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**Regulations on Environmental Protection Management
for Construction Projects**

(Promulgated by Decree No. 253 of the State Council of the People's Republic of China on November 29, 1998 and amended according to the Decision of the State Council on Amending the Regulations on Environmental Protection Management for Construction Projects dated July 16, 2017)

Chapter I General Provisions

Article 1 These Regulations are formulated for the purpose of preventing construction projects from producing new pollution and damaging the ecological environment.

Article 2 These Regulations shall apply to all construction projects, constructed within the territory of the People's Republic of China and the sea areas under the jurisdiction of the People's Republic of China, that have an impact on the environment.

Article 3 For construction of a project that produces pollution, the national and local standards for discharge of pollutants shall be complied with; and in an area where a limit is imposed on the total quantity of

major pollutants to be discharged, the requirements for such a limit shall also be met.

Article 4 For construction of an industrial project, clean production techniques that facilitate lower energy and material consumption and less pollutant emission shall be adopted to ensure the rational use of natural resources and to prevent environmental pollution and ecological damage.

Article 5 For projects to be rebuilt or expanded and for technological renovation projects, measures shall be taken to prevent and control the existing environmental pollution and ecological damage entailed by the said projects.

Chapter II Environmental Impact Assessment

Article 6 The State applies a system of environmental impact assessment for construction projects.

Article 7 The State shall, on the basis of the degree of the impact made by construction projects on the environment, conduct classified management of environmental protection with respect to construction projects according to the following provisions:

(1) For a construction project which may have a substantial impact on the environment, an environmental impact statement shall be compiled, in which a comprehensive and detailed assessment shall be made on the

pollution caused by the construction project and its impact on the environment;

(2) For a construction project which may have a minimum impact on the environment, an environmental impact form shall be filled out, in which an analysis or an analysis of special items shall be made in respect of the pollution caused by the construction project and its impact on the environment; and

(3) For a construction project which has a limited impact on the environment and thus no environmental impact assessment is required, an environmental impact registration form shall be filled out.

A catalog of construction projects for classified management in respect of environmental impact assessment shall be compiled on the basis of expert demonstration and consultation with the relevant departments, trade associations, enterprises, public institutions and the general public and shall be published by the competent administrative department of the State Council for environmental protection.

Article 8 An environmental impact statement of a construction project shall contain the following:

(1) a brief account of the construction project;

(2) the existing conditions of the surroundings of the construction project;

(3) an analysis and prediction regarding the impact that the construction project may likely have on the environment;

(4) measures to be taken for environmental protection and an economic and technical demonstration regarding the measures;

(5) an analysis of the economic losses incurred and benefits rendered by the environmental impact;

(6) recommendations for monitoring the environment of the construction project; and

(7) conclusion on the environmental impact assessment.

The contents and formats of the environmental impact statements and the environmental impact registration forms of construction projects shall be stipulated by the competent administrative department of environmental protection of the State Council.

Article 9 In the case of a construction project for which an environmental impact statement is required to be compiled or an environmental impact form filled out according to law, the construction unit shall, prior to commencement of construction, submit for approval the said statement or form to the competent administrative department of environmental protection that is vested with the power of approval; no construction unit shall start construction before the document of environmental impact assessment has undergone examination by the

approval authority or has been approved after examination, as is required by law.

In examining an environmental impact statement or an environmental impact form, the competent administrative department of environmental protection shall focus on the environmental feasibility, the reliability of the environmental impact analysis, prediction and assessment, the effectiveness of the environmental protection measures, the scientificness of the conclusion on environmental impact assessment, etc., and shall, within 60 days beginning from the date of receipt of the environmental impact statement or within 30 days beginning from the date of receipt of the environmental impact form, make a decision on approval and notify the construction unit of the decision in writing.

The competent administrative department of environmental protection may arrange for a technical institution to make technical assessment of the environmental impact statement or environmental impact form of a construction project and shall bear the expenses incurred; the technical institution shall be responsible for its opinions concerning the technical assessment and is not allowed to charge any fees to the construction unit or to the unit that has made the environmental impact assessment.

In the case of a construction project for which an environmental impact registration form is required to be filled out according to law, the

construction unit shall, according to the regulations of the competent administrative department of environmental protection of the State Council, submit for filing the said form to the competent administrative department of environmental protection at the county level at the place where the construction project is located.

The competent administrative department of environmental protection shall develop online approval for, filing of and information publishing with respect to the documents of environmental impact assessment.

Article 10 The competent administrative department of environmental protection of the State Council shall be responsible for approval of the environmental impact statements and environmental impact forms of the following construction projects:

(1) construction projects of a special nature, such as nuclear facilities and highly confidential engineering projects;

(2) construction projects involving more than one province, autonomous region or municipality directly under the Central Government; and

(3) construction projects subject to approval of the State Council or the relevant department authorized by the State Council.

The people's government of a province, autonomous region or municipality directly under the Central Government shall define the

competence in the matter of approval of the environmental impact statement or environmental impact form of a construction project, with the exception of those specified in the preceding paragraph.

Where a construction project has an impact on the environment across different administrative regions and the relevant competent administrative departments of environmental protection disagree on the conclusion made on the environmental impact assessment, the environmental impact statement or the environmental impact form of the project shall be subjected to approval by the common competent administrative department of environmental protection at the next higher level.

Article 11 In one of the following cases, the competent administrative department of environmental protection shall decide not to approve the environmental impact statement or environmental impact form of a construction project:

(1) The type, siting, layout and scale of the construction project do not comply with the environmental protection law or regulations, or relevant statutory plans;

(2) The environmental quality of the area where the construction project is to be located does not meet the national or local standards for environmental quality, and the measures proposed with respect to the construction project do not meet the management requirements for

achieving the objectives of the area for improved environmental quality objectives;

(3) The measures to be taken with respect to the construction project for prevention and control of pollution cannot ensure that the pollutant discharge meets the national or local standards for discharge, or no requisite measures are taken to prevent and control ecological damage;

(4) In the case of a project to be rebuilt or expanded or a technological renovation project, no effective measures are proposed to prevent and control existing environmental pollution and ecological damage; and

(5) The basic information and data contained in the environmental impact statement or environmental impact form of the construction project is obviously untrue, containing major defects or omissions; or the conclusion made on the environmental impact assessment is indefinite or irrational.

Article 12 Where after the environmental impact statement or environmental impact form of a construction project is approved, a major change is made in the nature of the project, its scale, location, the production techniques to be adopted, or the measures to be taken for prevention and control of pollution or for prevention of ecological damage, the construction unit shall submit anew an environmental impact statement or an environmental impact form of the project for approval.

Where a construction project is not launched until a full five years has elapsed, beginning from the date of approval obtained for its environmental impact statement or environmental impact form, the said statement or form shall be submitted to the original approval authority for renewed review. The said authority shall, within 10 days beginning from the date of receipt of the environmental impact statement or environmental impact form, notify in writing the construction unit of its opinion after review. Where no such notification is made within the time limit, it shall be deemed to be consent granted after review.

No fees shall be charged for review or approval of an environmental impact statement or environmental impact form, or for filing of an environmental registration form, of a construction project.

Article 13 A construction unit may, through public invitation of bidding, select a unit engaged in environmental impact assessment to do the environmental impact assessment for a construction project.

No administrative body may designate a unit engaged in environmental impact assessment to do the environmental impact assessment.

Article 14 In compiling an environmental impact statement, the construction unit shall, in accordance with the relevant provisions of laws and regulations, solicit opinions of the units and residents concerned in the place where the construction project is to be located.

Chapter III Construction of Environmental Protection Facilities

Article 15 Supporting environmental protection facilities which are needed for a construction project shall be designed, constructed and put into operation or use simultaneously with the principal part of the project.

Article 16 The preliminary design of a construction project shall contain a chapter on environmental protection prepared according to the designed specifications required for environmental protection, which shall include the measures for prevention and control of environmental pollution and ecological damage, as well as the investment estimate for environmental protection facilities.

The construction unit shall include construction of the environmental protection facilities in the construction contract, guarantee the progress and funding for such construction and, in the course of construction, arrange for the implementation of the environmental protection measures proposed in the environmental impact statement or environmental impact form and in the approval decision made by the approval authority.

Article 17 After completion of a construction project for which an environmental impact statement is compiled or an environmental impact form is filled out, the construction unit shall conduct an acceptance inspection of the supporting environmental protection facilities and

compile a report on the acceptance inspection according to the standards and procedures prescribed by the competent administrative department of environmental protection of the State Council.

When conducting acceptance inspection of the environmental protection facilities, the construction unit shall truthfully inspect and monitor and accurately record the construction and trial run of the said facilities of the construction project; no fraud shall be brooked.

The construction unit shall make public the report on acceptance inspection in accordance with law, except where secrecy is required by State regulations.

Article 18 Where a project is constructed and put into operation or use by stages, the associated environmental protection facilities shall undergo acceptance inspection by stages accordingly.

Article 19 A construction project for which an environmental impact statement is compiled or an environmental impact form is filled out shall be put into operation or use only when the supporting environmental protection facilities have passed the acceptance inspection. Where the facilities have not undergone such inspection or have failed to pass the inspection, the project shall not be put into operation or use.

After the construction project specified in the preceding paragraph is put into operation or use, a follow-up assessment of the environmental impact shall be conducted according to the regulations of the competent

administrative department of environmental protection of the State Council.

Article 20 The competent administrative department of environmental protection shall supervise and check the design, construction, acceptance inspection, operation or use of the environmental protection facilities of a construction project, as well as the implementation of the other environmental protection measures specified in the document of environmental impact assessment.

The competent administrative department of environmental protection shall have the information about the violation of the environmental law committed with respect to a construction project entered into the file on social credibility and publish a list of lawbreakers in a timely manner.

Chapter IV Legal Liabilities

Article 21 Where a construction unit commits one of the following acts, it shall be punished according to the provisions of the *Law of the People's Republic of China on Environmental Impact Assessment*:

(1) Failing to submit the environmental impact statement or environmental impact form for approval or for renewed review, as is required by law, before starting construction;

(2) Failing to obtain approval, or consent granted after renewed review, for the environmental impact statement or environmental impact form, before starting construction; and

(3) Failing to submit for filing the environmental impact registration form of the construction project, as is required by law.

Article 22 Where, in violation of the provisions of these Regulations, a construction unit, when planning its preliminary design for a construction project, fails to propose workable measures for prevention and control of environmental pollution and ecological damage and reliable investment estimate for environmental protection facilities, fails to incorporate construction of the said facilities into construction contract, or fails to make follow-up assessment of environmental impact according to law, the competent administrative department of environmental protection at or above the county level at the place where the construction project is located shall order it to rectify within a specified time limit and shall impose on it a fine of not less than 50,000 yuan but not more than 200,000 yuan; if the construction unit fails to rectify within the specified time limit, it shall be fined not less than 200,000 yuan but not more than 1 million yuan.

Where a construction unit, in violation of the provisions of these Regulations, fails to organize implementation of the environmental protection measures, proposed in the environmental impact statement or

the environmental impact form and in the decision on approval made by approval authority concerned, at the same time when construction of the project is under way, the competent administrative department of environmental protection at or above the county level at the place where the construction project is located shall order it to rectify within a specified time limit and shall impose on it a fine of not less than 200,000 yuan but not more than 1 million yuan; if the construction unit fails to rectify within the specified time limit, it shall be ordered to suspend construction.

Article 23 Where, in violation of the provisions of these Regulations, a construction project is put into operation or use before construction of the supporting facilities necessitated for environmental protection is completed, or before the facilities have undergone acceptance inspection, or when the facilities have failed to pass such inspection, or where fraud is practiced in the course of the acceptance inspection of the facilities, the competent administrative department of environmental protection at or above the county level shall order the construction unit to rectify within a specified time limit and shall impose on it a fine of not less than 200,000 yuan but not more than 1 million yuan; if the construction unit fails to rectify within the specified time limit, it shall be fined not less than 1 million yuan but not more than 2 million yuan, the leading person directly in charge and the person to be held responsible shall each be fined not

less than 50,000 yuan but not more than 200,000yuan; where extreme environmental pollution or ecological damage is caused, the construction unit shall be ordered to cease operation or use of the project, or shall be ordered to shut down, pending approval by the people's government vested with the power of approval.

Where, in violation of the provisions of these Regulations, a construction unit fails to make public the report on acceptance inspection of the environmental protection facilities, the competent administrative department of environmental protection at or above the county level shall order it to make the report public, and shall impose on it a fine of not less than 50,000 yuan but not more than 200,000 yuan, which shall be made known to the public.

Article 24 Where, in violation of the provisions of these Regulations, a technical institution charges fees to a construction unit or a unit that has made an environmental impact assessment, the competent administrative department of environmental protection at or above the county level shall order it to refund the fees charged and shall impose on it a fine equal to the amount, or three times the amount, of the fees it has charged.

Article 25 Where a unit engaged in environmental impact assessment with respect to a construction project practices fraud in the course of such assessment, the competent administrative department of environmental protection at or above the county level shall impose on it a

fine equal to the amount, or three times the amount, of the fees it has charged.

Article 26 Where a staff member of the competent administrative department of environmental protection commits illegalities for personal gain or abuses his power or neglects his duty, which constitutes a crime, he shall be investigated for criminal liability according to law; if no crime is constituted, administrative sanctions shall be imposed on him according to law.

Chapter V Supplementary Provisions

Article 27 Environmental impact assessment shall be required for construction programmes prepared for regional development, such as development of a river basin, construction of a development zone, construction of an urban area and reconstruction of an existing urban area. The specific measures shall separately be formulated by the competent administrative department of environmental protection of the State Council in conjunction with the relevant departments of the State Council.

Article 28 Environmental protection management for marine engineering projects shall be conducted in accordance with the

regulations of the State Council on environmental protection management for marine engineering.

Article 29 Environmental protection management for construction projects related to military facilities shall be conducted in accordance with the relevant regulations of the Central Military Commission.

Article 30 These Regulations shall go into effect as of the date of promulgation.

本译本仅供参考，若有歧义，请以中文版本为准。

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