



**中华人民共和国生态环境部**  
Ministry of Ecology and Environment of the People's Republic of China

# 政府信息公开

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**General Office of the Ministry of Ecology and Environment**  
**General Office of the Ministry of Commerce** document

EIA [2022] No. 2

## Notice on Issuing the "Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects"

The ecological environment departments and commerce departments of all provinces, autonomous regions, municipalities directly under the Central Government, cities under separate state planning and Xinjiang Production and Construction Corps, and relevant central enterprises:

In order to thoroughly implement Xi Jinping Thought on Ecological Civilization, implement the decisions and arrangements of the CPC Central Committee and the State Council, promote the sustainable development of foreign investment and cooperation and the construction of a green "Belt and Road", improve the environmental management level of foreign investment and cooperation construction projects, and better serve the construction of a new development pattern, ecological The Ministry of Environment and the Ministry of Commerce have formulated the "Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects", which are hereby issued to you. Please implement them in light of the actual situation.

General Office of the Ministry of Ecology and Environment

General Office of the Ministry of Commerce

January 5, 2022

(This piece is made public)

Issued by the General Office of the Ministry of Ecology and Environment on January 6, 2022

### **Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects**

**Article 1** This guideline is formulated to guide enterprises to implement the concept of ecological civilization, further improve the ecological environment protection of foreign investment and cooperation construction projects, and promote the green and high-quality development of projects.

**Article 2** Enterprises consciously fulfill their responsibilities for ecological and environmental protection, coordinate economic, social and environmental benefits, promote the coordinated development of local economy, society and environment, and promote mutually beneficial cooperation.

**Article 3** Enterprises implementing foreign investment and cooperative construction projects shall abide by the ecological environment laws, regulations and policy standards of the host country (region), and apply for the required ecological environmental protection licenses as required. If the host country (region) does not have relevant standards or the standard requirements are relatively low, on the basis of the ecological environment protection permit, it is encouraged to adopt the international common rules and standards or China's stricter standards.

**Article 4** Enterprises shall incorporate ecological and environmental protection into their own development strategies, establish corresponding rules and regulations for ecological and environmental protection, and improve their internal environmental management systems with reference to international practices. Strengthen ecological and environmental protection training, seminars and capacity building, appoint special personnel to be responsible for ecological and environmental protection work, and continuously improve the environmental management capabilities of enterprises.

**Article 5** Before carrying out external mergers and acquisitions, an enterprise may, through environmental due diligence and other methods, evaluate the ecological damage, environmental pollution, environmental protection penalties, environmental litigation, environmental protection facilities operation and relevant ecological and environmental risks caused by the target to be acquired in the historical business activities. , focusing on assessing hazardous waste disposal, soil, groundwater, greenhouse gas emissions and atmospheric environmental impacts.

Enterprises are encouraged to choose ecological environment consulting service institutions with strong business capabilities, good credit, and familiarity with domestic and foreign environmental laws, regulations and policies according to business needs, and provide market-oriented and internationalized ecological environment consulting services for enterprises' foreign investment and cooperation.

**Article 6** Before the construction of the project, the enterprise shall grasp the background status of the ecological environment of the project location and its surrounding areas by collecting relevant materials, conducting biodiversity surveys in the proposed site area, monitoring and evaluating the ecological environment, etc. , monitoring and evaluation results are archived for future reference.

When the background value exceeds local standards, international general rules or domestic quality standards, it is recommended to fully demonstrate the rationality of the site selection environment, and consider re-site selection if necessary.

**Article 7** Enterprises should carry out environmental impact assessments in accordance with the laws and regulations of the host country (region), and take reasonable measures to reduce and eliminate possible adverse impacts. If the host country (region) lacks the requirements for environmental impact assessment, it can refer to the international common rules and standards or Chinese standards to organize and carry out environmental impact assessment work.

**Article 8** Enterprises should strengthen the ecological protection work during the construction period, adhere to ecological priority and green construction, do a good job in ecological protection and control of air, water, noise, vibration, radiation and solid waste pollution, slow down greenhouse gas emissions, and prevent them through standardized management. and reduce the adverse impact of construction on the environment.

Do a good job in ecological restoration, and formulate ecological restoration plans according to local conditions in combination with the surrounding resource endowments and natural ecological conditions of the project.

**第九条** 企业根据建设项目行业、规模、工艺、污染物和温室气体排放、生态影响和周边生态环境状况，建设和运行污染防治设施，废气、废水或其他污染物的排放以及固体废物的处理处置应符合相应标准规定，采取有效措施控制温室气体排放，做好运行期生态环境监测和管理工作。

**第十条** 企业实施能源项目时，优先考虑清洁、绿色的可再生能源项目。实施水利水电项目时，应尽量避免占用自然保护区和重要生物栖息地，在流域范围内合理布局；优化工程设计和施工组织，合理采取水生生物栖息地保护、水生生物通

道建设、增殖放流等措施；对保护性野生动植物及其生境造成影响的，积极采取工程防护、异地移栽、救助、生境恢复等措施，通过生态流量泄放等措施，满足下游河道生活、生态和生产用水需求。做好风电、光伏等可再生能源项目的生态环境管理工作。

第十一条 企业实施石油化工项目时，要加强污染治理设施建设和运维，减少污染物和温室气体排放。加强环境风险防控，完善环境风险防控措施。

第十二条 企业实施矿山开采项目时，要采取有效的污染治理措施控制各项污染物，特别是重金属污染物的排放。加强固体废物综合利用，减少产生量、贮存量。做好尾矿库、矸石场等固体废物贮存场所的加固和防渗，防止污染地下水。加强环保设计，减少生态破坏和土地占用，开展生态修复和生物多样性保护。

第十三条 企业实施交通基础设施项目时，要按照绿色、低碳、可持续发展的要求，合理选线选址，尽量避免占用或穿越自然保护区和重要野生生物栖息地。确实无法避免的，可采取无害化穿越、建设野生生物通道等减缓或补偿措施。加强施工期环境管理，合理安排施工组织方式，减少土石开挖和临时场地占用，减轻对野生生物及周边居民噪声、扬尘等影响，施工结束后及时开展生态环境恢复。

第十四条 企业根据项目环境影响特征开展污染物排放监测，随时掌握项目的排污状况，并对监测结果进行记录和存档。涉及生态环境影响的，做好生态环境调查。

第十五条 企业应采取措施，减少项目固体废物的产生量，促进固体废物的综合利用，降低固体废物的危害性，严格执行危险废物等固体废物贮存、运输、利用、处置等要求。

第十六条 企业应根据项目环境风险的性质、特点和可能造成的环境危害，制订突发环境事件应急预案。发生突发环境事件时，按规定及时向国内投资主体、我驻外使领馆、当地管理部门等报告，国内投资主体按规定及时向相关管理部门报告。

突发环境事件应急预案的内容一般包括应急管理工作的组织体系与职责、预防预警机制、处置程序、应急保障以及事后恢复与重建等。鼓励企业组织预案演练，及时对预案进行优化更新。

第十七条 企业应关注全球和东道国（地区）关于应对气候变化的法律法规和政策，根据自身条件积极参与低碳和碳汇项目，支持发展中国家能源绿色低碳发展，为东道国（地区）应对气候变化作出积极贡献。

第十八条 企业应关注东道国（地区）制定的生物多样性保护战略和行动计划，充分考虑项目所在区域的生态功能定位，减少对当地生物多样性的不利影响，推动实现生物多样性保护和可持续利用。

第十九条 企业应遵循清洁生产理念，推进绿色设计和循环利用，从源头削减污染，提高材料、资源利用效率，减少生产、服务和产品使用过程中污染物的产生和排放。

第二十条 企业应开展绿色价值链创新和实践，构建绿色供应链管理体系，实施绿色采购，推行绿色生产，优先购买环境友好产品。

第二十一条 鼓励企业申请有关环境管理体系认证、能源管理体系认证以及相关产品的节能节水低碳环保等绿色认证。

第二十二条 企业应按有关规定报告生态环境保护合规信息。

第二十三条 企业应加强与当地环境管理部门的联系与沟通，交流项目生态环境保护相关信息，主动征询其意见和建议。主动加强与可能受影响社区、相关社会团体和公众的沟通，通过座谈会、听证会等方式，就项目环境影响听取意见和建议。

第二十四条 企业应加强信息发布和经验共享，定期发布项目执行东道国（地区）生态环境法律法规、采取的措施和取得的环境绩效等情况，分享项目生态环境保护理念和最佳实践。

第二十五条 企业应依法或参照国际惯例，做好对外投资合作建设项目退役、拆除、关闭期的生态环境保护工作。

解读：[1.生态环境部环境影响评价与排放管理司有关负责人就《对外投资合作建设项目生态环境保护指南》答记者问](#)  
[2.一图读懂《对外投资合作建设项目生态环境保护指南》](#)

字号：[大] [中] [小] [打印] 仅打印内容



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