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Order 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 of 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 on October 1, 2017.

Premier Li Keqiang

July 16, 2017

State Council on Amendments Decision of "Regulations on Environmental Protection Management of Construction Projects"

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

1. The second paragraph of Article 6 is deleted.
2. Paragraph 2 of Article 7 is amended to read: "The classified management list of environmental impact assessment of construction projects, the environmental protection administrative department of the State Council shall organize experts to conduct demonstrations and solicit opinions from relevant departments, industry associations, enterprises and institutions, and the public. developed and published on the basis of
3. The second paragraph of Article 8 is deleted.
4. Merge Articles 9 and 10 into Article 9 and amend it to read: "For a construction project where an environmental impact report and an environmental impact report form should be prepared in accordance with the law, the construction unit shall submit the environmental impact report, The environmental impact report shall be submitted to the competent environmental protection administrative department with the power of approval for examination and approval; if the environmental impact assessment document of the construction project has not been examined by the examination and approval department in accordance with the law or has not been approved after examination, the construction unit shall not start construction.

"The environmental protection administrative department shall examine and approve the environmental impact report and the environmental impact report form, and shall focus on reviewing the environmental feasibility of the construction project, the reliability of the environmental impact analysis, prediction and assessment, the effectiveness of the environmental protection measures, and the scientific nature of the environmental impact assessment conclusions. etc., and within 60 days from the date of receipt of the environmental impact report and within 30 days from the date of receipt of the environmental impact report form, make an approval decision and notify the construction unit in writing.

"The administrative department of environmental protection may organize technical institutions to conduct technical assessments on the environmental impact report and environmental impact report form of construction projects, and bear the corresponding expenses; the technical institution shall be responsible for the technical assessment opinions it puts forward, and shall not report to the construction unit, environmental The unit responsible for the impact assessment work does not charge any fees.

"For a construction project that is required to fill in the environmental impact registration form according to law, the construction unit shall submit the environmental impact registration form to the county-level environmental protection administrative department where the construction project is located for the record in accordance with the regulations of the environmental protection administrative department of the State Council.

"The environmental protection administrative department shall conduct online approval, filing and information disclosure of environmental impact assessment documents."

5. Change Article 11 to Article 10, and delete "or environmental impact registration form" in this article.

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

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

"(2) The environmental quality of the region where it is located does not meet the national or local environmental quality standards, and the measures to be taken for the construction project cannot meet the management requirements for regional environmental quality improvement objectives;

"(3) The pollution prevention and control measures taken by the construction project cannot ensure that the discharge of pollutants meets the national and local discharge standards, or the necessary measures are not taken to prevent and control ecological damage;

"(4) Reconstruction, expansion and technological transformation projects, failing to propose effective prevention and control measures for the original environmental pollution and ecological damage of the project;

"(5) The basic data and data of the environmental impact report and the environmental impact report form of the construction project are obviously false, the content has major defects or omissions, or the conclusion of the environmental impact assessment is unclear and unreasonable."

7. Amend Article 12 to read: "After the environmental impact report and environmental impact report form of a construction project are approved, the nature, scale, location, production process adopted, or measures to prevent pollution and prevent ecological damage of the construction project have a major occurrence. If there is any change, the construction unit shall resubmit the construction project environmental impact report and environmental impact report form for approval.

"The environmental impact report and environmental impact report form of a construction project have been approved for 5 years from the date of approval. If the construction project party starts construction, its environmental impact report and environmental impact report form shall be submitted to the original examination and approval department for re-examination. The original

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Li Keqiang signed the order of the State Council to announce the "Decision of the State Council on Amending the Regulations on Environmental Protection Management of Construction Projects"

diagram

Illustration: Li Keqiang signed the order of the State Council to announce the "Decision of the State Council on Amending the Regulations on Environmental Protection Management of Construction Projects"

interpret

The head of the Legislative Affairs Office of the State Council and the Ministry of Environmental Protection answered questions on the "Decision of the State Council on Amending the Regulations on the Administration of Environmental Protection of Construction Projects"

examination and approval department shall Within 10 days from the date of receipt of the environmental impact report and environmental impact report form of the construction project, the construction unit shall be notified in writing of the review opinion; if the notification is not made within the time limit, it shall be deemed as the review and approval.

"No fees shall be charged for reviewing and approving construction project environmental impact reports, environmental impact report forms and filing environmental impact registration forms."

8. Article 13 is deleted.

9. Change 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 specification, compile an environmental protection chapter, and implement measures to prevent and control environmental pollution and ecological damage, as well as environmental protection. Facility investment estimates.

"The construction unit shall incorporate the construction of environmental protection facilities into the construction contract, ensure the progress and funds of the construction of environmental protection facilities, and organize the implementation of the environmental impact report, the environmental impact report form and the environmental impact statement proposed in the approval decision of the approval department during the project construction process. protective measures."

10. Articles 18 and 19 are deleted.

11. Change Article 20 to Article 17 and amend it to read: "After the completion of the construction project for which the environmental impact report and the environmental impact report form are prepared, the construction unit shall follow the standards and procedures prescribed by the environmental protection administrative department of the State Council. , Check and accept the supporting environmental protection facilities, and prepare an acceptance report.

"In the process of acceptance inspection of environmental protection facilities, the construction unit shall truthfully inspect, monitor, and record the construction and commissioning of environmental protection facilities in construction projects, and shall not make false statements.

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

12. Article 22 is deleted.

13. Change Article 23 to Article 19 and amend it to read: "A construction project that prepares an environmental impact report and an environmental impact report form can only be put into production or if the supporting environmental protection facilities have passed the acceptance inspection. use; those that have not been checked or failed to pass the check shall not be put into production or used.

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

14. One article is added as Article 20: "The environmental protection administrative department shall review the design, construction, acceptance, production or use of the environmental protection facilities of the construction project, as well as other environmental protection measures determined in the relevant environmental impact assessment documents. Supervision and inspection of the implementation.

"The environmental protection administrative department shall record the relevant environmental violation information of the construction project into the social integrity file, and promptly disclose the list of violators to the public."

15. Merge Articles 24 and 25 into Article 21 and amend it to read: "Where a construction unit commits any of the following acts, it shall be punished in accordance with the "Environmental Impact Assessment Law of the People's Republic of China" :

"(1) The construction project's environmental impact report and environmental impact report form have not been submitted for approval according to the law or have been submitted for re-examination, and the construction has been started without authorization;

"(2) The construction project starts construction without approval or re-examination and consent in the environmental impact report and environmental impact report form of the construction project;

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

16. One article is added as Article 22: "In violation of the provisions of these Regulations, the construction unit has not implemented the measures to prevent and control environmental pollution and ecological damage and the investment budget of environmental protection facilities in the preliminary design of the construction project, and the construction of environmental protection facilities has not been included in the If the construction contract or the post-environmental impact assessment is not carried out in accordance with the law, the environmental protection administrative department 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; A fine of not less than 1 million yuan but not more than 1 million yuan.

"In violation of the provisions of these regulations, the construction unit fails to organize the implementation of the environmental impact report, the environmental impact report form and the environmental protection countermeasures proposed in the approval decision of the approval department during the project construction process, and the environmental protection measures at or above the county level where the construction project is located shall be The competent administrative department shall order it to make corrections within a time limit and impose a fine of not less than 200,000 yuan but not more than 1 million yuan; if it fails to make corrections within the time limit, it shall be ordered to stop construction."

17. Articles 26 and 27 are deleted.

18. Change Article 28 to Article 23, and amend it to read: "In violation of the provisions of these Regulations, if the environmental protection facilities that need to be built have not been completed, have not been inspected, or have failed the inspection and acceptance, the construction project will be put into production or Those who use or commit fraud in the acceptance inspection of environmental protection facilities shall be ordered by the environmental protection administrative department at or above the county level to make corrections within a time limit, and a fine of not less than 200,000 yuan but not more than 1 million yuan shall be imposed; The person in charge directly responsible and other responsible persons shall be fined not less than 50,000 yuan but not more than 200,000 yuan; if serious environmental pollution or ecological damage is caused, the production or use shall be ordered to stop, or the people who have the right to approve shall be ordered to stop the production or use. The government approved and ordered the closure.

"If the construction unit fails to disclose the acceptance report of environmental protection facilities to the public in violation of the provisions of these regulations, the environmental protection administrative department 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 make an announcement."

19. One article is added as Article 24: "In violation of the provisions of these Regulations, if a technical institution collects fees from construction units or units engaged in environmental impact assessment, the administrative department of environmental protection at or above the county level shall order it to refund the fees collected. , a fine of not less than 1 time but not more than 3 times the fee charged by the premises."

20. Change Article 29 to Article 25, and amend it to read: "A unit engaged in the environmental impact assessment of construction projects, if it commits fraud in the environmental impact assessment work, shall be charged by the competent administrative department of environmental protection at or above the county level. A fine of more than 1 time but not more than 3 times the fee."

21. Article 32 is changed to Article 28, and “offshore oil exploration and development” in this article is changed to “ocean engineering”.

This decision will take effect on October 1, 2017.

The Regulations on Environmental Protection Management of Construction Projects shall be revised according to this decision and the serial numbers of the provisions shall be adjusted accordingly, and then republished.

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 and revised in accordance with the Decision of the State Council on Amending the Regulations on Environmental Protection Management of Construction Projects on July 16, 2017)

Chapter 1 General Provisions

Article 1 These Regulations are formulated in order to prevent construction projects from generating new pollution and destroying the ecological environment.

Article 2 These Regulations shall apply to the construction of construction projects that have an impact on the environment within 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 generate pollution must comply with national and local standards for pollutant discharge; in areas where total discharge control of key pollutants is implemented, it must also meet the requirements for total discharge control of key pollutants.

Article 4 Industrial construction projects shall adopt clean production techniques that consume less energy and materials and produce less pollutants, 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 2 Environmental Impact Assessment

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

Article 7 According to the degree of impact of construction projects on the environment, the state implements classified management of the environmental protection of construction projects in accordance with the following provisions:

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

(2) If a construction project may cause a slight impact on the environment, an environmental impact report form shall be prepared, and an analysis or special evaluation shall be made on the pollution generated by the construction project and the impact on the environment;

(3) If the construction project has little impact on the environment and no environmental impact assessment is required, an environmental impact registration form shall be filled out.

The classified management directory of environmental impact assessment of construction projects shall be formulated and published by the environmental protection administrative department of the State Council on the basis of organizing experts to conduct demonstrations and

soliciting opinions from relevant departments, industry associations, enterprises and institutions, and the public.

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

- (1) An overview of the construction project;
- (2) The current situation of the surrounding environment of the construction project;
- (3) Analysis and prediction of the possible impact of the construction project on the environment;
- (4) Environmental protection measures and their economic and technical demonstrations;
- (5) Economic profit and loss analysis of environmental impact;
- (6) Suggestions on the implementation of environmental monitoring for construction projects;
- (7) Environmental impact assessment conclusion.

The content and format of the environmental impact report form and environmental impact registration form for construction projects shall be prescribed by the competent department of environmental protection administration under the State Council.

Article 9 For a construction project for which an environmental impact report and an environmental impact report form should be prepared in accordance with the law, the construction unit shall submit the environmental impact report and environmental impact report form to the competent environmental protection administrative department with the power of approval for approval before construction begins; The construction unit shall not start construction if the environmental impact assessment documents have not been reviewed by the examination and approval department in accordance with the law or have not been approved after review.

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

The environmental protection administrative department may organize technical institutions to conduct technical evaluations on the environmental impact report and environmental impact report form of the construction project, and bear the corresponding expenses; the technical institution shall be responsible for the technical evaluation opinions it puts forward, and shall not report to the construction unit or the environmental impact report form. There is no fee charged by the unit evaluating the work.

For a construction project for which an environmental impact registration form should be filled in according to law, the construction unit shall submit the environmental impact registration form to the county-level environmental protection administrative department where the construction project is located for the record in accordance with the regulations of the environmental protection administrative department of the State Council.

The environmental protection administrative department shall conduct online approval, filing and information disclosure of environmental impact assessment documents.

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

- (1) Construction projects of special nature such as nuclear facilities and top-secret projects;
- (2) Construction projects that cross the administrative regions of provinces, autonomous regions and municipalities directly under the Central Government;

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

The authority for examining and approving environmental impact reports and environmental impact report forms for construction projects other than those specified in the preceding paragraph shall be prescribed by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

If a construction project causes environmental impact across administrative regions, and the relevant environmental protection administrative department has a dispute over the conclusion of the environmental impact assessment, its environmental impact report or environmental impact report form shall be examined and approved by the environmental protection administrative department at the next higher level.

Article 11 Where a construction project falls under any of the following circumstances, the environmental protection administrative department shall make a decision not to approve the environmental impact report and the environmental impact report form:

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

(2) The environmental quality of the region where it is located does not meet the national or local environmental quality standards, and the measures to be taken for the construction project cannot meet the management requirements for regional environmental quality improvement objectives;

(3) The pollution prevention and control measures taken by the construction project cannot ensure that the discharge of pollutants meets the national and local discharge standards, or the necessary measures are not taken to prevent and control ecological damage;

(4) For reconstruction, expansion and technological transformation projects, no effective prevention and control measures have been proposed for the original environmental pollution and ecological damage of the project;

(5) The basic data and data of the environmental impact report and the environmental impact report form of the construction project are obviously false, the content has major defects or omissions, or the conclusion of the environmental impact assessment is unclear and unreasonable.

Article 12 After the approval of the environmental impact report and the environmental impact report form of a construction project, if there is a major change in the nature, scale, location, production process adopted, or measures to prevent pollution and ecological damage of the construction project, the construction unit shall renew the Submit the environmental impact report and environmental impact report form of the construction project for approval.

The environmental impact statement and the environmental impact statement form of the construction project shall be submitted to the original examination and approval department for re-examination if five years have elapsed since the date of approval, and the construction project party starts construction. The original approval department shall, within 10 days from the date of receipt of the construction project environmental impact report and environmental impact report form, notify the construction unit in writing of the review opinions; if the notification is not made within the time limit, it shall be deemed as the approval of the review.

No fee shall be charged for reviewing and approving the environmental impact report, environmental impact report form and filing environmental impact registration form of the construction project.

Article 13 The construction unit may adopt the method of public bidding, select the unit engaged in the environmental impact assessment work, and conduct the environmental impact assessment on the construction project.

No administrative organ shall designate a unit engaged in environmental impact assessment for the construction unit to conduct environmental impact assessment.

Article 14 When a construction unit prepares an environmental impact report, it shall, in accordance with relevant laws and regulations, solicit the opinions of the relevant units and residents where the construction project is located.

Chapter 3 Construction of Environmental Protection Facilities

Article 15 The environmental protection facilities that need to be built for 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 environmental protection design specifications, compile a chapter on environmental protection, implement measures to prevent and control environmental pollution and ecological damage, and estimate the investment in environmental protection facilities.

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

Article 17 After the completion of the construction project for which the environmental impact report and the environmental impact report form are prepared, the construction unit shall, in accordance with the standards and procedures prescribed by the environmental protection administrative department of the State Council, conduct the acceptance check of the supporting environmental protection facilities and prepare the acceptance report.

During the acceptance check of environmental protection facilities, the construction unit shall truthfully inspect, monitor and record the construction and commissioning of the environmental protection facilities of the construction project, and shall not resort to falsification.

The construction unit shall disclose the acceptance report to the public in accordance with the law, except in cases where confidentiality is required in accordance with state regulations.

Article 18 For a construction project that is constructed in stages or put into production or use in stages, the corresponding environmental protection facilities shall be checked and accepted in stages.

Article 19 A construction project for which an environmental impact report or an environmental impact report form is prepared may not be put into production or use unless the environmental protection facilities for its supporting construction have passed the acceptance inspection; .

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

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

The environmental protection administrative department shall record the relevant environmental violation information of the construction project into the social integrity file, and promptly disclose the list of violators to the public.

Chapter IV Legal Liability

Article 21 If a construction unit commits any of the following acts, it shall be punished in accordance with the "Environmental Impact Assessment Law of the People's Republic of China":

(1) The construction project's environmental impact report and environmental impact report form have not been submitted for approval according to law or submitted for re-examination, and the construction has been started without authorization;

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

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

Article 22 In violation of the provisions of these Regulations, the construction unit has prepared the preliminary design of the construction project without implementing the measures to prevent and control environmental pollution and ecological damage and the estimated investment in environmental protection facilities, failing to incorporate the construction of environmental protection facilities into the construction contract, or failing to carry out environmental impact in accordance with the law For post-evaluation, the environmental protection administrative department 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, a fine of not less than 200,000 yuan but not more than 1 million yuan will be imposed.

In violation of the provisions of these regulations, the construction unit fails to organize the implementation of the environmental impact report, the environmental impact report form and the environmental protection countermeasures proposed in the approval decision of the approval department during the project construction process, and the environmental protection administration at or above the county level where the construction project is located shall be The competent department shall order it to make corrections within a time limit and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan; if the correction is not made within the time limit, it shall be ordered to stop the construction.

Article 23 In violation of the provisions of these Regulations, the environmental protection facilities that need to be built as supporting facilities have not been completed, have not been inspected, or have failed the inspection and acceptance, and the construction project has been put into production or use, or the environmental protection facilities are fraudulent in the inspection and acceptance. The environmental protection administrative department shall order it to make corrections within a time limit and impose a fine of not less than 200,000 yuan but not more than 1 million yuan; if it fails to make corrections within the time limit, a fine of not less than 1 million yuan but not more than 2 million yuan shall be imposed; the person in charge directly responsible and other responsible persons shall be fined A fine of more than 50,000 yuan but not more than 200,000 yuan; if major environmental pollution or ecological damage is caused, it shall be ordered to stop production or use, or be ordered to close down upon approval by the people's government that has the power to approve.

If the construction unit fails to disclose the acceptance report of environmental protection facilities to the public in violation of the provisions of these regulations, the environmental protection administrative department 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 make an announcement.

Article 24 In violation of the provisions of these Regulations, if a technical institution collects fees from construction units or units engaged in environmental impact assessment, the administrative department of environmental protection at or above the county level shall order it to refund the fees collected, and the fees for the premises shall be more than 1 time and 3 times of the fees charged. the following fines.

Article 25 If a unit engaged in the environmental impact assessment of construction projects commits fraud in the environmental impact assessment work, the administrative department of environmental protection at or above the county level shall impose a fine of not less than one time but not more than three times the fee.

Article 26 If the staff members of the environmental protection administrative department commit malpractice for personal gain, abuse their power, or neglect their duties, which constitutes a crime, they shall be investigated for criminal responsibility according to law; if a crime is not constituted, they shall be given administrative sanctions according to law.

Chapter V Supplementary Provisions

Article 27 For regional development such as river basin development, development zone construction, construction of new urban areas and reconstruction of old areas, environmental impact assessment shall be carried out when a construction plan is prepared. The specific measures shall be separately formulated by the environmental protection administrative department of 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 implemented in accordance with the provisions of the State Council on the environmental protection management of marine engineering.

Article 29 The environmental protection management of military facilities construction projects shall be implemented in accordance with the relevant regulations of the Central Military Commission.

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

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