

China

Country: [China](#) [1]

EIA Law: Law of the People's Republic of China on Evaluation of Environmental Effects

Law Link: [Link](#) [2]

EIA Regulations: Chinese Plan Environmental Impact Assessment Regulations, 2009 (unofficial translation; applies to government plans only)

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: EIA Guidelines

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: Certain government plans (e.g. land use) need only an "explanation of environmental effects" within the plan. EIA Law, Art. 7. Projects are classified into three categories based on the potential environmental impact, and two of the three categories allow abridged assessment if projects are anticipated to have "mild" or "very little" impact. EIA Law, Art. 16(2), (3)

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: A project proponent (termed "construction unit" in the law) files a registration form describing the anticipated environmental effects. Depending on the severity of the effects, the State determines what level of assessment is required. EIA Law, Art. 16. There is also a published catalogue of construction projects. Id.

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: "[W]here considerable effects may be exerted on the environment preparing a written report on environmental effects, in which a comprehensive evaluation of the effects on the environment shall be made[.]" EIA Law, Art. 16(1).

Who Prepares EIA: Project Proponent (with or without contractor)

Who Pays for EIA: Project Proponent

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: "The institutions to be entrusted with the provision of technical services for evaluation of the environmental effects of construction projects shall be the ones which are considered qualified after appraisal and examination by the competent administrative department for environmental protection under the State Council, to which the said department has issued qualification certificates." EIA Law, Art. 19

Conflict of Interest: Yes

Conflict of Interest Detail: "No institutions providing technical services for the evaluation of the environmental effects of construction projects may have any relations of interest with the competent administrative department for environmental protection that is in charge of examination and approval . . ." EIA Law, Art. 19. See also Art. 28 & 29 (liability for fraud or negligence of duty). Where an EIR is inconsistent with facts due to any consultant's fraud punishments apply to the person in charge and other personnel with responsibilities in conformity with legal provisions. Regs. Arts. 31-34

Terms of Reference: No

Days for Decision Maker Review: 60

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: EIA Law, Art. 22

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: The EIA Law does not expressly provide authority, but states that the project proponent "shall simultaneously implement the measures for project of the environment contained in the comments and suggestions put forth by the examination and approval department. . . [.]" EIA Law, Art. 26

Expiry of Decision: 5 years

Expiry of Decision Detail: After 5 years, the project proponent must submit the original EIA to the examination department for "verification anew." The examination department has 10 days to conduct this verification. EIA Law, Art. 24

Interdisciplinary Team Detail: Unknown. May be specified in technical guidance

Range of Alternatives Detail: Unknown. May be specified in technical guidance

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Other

Mitigation: Yes

Mitigation Detail: Government plans shall contain "the ways and measures put forth for preventing or mitigating the adverse effects on the environment. . . ." EIA Law, Art. 7. For private projects, the EIA must contain "protective measures for the environment" and (where applicable) a "plan for soil and water conservation." EIA Law, Art. 17.

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA must contain "a proposal for monitoring the environment of the construction project[.]" EIA Law, Art. 17(6)

Draft EIA Available: Yes

Draft EIA Available Detail: Project proponent must solicit public comment before the EIA is submitted to the authority. EIA, Law Art. 21

Draft EIA Locations: Other

Final EIA Available: Yes

Final EIA Available Detail: EIA Law, Art. 21.

Final EIA Locations: Agency or ministry office

Public Notice of Final Decision: Yes

Public Scoping: No

Public Participation Opportunities: Review of draft EIA

Public Meetings and/or public hearings

Public Meetings: Sometimes

Public Meetings Detail:: "Except where secrets need to be guarded . . . [the project proponent shall] hold demonstration meetings or hearings, or solicit in other forms the comments and suggestions from. . . the public on the written report." EIA Law, Art, 21

Public Input at Meeting: Yes

Public Input at Meeting Detail: If a meeting is held, the project proponent must solicit comments and suggestions from the public on the written report. EIA Law, Art, 21

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

Public Comments on Draft EIA: Yes

Public Comments on Draft EIA Detail: Project proponent must solicit comments and suggestions from the public on the written report. EIA Law, Art, 21

Public Comments on Final EIA: No

Public Comments on Final EIA Detail: It does not appear that members of the public have an opportunity to comment on the EIA report once it has been finalized and submitted to the relevant authority.

Response to Public Comments: Sometimes

Response to Public Comments Detail: The project proponent must include an explanation of whether the opinions of relevant entities, experts and the general public on the draft EIA were accepted or rejected. EIA law Art. 21. The EIA Law, however, does not require authorities to consider public comments when deciding whether to approve a project. There may be additional guidance in technical regulations not available on the internet.

Facilitation of Public Participation: No

Project Monitoring: Yes

Project Monitoring Detail: If, in the process of building or operating a project, any circumstance is inconsistent with the EIA, the construction entity shall organize a post-appraisal of the environmental impacts, and take measures for improvement. EIA Law, Art. 27. In addition, authorities must conduct follow-up inspections of the environmental effects of a project after it is put into production or use. If serious pollution has occurred, the causes shall be ascertained and responsibility shall be investigated. EIA Law, Art. 28

Days for Public to Review Draft EIA: Not specified

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Links

[1] <https://elaw.org/countries-and-regions/china>

[2] http://www.npc.gov.cn/zgrdw/englishnpc/Law/2007-12/06/content_1382122.htm

[3] <http://en.pkulaw.cn/display.aspx?cgid=120685&lib=law>

[4] <http://english.mee.gov.cn/Resources/standards/others1/>

