

## **Regulations on the approval procedures for environmental impact reports (forms) of construction projects of the Ministry of Ecology and Environment**

(Translated using Google Translate)

The "Regulations on the Examination and Approval Procedures for Environmental Impact Reports (Forms) of Construction Projects of the Ministry of Ecology and Environment", which were deliberated and adopted at the executive meeting of the Ministry of Ecology and Environment on November 5, 2020, are hereby promulgated and shall come into force on January 1, 2021.

Minister Huang Runqiu

November 23, 2020

Regulations on the approval procedures for environmental impact reports (forms) of construction projects of the Ministry of Ecology and Environment

### Chapter 1 General Provisions

Article 1 In order to standardize the approval procedures for the environmental impact report and environmental impact report form (hereinafter referred to as the environmental impact report (form)) of construction projects of the Ministry of Ecology and Environment, improve the approval efficiency and service level, and implement and deepen the reform and optimization of "decentralization, management and services" Business environment requirements, protect the legitimate rights and interests of citizens, legal persons and other organizations, in accordance with the "Administrative Licensing Law of the People's Republic of China", "The Law of the People's Republic of China on Environmental Impact Assessment", "Construction Project Environmental Protection Management Regulations", as well as marine environmental protection, radioactive pollution These regulations are formulated for ecological environment laws and regulations such as prevention, control of air pollution, and prevention and control of water pollution.

Article 2 These regulations are applicable to the approval of construction project environmental impact reports (forms) that the Ministry of Ecology and Environment is responsible for examining and approving.

Article 3 The Ministry of Ecology and Environment shall, in examining and approving the environmental impact report (form) of a construction project, adhere to the principles of compliance with laws and regulations, scientific decision-making, openness and impartiality, convenience and efficiency.

Article 4 For a construction project for which an environmental impact report (form) should be prepared according to law, the construction unit shall submit the environmental impact report (form) to the Ministry of Ecology and Environment for approval before starting construction.

After the environmental impact report (form) of the construction project has been approved, if the nature, scale, location, production technology adopted, or the measures for preventing pollution and ecological damage of the construction project changes significantly, the construction unit shall Contents The environmental impact report (form) should be re-submitted to the Ministry of Ecology and Environment for approval before starting construction.

Article 5 For major infrastructure projects, people's livelihood projects and national defense scientific research and production projects determined by the state, the Ministry of Ecology and Environment may, according to the information provided by the construction unit, the unit that prepares the environmental impact report (form), or the relevant department, provide advance guidance, take the initiative to provide services, and speed up the process. approval.

## Chapter II Application and Acceptance

Article 6 When a construction unit applies to the Ministry of Ecology and Environment for approval of an environmental impact report (form), it shall submit an environmental impact report (form) to the Ministry of Ecology and Environment on the national integrated online government service platform (website: <http://zwfw.mee.gov.cn>, hereinafter referred to as the Government Affairs Service Hall) submit the following materials and be responsible for the authenticity of the materials:

- (1) An application for approval of the environmental impact report (form) of the construction project;
- (2) Environmental impact report (form) of the construction project. If the environmental impact report (form) involves state secrets, business secrets and personal privacy, the construction unit shall make a distinction such as deletion, covering, etc.;
- (3) Description of public participation in the construction project for which the environmental impact report is prepared.

In addition to the materials specified in the preceding paragraph, the construction unit shall submit the following materials in hard copy to the Ministry of Ecology and Environment by mail or on-site delivery, as well as a copy of a CD-ROM and other portable electronic storage devices:

- (1) The full version of the environmental impact report (form) of the construction project, in triplicate;
- (2) Public participation statement of the construction project for which the environmental impact report is prepared, in triplicate;
- (3) If the environmental impact report (form) of the construction project submitted online through the government service hall has deleted or covered up the content that should not

be disclosed in the full version, a copy of the relevant explanatory materials shall also be submitted.

The state stipulates that the construction projects that need to be kept confidential shall submit application materials through on-site submission.

Article 7 The Ministry of Ecology and Environment shall deal with the application materials submitted by the construction unit according to the following circumstances:

(1) If there is no need to prepare an environmental impact report (form) in accordance with the law, the construction unit shall be notified immediately that it will not be accepted;

(2) The environmental impact report (form) that is not approved by the Ministry of Ecology and Environment shall not be accepted, and the construction unit shall be notified to apply to the relevant authorities;

(3) If the environmental impact report (table) is prepared by the compilation unit or compilation personnel listed on the rectification list or "blacklist" within the time limit stipulated in the "Measures for the Supervision and Administration of the Compilation of Environmental Impact Report (Form) of Construction Projects", the construction unit shall inform the construction project. The unit will not accept it;

(4) If the application materials are incomplete or do not conform to the statutory form, the construction unit shall be notified on the spot or within five working days of the contents that need to be supplemented and corrected. . If it is possible to make corrections on the spot, the construction unit shall be allowed to make corrections on the spot;

(5) If the application materials are complete and conform to the statutory form, or the construction unit submits all supplemented and corrected application materials as required, it will be accepted and an electronic acceptance notice will be issued; if the state requires confidentiality or other applications that are not suitable for online acceptance, a paper acceptance will be issued. Notice.

Article 8 After accepting the environmental impact report (form) of a construction project submitted for approval, the Ministry of Ecology and Environment shall, in accordance with the provisions of the "Measures for Public Participation in Environmental Impact Assessment", disclose the environmental impact report (form), public participation instructions, and public comments. ways and means. The disclosure period of the environmental impact report shall not be less than ten working days, and the disclosure period of the environmental impact report shall not be less than five working days.

### Chapter III Technical Evaluation and Review

Article 9 If the environmental impact report (form) of a construction project approved by the Ministry of Ecology and Environment requires technical assessment, the Ministry of Ecology and Environment shall issue a letter of entrustment within one working day after accepting the application, and entrust a technical assessment agency to carry out the technical

assessment. For those meeting the conditions specified in Article 5 of these regulations, the technical evaluation agency shall provide advance guidance according to the requirements of the Ministry of Ecology and Environment.

Article 10 The entrusted technical evaluation institution shall submit the technical evaluation report within the time limit determined by the entrustment letter, and be responsible for the technical evaluation conclusion.

The technical evaluation report shall include the following contents:

- (1) A clear technical assessment conclusion;
- (2) Quality problems existing in the environmental impact report (form) and suggestions for handling;
- (3) Issues that need to be paid attention to when approving.

The technical assessment period of the environmental impact report (form) shall not exceed 30 working days; if the situation is particularly complicated, the Ministry of Ecology and Environment may appropriately extend the technical assessment period according to the actual situation.

Article 11 The Ministry of Ecology and Environment shall review the environmental impact report (form) of a construction project mainly from the following aspects:

- (1) Whether the type of construction project and its site selection, layout, scale, etc. comply with the laws and regulations on ecological and environmental protection and relevant statutory planning and zoning, whether it complies with the planning environmental impact report and review opinions, whether it complies with the regional ecological protection red line and the bottom line of environmental quality, resource utilization online and ecological environment access list management and control requirements;
- (2) Whether the quality of the ecological environment in the area where the construction project is located meets the requirements for the corresponding environmental function zoning, the management requirements for the improvement of the regional environmental quality, and the requirements for the control of the total discharge of key pollutants in the region;
- (3) Whether the pollution prevention and control measures to be taken can ensure that the discharge of pollutants meets the national and local discharge standards; whether the ecological protection measures to be taken can effectively prevent and control ecological damage; if radioactive pollution may occur, whether the preventive measures to be taken can be taken Effective prevention and control of radioactive contamination;
- (4) For reconstruction, expansion and technological transformation projects, whether effective prevention and control measures have been proposed for the original environmental pollution and ecological damage of the project;

(5) Whether the preparation content and preparation quality of the environmental impact report (table) meet the relevant requirements.

If the status quo of the regional ecological environment quality meets the requirements of environmental function zoning, the Ministry of Ecology and Environment shall focus on examining whether the pollution prevention and control measures to be taken can ensure that after the construction project is put into operation, the ecological environment quality of the region still meets the requirements of the corresponding environmental function zoning; If the current ecological environment quality does not meet the requirements of environmental function zoning, the Ministry of Ecology and Environment shall focus on examining whether the measures to be taken can ensure that after the construction project is put into operation, the ecological environment quality of the region meets the management requirements for regional environmental quality improvement objectives.

Article 12 Before the Ministry of Ecology and Environment makes an approval decision on the environmental impact report (form), it shall disclose the basic information of the construction project and the environmental impact report (form) to the public in accordance with the "Measures for Public Participation in Environmental Impact Assessment". At the same time, the construction unit and interested parties shall be informed that they have the right to request a hearing.

Where the Ministry of Ecology and Environment convenes a hearing, it shall be implemented in accordance with the relevant provisions on hearings for environmental protection administrative licensing.

Article 13 During the review process of the environmental impact report (form) of a construction project, if the construction unit applies for withdrawing the application for approval of the environmental impact report (form), the Ministry of Ecology and Environment may terminate the approval procedure for the environmental impact assessment of the construction project and return it to the construction unit. All application materials submitted.

Article 14 The Ministry of Ecology and Environment examines and approves the environmental impact report (form) of a construction project, and the technical assessment agency conducts technical assessment on the environmental impact report (form) of a construction project, and shall not collect from the construction unit or the unit that prepares the environmental impact report (form). Or pass on any costs.

Article 15 In the process of reviewing the environmental impact report (form) of a construction project, if the construction unit is found to have started construction without authorization, or the environmental impact report (form) has quality problems, etc., violations of relevant laws and regulations on environmental impact assessment shall be conducted in accordance with laws and regulations. If the responsible person of the construction unit is a public official, the case shall be transferred to the supervisory organ with jurisdiction in accordance with the relevant regulations of the state, and punishment shall be given in accordance with the discipline and regulations.

## Chapter IV Approval and Announcement

Article 16 For the environmental impact report (form) of a construction project that has been reviewed and approved, the Ministry of Ecology and Environment shall make a decision to approve it according to law, and notify the construction unit in writing.

For the environmental impact report (form) of a construction project that is not approved under the Regulations on Environmental Protection of Construction Projects, the Ministry of Ecology and Environment shall make a decision of disapproval in accordance with the law, notify the construction unit, and explain the reasons.

Article 17 The Ministry of Ecology and Environment shall announce the full text of the approval decision to the public on the website of the Ministry of Ecology and Environment within seven working days from the date of making the decision on the approval of the environmental impact report (form), and inform the construction unit to file for administrative reconsideration and administrative reconsideration. Rights and Duration of Action. Except where the state stipulates that confidentiality is required.

Article 18 The time limit for the Ministry of Ecology and Environment to examine and approve an environmental impact report shall not exceed 60 days according to law; the time limit for examining and approving an environmental impact report form shall not exceed 30 days according to law. If a hearing, expert review, or technical evaluation is required in accordance with the law, the time required is not included in the approval period.

## Chapter V Supplementary Provisions

Article 19 According to the law, the Ministry of Ecology and Environment shall be responsible for examining and approving the construction projects of the environmental impact report (form). The Ministry of Ecology and Environment may entrust the river basin (sea area) ecological environment supervision agency or the provincial-level ecological environment authority to examine and approve the construction project. The environmental impact report (form) of the project shall be announced to the public by the entrusted administrative agency and the content of the entrusted approval.

The entrusted administrative organ shall carry out the examination and approval in the name of the Ministry of Ecology and Environment within the scope of entrustment, and shall not entrust another institution to examine and approve the environmental impact report (form) of the construction project again. The Ministry of Ecology and Environment shall be responsible for the approval decision of the entrusted matters.

Article 20 The relevant measures for implementing the notification and commitment examination and approval system for examining and approving the environmental impact report (form) of a construction project shall be formulated separately by the Ministry of Ecology and Environment.

Article 21 These regulations shall come into force on January 1, 2021. The "Regulations on the Examination and Approval Procedures of Environmental Impact Assessment Documents of

Construction Projects of the State Environmental Protection Administration" (Order No. 29 of the State Environmental Protection Administration) shall be repealed at the same time.