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Law of the People's Republic of China on Appraising of Environment Impacts [\[Revised\]](#)

中华人民共和国环境影响评价法 [\[已被修订\]](#)

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Pkulaw Comments: [Decision of the State Council on Cancellation and Adjustment of the Sixth Batch of Administrative Approval Items](#)

Order of the President of the People's Republic of China (No. 77)

中华人民共和国主席令
(第77号)

The Law of the People's Republic of China on Appraising Environmental Impacts has been adopted at the 30th session of the Standing Committee of the Ninth National People's Congress on October 28, 2002, and is hereby promulgated for effect on September 1, 2003.

Jiang Zemin, President of the People's Republic of China

October 28, 2002

Law of the People's Republic of China on Appraising of Environment Impacts
(Adopted at the 30th session of the Standing Committee of the Ninth National People's Congress on October 28, 2002)

(相关资料: [法律5篇](#) [行政法规9篇](#) [部门规章103篇](#) [司法解释1篇](#) [地方性法规523篇](#) [裁判文书9篇](#) [条文释义](#) [相关论文55篇](#))

《中华人民共和国环境影响评价法》已由中华人民共和国第九届全国人民代表大会常务委员会第三十次会议于2002年10月28日通过，现予公布，自2003年9月1日起施行。

中华人民共和国主席 江泽民

2002年10月28日

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)

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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 in charge of the environmental protection 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

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。

(相关资料:[条文释义](#)[相关论文](#)3篇)

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。

(相关资料:[裁判文书](#)1篇[条文释义](#)[相关论文](#)1篇)

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。

(相关资料:[条文释义](#))

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。

(相关资料:[条文释义](#))

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。

(相关资料:[条文释义](#)[相关论文](#)4篇)

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。国务院环境保护行政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。

(相关资料:[条文释义](#))

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。

(相关资料:[部门规章](#)2篇[地方法规](#)3篇[条文释义](#)[相关论文](#)1篇)

第八条 国务院有关部门、设区的市级以上地方人民

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 under the State Council in charge of environmental protection 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 in charge of environmental protection 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 departments of the State Council in charge environmental protection.

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。

(相关资料:[部门规章2篇](#)[地方法规1篇](#)[条文释义](#)[相关论文1篇](#))

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，由国务院环境保护行政主管部门会同国务院有关部门规定，报国务院批准。

(相关资料:[部门规章1篇](#)[条文释义](#))

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。

(相关资料:[条文释义](#))

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。

(相关资料:[部门规章1篇](#)[条文释义](#)[相关论文4篇](#))

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。

(相关资料:[条文释义](#))

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环境保护行政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，应当从按照国务院环境保护行政主管部门的规定设立的专家库内的相关专业的专家名单中，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，由国务院环境保护行政主管部门会同国务院有关部门制定。

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 the State Council in charge of environmental protection jointly together with other relevant departments of the State Council.

Article 14 When examining and approving the draft of a special program, the people's government at(above)the level of the cities with districts and on higher levels or the relevant departments of the people's government shall take the conclusion of the report of environmental impacts and the opinions of examination as an important basis for their decision-making.

In case the conclusion of the report about the environmental impacts or any of the examination opinions is not accepted in the examination and approval, an explanation shall be made and shall be kept in archivist files for further reference.

Article 15 After a program which has significant environmental impacts is carried out, the drafting organ shall organize follow-up appraisals about the environmental impacts in good time, and report the results of appraisal to the organ of examination and approval. If it finds that there are obviously unfavorable environment impacts, it shall propose improvement measures in good time.

Chapter III Appraisal of the Environmental Impacts of Construction Projects

Article 16 The state practices classified management over the appraisals of the environmental impacts of construction projects according to the seriousness of the impacts. The construction entities shall work out the report of environmental impacts, the report form of environmental impacts or the registration form of environmental impacts (hereafter "environmental impact appraisal documents") according to the following principles:

- a. If the environmental impacts may be significant, it shall work out a report of environmental impacts so as to include an all-round appraisal of the environmental impacts;
 - b. If the environment impacts may be gentle, it shall work out a report form of environmental impacts so as to include an analysis or special appraisal of the environmental impacts;
 - c. If environment impacts may be very small so that it is not necessary to conduct an appraisal of the environmental impacts, it shall fill in a registration form of the environmental impacts.
- The names of the construction projects subject to classified management of appraisal of environmental impacts shall be determined and published by the administrative department of the State Council in charge of environmental protection.

Article 17 The report of the environmental impacts of a construction project shall include the following elements:

- a. An introduction of the construction project;
- b. The surrounding environment of the construction project;
- c. An analysis, prediction and appraisal of the environmental impacts that may be caused by the construction project;
- d. The measures for protecting the environment of the construction project as well as a technical and economical demonstration;

(相关资料:[地方法规2篇条文释义](#))

第十四条 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。

在审批中未采纳环境影响报告书结论以及审查意见的，应当作出说明，并存档备查。

(相关资料:[条文释义](#))

第十五条 对环境有重大影响的规划实施后，编制机关应当及时组织环境影响的跟踪评价，并将评价结果报告审批机关；发现有明显不良环境影响的，应当及时提出改进措施。

(相关资料:[条文释义](#))

第三章 建设项目的环境影响评价

第十六条 国家根据建设项目对环境的影响程度，对建设项目的环境影响评价实行分类管理。

建设单位应当按照下列规定组织编制环境影响报告书、环境影响报告表或者填报环境影响登记表（以下统称环境影响评价文件）：

- （一）可能造成重大环境影响的，应当编制环境影响报告书，对产生的环境影响进行全面评价；
 - （二）可能造成轻度环境影响的，应当编制环境影响报告表，对产生的环境影响进行分析或者专项评价；
 - （三）对环境的影响很小、不需要进行环境影响评价的，应当填报环境影响登记表。
- 建设项目的环境影响评价分类管理名录，由国务院环境保护行政主管部门制定并公布。

(相关资料:[部门规章3篇司法解释1篇地方法规4篇裁判文书3篇条文释义相关论文1篇](#))

第十七条 建设项目的环境影响报告书应当包括下列内容：

- （一）建设项目概况；
- （二）建设项目周围环境现状；
- （三）建设项目对环境可能造成影响的分析、预测和评估；
- （四）建设项目环境保护措施及其技术、经济论证；

e. An analysis of the economic gains and losses of the environmental impacts that may be caused by the construction project;

f. Suggestions for carrying out environmental monitoring over the construction project;

g. Conclusion of appraisal of the environmental impacts.

For a construction project which involves water conservancy, there shall be a plan of water conservancy which has been examined and approved by the administrative department of water.

The contents and format of the report form of environmental impacts and the registration form of environmental impacts shall be formulated by the administrative department of the State Council in charge of environmental protection.

Article 18 The appraisal of the environmental impacts of a construction project shall not be a repetition of the appraisal of the environmental impacts of the program.

As the program of an integrated construction project, the appraisal of the environmental impacts shall be conducted on the basis of the construction project rather than of the program.

The appraisal of the environmental impacts of a specific construction project that is included in a program for which an appraisal of the environmental impacts has already been made may be briefly made by the construction entity.

Article 19 The institution that provides technical services, upon entrustment, to the appraisal of the environmental impacts of a construction project shall be subject to the examination and inspection of the administrative department of the State Council in charge of environmental protection. If it passes the examination and inspection and is granted a certificate of qualifications, it shall provide services of appraisal of the impacts according to the grade as prescribed in the certificate and the scope of appraisal, and shall be responsible for the conclusion of appraisal. The requirements of qualifications and the measures of administration of the institutions that provide technical services to the appraisal of the environmental impacts of construction projects shall be formulated by the administrative department of the State Council in charge of environmental protection.

The administrative department of the State Council in charge of environmental protection shall publish the names of institutions that have obtained a certificate of qualifications for providing technical services to the appraisal of the environmental impacts of construction projects.

There shall not exist any relationship of interest between the institutions that provide technical services to the appraisal of the environmental impacts of construction projects and the administrative department in charge of environmental protection and any other department of examination and approval.

Article 20 The report of environmental impacts or the report form of environmental impacts as included in the environmental impact appraisal documents shall be formulated by the institutions that have corresponding qualifications for making appraisals of the environmental impacts.

No entity or individual may designate for any construction entity any institution to make appraisals of the environmental impacts of any construction project.

Article 21 Unless it is provided by the state that it is necessary to keep confidential, for the construction projects which may impose significant environmental impacts and for which it is necessary to work out a report of environmental impacts, the construction entity shall, before submitting the construction project for examination and approval, seek the opinions of relevant entities, experts and the general public by holding demonstration meetings, hearings or by any other means.

The report of environmental impacts submitted by the construction entity for examination and approval shall include an explanation of why the opinions of relevant entities, experts

(五) 建设项目对环境影响的经济损益分析;

(六) 对建设项目实施环境监测的建议;

(七) 环境影响评价的结论。

涉及水土保持的建设项目,还必须有经水行政主管部门审查同意的水土保持方案。

环境影响报告表和环境影响登记表的内容和格式,由国务院环境保护行政主管部门制定。

(相关资料:[地方法规1篇条文释义](#))

第十八条 建设项目的环境影响评价,应当避免与规划的环境影响评价相重复。

作为一项整体建设项目的规划,按照建设项目进行环境影响评价,不进行规划的环境影响评价。

已经进行了环境影响评价的规划所包含的具体建设项目,其环境影响评价内容建设单位可以简化。

(相关资料:[地方法规1篇条文释义](#))

第十九条 接受委托为建设项目环境影响评价提供技术服务的机构,应当经国务院环境保护行政主管部门考核审查合格后,颁发资质证书,按照资质证书规定的等级和评价范围,从事环境影响评价服务,并对评价结论负责。为建设项目环境影响评价提供技术服务的机构的资质条件和管理办法,由国务院环境保护行政主管部门制定。国务院环境保护行政主管部门对已取得资质证书的为建设项目环境影响评价提供技术服务的机构的名单,应当予以公布。

为建设项目环境影响评价提供技术服务的机构,不得与负责审批建设项目环境影响评价文件的环境保护行政主管部门或者其他有关审批部门存在任何利益关系。

(相关资料:[部门规章1篇地方法规1篇条文释义](#))

第二十条 环境影响评价文件中的环境影响报告书或者环境影响报告表,应当由具有相应环境影响评价资质的机构编制。

任何单位和个人不得为建设单位指定对其建设项目进行环境影响评价的机构。

(相关资料:[条文释义](#))

第二十一条 除国家规定需要保密的情形外,对环境可能造成重大影响、应当编制环境影响报告书的建设项目,建设单位应当在报批建设项目环境影响报告书前,举行论证会、听证会,或者采取其他形式,征求有关单位、专家和公众的意见。

建设单位报批的环境影响报告书应当附具对有关单位、专家和公众的意见采纳或者不采纳的说明。

(相关资料:[地方法规1篇条文释义](#)[相关论文5篇](#))

and the general public is accepted or rejected.

Article 22 The environmental impact appraisal documents of a construction project shall be submitted by the construction entity according to the relevant provisions of the State Council to the competent administrative department in charge of environmental protection for examination and approval. If there is a department in charge of the corresponding trade of the construction project, the report of environmental impacts or the report form of environmental impacts shall, after passing the preliminary examination of the department in charge of the corresponding trade, be submitted to the competent administrative department in charge of environmental protection for examination and approval.

The examination and approval of the reports of the impacts imposed by a marine project upon the marine environment shall be made according to the relevant provisions of the [Law of the People's Republic of China on Protecting the Marine Environment](#).

The examination and approval department shall make a decision and inform the construction entity within 60 days as of receiving the report of the impacts upon environment or within 30 days as of receiving the report form of environmental impacts or within 15 days as of receiving the registration form of environmental impacts.

No fees may be charged for the preliminary examination, inspection or examination and approval of any appraisal document of the impacts imposed by any construction project upon the environment.

Article 23 The administrative department of the State Council in charge of environmental protection shall be responsible for examining and approving the environmental impact appraisal documents of the following construction projects:

a. Special construction projects including nuclear facilities and top secret projects;

b. Construction projects that include different provinces, autonomous regions or municipalities directly under the Central Government;

c. Construction projects subject to the examination and approval of the State Council or the relevant departments authorized by the State Council.

The power to examine and approve the environmental impact appraisal documents of any construction project not mentioned in the preceding paragraph shall be subject to the prescription of the people's government of the provinces, autonomous regions and municipalities directly under the Central Government.

In case a construction project may cause unfavorable environmental impacts covering more than one administrative region or if the relevant administrative departments of environmental protection have disputes over the appraisal conclusion of the impacts imposed by the project concerned upon the environment, the environmental impact appraisal documents shall be subject to the examination and approval of the administrative department of environmental protection that is the superior of all the administrative departments concerned.

Article 24 If, after the environmental impact appraisal document of a construction project has been approved, either the nature or scale or venue or the production techniques employed or the measures for preventing pollution and preventing ecological damage has undergone substantial changes, the construction entity shall submit anew the environmental impact appraisal documents of the construction project for examination and approval. In case five years has passed after the environmental impact document of a construction project is approved when it is decided to start the construction of the project, the environmental impact appraisal document thereof shall be submitted to the original examination and approval department for examination and approval anew. The original examination approval department shall, within 10 days after receiving the environmental impact appraisal document of the construction project, inform the construction entity of the opinions of examination in written form.

第二十二条 建设项目的环境影响评价文件，由建设单位按照国务院的规定报有审批权的环境保护行政主管部门审批；建设项目有行业主管部门的，其环境影响报告书或者环境影响报告表应当经行业主管部门预审后，报有审批权的环境保护行政主管部门审批。

海洋工程建设项目的海洋环境影响报告书的审批，依照《[中华人民共和国海洋环境保护法](#)》的规定办理。

审批部门应当自收到环境影响报告书之日起六十日内，收到环境影响报告表之日起三十日内，收到环境影响登记表之日起十五日内，分别作出审批决定并书面通知建设单位。

预审、审核、审批建设项目环境影响评价文件，不得收取任何费用。

(相关资料:[部门规章2篇](#)[地方法规17篇](#)[裁判文书3篇](#)[条文释义](#))

第二十三条 国务院环境保护行政主管部门负责审批下列建设项目的环境影响评价文件：

(一) 核设施、绝密工程等特殊性质的建设项目；

(二) 跨省、自治区、直辖市行政区域的建设项目；

(三) 由国务院审批的或者由国务院授权有关部门审批的建设项目。

前款规定以外的建设项目的环境影响评价文件的审批权限，由省、自治区、直辖市人民政府规定。

建设项目可能造成跨行政区域的不良环境影响，有关环境保护行政主管部门对该项目的环境影响评价结论有争议的，其环境影响评价文件由共同的上一级环境保护行政主管部门审批。

(相关资料:[部门规章2篇](#)[地方法规3篇](#)[条文释义](#)[相关论文2篇](#))

第二十四条 建设项目的环境影响评价文件经批准后，建设项目的性质、规模、地点、采用的生产工艺或者防治污染、防止生态破坏的措施发生重大变动的，建设单位应当重新报批建设项目的环境影响评价文件。

建设项目的环境影响评价文件自批准之日起超过五年，方决定该项目开工建设的，其环境影响评价文件应当报原审批部门重新审核；原审批部门应当自收到建设项目环境影响评价文件之日起十日内，将审核意见书面通知建设单位。

(相关资料:[部门规章4篇](#)[地方法规10篇](#)[条文释义](#))

Article 25 In case the environmental impact appraisal document of a construction project fails to pass the examination of the statutorily prescribed examination and approval department or fails to be approved after examination, the examination and approval department of the project may not approve the construction thereof, and the construction entity may not start construction.

Article 26 In the process of constructing a project, the construction entity shall carry out the countermeasures for environmental protection as proposed in the comments of the examination and approval department of the environmental impact report, the report form of environmental impacts and environmental impact appraisal documents.

Article 27 If, in the process of building or operating a project, any circumstance that is inconsistent with the approved environmental impact appraisal document occurs, the construction entity shall organize a post-appraisal of the environmental impacts, take measures for improvement and report to the original examination and approval department of the environmental impact appraisal documents and the examination and approval department of the construction project for archivist purposes. The original examination and approval department of the environmental impact appraisal document may order the construction entity to conduct the post-appraisal of the environmental impacts and take measures for improvement.

Article 28 The administrative department of environmental protection shall make follow-up inspections to the environmental impacts incurred after the construction project is put into production or use, and shall find out the causes of and those responsible for any serious environmental pollution or ecological damages. If it is caused by the untruthful environmental impact appraisal document worked out by the institution that provides technical services to the environmental impact appraisal of the construction project, the institution shall be subject to assuming legal liabilities as provided in Article 33 of the present Law. If it is cause by the negligence of duties or malfeasance of any of the staff of the examination and approval department who has granted approval to the environmental impact appraisal document that should not have been approved, the person concerned shall be subject to assuming the legal liabilities as provided in Article 35 of the present Law.

Chapter IV Legal Liabilities

Article 29 Where any program formulating organ violates the any of the provisions of the present Law by practicing fraud or neglecting its duties in organizing environmental impact appraisals so that the environmental impact appraisal is seriously inconsistent with the facts, the person in-charge and other personnel who are held to be directly responsible shall be given an administrative punishment by the superior organ or the government supervision organ according to law.

Article 30 Where any program examination and approval organ unlawfully approves any program draft for which a chapter or explanation of the environmental impacts should have been drafted or any special program draft to which an environmental impact report should have been attached, the person in-charge or other personnel who are held to be directly responsible shall be given an administrative punishment by the superior organ or the government supervision organ.

Article 31 Where any construction entity fails to submit its environmental impact appraisal documents of the construction project concerned or fails to submit environmental impact documents for examination and approval anew or for inspection anew according to the provisions of Article 24 of the present Law and unlawfully starts the construction, it shall be ordered by the administrative department of environmental protection that is entitled to

第二十五条 建设项目的环境影响评价文件未经法律规定的审批部门审查或者审查后未予批准的, 该项目审批部门不得批准其建设, 建设单位不得开工建设。

(相关资料:[部门规章11篇](#)[地方法规1篇](#)[裁判文书书2篇](#)[条文释义](#)[相关论文2篇](#))

第二十六条 建设项目建设过程中, 建设单位应当同时实施环境影响报告书、环境影响报告表以及环境影响评价文件审批部门审批意见中提出的环境保护对策措施。

(相关资料:[部门规章1篇](#)[条文释义](#))

第二十七条 在项目建设、运行过程中产生不符合经审批的环境影响评价文件的情形的, 建设单位应当组织环境影响的后评价, 采取改进措施, 并报原环境影响评价文件审批部门和建设项目审批部门备案; 原环境影响评价文件审批部门也可以责成建设单位进行环境影响的后评价, 采取改进措施。

(相关资料:[部门规章1篇](#)[条文释义](#)[相关论文1篇](#))

第二十八条 环境保护行政主管部门应当对建设项目投入生产或者使用后所产生的环境影响进行跟踪检查, 对造成严重环境污染或者生态破坏的, 应当查清原因、查明责任。对属于为建设项目环境影响评价提供技术服务的机构编制不实的环境影响评价文件的, 依照本法第三十三条的规定追究其法律责任; 属于审批部门工作人员失职、渎职, 对依法不应批准的建设项目环境影响评价文件予以批准的, 依照本法第三十五条的规定追究其法律责任。

(相关资料:[条文释义](#))

第四章 法律责任

第二十九条 规划编制机关违反本法规定, 组织环境影响评价时弄虚作假或者有失职行为, 造成环境影响评价严重失实的, 对直接负责的主管人员和其他直接责任人员, 由上级机关或者监察机关依法给予行政处分。

(相关资料:[条文释义](#))

第三十条 规划审批机关对依法应当编写有关环境影响的篇章或者说明而未编写的规划草案, 依法应当附送环境影响报告书而未附送的专项规划草案, 违法予以批准的, 对直接负责的主管人员和其他直接责任人员, 由上级机关或者监察机关依法给予行政处分。

(相关资料:[条文释义](#))

第三十一条 建设单位未依法报批建设项目环境影响评价文件, 或者未依照本法第二十四条的规定重新报批或者报请重新审核环境影响评价文件, 擅自开工建设的, 由有权审批该项目环境影响评价文件的环境保护行政主管部门责令停止建设, 限期补办手续; 逾期不补办手续的, 可

examine and approve the environmental impact appraisal documents to stop the construction and go through the relevant procedures within a prescribed time period. If it fails to go through the relevant procedures within the time period, it may be fined not less than 50,000 yuan but not more than 200,000 yuan, and the person in-charge and other personnel of the construction entity who are held to be directly responsible shall be given an administrative punishment.

Where any construction entity unlawfully starts construction without obtaining approval for its environmental impact appraisal documents or without obtaining new approval of the original examination and approval department, it shall be ordered by the administrative department of environmental protection that is entitled to examine and approve the environmental impact appraisal documents to stop construction, and may be fined not less than 50,000 yuan but not more than 200,000 yuan, and the person in-charge and other personnel of the construction entity who are held to be directly responsible shall be given an administrative punishment.

Any construction entity of marine construction projects who commits any of the unlawful acts as described in the preceding two paragraphs shall be punished according to the [Law of the People's Republic of China on Protecting the Marine Environment](#).

Article 32 Where any examination and approval department unlawfully approves the construction of any construction project for which an environmental impact appraisal should have been conducted for a construction project but failed or the environmental impact appraisal document fails to be approved according to law, the person in-charge and other personnel who are held to be directly responsible shall be given an administrative punishment by the superior organ or the government supervision organ. If any crime has been constituted, the offenders shall be subject to criminal liabilities.

Article 33 Where any institution that provides, upon entrustment, technical services in making environmental impact appraisals for construction projects is remiss or practices fraud in the appraisal work so that the appraisal documents are inconsistent with the facts, it shall be degraded or the qualification certificate thereof shall be canceled by the administrative department of environmental protection that has granted to it the qualifications for environmental impact appraisals, and be fined up to three times the commissions charged. If any crime has been constituted, it shall be subject to criminal liabilities.

Article 34 In case any department responsible for the preliminary examination, inspection, and examination and approval of the environmental impact appraisal documents of construction projects charges any fees in the process of examinations, it shall be ordered by the superior organ or the government supervision department or refund the fees charged. If the circumstances are serious, the person in-charge and other personnel who are held to be directly responsible shall be given an administrative punishment.

Article 35 In case any of the staff of the administrative department of environmental protection or any other department seeks private gains by illegal means or abuses its power or neglects its duties or unlawfully grants approval to any environmental impact appraisal document of any construction project, he shall be given an administrative punishment. If any crime has been constituted, he shall be subject to criminal liabilities.

Chapter V Supplementary Provisions

Article 36 The people's government of the provinces, autonomous regions and municipalities directly under the Central Government may, according to the practical situation of the local places, demand that environmental impact appraisals be conducted for the programs worked out by the county-level people's government within their respective jurisdictions. The specific measures shall be formulated by the provinces, autonomous regions and municipalities

以处五万元以上二十万元以下的罚款，对建设单位直接负责的主管人员和其他直接责任人员，依法给予行政处分。建设项目环境影响评价文件未经批准或者未经原审批部门重新审核同意，建设单位擅自开工建设的，由有权审批该项目环境影响评价文件的环境保护行政主管部门责令停止建设，可以处五万元以上二十万元以下的罚款，对建设单位直接负责的主管人员和其他直接责任人员，依法给予行政处分。

海洋工程建设项目的建设单位有前两款所列违法行为的，依照《[中华人民共和国海洋环境保护法](#)》的规定处罚。

(相关资料:[部门规章14篇](#)[地方法规9篇](#)[裁判文书1篇](#)[条文释义](#)[相关论文2篇](#))

第三十二条 建设项目依法应当进行环境影响评价而未评价，或者环境影响评价文件未经依法批准，审批部门擅自批准该项目建设的，对直接负责的主管人员和其他直接责任人员，由上级机关或者监察机关依法给予行政处分；构成犯罪的，依法追究刑事责任。

(相关资料:[条文释义](#))

第三十三条 接受委托为建设项目环境影响评价提供技术服务的机构在环境影响评价工作中不负责任或者弄虚作假，致使环境影响评价文件失实的，由授予环境影响评价资质的环境保护行政主管部门降低其资质等级或者吊销其资质证书，并处所收费用一倍以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

(相关资料:[部门规章2篇](#)[条文释义](#))

第三十四条 负责预审、审核、审批建设项目环境影响评价文件的部门在审批中收取费用的，由其上级机关或者监察机关责令退还；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

(相关资料:[条文释义](#))

第三十五条 环境保护行政主管部门或者其他部门的工作人员徇私舞弊，滥用职权，玩忽职守，违法批准建设项目环境影响评价文件的，依法给予行政处分；构成犯罪的，依法追究刑事责任。

(相关资料:[条文释义](#))

第五章 附则

第三十六条 省、自治区、直辖市人民政府可以根据本地的实际情况，要求对本辖区的县级人民政府编制的规划进行环境影响评价。具体办法由省、自治区、直辖市参照本法第二章的规定制定。

(相关资料:[条文释义](#))

directly under the Central Government according to the provisions of Chapter II of the present Law.

Article 37 The measures for conducting environmental impact appraisals to the construction projects of military facilities shall be formulated by the Central Military Committee according to the present Law.

Article 38 The present Law shall become effective on September 1, 2003.

第三十七条 军事设施建设项目的环境影响评价办法，由中央军事委员会依照本法的原则制定。

(相关资料:[条文释义](#))

第三十八条 本法自2003年9月1日起施行。

(相关资料:[条文释义](#))

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