

Part Two. Regulations on the Administration of Construction Project Environmental Protection

(Approved in the 10th General Meetings of the State Council on Nov. 18, 1998, Decree No. 253 of the State Council of P.R.C.)

Chapter I General Provisions

Article 1 These Regulations are formulated with a view to preventing construction projects from generating new pollution and damaging the ecological environment.

Article 2 These Regulations shall be applicable to building of construction projects having impacts on the environment within the territory of the People's Republic of China and other territorial sea areas under the jurisdiction of the People's Republic of China.

Article 3 State standards and local standards for the discharge of pollutants must be complied with in building construction projects that generate pollution; requirements for aggregate control of discharge of major pollutants must be met in areas under aggregate control of discharge of major pollutants.

Article 4 Industrial construction projects should adopt clean production techniques with low energy consumption, low materials consumption and low pollutants generation, rationally exploit natural resources to prevent environmental pollution and ecological damage.

Article 5 Measures must be taken in reconstruction, expansion projects and technological transformation projects to treat original environmental pollution and ecological damage related to the said projects.

Article 6 The state practices the construction project environmental impact assessment system.

The work of construction project environmental impact assessment shall be undertaken by units having acquired certificates of corresponding qualifications.

Article 7 The state practices classified control over construction project environmental protection in accordance with the extent of environmental impact of construction projects in pursuance of the following

provisions:

- (1) a report on environmental impact should be compiled for a construction project that may cause major impact on the environment, giving comprehensive and detailed evaluation of the pollution generated and environmental impact caused by the construction project;
- (2) a statement on environmental impact should be compiled for a construction project that may cause light impact on the environment, giving analysis or special-purpose evaluation of the pollution generated and environmental impact caused by the construction project; and
- (3) a registration form should be filled out and submitted for a construction project that has slight impact on the environment and necessitates no environmental impact assessment.

Article 8 The report on construction project environmental impact should contain the following contents:

- (1) an overview of the construction project;
- (2) current state of environment surrounding the construction project;
- (3) analysis and predictions of impacts which may be caused by the construction project on the environment;
- (4) measures for environmental protection and their financial and technical authentication;
- (5) environmental impact economic loss-benefit analysis;
- (6) proposals for environment monitoring of the construction project; and
- (7) conclusions of the environmental impact assessment.

Article 10 Construction project environmental impact reports, environmental impact statements or environmental impact registration forms shall be submitted by construction units to competent departments of environmental protection administration with authority of examination and approval for examination and approval; where construction projects have competent departments of trades, their environmental impact reports or environmental impact statements should, upon preliminary examination of the competent departments of trades, be submitted to the competent departments of environmental protection administration with authority of examination and approval for examination and approval.

Competent departments of environmental protection administration should, within 60 days starting from the date of receipt of the construction project environmental impact report, within 30 days starting from the date of receipt of the environmental impact statement and within 15 days starting from the date of receipt of the environmental impact registration form, make a decision on examination and approval and notify the construction units in writing respectively.

Where a construction project causes trans-administrative area environmental impact and a dispute arises between the competent departments concerned of environmental protection administration over the conclusions of environmental impact assessment, the environmental impact report or environmental impact statement shall be submitted to the joint competent department of environmental protection administration at the next higher level for examination and approval.

Article 15 Construction units should, in compiling the environmental impact reports, solicit the views of the units and residents concerned of the locality wherein the construction project is located pursuant to relevant provisions of law.

Article 34 These Regulations come into force as of the date of promulgation.