Environmental Impact Assessment Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of implementing the strategy of sustainable development, preventing adverse impacts on the environment from plans and construction projects, and promoting the coordinated development of the economy, society, and the environment.

Article 2 — For the purposes of this Law, environmental impact assessment means the method and system for analyzing, predicting, and assessing the environmental impacts that may result from the implementation of plans and construction projects, proposing countermeasures and measures for preventing or mitigating adverse environmental impacts, and conducting follow-up monitoring.

Article 3 — This Law shall apply to the environmental impact assessment of plans and construction projects within the territory of the People’s Republic of China and within other sea areas under the jurisdiction of the People’s Republic of China.

Article 4 — Environmental impact assessment must be objective, open, and fair, and shall take comprehensive consideration of the possible impacts on various environmental factors and the relevant ecosystem after the implementation of a plan or a construction project, providing a scientific basis for decision-making.

Article 5 — The state shall encourage and support scientific research in environmental impact assessment and shall strengthen the building of a professional team, enhance the quality of environmental impact assessment, and improve the technical level of environmental impact assessment.

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Article 6 — The state shall strengthen the building of a basic database for environmental impact assessment and an index system for environmental impact assessment, and shall encourage and support the sharing of information on environmental impact assessment.

Chapter II — Environmental Impact Assessment of Plans

Article 7 — The relevant departments of the State Council and the local people's governments at or above the level of a city divided into districts and the relevant departments thereof shall, when organizing the formulation of relevant plans for land use, regional development, river basin development, and sea area development, organize environmental impact assessment and prepare a chapter or explanation on environmental impacts.

Article 8 — The relevant departments of the State Council and the local people's governments at or above the level of a city divided into districts and the relevant departments thereof shall, when organizing the formulation of special plans for industry, agriculture, animal husbandry, forestry, energy, water conservancy, transportation, urban construction, tourism, natural resources development, and other areas, organize environmental impact assessment and submit a report on environmental impacts before the draft special plan is submitted for approval.

Article 9 — The specific scope of plans for which environmental impact assessment shall be conducted in accordance with Articles 7 and 8 shall be prescribed by the State Council.

Article 10 — The chapter or explanation on environmental impacts of a comprehensive plan and the report on environmental impacts of a special plan shall include the following:

(1) Analysis, prediction, and assessment of the possible environmental impacts from the implementation of the plan;

(2) Countermeasures and measures for preventing or mitigating adverse environmental impacts;

(3) Conclusions of the environmental impact assessment.

Article 11 — For a special plan that may have adverse environmental impacts and directly involve the environmental rights and interests of the public, the authority drafting the special plan shall, before submitting the draft plan for approval, hold a demonstration meeting or a hearing, or solicit opinions from relevant entities, experts, and the public through other means.

Article 12 — When submitting the draft special plan for approval, the authority drafting the special plan shall attach the report on environmental impacts and the explanation of the adoption of opinions.

Article 13 — For a special plan for which a report on environmental impacts has not been prepared as required, the examination and approval authority shall not approve it.

Article 14 — After a special plan is approved, the authority organizing the formulation of the plan shall conduct follow-up environmental impact assessment and report the assessment results to the examination and approval authority.

Article 15 — Where a plan that has already been implemented causes significant adverse environmental impacts, the authority organizing the formulation of the plan shall promptly organize a post-environmental impact assessment and take improvement measures.

Chapter III — Environmental Impact Assessment of Construction Projects

Article 16 — The state shall, based on the degree of environmental impact of construction projects, implement classified management of the environmental impact assessment of construction projects in accordance with the following provisions:

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(1) Where a construction project may cause significant environmental impacts, an environmental impact report shall be prepared to provide a comprehensive assessment of the environmental impacts;

(2) Where a construction project may cause minor environmental impacts, an environmental impact report form shall be prepared to provide an analysis or a special assessment of the environmental impacts;

(3) Where a construction project causes very small environmental impacts, an environmental impact registration form shall be filed.

Article 17 — The environmental impact report for a construction project shall include the following:

(1) An overview of the construction project;

(2) The current state of the environment surrounding the construction project;

(3) Analysis, prediction, and assessment of the possible environmental impacts from the construction project;

(4) Environmental protection measures for the construction project and their technical and economic demonstration;

(5) Economic profit and loss analysis of the environmental impacts of the construction project;

(6) Proposals for implementing environmental monitoring of the construction project;

(7) Conclusions of the environmental impact assessment.

Article 18 — The environmental impact assessment of a construction project shall avoid overlap with the environmental impact assessment of a plan.

Article 19 — The construction entity may, on its own or by commissioning a technical service institution, prepare an environmental impact report or environmental impact report form for its construction project.

Article 20 — A construction entity shall be responsible for the content and conclusions of the environmental impact report or environmental impact report form it submits.

Article 21 — For a construction project that may have adverse environmental impacts and directly involve the environmental rights and interests of the public, the construction entity shall, before submitting the environmental impact report or report form for approval, solicit opinions from relevant entities, experts, and the public through demonstration meetings, hearings, or other means.

Article 22 — The environmental impact report or environmental impact report form for a construction project shall be submitted by the construction entity to the competent ecology and environment department for approval in accordance with the provisions of the State Council.

Article 23 — Where the competent ecology and environment department receives an environmental impact report, it shall make a decision within 60 days from the date of receipt; where it receives an environmental impact report form, it shall make a decision within 30 days. The time for expert review shall not be counted within the above periods.

Article 24 — Where, after the approval of an environmental impact report or report form, the nature, scale, location, production process adopted, or measures for preventing pollution and ecological damage of the construction project undergo a material change, the construction entity shall re-submit the environmental impact report or report form for approval.

Article 25 — Where a construction project has not obtained approval of its environmental impact assessment documents in accordance with law, the construction entity shall not commence construction.

Article 26 — In the course of constructing a project, the construction entity shall implement the countermeasures and measures for environmental protection specified in the approved environmental

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impact report or report form and the opinions of the examination and approval authority.

Article 27 — After a construction project is put into production or use, the construction entity shall conduct follow-up environmental impact assessment and take improvement measures where needed.

Chapter IV — Legal Liability

Article 28 — Where a plan-drafting authority violates the provisions of this Law by failing to organize an environmental impact assessment or conducting fraud or dereliction of duty in the environmental impact assessment when organizing the formulation of a plan, the authority at the higher level shall order it to take corrective action and impose sanctions on the directly responsible person in charge and other directly liable persons.

Article 29 — Where a plan examination and approval authority approves a plan for which a report on environmental impacts has not been submitted, sanctions shall be imposed on the directly responsible person in charge and other directly liable persons.

Article 30 — Where a construction entity fails to submit its environmental impact report or report form for approval in accordance with law, or fails to re-submit or request re-approval in accordance with law, and commences construction without authorization, the competent ecology and environment department shall order it to cease construction, impose a fine based on a percentage of the total investment amount of the construction project, and may order it to restore the site to its original state. The directly responsible person in charge and other directly liable persons shall be subject to administrative sanctions in accordance with law.

Article 31 — Where a construction entity fails to prepare an environmental impact report or report form in accordance with law, and commences construction without authorization, the competent ecology and environment department shall order it to cease construction, impose a fine, and may order it to restore the site to its original state.

Article 32 — Where a technical service institution for environmental impact assessment accepts a commission in violation of the provisions of this Law, resulting in serious inaccuracies or omissions in the environmental impact report or report form, the competent ecology and environment department shall impose a fine on the technical service institution; the persons in charge and other directly liable persons shall be subject to administrative sanctions in accordance with law.

Article 33 — Where any entity responsible for examination and approval of environmental impact assessment documents collects fees in violation of provisions, the government at the higher level or the supervisory authority shall order it to return the fees collected; where the circumstances are serious, sanctions shall be imposed on the directly responsible person in charge and other directly liable persons.

Article 34 — Where a staff member of the competent ecology and environment department or another relevant department engages in malpractice for personal gain, abuses power, or neglects duty in the examination and approval of environmental impact assessment documents, sanctions shall be imposed; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Article 35 — The competent ecology and environment department may impose administrative penalties in accordance with law for violations of this Law, including ordering cessation of construction, imposing fines, and ordering restoration of the site to its original state.

Chapter V — Supplementary Provisions

Article 36 — The people’s governments of provinces, autonomous regions, and municipalities directly under the Central Government may, in accordance with the actual local circumstances, require environmental impact assessment for plans formulated by relevant departments of local people’s governments at the

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county level.

Article 37 — This Law shall come into force on September 1, 2003. The Regulations on the Administration of Environmental Protection of Construction Projects promulgated by the State Council shall be repealed simultaneously.

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