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Decree of the State Council of the People's Republic of China

No. 682

The Decision of the State Council on Amending the Regulations on the Administration of Environmental Protection in Construction Projects, which was adopted at the 177th executive meeting of the State Council on June 21, 2017, is hereby promulgated and shall come into force as of October 1, 2017.

General Manager Li Keqiang

July 16, 2017

Amendments of the State Council Decision on the Regulations on the Environmental Protection and Administration of Construction Projects

The State Council has decided to amend the Regulations on the Administration of Environmental Protection in Construction Projects as follows:

1. Delete the second paragraph of Article 6.
2. Amend the second paragraph of Article 7 to read: "The classified management list of environmental impact assessment of construction projects shall be formulated and published by the competent administrative department of environmental protection under the State Council on the basis of organizing experts to demonstrate and solicit the opinions of relevant departments, trade associations, enterprises and institutions, the public."
3. Delete the second paragraph of Article 8.
4. Merger Articles 9 and 10 as Article 9 and amend it to read: "For construction projects that should prepare environmental impact statements and environmental impact reports according to law, the construction unit shall submit the environmental impact report and environmental impact report form to the competent administrative department of environmental protection with the right to examine and approve and approval before starting construction; Construction If the environmental impact assessment document of the project has not been examined or approved by the examination and approval department according to law, the construction unit shall not start construction.

"When examining and approving the environmental impact report and the environmental impact report form, the competent administrative department of environmental protection shall focus on the environmental feasibility of the construction project, the reliability of environmental

impact analysis, prediction and assessment, the effectiveness of environmental protection measures, and the scientific nature of the environmental impact assessment conclusion, and receive the environmental impact report respectively. Within 60 days from the date and 30 days from the date of receiving the environmental impact report form, the approval decision shall be made and the construction unit shall be notified in writing.

"The competent administrative department of environmental protection may organize technical institutions to conduct technical assessments of the environmental impact statements and environmental impact reports of construction projects, and bear corresponding expenses. The technical institutions shall be responsible for the technical evaluation opinions put forward, and shall not charge any fees from the construction unit or the unit engaged in environmental impact assessment. Use.

"For construction projects that should fill in the environmental impact registration form according to law, the construction unit shall, in accordance with the provisions of the competent administrative department of environmental protection under the State Council, submit the environmental impact registration form to the competent administrative department of environmental protection at the county level where the construction project is located for the record.

"The competent administrative department of environmental protection shall carry out online examination and approval, filing and information disclosure of environmental impact assessment documents."

5. Replace Article 11 with Article 10, and delete the "or environmental impact registration form" in this article.

6. Add an article as Article 11: "If a construction project is under any of the following circumstances, the competent administrative department of environmental protection shall make a decision not to approve the environmental impact statement and the environmental impact report form:

(1) The type of construction project and its location, layout and scale do not comply with environmental protection laws and regulations and relevant statutory plans;

(2) The environmental quality of the region does not meet the national or local environmental quality standards, and the measures to be taken by the construction project cannot meet the management requirements of regional environmental quality improvement goals;

(3) The pollution prevention and control measures adopted by construction projects cannot ensure that the discharge of pollutants meets national and local discharge standards, or fails to take necessary measures to prevent and control ecological damage;

(4) The reconstruction, expansion and technological transformation project has not proposed effective prevention and control measures against the original environmental pollution and ecological damage of the project;

"V) The basic data of the environmental impact report and environmental impact report form of the construction project are obviously false, the content is seriously defective, omitted, or the conclusions of the environmental impact assessment are unclear and unreasonable."

7. Amend Article 12 to read: "After the approval of the environmental impact statement and environmental impact report form of the construction project, if there is a major change in the nature, scale, location, production process used or measures to prevent pollution prevention and control of ecological damage of the construction project, the construction unit shall resubmit the environmental impact report of the construction project for approval. Notice, environmental impact report form.

"If the environmental impact statement and environmental impact report form of a construction project reaches 5 years from the date of approval, and the construction project party begins construction, the environmental impact statement and environmental impact report form shall be submitted to the original examination and approval department for re-examination. The original examination and approval department shall notify the construction unit in writing of the

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解读

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examination and approval opinions within 10 days from the date of receiving the environmental impact statement and environmental impact report form of the construction project; if the notice is not given within the time limit, it shall be deemed to be approved.

"No fees shall be charged for the examination and approval of the environmental impact statement, environmental impact report form and the filing environmental impact registration form of construction projects."

8. Delete Article 13.

9. Amend Article 17 to Article 16 and amend it to read: "The preliminary design of a construction project shall, in accordance with the requirements of the environmental protection design standards, compile a chapter on environmental protection, implement measures to prevent and control environmental pollution and ecological damage, and estimate the investment estimates of environmental protection facilities.

"The construction unit shall include the construction of environmental protection facilities in the construction contract, ensure the progress and funds of the construction of environmental protection facilities, and organize and implement the environmental protection countermeasures proposed in the environmental impact statement, the environmental impact report form and the examination and approval decision of the examination and approval department at the same time during the construction of the project."

10. Delete Articles 18 and 19.

11. Amend Article 20 to Article 17 and amend it to read: "After the completion of the construction project that compiles the environmental impact report and the environmental impact report form, the construction unit shall, in accordance with the standards and procedures stipulated by the competent administrative department of environmental protection under the State Council, conduct the acceptance of the supporting construction environmental protection facilities and compile the acceptance report.

"In the process of acceptance of environmental protection facilities, construction units shall truthfully inspect, monitor and record the construction and commissioning of environmental protection facilities in construction projects, and shall not commit fraud.

"Except for cases where confidentiality is required in accordance with state regulations, construction units shall make acceptance reports publicly available to the public in accordance with the law."

12. Delete Article 22.

13. Replace Article 23 with Article 19 and amend it to read: "Construction projects that compile environmental impact statements and environmental impact statements shall not be put into production or use if they have qualified experience in supporting environmental protection facilities; those who have not been accepted or failed to pass the acceptance shall not be put into production or use.

"After the construction projects specified in the preceding paragraph are put into production or use, the post-environmental impact evaluation shall be carried out in accordance with the provisions of the competent administrative department of environmental protection under the State Council."

14. Add a article as Article 20: "The competent administrative department of environmental protection shall supervise and inspect the design, construction, acceptance, production or use of environmental protection facilities in construction projects, as well as the implementation of other environmental protection measures identified in relevant environmental impact assessment documents.

"The competent administrative department of environmental protection shall record the environmental violation information of the construction project in the social integrity file and disclose the list of illegal persons to the public in a timely manner."

15. Merger Articles 24 and 25 as Article 21 and amend it to read: "A construction unit that commits any of the following acts shall be punished in accordance with the provisions of the

Environmental Impact Assessment Law of the People's Republic of China:

(1) The environmental impact statement and environmental impact statement of the construction project have not been submitted for approval or re-examination in accordance with the law, and construction has started without authorization;

(2) The environmental impact statement and environmental impact report form of the construction project start construction without approval or re-examination and approval;

"III) The environmental impact registration form of the construction project has not been filed in accordance with the law."

16. Add an article as Article 22: "In violation of the provisions of these Regulations, the construction unit prepares the preliminary design of the construction project, fails to implement the measures to prevent and control environmental pollution and ecological damage and the estimated investment estimates of environmental protection facilities, fails to include the construction of environmental protection facilities in the construction contract, or fails to carry out post-environmental impact evaluation in accordance with the law. The competent administrative department of environmental protection at or above the county level where the construction project is located shall order it to make corrections within a time limit and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; if it fails to make corrections within the time limit, it shall be fined not less than 200,000 yuan but not more than 1 million yuan.

"If a construction unit, in violation of the provisions of these Regulations, fails to organize and implement the environmental protection countermeasures and measures proposed in the examination and approval decision of the environmental impact report, the environmental impact report form and its examination and approval department at the same time during the construction process of the project, the competent administrative department of environmental protection at or above the county level in the place where the construction project is located shall order it to make corrections within a time limit and impose a punishment of 200,000 yuan. A fine of not less than 1 million yuan; if you fail to make corrections within the time limit, you shall be ordered to stop the construction.

17. Delete Articles 26 and 27.

18. **Replace** Article 28 with Article 23 and amend it to read: "If, in violation of the provisions of these Regulations, the environmental protection facilities that need to be built without experience, acceptance or fail to pass the acceptance, the construction project is put into production or use, or fraudulent in the acceptance of environmental protection facilities shall be subject to the county level for environmental protection. The competent administrative department shall order corrections within a time limit and shall be fined not less than 200,000 yuan but not more than 1 million yuan; those who fail to make corrections within the time limit shall be fined not less than 1 million yuan but not more than 2 million yuan; the person in charge directly responsible and other responsible shall be fined not less than 50,000 yuan but not more than 200,000 yuan; causing major environmental pollution or If the ecology is damaged, it shall be ordered to stop production or use, or to report to the people's government with the power of approval, and it shall be ordered to close down.

"In violation of the provisions of these Regulations, if the construction unit fails to disclose the acceptance report of environmental protection facilities to the public in accordance with the law, the competent administrative department of environmental protection at or above the county level shall order it to disclose it, impose a fine of not less than 50,000 yuan but not more than 200,000 yuan, and announce it."

19. Add an article as Article 24: "If a technical institution, in violation of the provisions of these Regulations, collects fees from construction units or units engaged in environmental impact assessment, the competent administrative department of environmental protection at or above the county level shall order the return of the fees collected, and shall be fined not less than one time but not more than three times the fees collected."

20. Amend Article 29 to Article 25 and amend it to read: "If a unit engaged in environmental

impact assessment of a construction project commits fraud in the work of environmental impact assessment, it shall be fined not less than one time but not more than three times the fees charged by the competent administrative department of environmental protection at or above the county level."

21. Replace Article 32 with Article 28, and amend the "marine oil exploration and development" in this article to "marine engineering".

This decision shall take effect from October 1, 2017.

The Regulations on the Administration of Environmental Protection in Construction Projects shall be amended accordingly in accordance with this decision, and the serial number of the provisions shall be adjusted accordingly and re-published.

Regulations on Environmental Protection Management of Construction Projects

(Promulgated by Decree No. 253 of the State Council of the People's Republic of China on November 29, 1998)

Revised according to the Decision of the State Council on Amending the Regulations on Environmental Protection and Administration of Construction Projects on July 16, 2017)

Chapter I General Provisions

Article 1 These Regulations are formulated to prevent new pollution and damage to the ecological environment caused by construction projects.

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

Article 3 Construction projects that produce pollution must comply with national and local standards for the discharge of pollutants; in areas where the control of total discharge of key pollutants is implemented, they must also meet the requirements for controlling the total discharge of key pollutants.

Article 4 Industrial construction projects shall adopt clean production processes with low energy consumption and low pollutant production, make rational use of natural resources, and prevent environmental pollution and ecological damage.

Article 5 Reconstruction, expansion projects and technological transformation projects must take measures to control the original environmental pollution and ecological damage related to the project.

Chapter II Environmental Impact Assessment

Article 6 The State implements an environmental impact assessment system for construction projects.

Article 7 The State shall, according to the extent of the environmental impact of construction projects, implement classified management of environmental protection of construction projects in accordance with the following provisions:

(1) If a construction project may have a significant impact on the environment, an environmental impact statement shall be prepared to conduct a comprehensive and detailed evaluation of the pollution and environmental impact of the construction project;

(2) If a construction project may cause a minor impact on the environment, an environmental impact report form shall be prepared to analyze or evaluate the pollution and environmental impact of the construction project;

(3) If the environmental impact of the construction project is very small and there is no need

for environmental impact assessment, the environmental impact registration form shall be filled in.

The classified management list of environmental impact assessment of construction projects shall be formulated and published by the competent administrative department of environmental protection under the State Council on the basis of organizing experts to demonstrate and solicit the opinions of relevant departments, trade associations, enterprises and institutions, the public.

Article 8 The environmental impact statement of a construction project shall include the following contents:

- (1) Overview of construction projects;
- (2) The current situation of the surrounding environment of the construction project;
- (3) Analysis and prediction of the possible environmental impact of the construction project;
- (4) Environmental protection measures and their economic and technical demonstrations;
- (5) Analysis of economic gains and losses on environmental impact;
- (6) Suggestions for environmental monitoring of construction projects;
- (7) Conclusions of environmental impact assessment.

The content and format of the environmental impact report form and the environmental impact registration form of the construction project shall be stipulated by the competent administrative department of environmental protection under the State Council.

Article 9 For a construction project that should prepare an environmental impact statement and an environmental impact report form according to law, the construction unit shall submit the environmental impact statement and environmental impact report form to the competent administrative department of environmental protection with the power of examination and approval before starting construction; the environmental impact assessment document of the construction project has not been examined and approved by the examination department according to law. If it is not approved after investigation or examination, the construction unit shall not start construction.

When examining and approving the environmental impact statement and the environmental impact report form, the competent administrative department of environmental protection shall focus on the environmental feasibility of the construction project, the reliability of environmental impact analysis, prediction and evaluation, the effectiveness of environmental protection measures, and the scientific nature of the environmental impact assessment conclusion, and from the date of receipt of the environmental impact statement. Within 60 days and 30 days from the date of receiving the environmental impact report form, make an examination and approval decision and notify the construction unit in writing.

The competent administrative department of environmental protection may organize technical institutions to conduct technical evaluation of the environmental impact statements and environmental impact reports of construction projects, and bear corresponding expenses. Technical institutions shall be responsible for the technical evaluation opinions put forward, and shall not charge any fees from the construction unit or units engaged in environmental impact assessment. .

For construction projects that should fill in an environmental impact registration form according to law, the construction unit shall, in accordance with the provisions of the competent administrative department of environmental protection under the State Council, submit the environmental impact registration form to the competent administrative department of environmental protection at the county level where the construction project is located for the record.

The competent administrative department of environmental protection shall carry out online examination and approval, filing and information disclosure of environmental impact assessment documents.

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

- (1) Construction projects of a special nature such as nuclear facilities and top-secret projects;

(2) Construction projects across the administrative regions of provinces, autonomous regions and municipalities directly under the Central Government;

(3) Construction projects examined and approved by the State Council or approved by relevant departments authorized by the State Council.

The authority to examine and approve environmental impact statements and environmental impact statements of construction projects other than those mentioned in the preceding paragraph shall be prescribed by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

If the construction project causes cross-regional environmental impact, and the relevant competent administrative department of environmental protection disputes the conclusions of the environmental impact assessment, the environmental impact report or environmental impact report form shall be examined and approved by the competent administrative department of environmental protection at the common next higher level.

Article 11 Under any of the following circumstances, the competent administrative department of environmental protection shall make a decision not to approve the environmental impact statement and the environmental impact report form:

(1) The type of construction project and its location, layout and scale do not conform to environmental protection laws and regulations and relevant statutory plans;

(2) The environmental quality of the region does not meet the national or local environmental quality standards, and the measures to be taken by the construction project cannot meet the management requirements of regional environmental quality improvement goals;

(3) The pollution prevention and control measures taken by the construction project fail to ensure that the discharge of pollutants meets national and local discharge standards, or fails to take necessary measures to prevent and control ecological damage;

(4) The reconstruction, expansion and technological transformation project has not proposed effective prevention and control measures against the original environmental pollution and ecological damage of the project;

(5) The basic data of the environmental impact statement and environmental impact report form of the construction project are obviously false, the content is seriously defective or omitted, or the conclusions of the environmental impact assessment are unclear and unreasonable.

Article 12 After the approval of the environmental impact report and environmental impact report form of a construction project, if there are major changes in the nature, scale, location, production technology used or measures to prevent pollution prevention and ecological damage of the construction project, the construction unit shall resubmit the environmental impact report and environmental impact of the construction project. Report form.

If the environmental impact statement and environmental impact report form of a construction project reaches 5 years from the date of approval, and the construction project party begins construction, the environmental impact statement and environmental impact report form shall be submitted to the original examination and approval department for re-examination. The original examination and approval department shall notify the construction unit in writing of the examination and approval opinions within 10 days from the date of receiving the environmental impact statement and environmental impact report form of the construction project; if the notice is not given within the time limit, it shall be deemed to be approved.

No fees shall be charged for the examination and approval of the environmental impact statement, environmental impact report form and the filing environmental impact registration form of the construction project.

Article 13 Construction units may select units engaged in environmental impact assessment through open bidding to conduct environmental impact assessment of construction projects.

No administrative organ may designate a unit engaged in environmental impact assessment for the construction unit to carry out environmental impact assessment.

Article 14 When preparing an environmental impact statement, the construction unit shall

solicit the opinions of the relevant units and residents in the place where the construction project is located in accordance with relevant laws and regulations.

Chapter III Construction of Environmental Protection Facilities

Article 15 Environmental protection facilities that need to be built in a construction project must be designed, constructed and put into operation at the same time as the main project.

Article 16 The preliminary design of a construction project shall, in accordance with the requirements of the environmental protection design standards, compile an environmental protection chapter, implement measures to prevent and control environmental pollution and ecological damage, as well as the estimated investment estimates of environmental protection facilities.

The construction unit shall include the construction of environmental protection facilities in the construction contract, ensure the construction progress and funds of environmental protection facilities, and organize the implementation of environmental protection countermeasures and measures proposed in the environmental impact statement, environmental impact report form and the examination and approval decision of the examination and approval department during the construction of the project.

Article 17 After the completion of the construction project for which the environmental impact report and the environmental impact report form are completed, the construction unit shall, in accordance with the standards and procedures stipulated by the competent administrative department of environmental protection under the State Council, conduct acceptance of the supporting environmental protection facilities and compile the acceptance report.

In the process of acceptance of environmental protection facilities, construction units shall truthfully inspect, monitor and record the construction and commissioning of environmental protection facilities in construction projects, and shall not commit fraud.

Except in cases where confidentiality is required in accordance with state regulations, the construction unit shall make the acceptance report publicly to the public in accordance with the law.

Article 18 For construction projects that are built in stages, put into production or used in stages, the corresponding environmental protection facilities shall be checked and accepted in stages.

Article 19 Construction projects that have prepared environmental impact statements and environmental impact reports can only be put into production or use if they have qualified the experience of supporting environmental protection facilities; those who have not been accepted or failed to accept and shall not be put into production or use.

After the construction project specified in the preceding paragraph is put into production or use, the post-environmental impact assessment shall be carried out in accordance with the provisions of the competent administrative department of environmental protection under the State Council.

Article 20 The competent administrative department of environmental protection shall supervise and inspect the design, construction, acceptance, production or use of environmental protection facilities in construction projects, as well as the implementation of other environmental protection measures determined in relevant environmental impact assessment documents.

The competent administrative department of environmental protection shall record the environmental violation information of the construction project in the social integrity archives and disclose the list of illegal persons to the public in a timely manner.

Chapter IV Legal Liability

Article 21 If a construction unit commits any of the following acts, it shall be punished in

accordance with the provisions of the Environmental Impact Assessment Law of the People's Republic of China:

(1) Construction began without applying for approval or re-examination of the environmental impact statement and environmental impact statement of the construction project;

(2) The environmental impact statement and environmental impact report form of the construction project start construction without approval or re-examination and approval;

(3) The environmental impact registration form of the construction project has not been filed in accordance with the law.

Article 22 If a construction unit, in violation of the provisions of these Regulations, compiles the preliminary design of a construction project and fails to implement measures to prevent and control environmental pollution and ecological damage and the estimated investment estimates of environmental protection facilities, fails to include the construction of environmental protection facilities in the construction contract, or fails to carry out post-environmental impact evaluation according to law, the county where the construction project is located. The competent administrative department of environmental protection at or above the level shall order corrections within a time limit and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; if it fails to make corrections within the time limit, it shall be fined not less than 200,000 yuan but not more than 1 million yuan.

If, in violation of the provisions of these Regulations, the construction unit fails to organize and implement the environmental protection countermeasures and measures proposed in the environmental impact statement, the environmental impact report form and the examination and approval decision of the examination and approval department at the same time during the construction process of the project, the competent administrative department of environmental protection at or above the county level in the place where the construction project is located shall order it to make corrections within a time limit and be punished with 200,000 yuan. A fine of not more than 1 million yuan; if it fails to make corrections within the time limit, it shall be ordered to stop construction.

Article 23 If, in violation of the provisions of these Regulations, the construction project is put into production or use of the environmental protection facilities that need to be built without completion, experience or acceptance is not qualified, or fraudulent in the acceptance of environmental protection facilities, the competent administrative department of environmental protection at or above the county level shall order it to make corrections within a time limit and impose 20 A fine of not less than 10,000 yuan but not more than 1 million yuan; if he fails to make corrections within the time limit, he shall be fined not less than 1 million yuan but not more than 2 million yuan; the person in charge who is directly responsible and other responsible shall be fined not less than 50,000 yuan but not more than 200,000 yuan; if major environmental pollution or ecological damage is caused, production shall be ordered to stop or Use it, or submit it to the people's government with the power of approval, and order it to close it down.

If a construction unit, in violation of the provisions of these Regulations, fails to disclose the acceptance report of environmental protection facilities to the public according to law, the competent administrative department of environmental protection at or above the county level shall order it to disclose it, impose a fine of not less than 50,000 yuan but not more than 200,000 yuan, and announce it.

Article 24 If a technical institution, in violation of the provisions of these Regulations, collects fees from construction units or units engaged in environmental impact assessment, the competent administrative department of environmental protection at or above the county level shall order them to refund the fees collected and impose a fine of not less than one time but not more than three times the fees collected.

Article 25 If a unit engaged in environmental impact assessment of a construction project commits fraud in the work of environmental impact assessment, it shall be fined not less than one time but not more than three times the expenses charged by the competent administrative

department of environmental protection at or above the county level.

Article 26 Any staff member of the competent administrative department of environmental protection who engages in malpractices for personal gain, abuses his power or neglects his duty, which constitutes a crime shall be investigated for criminal responsibility according to law; if the case does not constitute a crime, administrative sanctions shall be imposed according to law.

Chapter V Supplementary Provisions

Article 27 When compiling construction plans for regional development such as river basin development, development zones, urban new area construction and old area reconstruction, environmental impact assessment shall be carried out. The specific measures shall be formulated separately by the competent administrative department of environmental protection under the State Council in conjunction with the relevant departments of the State Council.

Article 28 The environmental protection management of marine engineering construction projects shall be carried out in accordance with the provisions of the State Council on the environmental protection management of marine engineering.

Article 29 The environmental protection management of projects for the construction of military installations shall be carried out in accordance with the relevant provisions of the Central Military Commission.

Article 30 These Regulations shall come into force as of the date of promulgation.

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