



中國地質大學 (武漢)  
CHINA UNIVERSITY OF GEOSCIENCES

# EIA in China

# EIA System in China

- There are **three modes of administrative management system**:
  - **regional management**, the **basis** of other management modes, is the main mode of environmental management in China, where each government is in charge of the environmental management of its administrative jurisdiction area.
  - **Industrial management mode**, as the supplement to regional management, is **cross-region management** concentrating on the management of specific industry.
  - **Resource management**, focusing on the **preservation of natural resources**, for example, agriculture, forestry, water conservancy and marine, is to protect the natural environment and to coordinate the relationship between resources utilization and environmental protection.
- The management institutions of EIA are closely related to current administrative management system in China. As stipulated in the EP Law, **the competent departments of environmental protection of local governments are in charge of supervision and management on environmental protection work.**

- The legal system of EIA is an important part of the national environmental protection law system in China. In general, EIA legislation can be **classified into two different processes**:
- 1 **provisions of EIA** or similar are stipulated in various environmental protection laws and regulations
- 2 **specific legislation on EIA**, alone
- However, the content and the structure of the provisions of EIA or special single EIA law should be in **accordance with the requirement of the Constitution, the EP Law and other superior laws.**

# Institutional setup of environmental protection in China

- Regional management is the main mode of environmental management in China, which is achieved through **administrative hierarchy system**.
- The **MEP** is representing **the state** to fulfill the function and responsibility of environmental protection, and **local environmental protection bureau (EPB)** represents **local government** to fulfill the function and responsibility of environmental protection, as shown in following figure.

# National People's Congress and Standing Committee of NPC

- The NPC of the People's Republic of China is the organization with supreme power of the State. **The Standing Committee is the permanent institution of the NPC.**
- the NPC and its Standing Committee jointly exercise the power to legislate and enact laws, such as the EIA Law in October 2002 and the “Law of People's Republic of China on the Promotion of Circular Economy” in August 2008, etc.

# National People's Congress and Standing Committee of NPC

- The Committee of Environmental and Resource Protection is in charge of reviewing proposals for the NPC and recommending suitable and necessary propositions to the NPC.
- This has greatly promoted the legislative process on environment and facilitated the promulgation of environmental protection and related laws.

# Ministry of Environmental Protection

## Local Environmental Protection Agency

- As part of the State Council, the MEP is the central competent authority in charge of affairs of environmental protection and management, with major functions to establish and integrated basic environmental protection system, and to manage and monitor environmental pollution prevention and control.

# The legal framework of EIA in China

- In China, EIA system is a **compulsory system** where EIA is regulated as a **legal requirement** to be complied with. For more than 30 years, the development of the legal system of environmental protection in China has been continuously improved through practical experience. In China, the legal system of environmental protection is mainly composed of **laws, regulations, statutes, rules, environmental standards and international covenants on environmental protection.**



# The Constitution

- It was clearly stipulated in “the Constitution of the People’s Republic of China” (the Constitution 1982) that protecting the environment is one of the fundamental national policies of the State, and is the obligation for all national institutions, social groups, industrial enterprises and the public.

# Laws

- The environmental protection law includes basic law of environmental protection and single law of environmental protection.
- The basic law of environmental law is the EP Law promulgated in 1989, which confirmed and standardized the EIA system in China.

# Administrative Regulations

- Administrative regulations are the regulatory documents of environmental protection formulated and promulgated by the State Council or promulgated by other competent authority upon the approval of the State Council.

# Departmental Statutes

- Based upon the environmental protection laws and administrative regulations, departmental statutes are the regulatory documents of environmental protection issued by the competent authorities of the State Council alone or jointly, to provide guidance for the fields without specific laws or regulations

# Local Ordinances and Local Government Rules

- Local ordinances and local government rules are the regulatory documents of environmental protection formulated and enacted by local governments to be more feasible and suitable to the characteristics of environmental problems.

# Environmental Standards

- Environmental standards are the **technical basis** for enforcement and management of environmental protection, and the criteria for EIA practice.

# The implementation agencies of EIA in China

- In China, the main management agencies of EIA are the competent authorities of environmental protection at central and local government, as well as the competent authorities of marine ecological protection, water and soil conservation, and etc.
- The appraisal center for environmental engineering will provide technical support to EIA institutes, and carry out technical evaluations of EIA.

# EIA for construction projects in China

- “*regulations on environmental protection management of construction project*”
- “*technical guidelines on environmental impact assessment-compendium, surface water and atmospheric environment*”
- *The EIA Law*

are the **legal basis** of EIA system to guide project EIA activities.



The EIA system for construction projects is characterized by:

- Project EIAs are classified based upon the extent of environmental impacts to be included in the EIA statement, EIA form, or environmental impacts registration form.

# Categorization for project EIAs

- Project EIA should be conducted differently according to locations, industries, products, scales, techniques, material, the kinds and the amounts of pollutants, and the extent of environment impacts, as stipulated in Article 16 of *the EIA Law*, “*Regulations on environmental protection management of construction project*”, and “*Classification catalog management of environmental impact assessment for construction projects.*”

# Classification management for Project EIAs (the EIA Law)

- Article 16:

On the basis of the extent of the effects exerted on the environment by construction projects, the State exercises, in a classified manner, control over the EIA of construction projects.

A construction unit should, in accordance with the following provisions, make arrangements for preparing **EIA Statement** or **EIA Form** or filling out an **Environmental Impact Registration Form**

# Documentation specifications for Project EIA

According to the extent of environmental impacts, the Project EIA documents are categorized into EIA Statement, EIA Form, and EIRF.

# Public participation in Project EIA

- Public should and would participate in EIA to assist decision-making. Therefore, there should be a **special chapter** in EIA documents to describe public participation, as regulated in the EIA Law and *“Interim measures for public participation in environmental impact assessment”*.

# Re-submission and re-review of EIA documents

- Any changes or modification made to the construction projects after the approval of EIA documents will require the re-submission of “new” EIA documents for approval.

# Post evaluation for construction project

- post evaluation should be organized by the construction unit or upon request by the department which approved the original EIA.
- Post evaluation with countermeasures for existing problems should be submitted to competent authorities for filing.

# Management of project EIA

- In China, the development of EIA is **initiated** from the practice of **Project EIA**.
- Construction projects are **all required** to conduct Project EIA to demonstrate all necessary precautionary measures and mitigation countermeasures of environmental protection and ecological conservation have been considered, thoroughly.