Subscribe

PUBLICATIONS RESOURCES

Home » Resources » Selected PRC Legal Provisions » Selected PRC Legal Provisions Measures on Open Environmental Information (Trial)

(CECC Full Translation) Passed: Thursday, February 8, 2007

The Environment

Issuer: State Environmental Protection Agency

中文版

The Chinese text was retrieved from the Central People's Government of the People's Republic of China Web site on June 4, 2007. CECC analysis and summary of the Measures is available here. Measures on Open Environmental Information (Trial) **General Provisions** Chapter I.

The following is a translation prepared by the Congressional-Executive Commission on China of the "Measures on Open Environmental Information," issued by the State Environmental Protection Administration on April 11, 2007.

Article 1. In order to promote and standardize the disclosure of environmental information for the administrative departments in charge of environmental protection (hereinafter referred to as "environmental protection departments") and enterprises, protect the rights and interests of citizens, legal persons, and other organizations to obtain environmental information, and promote public participation in environmental protection, in accordance

with the "Regulations of the People's Republic of China on Open Government Information," the "Law of the People's Republic of China on the Promotion of Clean Production," the "State Council Decision on Implementing the Scientific Concept of Development and Strengthening Environmental Protection," and other relevant

provisions, these Measures are hereby formulated. Article 2. "Environmental information," as referred to in these Measures, includes government environmental information and enterprise environmental information. "Government environmental information" refers to information created or obtained by environmental protection departments in the course of carrying out their environmental protection responsibilities and recorded and stored in a definite form. "Enterprise environmental information" refers to information that an enterprise has recorded and stored in a definite form and which relates to the environmental impact generated by the operating activities of the enterprise or the environmental conduct of the enterprise.

Article 3. The State Environmental Protection Administration (SEPA) is responsible for promoting, guiding, coordinating, and supervising open environmental information work throughout the country. responsible for organizing, coordinating, and supervising open environmental information work within their

The environmental protection departments of the local people's governments at the county level and above are respective administrative areas. *Article 4.* Environmental protection departments shall abide by the principles of justice, fairness, convenience to

the people, and objectivity, and disclose government environmental information promptly and accurately. Enterprises shall, regardless of whether disclosure is voluntary or mandatory, disclose enterprise environmental information promptly and accurately. Article 5. Citizens, legal persons, and other organizations may file requests with environmental protection

departments to obtain government environmental information. Article 6. Environmental protection departments shall establish and perfect the environmental information The General Office of SEPA shall be the office responsible for organizing SEPA's open government environmental information work. Each of the functional offices shall complete open government environmental information work

disclosure system. within their respective areas in accordance with the division of work responsibilities.

Environmental protection departments of the local people's governments at the county level and above should designate the office responsible for organizing their open government environmental information work based on practical circumstances. These offices are responsible for organizing and implementing their department's open government environmental information work.

The specific duties of the office responsible for organizing the open government environmental information work of an environmental protection department are: (1) To organize formulation of a set of regulations and work rules for the disclosure of the department's government environmental information;

(2) To organize coordination of the open government environmental information work of each of the functional

offices within the department; (3) To organize the safeguarding and updating of government environmental information disclosed by the department; (4) To supervise and assess the open government environmental information work of each of the functional

offices within the department;

(5) To organize compilation of the department's open government environmental information guide, open government environmental information catalogue, and annual report on open government environmental information work; (6) To supervise and guide the open government environmental information work of lower level environmental

protection departments; (7) To supervise enterprise environmental information disclosure work in areas under the department's jurisdiction; (8) To be responsible for investigating the secrecy of government environmental information prior to disclosure;

Other responsibilities of the department related to the disclosure of government environmental information. Article 7. Citizens, legal persons, and other organizations shall not harm national interests, public interests, or the lawful rights and interests of other persons when using disclosed environmental information.

Article 8. Environmental protection departments shall guarantee the personnel and funding for that department's environmental information disclosure work. *Article* 9. For government environmental information that requires approval in accordance with the relevant state provisions in order to be released by an environmental protection department, such information may not be

released without approval. Article 10. Environmental protection departments, in disclosing government environmental information, must not endanger state security, public security, economic security, and social stability. Chapter II. Disclosure of Government Environmental Information

Part I.

assessments;

The Scope of Disclosure

procedures for the collection of these fees;

environmental protection departments;

examination.

Part II.

manner.

and other related content.

in accordance with the following:

enterprises that pollute the environment, and their outcome;

catalogues based on the scope as set forth in this provision.

laws, regulations, and relevant state provisions.

regulations, and relevant state provisions.

information, those provisions shall be followed.

Disclosure Methods and Procedures

implementation of administrative compulsory measures;

Environmental protection plans; Environmental quality conditions; Environmental statistics and environmental investigation information; The emergency response plan, forecast, occurrence, management, and other information relating to sudden environmental incidents;

Article 11. Environmental protection departments, within their scope of responsibility and jurisdiction, shall

Environmental protection laws, regulations, rules, standards, and other regulatory documents;

proactively disclose the following government environmental information to the public:

(7) Information on the classification, production quantity, disposal of and other conditions of solid waste for largeand medium-sized cities; (8) The review of environmental impact assessment documentation for a construction project, the results of such review, the results of the environmental protection inspection of a construction project upon completion, and other items requiring environmental protection administrative permits and their legal bases, conditions, procedures, and

(9) The items, legal bases, standards, and procedures for fees levied on the discharge of pollutants, the amount

of fees that the polluter shall pay for the pollutant discharge, the actual amount collected, and any reduction or

(10) The items subject to environmental protection administrative fees, and the legal bases, standards, and

(11) Verified and investigated petition letters and complaints by the public relating to environmental issues or

(12) Environmental administrative penalties, administrative reconsideration, administrative lawsuits, and the

(13) A list of the names of enterprises with serious pollution that have discharged pollutants exceeding national

or local discharge standards, or whose total amount of pollutant discharge exceeds the total discharge control

Distribution and implementation of targets for total levels of major pollutant discharges, the distribution of

pollutant discharge permits, and the results of urban environment comprehensive improvement quantitative

targets set by the local people's governments; (14) A list of the names of enterprises responsible for major, large-scale environmental pollution accidents or incidents, and a list of the names of enterprises that refuse to carry out an environmental administrative penalty decision that has already taken effect; (15) The inspection and approval results of environmental protection projects;

(16) The organizational structure, work responsibilities, contact information, and other information relating to

Environmental protection departments shall compile their own open government environmental information

(17) Other environmental information required to be disclosed according to laws, regulations, rules, or provisions.

Article 12. Environmental protection departments shall establish and perfect a mechanism to examine the secrecy

Prior to disclosing government environmental information, environmental protection departments shall carry out an examination in accordance with the "Law of the People's Republic of China on Guarding State Secrets" and other

of government environmental information to be released, and clarify the procedures and responsibilities for such

Environmental protection departments may not disclose government environmental information involving state secrets, commercial secrets, or individual privacy. However, government environmental information involving commercial secrets or individual privacy may be disclosed if the rights holder consents or the environmental protection department believes that not disclosing such information could significantly impact the interests of the public.

If the environmental protection department is unable to determine whether to disclose government environmental

Article 13. Environmental protection departments shall publicize the government environmental information that is

information, then it shall submit the matter for determination to the department in charge or the department for safeguarding secrecy at the same level as the environmental protection department, in accordance with laws,

to be proactively disclosed through government Web sites, government gazettes, press conferences, newspapers and other periodical publications, radio broadcasts, television, or any other method that facilitates public awareness. Article 14. Environmental protection departments shall disclose government environmental information that is to be proactively disclosed within 20 business days from the date such information arose or was modified. If other laws or regulations have different provisions regarding the time limit for disclosing government environmental

Article 15. Environmental protection departments shall compile and publish open government environmental information guides and open government environmental information catalogues, and update them in a timely

Open government environmental information guides shall include the information classification, the compilation

number, facsimile number, and e-mail address of the office for open government environmental information work,

The open government environmental information catalogues shall include an index, name of the information, a summary of the information's content, the date of production, the date of disclosure, and other related content.

Article 16. Citizens, legal persons, and other organizations who make a request to an environmental protection department to obtain government environmental information in accordance with Article 5 of these Measures shall

do so in writing, either through a letter, facsimile, e-mail, or another written form; if it is truly difficult for the

system, the method for obtaining the information, the name, office address, office hours, contact telephone

office for open government environmental work shall fill out a request for the disclosure of government environmental information on the requester's behalf. Requests for the disclosure of government environmental information shall include the following content: (1) The name of the individual or organization making the request, and the method of contact; A detailed description of the government environmental information requested to be disclosed; and

Requirements as to the format of the government environmental information requested to be disclosed.

Article 17. Environmental protection departments shall reply to requests for government environmental information

(1) If the information requested to be disclosed falls within the scope of disclosure, the requester shall be notified

(2) If the information requested to be disclosed does not fall within the scope of disclosure, the requester shall be

notified that such government environmental information will not be disclosed and provided an explanation of the

of the method and channel for obtaining such government environmental information;

The deadline to reply may not be extended by more than 15 business days.

Chapter III. Disclosure of Enterprise Environmental Information

A description of how the enterprise fulfills its social responsibility;

The enterprise's name, address, and legal representative;

disclose the following information:

released by an enterprise.

exceed standards, and the amount in excess;

means, or in the form of their annual environmental report.

receive state subsidies in accordance with relevant state provisions;

Other awards as provided by state provisions.

environmental information work before March 31 of each year.

Chapter IV. Supervision and Responsibilities

environmental information work.

department;

according to law.

publicize it.

Chapter V. Supplementary Provisions

环境信息公开办法(试行)

requester to make a request in writing, he or she may do so orally, and the environmental protection department's

reason; (3) If the law provides that disclosure is not within a department's responsibility or the government environmental information does not exist, the requester shall be notified; with regard to government environmental information whose disclosure agency can be confirmed, the requester shall be notified of the relevant administrative agency's name and contact information; (4) If the content for which the request is being made is unclear, the requester shall be notified to edit or supplement his or her request.

Article 18. Environmental protection departments shall reply within 15 business days of receiving a request; if they

open government environmental work, the deadline to reply may be extended with the requester notified in writing.

are unable to reply within 15 business days, then with the consent of the person responsible from the office for

Article 19. The state encourages enterprises to voluntarily disclose the following environmental information:

(1) The enterprise's environmental protection guiding principles, and annual environmental protection targets and results; The enterprise's total annual consumption of natural resources; The enterprise's investment in environmental protection and its development of environmental technology; The type, amount, toxicity, and destination of the enterprise's discharged pollutants; The construction and operation of the enterprise's environmental protection facilities; The enterprise's handling and disposal of waste materials generated during the production process, and the recycling and comprehensive utilization of discarded products;

(7) A voluntary agreement with an environmental protection department to improve environmental conduct;

Article 20. Enterprises included on the lists provided for under Part I, Article 11, Item 13 of these Measures shall

The names of major pollutants, their methods of discharge, the toxicity and amount of discharge, if they

Any other environmental information that the enterprise wishes to voluntarily disclose.

The enterprise's construction and operation of environmental protection facilities;

The emergency response plan for an environmental pollution accident.

The enterprise may not invoke the protection of trade secrets as a pretext for refusing to disclose the aforementioned environmental information. Article 21. Enterprises required to disclose environmental information to the public in accordance with Article 20 of these Measures, shall, within 30 days after the environmental protection department publishes its list, publish the environmental information in the major media outlets where they are located, and file such environmental information disclosed to the public with the environmental protection department where they are located.

Environmental protection departments have the authority to perform an audit of environmental information

Article 22. Enterprises that voluntarily disclose environmental information in accordance with Article 19 of these

Article 23. With respect to enterprises that voluntarily disclose information regarding their environmental conduct, and who obey environmental protection laws and regulations in an exemplary fashion, environmental protection

Measures may disclose such environmental information to the public through the media, the Internet, or other

departments may give the following awards: (1) Public recognition in local major media outlets; Priority position with respect to special funds for environmental protection projects in accordance with relevant state provisions; (3) Priority recommendation for clean production demonstration projects or other demonstration projects that

Article 24. Environmental protection departments shall establish and perfect a system for assessment, public

Article 25. Environmental protection departments shall publish an annual report on their open government

(1) The government environmental information proactively disclosed by the environmental protection

The annual report on open government environmental information work shall include the following information:

Requested government environmental information that was either disclosed or not disclosed by the

appraisal, and investigation of responsibility, and schedule periodic assessment and appraisal of open government

environmental protection department; Applications for administrative reconsideration or the filing of administrative lawsuits related to the disclosure of government environmental information; Major issues that exist in open government environmental information work and improvements thereof; Other matters that must be reported.

Article 26. If citizens, legal persons, and other organizations believe an environmental protection department has not fulfilled its obligation to disclose government environmental information according to law, they may report their

If citizens, legal persons, and other organizations believe that an environmental protection department's specific administrative conduct while carrying out open government environmental information work have violated their

Article 27. For environmental protection departments that violate provisions under these Measures, as in the case

corrections; if the circumstances are serious, managers with direct responsibility or other personnel with direct

Failure to fulfill the obligation to disclose government environmental information according to law;

lawful rights and interests, they can apply for administrative reconsideration or file an administrative lawsuit

of any one of the circumstances below, the higher level environmental department shall order it to make

responsibility may be subject to administrative punishment according to the law:

Disclosing government environmental information that should not be disclosed;

Other conduct in violation of the provisions in these Measures.

Article 29. These Measures shall go into effect as of May 1, 2008.

concerns to a higher level environmental protection department. The higher level environmental protection department that receives such a report shall supervise and urge the lower level environmental protection

department to fulfill its obligation to disclose government environmental information according to law.

Failure to update government environmental information content, the open government environmental information guide, and the open government environmental information catalogue in a timely manner; (3) Collecting fees in violation of provisions during the government environmental information disclosure process; (4) Utilizing other organizations and individuals to provide government environmental information as a feepaying service;

Article 28. In the case of serious pollution, enterprises that violate Article 20 of these Measures by discharging

excess of the total discharge control targets set by the local people's government, and failing to disclose or failing to disclose in accordance with requirements the pollutant discharges, the local people's government environmental

环境信息公开办法(试行)

国家环境保护总局令

第 35 号

布、自2008年5月1日起施行。

《环境信息公开办法(试行)》已于2007年2月8日经国家环境保护总局2007年第一次局务会议通过,现予公

局 长 周生贤

二〇〇七年四月十一日

pollutants in excess of national or local discharge standards, or by discharging a total amount of pollutants in

protection department at the county level or above shall, in accordance with requirements of the "Law of the People's Republic of China on the Promotion of Clean Production," impose a fine of up to 100,000 yuan and

环境信息公开办法(试行) 第一章 总 *第一条* 为了推进和规范环境保护行政主管部门(以下简称环保部门)以及企业公开环境信息,维护公民、法人和 其他组织获取环境信息的权益,推动公 众参与环境保护,依据《中华人民共和国政府信息公开条例》、《中华人民 共和国清洁生产促进法》和《国务院关于落实科学发展观加强环境保护的决定》以及其他 有关规定,制定本办法。 第二条 本办法所称环境信息,包括政府环境信息和企业环境信息。

企业环境信息,是指企业以一定形式记录、保存的,与企业经营活动产生的环境影响和企业环境行为有关的信息。

国家环境保护总局由办公厅作为本部门政府环境信息公开工作的组织机构,各业务机构按职责分工做好本领域政府

县级以上地方人民政府环保部门根据实际情况自行确定本部门政府环境信息公开工作的组织机构,负责组织实施本

(五)组织编制本部门政府环境信息公开指南、政府环境信息公开目录和政府环境信息公开工作年度报告;

第七条公民、法人和其他组织使用公开的环境信息,不得损害国家利益、公共利益和他人的合法权益。

(六)主要污染物排放总量指标分配及落实情况,排污许可证发放情况,城市环境综合整治定量考核结果;

(八)建设项目环境影响评价文件受理情况,受理的环境影响评价文件的审批结果和建设项目竣工环境保护验收结

(九)排污费征收的项目、依据、标准和程序,排污者应当缴纳的排污费数额、实际征收数额以及减免缓情况;

环保部门在公开政府环境信息前,应当依照《中华人民共和国保守国家秘密法》以及其他法律、法规和国家有关规

环保部门不得公开涉及国家秘密、商业秘密、个人隐私的政府环境信息。但是,经权利人同意或者环保部门认为不

环保部门对政府环境信息不能确定是否可以公开时,应当依照法律、法规和国家有关规定报有关主管部门或者同级

第十三条 环保部门应当将主动公开的政府环境信息,通过政府网站、公报、新闻发布会以及报刊、广播、电视等。

第十四条 属于主动公开范围的政府环境信息,环保部门应当自该环境信息形成或者变更之日起20个工作日内予以

政府环境信息公开指南,应当包括信息的分类、编排体系、获取方式,政府环境信息公开工作机构的名称、办公地

第十六条 公民、法人和其他组织依据本办法第五条规定申请环保部门提供政府环境信息的,应当采用信函、传

真、电子邮件等书面形式;采取书面形式确有困难的,申请人可以口头提出,由环保部门政府环境信息公开工作机

政府环境信息,是指环保部门在履行环境保护职责中制作或者获取的,以一定形式记录、保存的信息。

第三条 国家环境保护总局负责推进、指导、协调、监督全国的环境信息公开工作。

县级以上地方人民政府环保部门负责组织、协调、监督本行政区域内的环境信息公开工作。

企业应当按照自愿公开与强制性公开相结合的原则,及时、准确地公开企业环境信息。

第五条 公民、法人和其他组织可以向环保部门申请获取政府环境信息。

第六条 环保部门应当建立、健全环境信息公开制度。

环保部门负责政府环境信息公开工作的组织机构的具体职责是:

(二)组织协调本部门各业务机构的政府环境信息公开工作;

(四)监督考核本部门各业务机构政府环境信息公开工作;

(六) 监督指导下级环保部门政府环境信息公开工作;

(七)监督本辖区企业环境信息公开工作;

(八)负责政府环境信息公开前的保密审查;

(九) 本部门有关环境信息公开的其他职责。

(二) 环境保护规划;

(三) 环境质量状况;

定进行审查。

保密工作部门确定。

第二节 公开的方式和程序

便于公众知晓的方式公开。

构代为填写政府环境信息公开申请。

作日。

第三章 企业环境信息公开

(二) 企业年度资源消耗总量;

(三)企业环保投资和环境技术开发情况;

政府环境信息公开申请应当包括下列内容:

(四)环境统计和环境调查信息;

(五) 突发环境事件的应急预案、预报、发生和处置等情况;

(七) 大、中城市固体废物的种类、产生量、处置状况等信息;

果,其他环境保护行政许可的项目、依据、条件、程序和结果;

(十)环保行政事业性收费的项目、依据、标准和程序;

(三)组织维护和更新本部门公开的政府环境信息;

(一)组织制定本部门政府环境信息公开的规章制度、工作规则;

环境信息公开工作。

部门的政府环境信息公开工作。

第四条 环保部门应当遵循公正、公平、便民、客观的原则,及时、准确地公开政府环境信息。

·*第十条* 环保部门公开政府环境信息,不得危及国家安全、公共安全、经济安全和社会稳定。 第二章 政府环境信息公开 第一节 公开的范围 *第十一条* 环保部门应当在职责权限范围内向社会主动公开以下政府环境信息: (一) 环境保护法律、法规、规章、标准和其他规范性文件;

第八条 环保部门应当从人员、经费方面为本部门环境信息公开工作提供保障。

第九条 环保部门发布政府环境信息依照国家有关规定需要批准的,未经批准不得发布。

(十三)污染物排放超过国家或者地方排放标准,或者污染物排放总量超过地方人民政府核定的排放总量控制指标 的污染严重的企业名单; (十四)发生重大、特大环境污染事故或者事件的企业名单,拒不执行已生效的环境行政处罚决定的企业名单; (十五)环境保护创建审批结果; (十六)环保部门的机构设置、工作职责及其联系方式等情况; (十七) 法律、法规、规章规定应当公开的其他环境信息。 环保部门应当根据前款规定的范围编制本部门的政府环境信息公开目录。 第十二条 环保部门应当建立健全政府环境信息发布保密审查机制,明确审查的程序和责任。

公开可能对公共利益造成重大影响的涉及商业秘密、个人隐私的政府环境信息,可以予以公开。

第十五条 环保部门应当编制、公布政府环境信息公开指南和政府环境信息公开目录,并及时更新。

政府环境信息公开目录,应当包括索引、信息名称、信息内容的概述、生成日期、公开时间等内容。

(十一) 经调查核实的公众对环境问题或者对企业污染环境的信访、投诉案件及其处理结果;

(十二)环境行政处罚、行政复议、行政诉讼和实施行政强制措施的情况;

(一) 申请人的姓名或者名称、联系方式; (二)申请公开的政府环境信息内容的具体描述; (三)申请公开的政府环境信息的形式要求。 第十七条 对政府环境信息公开申请,环保部门应当根据下列情况分别作出答复:

(一)申请公开的信息属于公开范围的,应当告知申请人获取该政府环境信息的方式和途径;

(二)申请公开的信息属于不予公开范围的,应当告知申请人该政府环境信息不予公开并说明理由;

(三)依法不属于本部门公开或者该政府环境信息不存在的,应当告知申请人;对于能够确定该政府环境信息的公

第十八条 环保部门应当在收到申请之日起15个工作日内予以答复;不能在15个工作日内作出答复的,经政府环境 信息公开工作机构负责人同意,可以适当延长答复期限,并书面告知申请人,延长答复的期限最长不得超过15个工

公开。法律、法规对政府环境信息公开的期限另有规定的,从其规定。

址、办公时间、联系电话、传真号码、电子邮箱等内容。

开机关的,应当告知申请人该行政机关的名称和联系方式;

第十九条 国家鼓励企业自愿公开下列企业环境信息:

(一) 企业环境保护方针、年度环境保护目标及成效;

(四)申请内容不明确的,应当告知申请人更改、补充申请。

(四) 企业排放污染物种类、数量、浓度和去向; (五)企业环保设施的建设和运行情况; (六) 企业在生产过程中产生的废物的处理、处置情况、废弃产品的回收、综合利用情况; (七)与环保部门签订的改善环境行为的自愿协议;

企业不得以保守商业秘密为借口,拒绝公开前款所列的环境信息。 *第二十一条* 依照本办法第二十条规定向社会公开环境信息的企业,应当在环保部门公布名单后30日内,在所在地 主要媒体上公布其环境信息,并将向社会公开的环境信息报所在地环保部门备案。 环保部门有权对企业公布的环境信息进行核查。 第二十二条 依照本办法第十九条规定自愿公开环境信息的企业,可以将其环境信息通过媒体、互联网等方式,或

(八)企业履行社会责任的情况; (九)企业自愿公开的其他环境信息。 (一)企业名称、地址、法定代表人; (三)企业环保设施的建设和运行情况; (四)环境污染事故应急预案。

第二十条 列入本办法第十一条第一款第(十三)项名单的企业,应当向社会公开下列信息: (二)主要污染物的名称、排放方式、排放浓度和总量、超标、超总量情况;

者通过公布企业年度环境报告的形式向社会公开。 *第二十三条* 对自愿公开企业环境行为信息、且模范遵守环保法律法规的企业,环保部门可以给予下列奖励: (一) 在当地主要媒体公开表彰;

(二)依照国家有关规定优先安排环保专项资金项目;

(四)国家规定的其他奖励措施。

环境信息公开工作进行考核、评议。

第四章 监督与责任

About

政府环境信息公开工作年度报告应当包括下列内容:

(三)依照国家有关规定优先推荐清洁生产示范项目或者其他国家提供资金补助的示范项目;

第二十五条 环保部门应当在每年3月31日前公布本部门的政府环境信息公开工作年度报告。

Search

CONTACT US RESOURCES Selected PRC Legal Provisions Political Prisoner Database International Human Rights Materials

Special Topics

25th Anniversary of Tiananmen

Demonstrations in Hong Kong

Free China's Heroes Initiative

Memorial Service for Liu Xiaobo

Search

POLITICAL PRISONER

DATABASE

Enter a Name or Keyword | Search

PRC LEGAL PROVISIONS SEARCH

PRC ISSUE TOPICS Access to Justice **Civil Society** Commercial Rule of Law

Criminal Justice Developments in Hong Kong and Macau The Environment **Ethnic Minority Rights** Freedom of Expression

Freedom of Residence and Movement

Freedom of Religion

Human Trafficking Institutions of Democratic Governance North Korean Refugees in China Population Planning **Public Health** Status of Women Tibet Worker Rights Xinjiang

Contact Us

Resources

Publications

Issues

Accessibility | Feeds | Privacy Policy | Stay Connected

Media Center

Hearings & Roundtables

(一) 环保部门主动公开政府环境信息的情况; (二)环保部门依申请公开政府环境信息和不予公开政府环境信息的情况; (三) 因政府环境信息公开申请行政复议、提起行政诉讼的情况; (四)政府环境信息公开工作存在的主要问题及改进情况; (五)其他需要报告的事项。 *第二十六条* 公民、法人和其他组织认为环保部门不依法履行政府环境信息公开义务的,可以向上级环保部门举

第二十四条 环保部门应当建立健全政府环境信息公开工作考核制度、社会评议制度和责任追究制度,定期对政府

(三)在公开政府环境信息过程中违反规定收取费用的; (四)通过其他组织、个人以有偿服务方式提供政府环境信息的; (五)公开不应当公开的政府环境信息的; (六)违反本办法规定的其他行为。 *第二十八条* 违反本办法第二十条规定,污染物排放超过国家或者地方排放标准,或者污染物排放总量超过地方人 民政府核定的排放总量控制指标的污染严重的 企业,不公布或者未按规定要求公布污染物排放情况的,由县级以上 地方人民政府环保部门依据《中华人民共和国清洁生产促进法》的规定,处十万元以下罚款,并 代为公布。 第五章 附 则 第二十九条 本办法自2008年5月1日起施行。

报。收到举报的环保部门应当督促下级环保部门依法履行政府环境信息公开义务。 公民、法人和其他组织认为环保部门在政府环境信息公开工作中的具体行政行为侵犯其合法权益的,可以依法申请 行政复议或者提起行政诉讼。 *第二十七条* 环保部门违反本办法规定,有下列情形之一的,上一级环保部门应当责令其改正;情节严重的,对负 有直接责任的主管人员和其他直接责任人员依法给予行政处分: (一)不依法履行政府环境信息公开义务的; (二)不及时更新政府环境信息内容、政府环境信息公开指南和政府环境信息公开目录的;