

## C O M M E N T S

# ANNUAL REVIEW OF CHINESE ENVIRONMENTAL LAW DEVELOPMENTS: 2025

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In 2025, China made further progress in environmental protection and in developing legislation and rule-making. This includes adopting the National Park Law, revising the Environmental Protection Tax Law, and promulgating a series of administrative regulations. This Comment summarizes these developments.

## I. National Park Law

In September, the Standing Committee of the National People's Congress (NPC Standing Committee) adopted the National Park Law of the People's Republic of China, which went into effect on January 1, 2026.<sup>1</sup> China began policy experiments on national parks about 10 years ago and established the first group of five pilot national parks in 2021, but the National Park Law is China's first specialized legislation on national parks. The new law, which consists of seven chapters and 63 articles, formally introduces a new management model for natural reserves that emphasizes the central role of national parks. Following enactment of the National Park Law, the State Council, the executive organ of the National People's Congress, promulgated revised regulations on natural reserves on February 3, 2026, which went into effect on March 15, 2026.<sup>2</sup>

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1. National Park Law of the People's Republic of China (promulgated by the NPC Standing Committee, Sept. 12, 2025, effective Jan. 1, 2026), 2025(5) STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 568-74 [hereinafter National Park Law].
2. Regulations of the People's Republic of China on Nature Reserves (promulgated by the State Council, Oct. 9, 1994, first revised Jan. 8, 2011, second revised Oct. 7, 2017, third revised Feb. 3, 2026, effective Mar. 15, 2026), 2026(5) STATE COUNCIL GAZ. 14-20.

### A. Definition of National Parks

Under the National Park Law, "national parks" are specific terrestrial and marine areas designated by the State Council with the primary objective of protecting natural ecosystems of national representativeness for conservation and rational utilization of natural resources.<sup>3</sup> Simply, national parks must be established with the approval of the State Council, contain natural ecosystems of national representativeness, and conserve nature while providing natural resources.

National parks emphasize the "authenticity and integrity of ecosystems," which refers to the original state of the ecosystem and therefore requires minimal human interference. In addition to natural protection, national parks also support scientific research, education, and tourism.

After enactment of the National Park Law, protected areas in China include national parks, national- and provincial-level nature reserves, natural heritage sites, and other specially protected areas. As a new type of protected area in China, key natural reserves will gradually be transformed into national parks. Over time, national parks will encompass rare and beneficial ecosystems, unique landscapes, and areas essential to natural heritage and biodiversity,<sup>4</sup> and they will have a key role in the Chinese system of protected areas.

### B. Administrative Management System

The National Park Law requires establishment of a unified, standardized, and efficient management system for national parks.<sup>5</sup> Per the new law, the administrative management system for national parks primarily involves: (1) a newly created National Park Administration within the National Forestry and Grassland Administration, which falls under the authority of the State Council; (2) the

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3. National Park Law, *supra* note 1, art. 2.

4. *Id.* art. 3.

5. *Id.* art. 6(1).

management agency of each national park; (3) local government; and (4) other related national and local government agencies.

The National Park Administration is responsible for overseeing and managing all of China's national parks.<sup>6</sup> The management agency for each national park, meanwhile, is the immediate subordinate governmental agency responsible for protecting and administering the respective park. The management agency is also tasked with performing relevant natural resources, forestry, and grasslands law enforcement duties.<sup>7</sup>

Compared with other types of protected areas, national park management agencies enjoy more independence from local governments in order to remain more accountable to the national government. Nevertheless, national parks still rely on the support of local governments and other national and local government agencies. Relevant departments at the national level, such as those in charge of natural resources, ecological environment, water resources, agriculture, and rural affairs, must perform relevant duties that fall within their authorities.<sup>8</sup> Local governments, meanwhile, help coordinate economic and social development, public services, social management, market regulation, disaster prevention and mitigation, and other responsibilities.<sup>9</sup>

The National Park Law requires coordination and information-sharing among the National Park Administration, local governments, and other branches of the government.<sup>10</sup> For matters of particular importance, the law requires consultation between the National Park Administration and relevant governments at the provincial level (somewhat similar to the state level in the United States).<sup>11</sup> Overall, the National Park Law makes management of national parks less restrained by local authorities but still requires local governments and other branches of government to give due support.

### C. Unified Registration of Natural Resources

The National Park Law treats each national park as a separate registry unit and, for the first time, establishes a unified registration system for natural resources in national parks.<sup>12</sup> The purpose is to collect data on natural resources, clarify ownership and authorities, and promote natural protection and rational utilization. More specifically, the registration system uniformly covers all types of natural resources, clarifies ownership of various natural resource assets in national parks, delineates boundaries between state and collective ownership, distinguishes the authorities of different levels of government in the exercise of state ownership, and resolves property rights disputes. The first group of five national parks—the same five that were

involved in the 2021 pilot program—completed this registration in July 2025.

### D. Ecological Protection Compensation System

The National Park Law establishes an ecological protection compensation system for national parks to incentivize the positive externalities of environmental protection. Society at-large benefits from a healthy environment, so it is only fair to provide compensation for any costs incurred. The law requires the government to improve “ecological protection compensation mechanisms” for national parks, determine the scale of fiscal transfer payments based on the size of national parks and effectiveness of their management, and promote market-based ecological protection compensation mechanisms in national parks.<sup>13</sup>

### E. Comprehensive Law Enforcement

As noted above, five national parks served as pilot projects for designing a comprehensive law to protect national parks. Except for the Hainan Tropical Rainforest National Park in Hainan Province, the other four parks span more than one province or autonomous region. The Hainan Tropical Rainforest National Park adopted a localized but comprehensive ecological management model for law enforcement. The other four national parks adopted an integrated, comprehensive law enforcement model. Their experience was extremely valuable in formulating the National Park Law and managing new national parks.

The National Park Law emphasizes *comprehensive* law enforcement. It requires each national park management agency to protect national parks and to assume law enforcement responsibilities with regard to natural resources, forestry, and grasslands. Coordination mechanisms among national park management agencies, local governments, and other branches of government are designed to promote this comprehensive focus.

These mechanisms integrate dispersed law enforcement resources, foster governance synergy, better address complex public security issues spanning multiple regions and governmental authorities, and enhance government efficiency and the rule of law. For example, national park management agencies are authorized to impose fines on wrongdoers and take other law enforcement measures, but they must coordinate their law enforcement with relevant local government agencies.<sup>14</sup>

## II. Environmental Protection Tax Law

The NPC Standing Committee adopted its Decision on Revising the Environmental Protection Tax Law on October 28, 2025.<sup>15</sup> The revised law expands the coverage of taxable pollutants, particularly volatile organic compounds

6. *Id.* art. 6(2).

7. *Id.* art. 6(3).

8. *Id.* art. 6(2).

9. *Id.* art. 6(4).

10. *Id.* art. 6(5).

11. *Id.* art. 6(6).

12. *Id.* art. 23.

13. *Id.* art. 47.

14. *Id.* art. 60.

15. Decision of the NPC Standing Committee on Revising the Environmental Protection Tax Law of the People's Republic of China (promulgated by

(VOCs). Previously, only some VOCs were taxable; now, all VOCs are taxable.<sup>16</sup> This revision added a new Article 27 and a new annex, the Schedule of Taxable Pollutants and Equivalents, for a total of 29 articles and 2 annexes under the revised Environmental Protection Tax Law.<sup>17</sup>

### III. Ecological Environment Monitoring

The State Council promulgated Regulations on Ecological Environment Monitoring on October 31, 2025, which went into effect on January 1, 2026.<sup>18</sup> This regulation updates departmental rules and incorporates practical experience in environmental monitoring. The regulation is intended to standardize monitoring activities, enhance monitoring capabilities and levels, ensure the quality of monitoring data, and make better use of environmental monitoring for environmental protection. Environmental monitoring consists of public monitoring and self-monitoring, and environmental monitoring service providers may be used to conduct environmental monitoring work.

#### A. Public Monitoring

Public monitoring, which supports law enforcement and discharge of other governmental responsibilities, includes environmental quality monitoring, law enforcement monitoring, and emergency monitoring. While public monitoring is managed and conducted by all levels of government and their relevant departments, most monitoring work is performed by internal environmental monitoring teams established by the Ministry of Ecology and Environment (MEE) and local bureaus of ecology and environment.

The regulation requires the MEE to establish a national network of environmental monitoring in cooperation with relevant government branches; in turn, the environmental protection agency of each province, autonomous region, or metropolitan area must establish its own provincial network of environmental monitoring.<sup>19</sup> The MEE and the provincial environmental protection authorities are required to disclose their environmental quality monitoring findings. The regulation makes clear that no other person may legally report environmental quality monitoring results to the public.<sup>20</sup>

Law enforcement monitoring is directed at stationary and mobile sources of pollution. Law enforcement agencies may take action based on the results of that monitor-

ing.<sup>21</sup> The environmental protection authorities and other governmental agencies must also use environmental monitoring to detect environmental risks. If risks to the environment or public health are detected, the authorities must warn the public.<sup>22</sup>

Governments at or above the county level are also required to establish emergency environmental monitoring systems. After the emergency, the relevant government must assess environmental impacts and losses and disclose the information to the public.<sup>23</sup>

#### B. Self-Monitoring

Unlike public monitoring, self-monitoring serves to fulfill polluters' environmental compliance obligations. Self-monitoring must be conducted in accordance with relevant technical standards, and the monitoring can be automated or manual. Automated environmental monitoring facilities must be connected to the appropriate environmental protection authorities via the Internet. If there are abnormalities in the data or data transmission, the polluters must report this to the authorities and take remedial measures.<sup>24</sup> If environmental monitoring is conducted manually, the recorded data should include the conditions of production, the performance of environmental protection facilities, and the discharge of pollutants. The data should accurately reflect actual conditions.<sup>25</sup>

Polluters must ensure the quality of environmental monitoring, and they will be held liable if the data are untrue or inaccurate. They should not request, authorize, or acquiesce to the fabrication of environmental monitoring data or other unlawful acts in environmental monitoring,<sup>26</sup> and they must keep the original records of environmental monitoring for at least five years.<sup>27</sup>

#### C. Technical Service Providers

Technical service providers—private companies that offer environmental monitoring services for a fee—play a significant role in environmental monitoring in China. Governments and their departments, enterprises, and public institutions may entrust legally established service providers to conduct environmental monitoring.<sup>28</sup> Technical service providers can offer their services to polluters as well. As such, technical service providers are given a key position in the Regulations on Ecological Environment Monitoring. This development is particularly striking compared with the Administrative Measures on Environmental Monitoring issued by the former State Environmental Protection Administration in 2007.

the NPC Standing Committee, Oct. 28, 2025, effective Oct. 25, 2025), 2025(6) STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 809.

16. Environmental Protection Tax Law of the People's Republic of China (promulgated by the NPC Standing Committee, Dec. 25, 2016, first revised Oct. 26, 2018, second revised Oct. 28, 2025, effective Oct. 28, 2025), 2025(6) STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 810-20.

17. *Id.*

18. Regulations on Ecological Environment Monitoring (promulgated by the State Council, Oct. 31, 2025, effective Jan. 1, 2026), 2025(32) STATE COUNCIL GAZ. 5-10.

19. *Id.* art. 12.

20. *Id.* art. 15.

21. *Id.* art. 16.

22. *Id.* art. 17.

23. *Id.* art. 18.

24. *Id.* art. 23.

25. *Id.* art. 24.

26. *Id.* art. 25.

27. *Id.* art. 26.

28. *Id.* art. 27.

The Regulations call for differentiated regulation of technical service providers according to their scale, technical capacity, personnel, management, creditworthiness, and other factors.<sup>29</sup> The government must assess the creditworthiness of technical service providers and disclose that assessment report to the public.<sup>30</sup>

The regulations recognize the importance of technical service providers and impose strict requirements on them. Technical service providers must possess the necessary facilities, equipment, technical capabilities, personnel, and management capabilities, and they must register with the appropriate ecological environment authorities.<sup>31</sup> Technical service providers are required to conduct monitoring services independently, objectively, and impartially, and they may not simultaneously accept commissions that may pose conflicts of interest.<sup>32</sup> Service providers must preserve monitoring data, records, and other relevant materials in accordance with relevant rules to ensure full traceability of business activities.<sup>33</sup>

#### IV. Conclusion

Progress in codifying environmental law was significant in 2025. The NPC Standing Committee released the third draft of its codification for public comment in November 2025, which contained 1,242 articles, much longer than many Chinese laws. The NPC finally adopted the Eco-Environmental Code of the People's Republic of China on March 12, 2026.<sup>34</sup> After it goes into effect on August 15, 2026, the Eco-Environmental Code will replace the Environmental Protection Law, the Environmental Impact Assessment Law, the Marine Environmental Protection Law, the Air Pollution Prevention and Control Law, the Soil Pollution Prevention and Control Law, the Solid Waste Pollution Prevention and Control Law, the Noise Pollution Prevention and Control Law, the Radioactive Pollution Prevention and Control Law, and the Clean Production Promotion Law.

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29. *Id.* art. 37.

30. *Id.* art. 36.

31. *Id.* art. 28.

32. *Id.* art. 29.

33. *Id.* art. 33.

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34. The Eco-Environmental Code of the People's Republic of China (adopted by the NPC Standing Committee, Mar. 12, 2026, effective Aug. 15, 2026), 2026 (Special Issue for the Eco-Environmental Code) STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 2-270.