

# Legal Indicators for public participation in environmental impact assessment

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# **PART ONE**

**Range of Participants**

# 1、 Range of Participants

classifications of public

## Units and individuals

*Article 6 of Environmental Protection Law of the People's Republic of China , all units and individuals shall have the obligation to protect the environment and shall have the right to report on or file charges against units or individuals that cause pollution or damage to the environment.*

*Article 6 of Regulation on Environmental Impact Assessment of Planning prescribes , any entity or individual has the right to report to the examination and approval organ of planning, planning preparation organ or environmental protection administrative department any violation of this Regulation or bad impact arising during the execution of planning.*

## Units and residents

*Article 14 of Construction Project Environmental Protection Management Regulations prescribes that if a construction unit prepares an environmental impact report, it shall, in accordance with the relevant laws and regulations, solicit the opinions of the relevant units and residents at the place where the construction project is located.*

## legal persons or other organizations

*Article 15 of Interim Measures for Public Participation in Environmental Impact Assessment says that the public being consulted must include representatives of citizens, legal persons or other organizations affected by the construction project.*

## EIA

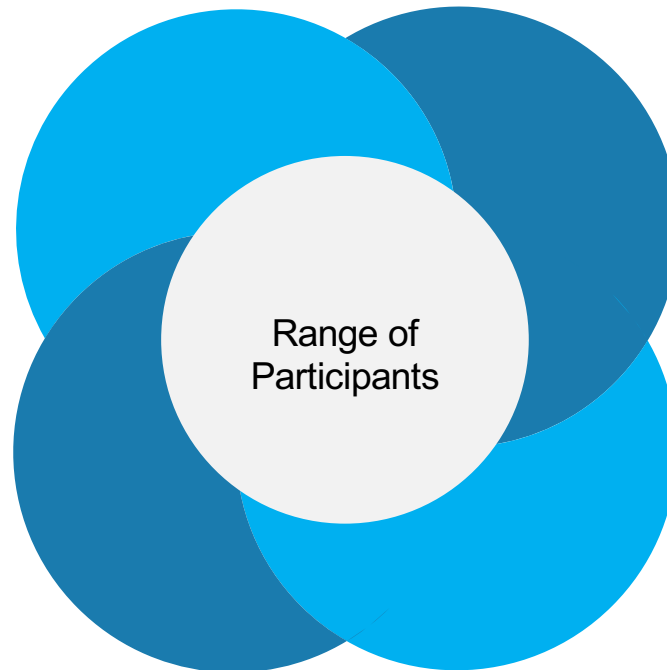
*Article 5 of the Environmental Impact Assessment Law stipulates that the State encourages relevant units, experts and the public to participate in environmental impact assessments in an appropriate manner.*

# 1、 Range of Participants

01.investigation of public opinion and consulting experts.

## 02. public domain

criteria for determining participants are sufficient, including geography, occupation, professional knowledge background, ability to express, degree of influence, and other factors.



## 02. public domain

- directly affected public ,
- the public that are not directly affected,

## 04.Public

The scope of the public is understood by the above definition. It should be all citizens, legal persons and other organizations.

*According to the article 15 of the Interim Measures for Public Participation in Environmental Impact Assessment, the construction unit or its entrusted environmental impact assessment agency and the environmental protection administrative department shall, in consideration of factors such as geography, occupation, professional knowledge background, expression ability, and degree of influence, reasonably select citizens, legal persons or other organizations that are solicited for opinions.*

A large, stylized number '2' is the central graphic element. It is white with a thick green outline. The number is positioned on the left side of the slide, with its right side overlapping the green background. The background is a solid green color with a horizontal band of a darker green shade across the middle.

# **PART TWO**

## Public Participation Methods

# Public Participation Methods

## Methods

*Article 11 of Environmental Impact Assessment Law, the planning organization of the special plan shall, on the plan that may cause adverse environmental impacts and directly involve the public environmental rights and interests, hold a demonstration meeting, a hearing, or other forms before the draft of the plan is submitted for examination and approval, and solicit relevant units, experts and the public comments on the draft environmental impact report, except where the state requires confidentiality.*

*Article 21 of Environmental Impact Assessment Law, in addition to the situation where the state requires confidentiality, the construction project, that may have a major impact on the environment, should prepare an environmental impact report, the construction unit shall hold a demonstration meeting, a hearing before submitting the environmental impact report of the construction project, or take other forms to seek advice from relevant units, experts and the public.*

*Article 3 of Regulation on Environmental Impact Assessment of Planning, the planning organization shall take the form of questionnaires, symposiums, argumentation meetings, hearings, etc. for special plans that may cause adverse environmental impacts and directly involve public environmental rights, before the draft of the plan is submitted for examination and approval, and publicly solicit opinions from relevant units, experts and the public on the environmental impact report. Unless the law requires confidentiality*

The ***Environmental Impact Assessment Law*** only rules public hearing, discussion session or exhibition as the basic participation methods granted.



# Public Participation Methods

## HOW

Article 14 of Interim Measures for Public Participation in Environmental Impact Assessment, the public may, after the relevant information is disclosed, use the letter, fax, e-mail or other means required by the relevant announcement to the construction unit or its entrusted environmental impact assessment agency, the environmental protection administrative director responsible for approving or re-examining the environmental impact report, submit written comments.

## TIMES

Article 13 of Interim Measures for Public Participation in Environmental Impact Assessment, after the administrative department of environmental protection publicly solicits opinions in accordance with the methods stipulated in the first paragraph of this Article, the construction projects with greater public opinions may be publicly solicited by investigating public opinions, consulting expert opinions, symposiums, argumentation meetings, hearings, etc.

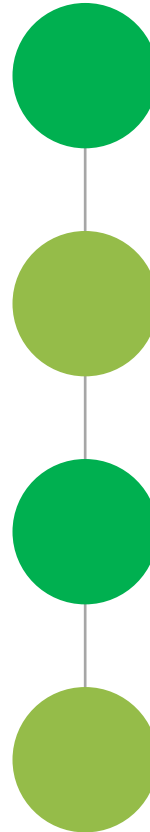
## WHO

Article 12 of Interim Measures for Public Participation in Environmental Impact Assessment, the construction unit or its entrusted environmental impact assessment agency shall publicly solicit public opinions by investigating public opinions, consulting expert opinions, symposiums, argumentation meetings, and hearings, after publishing the information bulletin and publishing the environmental impact report.

Article 13 of Interim Measures for Public Participation in Environmental Impact Assessment, the administrative department of environmental protection shall, after accepting the environmental impact report of the construction project, announce the relevant information received by the environmental impact report on its government website or by other means convenient to the public.

## WHERE

Article 12 of Interim Measures for Public Participation in Environmental Impact Assessment, the construction unit or its entrusted environmental impact assessment agency shall notify the relevant units and individuals in writing of the time, place and main issues of the symposium or argumentation meeting 7 days before the symposium or argumentation meeting.



# **PART THREE**

Adequate consideration of Opinions



# Adequate consideration of Opinions

## *the opinion publication list*

*Article 17 of Interim Measures for Public Participation in Environmental Impact Assessment, the construction unit or its entrusted environmental impact assessment agency shall seriously consider the public opinions and attach a description of the adoption or non-admission of public opinions in the environmental impact report.*

*The administrative department of environmental protection may organize an expert advisory committee to review the description of the adoption of public opinions in the environmental impact report, judge its rationality and propose treatment suggestions.*

*When making the approval decision, the environmental protection administrative department shall seriously consider the handling suggestions of the expert advisory committee*

*Article 18 of Interim Measures for Public Participation in Environmental Impact Assessment, if the public believes that the construction unit or its entrusted environmental impact assessment agency has not adopted the public opinion and has not attached a statement, or the reasons for the failure to adopt the public opinion are not established, it may report to the environmental protection administrative department in charge of approval or re-audit. And with clear and specific written comments. The environmental protection administrative department responsible for approval or re-examination may, if necessary, verify the public opinion.*

# Adequate consideration of Opinions

Article 11 of Environmental Impact Assessment Law, the planning organization of the special plan shall, on the plan that may cause adverse environmental impacts and directly involve the public environmental rights and interests, hold a demonstration meeting, a hearing, or other forms before the draft of the plan is submitted for examination and approval, and solicit relevant units, experts and the public comments on the draft environmental impact report, except where the state requires confidentiality.

## opinions should be published.

-----explanation of why the opinions of relevant entities, experts and the general public is accepted or rejected.

Article 21 of Environmental Impact Assessment Law, in addition to the situation where the state requires confidentiality, the construction project, that may have a major impact on the environment, should prepare an environmental impact report, the construction unit shall hold a demonstration meeting, a hearing before submitting the environmental impact report of the construction project, or take other forms to seek advice from relevant units, experts and the public.

Article 12 of Interim Measures for Public Participation in Environmental Impact Assessment, the construction unit or its entrusted environmental impact assessment agency shall publicly solicit public opinions by investigating public opinions, consulting expert opinions, symposiums, argumentation meetings, and hearings, after publishing the information bulletin and publishing the environmental impact report.

## the construction unit

Article 13 of Interim Measures for Public Participation in Environmental Impact Assessment, the administrative department of environmental protection shall, after accepting the environmental impact report of the construction project, announce the relevant information received by the environmental impact report on its government website or by other means convenient to the public.

## the administrative department of environmental protection

PUBLISHED



# EIA ---Legal Institutions

01

When public participation has major differences on environmental impact assessment, the regulations stipulate that the planning organization should take a demonstration meeting or a hearing to conduct further argumentation, but there is no specific provision, nor does it prescribe the legal consequences of further discussion.

02

## Specific Provisions

There is no clear explanation on whether relevant opinions should be adopted and how to adopt them in relevant provisions.

03

## Legal definition

The definition of public participation is not clear enough

04

## STILL UNCLEAR

The public participation system of the above environmental impact assessment has the characteristics of incidentality and formalism, which may lead to the ineffectiveness of public participation as stipulated in the environmental impact assessment.



THANKS FOR YOUR WATCHING



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