Adjudication (2021)

	Document	Document No.	Date of Amendment or Release	Effective Date
	Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Cases Involving Environmental Civil Public Interest Litigations (Amended in 2020)	Judicial Interpretation [2015] No. 1	December 23, 2020	January 1, 2021
	Interpretation of the Supreme People's Court of Several Issues Concerning the Application of Law in the Trial of Cases Involving Disputes over Liability for Environmental Torts (Amended in 2020)	Judicial Interpretation [2015] No. 12	December 23, 2020	January 1, 2021
	Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Cases Involving Disputes over Mining Rights (Amended in 2020)	Judicial Interpretation [2017] No. 12	December 23, 2020	January 1, 2021
	Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on	Judicial Interpretation [2018] No.	December 23, 2020 December	January 1, 2021

	Several Issues Concerning the Application of Law in Cases Involving Procuratorate-filed Public Interest Litigation (Amended in 2020)	6	28, 2020 (the Supreme People's Procuratorate)	
	Provisions of the Supreme People's Court on Handling Cases of Ecological Damage Compensation (Trial) (Amended in 2020)	Judicial Interpretation [2019] No. 8	December 23, 2020	January 1, 2021
	Provisions of the Supreme People's Court on the Application of Injunction and Preservation Measures in Cases Involving Environmental Torts	Judicial Interpretation [2021] No. 22	December 27, 2021	January 1, 2022
	Interpretation of the Supreme People's Court on the Application of Punitive Damages in the Trial of Cases Involving Disputes Over Environmental Torts	Judicial Interpretation [2022] No. 1	January 12, 2022	January 20, 2022
Normative Documents	Types of Environmental and Resource Cases and Statistical Specifications (Trial)	Fa [2021] No. 9	January 4, 2021	January 4, 2021
	Opinions on Strengthening and Innovating Environmental and Resource Adjudication in the New Era and Providing Judicial Services and Guarantees for the	Fafa [2021] No. 28	October 8, 2021	October 8, 2021

	Harmonious Coexistence Between Humans and Nature			
	Opinions on Implementing the <i>Yangtze River Protection Law of the People's Republic of China</i>	Fafa [2021] No. 8	February 24, 2021	February 24, 2021
	Minutes of the Coordination Meeting of the Supreme People's Court on Implementing the <i>Yangtze River Protection Law of the People's Republic of China</i>	Fa [2021] No. 304	November 24, 2021	Novembe r 24, 2021
	Minutes of the Coordination Meeting of the Supreme People's Court on Providing Judicial Services for the Ecological Protection and High- quality Development in the Yellow River Basin	Fa [2021] No. 305	November 24, 2021	Novembe r 24, 2021

Annex 4

Catalogue of Guiding Cases and Typical Cases on Environment and Resources Issued by the Supreme People's Court (2021)

I. Guiding Cases on Biodiversity Conservation (Fa [2021] No. 286, December 1, 2021)

1. (Guiding Case No. 172) People v. Qin *xue on indiscriminate deforestation, a criminal collateral civil public interest litigation case
2. (Guiding Case No. 173) Friends of Nature Environmental Research Institute, Chaoyang District, Beijing v. HydroX Corporation and * Engineering Corporation Limited, a civil public interest litigation case on ecological and environmental protection
3. (Guiding Case No. 174) China Biodiversity Conservation and Green Development Foundation v. Yalong Hydro Co., Ltd., a civil public interest litigation case on ecological and environmental protection
4. (Guiding Case No. 175) The People's Procuratorate of Taizhou City, Jiangsu Province v. 59 persons including Wang *peng, a civil public interest litigation case over liability for ecological damage
5. (Guiding Case No. 176) The People's Procuratorate of Yiyang City, Hunan Province v. 15 persons including Xia *an, a civil public interest litigation case over liability for ecological damage
6. (Guiding Case No. 177) Hainan * Shipping Co., Ltd. v. Sansha Municipal Fishery Administration Detachment, an administrative penalty case
7. (Guiding Case No. 178) Beihai * Marine Technology Co., Ltd. v. Beihai Ocean and Fishery Bureau, an administrative penalty case

II. Typical Cases Concerning the Judicial Protection of the Ecology and Environment in the Yangtze River Basin (February 25, 2021)

1. People v. Li *gen for illegal fishing of aquatic products, a criminal collateral civil public interest litigation case
2. People v. the accused Zhao *chun and other 5 persons for illegal mining
3. People v. Qin *xue for indiscriminate deforestation, a criminal collateral civil public interest litigation case
4. Ou *ming v. the People's Government of Tongliang District of Chongqing Municipality on revocation of an administrative act
5. * Metal Casting Co., Ltd. in Xuancheng City v. the People's Government of Xuanzhou District, Xuancheng City, Anhui Province for failure in performing statutory administrative compensation duties
6. China Environmental Protection Foundation v. Sinochem Fuling Chongqing Chemical Industry Co., Ltd., a civil public interest litigation case over liability for environmental pollution
7. Friends of Nature Environmental Research Institute, Chaoyang District, Beijing v. Hydrochina Corporation * Development Co., Ltd. et al., a civil public interest litigation case over liability for environmental pollution
8. China Biodiversity Conservation and Green Development Foundation v. Yalong Hydro Co., Ltd., an environmental civil public interest litigation case
9. Wuhan Railway Transportation Branch of the People's Procuratorate of Hubei v. * Ecological Farming Co., Ltd., an environmental civil public interest litigation case on liability for ecological damage caused by pollution of waters leading to the sea
10. The People's Procuratorate of Yushui District, Xinyu City, Jiangxi Province v. Xinyu Water Authority, Jiangxi Province, an administrative public interest litigation case for neglecting to perform the duties of river course supervision

III. Typical Cases Concerning Environment and Resources in 2020 (June 4, 2021)

1. People v. the accused Zhang *Jian and other 10 persons for ancient tomb robbing
2. People v. the defendant entity * Thermal Insulation Material Co., Ltd. and the defendant Qi *ming on liability for environmental pollution
3. * State Grid Station in Fengdu County v. Water Conservancy Bureau of Pengshui

Miao and Tujia Autonomous County, an administrative penalty case

4. The People's Procuratorate of Yiyang City, Hunan Province v. 15 persons including Xia *an for illegal mining, a civil public interest litigation case

5. The People's Procuratorate of Guangzhou City, Guangdong Province v. * Garbage Treatment Plant in Huadu District, Guangzhou City and Li *qiang, a civil public interest litigation case concerning environmental pollution by solid waste

6. The People's Procuratorate of Laibin City, Guangxi Zhuang Autonomous Region v. 72 defendants including Foshan * Petroleum Technology Co., Ltd., a civil public interest litigation case on liability for environmental pollution

7. The People's Procuratorate of Shangrao City, Jiangxi Province v. Zhang *ming, Mao *ming and Zhang *, a civil public interest litigation case on liability for ecological damage

8. The People's Procuratorate of Nanjing City, Jiangsu Province v. Wang *lin, a civil public interest litigation case on liability for ecological damage

9. The People's Procuratorate of Chaohu City, Anhui Province v. 33 persons including Wei *wen for illegal fishing of aquatic products, a criminal collateral civil public interest litigation case

10. The People's Government of Puyang City, Henan Province v. * Chemical Co., Ltd. in Liaocheng, an ecological and environmental damages case

IV. Typical Cases Concerning the Judicial Protection of the Ecology and Environment in the Yellow River Basin (November 25, 2021)

1. People v. 15 persons including Liu *long and Zhang *jun for illegal logging

2. People v. Ma *wen for illegal acquisition, transportation and sale of products of precious and endangered wildlife

3. People v. Chen *qiang and Dong *shi and others for ancient tomb robbing

4. People v. 6 persons including Mai *qiang for environmental pollution

5. The People's Procuratorate of Puyang City v. Shandong * Fine Chemical Co., Ltd. et al., an environmental civil public interest litigation case

6. Case of declaratory judgement confirming the compensation for ecological and

environmental damage between Xinxiang City Ecological Environment Bureau and Longrun Fine Chemical Co., Ltd. of Fengqiu County

7. Jinan * Farm Co., Ltd. v. Queshan Dong Neighborhood Committee of Luokou Sub-district Administration Office, Tianqiao District, Jinan City, a dispute over contract invalidity

8. The People's Procuratorate of Luqu County v. Water and Hydropower Authority of Luqu County, an administrative public interest litigation case

9. * Aquaculture Co., Ltd. v. the Urban-Rural Integration Demonstration Zone Administrative Committee of Sanmenxia City and the People's Government of Dawang Town of Lingbao City for their forced demolition of facilities

10. The People's Procuratorate of Huinong District, Shizuishan City v. the Agriculture, Rural Affairs and Water Authority of Huinong District, Shizuishan City, an administrative public interest litigation case