



Study on the Law Regulations about Circular Regions

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Abstract

The circular region takes the pollution prevention as the start, takes the material circular flow as the character, takes the sustainable developments of society, economy and environment as the final objective, utilize the resource and energy to the largest extents, and reduce the pollution discharge. The circular regions needs powerful legal guarantee and we should strengthen the law regulations for the circular economic province from following aspects, i.e. constituting the legislation program of the circular economic province, using foreign and domestic advanced experiences and constituting comprehensive legislation to develop the circular economy according with the practice of the province, perfecting the policies and law regulations system about sustainable utilization, establishing the policies and law regulations system about circular economy in the agricultural domain, strengthening the legal construction of green packaging, establishing the policies and law regulations system of the consumption mode about sustainable development, perfecting the policies and law regulations system about human resource reasonable utilization and raising money, and strengthening the law execution force and increasing the effect of law regulation.

Keywords: Circular economy, Circular region, Circular economic province, Law regulations

The law regulation layer of circular economy is the important part of the legal construction of circular economy, and it can be spread on following four layers including circular enterprise, ecological industrial park, circular city and circular region (Zhu, 2007, P.228). The regional development is different with the growth of enterprise, the development of part and the city, and it has its special rules. The regional circular economy is the higher-layer circular economy and it comes down to numerous administration regions and departments, and various regions and main bodies have complex benefits. The construction of the regional circular economy needs more powerful legal guarantees because of its characters of comprehension, integration, complexity and long-term.

1. Circular region and its characters

The circular region is the production that circular enterprise, circular industrial park and circular city extend to large region, and it establishes various industrial ecological chains in one region and various domains of the first, second and third industries through changing the regional production mode, consumption mode and management mode and adjusting the regional industrial structure, and uniformly organizes regional production, consumption, waste disposal and regional management as the ecological network system. The circular region takes the pollution prevention as the start, takes the material circular flow as the character, takes the sustainable developments of society, economy and environment as the final objective, utilize the resource and energy to the largest extents, and reduce the pollution discharge. It is the concrete embodiment that the circular economic theory is applied in the region. The circular region has four factors, i.e. industrial system, urban infrastructure, human ecology and social consumption. First, the circular economic industrial system taking the industrial intergrowth and material circulation as characters should be established. Second, the infrastructures including water cycle utilization protection system, clean energy system and clean public traffic operation system should be built. Third, the human economic construction which takes up with green planning, green view and green construction should be implemented. Fourth, the green sales and green consumption should be advocated and implemented.

The regional circular economy is the circular economy which is implemented on the higher layer and in the larger range based on the enterprise circular economy, industrial park circular economy and urban circular economy have been realized, and it is the based of social circular economy. On the regional layer, the development of the circular economy

has following characters. First, through the adjustment of regional structure, the ecological industry and the ecological agriculture should be developed depending on original industrial bases to promote the establishment of the production and consumption circular system, the material circulation and the energy gradient utilization among industries and in the interior of the region, and establish the circular region from points to face. Second, relatively complete production, consumption and cycle system should be established in the region. According to the principles of “quantity reducing, reutilization, resource”, establish the circular enterprise, circular ecological industrial park and circular city, exert the regional resource advantages, develop the ecological agriculture or ecological touring, and advocate the sustainable consumption. Realize the material circulation and waste utilization among enterprise and various circular cities in the circular region. The associations among the first, second and third industries will be more extensive, and the ecological industrial network will be more complex and stable. Third, the construction of circular region is to adjust the structure, reasonable utilize resource in the larger range, and fully exert local advantages and develop stably (Feng, 2004, P.242-243).

2. Law regulations of circular economic province

The circular region is the production that circular enterprise, circular industrial park and circular city extend to large region, so we take the circular economic province as the example to study the law regulations of circular region.

2.1 To establish the legislation program of circular economic province

A legislation program according with the demand of local construction could powerfully promote the science, system and balance of the regional legislation program. The construction of the circular economic province comes down to every walk of life, and it needs large law regulation system to support it. So when we make the legislation program, we should not only combine useful legislation with prediction legislation, but pay attention to the cover face of legislation in order to avoid that some relationships with marginal characters which needs to be adjusted are not be regulated correspondingly. We also should correctly deal with the relationship between local region and other legislations, and try to avoid the cross repetition and conflicts among legislations.

2.2 To constitute policies and law regulations of circular economic province

2.2.1 Using foreign and domestic advanced experiences and constituting comprehensive legislation to develop the circular economy according with the practice of the province

Many foreign counties such as Germany, Japan and US are developing the circular economy, and they have established relatively perfect legal system of circular economy. In China, many provinces such as Liaoning, Zhejiang and Shandong had early developed the construction of circular economic province, and they all begun to constitute relative laws about circular economy. Because the construction of the circular economic province is largely influenced by the natural condition and social condition, so the regional law regulations should be adjusted measures to local conditions and put the principles and systems about the construction of circular economic province into effect.

In China, because the construction of circular economic province in various places just begun, the comprehensive legislation with local characters has not been constituted. At the same time, with the development of the construction of circular economic province, the social composing, benefit relation, human idea and behavior mode, and living mode in the circular economic province will be largely changed, but the existing legal resources of China has not adapted the requirements of new changing social relationship to the laws. The best method to solve this problem is to constitute the local comprehensive legislation of the circular economic province, which can make the national policies about the circular economy accord with the local characters, and comprehensively regulate many problems such as the principle, objective and management system of the local circular economic province. So according to the practice of the province, the “Circular Economic Province Construction Byelaws” should be constituted, which can ensure the long-term character, integrality and continuity of the strategic layout of the circular economic province by the legal form.

2.2.2 Perfecting the policies and law regulations system about sustainable utilization

First, establish uniform resource management system. According to the concrete conditions of the province, make the total layout of the provincial territory resources development utilization and protection, strengthen the managements for the water resources, mine resources, land resources and forest resources, and ensure the effective utilization of the territory resources. Reasonably develop the water resource, completely push the principle of “water conservation” and establish the water-conservative society. Third, aiming at different resources, implement the ecological construction engineering. For example, constitute the protection layout of water resource, protect the water environment of the fountain, forbid to found pollution enterprise at the fountain, turn the fountain green and enhance the self-restraint ability of the fountain (Liu, 2005, P.445).

2.2.3 Establishing the policies and law regulations system about circular economy in the agricultural domain

The ecological crisis faced by Chinese agriculture includes not only environment pollution, but population explosion, environment and resource damage, energy deficiency and insufficient food supply (Bian, 2000, P.80-85). Therefore, we

should not only father and protect the natural ecological environment and save energies, but develop the production by finite resources and enhance the output of various farming products, produce more abundant and higher quality products, and supply increasing population and fulfill material demands of continually increasing.

We should establish the agricultural clean production system through the legislation. For a long-term, the clean production is limited in the domain of industrial production, and it is rarely mentioned in the domain of agricultural production. With the severity of the environment pollution and damage from the agricultural production and the rising of green agriculture, we should confirm the agricultural clean production system in the agricultural legislation, and apply the comprehensive environmental protection strategy of pollution prevention into the agricultural production engineering and control the pollution from the headstream. Through producing and using the green farming productions (such as green fertilizer, green pesticide and green mulch) which is friendly to the environment, we can improve the agricultural production technology, reduce the agricultural pollution, ensure the quality of farming products and reduce the risk of agricultural production to the environment and human. Through measures of pollution charge, pollution-discharge right trade and environment revenue, we can enhance the restriction of environment cost and gradually make the environment costs internalized. To implement the agricultural clean production and the good circular economy, we should regulate the law regulations such as pollution-discharge right trade, green technology standard, green environment symbol system, green packaging system, green sanitation quarantine system, ecological revenue and green allowance system to promote the clean production through relative legislations (Jiang, 2003, P.13).

The relative encouragement systems should be confirmed through the legislation. The relative encouragement and assistance systems should be constituted, which can make farmers and relative enterprises voluntarily participate in the circular economic activities and benefit from these activities in the agricultural domain. We can use the foreign blacklist system for reference. The blacklist system means the legal system which is implemented to protect the environment and control the pollution through forbidding or limiting the lagged products, technologies, skills and projects with much resources consumption and serious pollution, and it is the system which indirectly encourages the green industry through limitation regulations.

In addition, we should also confirm the substitute disposition system through the legislation. The “Prevention and Control of Environmental Pollution by Solid Wastes of the People’s Republic of China” had regulated the administration substitute disposition system of dangerous waste, and we can consider extending the application of the substitute disposition system, and regulate that the agricultural producers especially the agricultural collective economic organizations could sign the agreements with the professional pollution disposition enterprise according to the market operation mode, and consign and pay professional enterprise to father the pollution. So the pollution enterprises can dispose the pollutions through exterior professional environment protection establishments, and environmental protection departments would charge and supervise the pollution prevention and offer necessary services (Le, 2003, P.27).

2.2.4 Strengthening the legal construction of green packaging

At present, the special legislation about the packaging is still blank. Though in recent years, some policies about the packaging come on in succession, but because they lack in the compelling sanction, they could not exert large function, and the environmental protection consciousness in China is still lower, and some limited even forbidding packaging materials are still produced and used in China, which make some exported commodities suffer losses because of falling short of foreign environment protection laws. We should manage the production, circulation and usage of package through the legislation as soon as possible, and promote the development of green packaging by legal measures.

And we should establish concrete indexes to promote the reclaim utilization of packaging resources. The voluntary reclaim should be combined with paying reclaim to make the reclaim utilization of packaging resource integrated into the environment protection. At the same time, we should legally promote the design of green packaging and study the new materials.

2.2.5 Establishing the policies and law regulations system of the consumption mode about sustainable development

Under the condition of market economy, we should standardize the consumption behaviors and control the consumption needs through perfecting policies and laws to make the scale and intension of consumption harmonize with the update ability of resource and the load of environment and instruct the establishment of the consumption mode of the sustainable development. For a long term, human cognition to consumption only emphasizes its social and economic functions, and ignores the potential ecological influences of human consumption. Therefore, we should fully advocate the ecological consumption, which can not only enhance civic ecological consciousness and ecological responsibility sense, but promote the ecologization of production mode and the ecologization of decision-making management, and help to promote the good circulation of the social economic system (Wang, 2004, P.296).

2.2.6 Perfecting the policies and law regulations system about human resource reasonable utilization and raising money

To perfect the legal guarantee system of human resource reasonable utilization, we should establish a set of system

introducing, holding and cultivating talents according to the national preferential policies. The talent free flow principle should be confirmed through the legislation to create opportunities for attracting and utilizing exterior talents. The normal investment and effective usage of education capitals should be guaranteed and the provincial education should be largely developed through the legislations.

The financing mechanism is the material guarantee for the construction of the circular economic province and the market environment with high capital return is the important condition to attract capitals, which needs confirm many encouragement policies and preferential policies by the legal form to make investors invest without the trouble in the rear. For the construction of infrastructures, we should encourage the participation of private capitals, and encourage foreign and domestic big enterprise to construct the projects by the project system and the mode of BOT. For the construction of non-infrastructures, the nation should endow the province certain revenue exemption right to encourage foreign and domestic investors' investments. We also should adopt more flexible forms such as plan examining and approving, land and mountain contract to attract social capitals. And for the projects which accord with the industrial policies of the circular economic province, we should extend the limitation of market admittance and implement the revenue preferential policies.

2.3 Strengthening the law execution force and increasing the effect of law regulation

The executions of law regulations by law enforcement agencies and employees are very important in the construction of the whole circular economic province. And in the present and later period, we should mainly solve following problems.

(1) Strengthening the construction of the law enforcement agencies and teams. Following measures should be adopted, i.e. developing and strengthening the legislations of the administration management organizations and institutions, standardizing the administration behaviors of the government, enhancing the efficiency and perfecting the administration decision-making program, making the training layout and plans, constituting the post criterion, and comprehensively enhancing tipstaffs' professional quality and operation level.

(2) Strengthening the function of the government. The leaders' legal consciences of various layers governments should be first enhanced, and they should seriously run the state by law. At the same time, the law enforcement departments in the government should be severe with them own and fully enhance the law enforcement level.

(3) Perfecting the supervision mechanism of the law enforcement. First, the supervision to the implementation of the construction layout of the circular economic province should be strengthened. We should mainly supervise the investment of the capitals, the implementation of the objective responsibility in the circular economic province, and the perfection of the environment quality. Second, the various-layer power institutions should strengthen the supervision of the law enforcement, and supervise and urge the government to increase the law enforcement power, and maintain the dignity of the law and promote the implementation of the law.

References

- Bian, Yousheng et al. (2000). *Theory and Practice: Foreign and Domestic Ecological Agriculture Comparison*. Beijing: China Environmental Science Press. P.80-85.
- Feng, Zhijun. (2004). *Introduction of Circular Economy*. Beijing: People's Publishing House. P.242-243.
- Jiang, Weiyu. (2003). On the Legislation of Clean Production and Benign Circulate Economy. *Law Science Magazine*. No.5. P.13.
- Le, Xiaofang, Luan, Shengji & Wan, Jinbo. (2003). Study on the Innovation of Chinese Rural Environmental Policies. *China Environmental Management*. No.3. P.27.
- Liu, Guotao. (2005). *Green Industry and Green Industry Law in the Construction of Conservation-conscious Society*. Beijing: China Legal Publishing House. P.445.
- Wang, Rusong. (2004). *Theory and Practice of Hainan Ecological Provincial Construction*. Beijing: Chemical Industry Press. P.296.
- Zhu, Boyu. (2007). *Legal System about Circular Economy*. Beijing: People's Publishing House. P.228.