

**Law of the People's Republic of China on Environmental Impact Assessment (2018 Amendment) [Effective]**  
中华人民共和国环境影响评价法(2018修正) [现行有效]

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Law of the People's Republic of China on Environmental Impact Assessment  
(Adopted at the 30th session of the Standing Committee of the Ninth National People's Congress on October 28, 2002; amended for the first time in accordance with the [Decision of the Standing Committee of the National People's Congress on Amending Six Laws including the Energy Conservation Law of the People's Republic of China at the 21st Session of the Standing Committee of the Twelfth National People's Congress on July 2, 2016](#); and amended for the second time according to the [Decision of the Standing Committee of the National People's Congress to Amend Seven Laws Including the Labor Law of the People's Republic of China adopted at the Seventh Session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on December 29, 2018](#))

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Chapter I General Provisions

**Article 1** The present Law has been enacted for the purpose of carrying out the strategy of sustainable development, prevent the unfavorable impacts of programs and constructions projects upon the environment after they are carried out, and promote the concerted development of the economy, society and environment.

**Article 2** The term "appraising environmental impacts" as mentioned in the present Law refers to the methods and institutions for analyzing, predicting and appraising the impacts of programs and construction projects that might incur after they are carried out so as to propose countermeasures for preventing or mitigating the unfavorable impacts and make follow-up monitoring.

**Article 3** To work out any of the programs as described in Article 9 of the present Law or to build any project within the territory of the People's Republic of China or within other seas subject to the jurisdiction of the People's Republic of China, appraisals shall be conducted about the environmental impacts according to the present Law.

**Article 4** The appraisals of the environmental impacts shall be objective, open and impartial, and shall take the impacts imposed upon the various environmental factors and the corresponding ecosystem by the programs or construction project after they are carried out so as to provide a scientific basis for decision-making.

**Article 5** The state encourages relevant entities, experts and the general public to participate in the appraisal of the environmental impacts in appropriate ways.

**Article 6** The state shall strengthen the construction of the basic databases for the appraisal of environmental impacts and the system of indicators for appraisal, encourage and support the scientific research of the methods and technical specifications for appraising environmental impacts, and build a system for sharing the information about environmental impacts so as to make the environmental impact appraisals more scientific. The administrative department of ecology and environment under the State Council shall, in collaboration with other relevant departments under the State Council, organize, establish and improve the basic databases for appraising environmental impacts and the system of appraisal indicators.

Chapter II Appraisal of the Environmental Impacts of Programs

**Article 7** The relevant departments of the State Council and the local people's governments at(above) the level of the cities with districts as well as the relevant departments thereof shall, in the process of working out the relevant programs concerning the use of land and the programs for constructing, developing and utilizing the areas, drainage areas or sea areas, conduct environmental impact appraisals, draft chapters or explanations concerning environmental impacts.

In the chapters or explanations of the programs concerning environmental impacts, an analysis, prediction and appraisal of the environment impacts of the program after it is implemented shall be made, and countermeasures shall be put forward for preventing or mitigating the unfavorable environmental impacts. Such chapters or explanations shall form a part of the draft of the programs and shall be reported to the organ in charge of the examination and approval of the programs.

The examination and approval organ may not approve any draft of program which does not have a chapter or explanation of the environmental impacts.

**Article 8** With regard to the relevant special programs of industry, agriculture, animal husbandry, forestry, energy, water conservancy, communications, municipal construction, tourism, and natural resources development (hereafter "special programs"), the relevant departments of the State Council and the local people's government of the cities with districts as well as the relevant departments thereof shall, prior to reporting the draft of the special program for examination and approval, organize appraisals of environmental impacts, and submit a report of environmental impacts to the organ in charge of the examination and approval of the special program.

For the directive program for the special programs as mentioned in the preceding paragraph, an appraisal shall be made about the environmental impacts according to the provisions of Article 7 of the present Law.

**Article 9** The specific scope of programs for which environmental impact appraisals shall be made according to the provisions of Articles 7 and 8 of the present Law shall be prescribed by the administrative department of ecology and environment under the State Council jointly with other relevant departments of the State Council and be submitted to the State Council for ratification.

**Article 10** The report of the environmental impacts of special program shall include the following elements:

- a. An analysis, prediction and appraisal of the environmental impacts that might occur if the program is implemented;
- b. The countermeasures for predicting or mitigating the unfavorable environmental impacts;
- c. The conclusion of the appraisal upon the environment.

**Article 11** In case a program may cause unfavorable environmental impacts or directly involve the environmental interests of the general public, the organ that works out the special programs shall, prior to submitting the draft of the programs for examination and approval, seek the opinions of the relevant entities, experts and the general public about the draft of the report about the environmental impacts by holding demonstration meetings or hearings or by any other means, except it is provided by the state that it shall be kept confidential. The drafting organ shall take the opinions of the relevant entities, experts and the general public about the draft report of environmental impacts into careful consideration, and shall attach a remark whether the opinions are adopted or refused to the report of environmental impacts to be submitted for examination and approval.

**Article 12** The organ that works out a special program shall, when reporting the draft of the program for examination and approval, submit the report about the environmental impacts at the same time. In case it fails to submit the report about the environmental impacts, the examination and approval organ may not grant approval.

**Article 13** When the people's government at(above) the level of the cities with districts examines the draft of a special program and before making the decision, the administrative department of ecology and environment designated by the people's government or other relevant departments shall summon the representatives of relevant departments and experts to form an examination and approval group so as to examine the report of environmental impacts. The examination and approval group shall submit their opinions in written form. The experts of the examination and approval group as described in the preceding paragraph shall be determined randomly from the list of experts within the relevant majors of the databases of experts established by the administrative department of ecology and environment of the State Council.

The measures for the examination of the special programs subject to the examination and approval of the relevant departments of the people's government on the provincial level and above shall be formulated by the administrative department of ecology and environment of the State Council jointly together with other relevant departments of the State Council.

**Article 14** Where the examination team offers an amendment opinion, the authority that makes the special plan shall, according to the conclusion of the environmental impact report and examination opinion, amend and improve the draft plan, and give an explanation on the adoption of the conclusion of the environmental impact report and the examination opinion; and give the reason if it does not adopt the conclusion or the opinion.

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中华人民共和国环境影响评价法

(2002年10月28日第九届全国人民代表大会常务委员会第三十次会议通过 根据2016年7月2日第十二届全国人民代表大会常务委员会第二十一次会议《关于修改〈中华人民共和国节约能源法〉等六部法律的决定》第一次修正 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国劳动法〉等七部法律的决定》第二次修正)

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第一章 总 则

**第一条** 为了实施可持续发展战略, 预防因规划和建设项目实施后对环境造成不良影响, 促进经济、社会和环境的协调发展, 制定本法。

**第二条** 本法所称环境影响评价, 是指对规划和建设项目实施后可能造成的环境影响进行分析、预测和评估, 提出预防或者减轻不良环境影响的对策和措施, 进行跟踪监测的方法与制度。

**第三条** 编制本法第九条所规定的范围内的规划, 在中华人民共和国领域和中华人民共和国管辖的其他海域内建设对环境有影响的项目, 应当依照本法进行环境影响评价。

**第四条** 环境影响评价必须客观、公开、公正, 综合考虑规划或者建设项目实施后对各种环境因素及其所构成的生态系统可能造成的影响, 为决策提供科学依据。

**第五条** 国家鼓励有关单位、专家和公众以适当方式参与环境影响评价。

**第六条** 国家加强环境影响评价的基础数据库和评价指标体系建设, 鼓励和支持对环境影响评价的方法、技术规范进行科学研究, 建立必要的环境影响评价信息共享制度, 提高环境影响评价的科学性。国务院生态环境主管部门应当会同国务院有关部门, 组织建立和完善环境影响评价的基础数据库和评价指标体系。

第二章 规划的环境影响评价

**第七条** 国务院有关部门、设区的市级以上地方人民政府及其有关部门, 对其组织编制的土地利用的有关规划, 区域、流域、海域的建设、开发利用规划, 应当在规划编制过程中组织进行环境影响评价, 编写该规划有关环境影响的篇章或者说明。

规划有关环境影响的篇章或者说明, 应当对规划实施后可能造成的环境影响作出分析、预测和评估, 提出预防或者减轻不良环境影响的对策和措施, 作为规划草案的组成部分一并报送规划审批机关。

未编写有关环境影响的篇章或者说明的规划草案, 审批机关不予审批。

**第八条** 国务院有关部门、设区的市级以上地方人民政府及其有关部门, 对其组织编制的工业、农业、畜牧业、林业、能源、水利、交通、城市建设、旅游、自然资源开发的有关专项规划 (以下简称专项规划), 应当在该专项规划草案上报审批前, 组织进行环境影响评价, 并向审批该专项规划的机关提出环境影响报告书。

前款所列专项规划中的指导性规划, 按照本法第七条的规定进行环境影响评价。

**第九条** 依照本法第七条、第八条的规定进行环境影响评价的规划的具体范围, 由国务院生态环境主管部门会同国务院有关部门规定, 报国务院批准。

**第十条** 专项规划的环境影响报告书应当包括下列内容:

- (一) 实施该规划对环境可能造成影响的分析、预测和评估;
- (二) 预防或者减轻不良环境影响的对策和措施;
- (三) 环境影响评价的结论。

**第十一条** 专项规划的编制机关对可能造成不良环境影响并直接涉及公众环境权益的规划, 应当在该规划草案报送审批前, 举行论证会、听证会, 或者采取其他形式, 征求有关单位、专家和公众对环境影响报告书草案的意见。但是, 国家规定需要保密的情形除外。编制机关应当认真考虑有关单位、专家和公众对环境影响报告书草案的意见, 并应当在报送审查的环境影响报告书中附具对意见采纳或者不采纳的说明。

**第十二条** 专项规划的编制机关在报批规划草案时, 应当将环境影响报告书一并附送审批机关审查; 未附送环境影响报告书的, 审批机关不予审批。

**第十三条** 设区的市级以上人民政府在审批专项规划草案, 作出决策前, 应当先由人民政府指定的生态环境主管部门或者其他部门召集有关部门代表和专家组成审查小组, 对环境影响报告书进行审查。审查小组应当提出书面审查意见。参加前款规定的审查小组的专家, 应当从按照国务院生态环境主管部门的规定设立的专家库内的相关专业领域的专家名单中, 以随机抽取的方式确定。由省级以上人民政府有关部门负责审批的专项规划, 其环境影响报告书的审查办法, 由国务院生态环境主管部门会同国务院有关部门制定。

**第十四条** 审查小组提出修改意见的, 专项规划的编制机关应当根据环境影响报告书结论和审查意见对规划草案进行修改完善, 并对环境影响报告书结论和审查意见的采纳情况作出说明; 不采纳的, 应当说明理由。设区的市级以上人民政府或者省级以上人民政府有关部门在审批专项规划草案时, 应当将环境影响报告书结论以及审查意见作为决策的重要依据。

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