

【Title】 Regulations on the Administration of Construction Project Environmental Protection[现行有效]

【法规标题】 建设项目环境保护管理条例 [Effective]

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Regulations on the Administration of Construction Project Environmental Protection adopted
at the tenth meeting of the executive meetings of the State Council on
November 18th, 1998
are hereby promulgated and shall come into force as of the day of
promulgation.

Premier of the State Council, Zhu Rongji
November 29, 1998

Regulations on the Administration of Construction Project Environmental
Protection

Chapter I General Provisions

Article 1 These Regulations are formulated with a view to preventing
construction
projects from generating new pollution and damaging the ecological
environment.

Article 2 These Regulations shall be applicable to building of construction
projects
having impacts on the environment within the territory of the People's
Republic of China and
other territorial sea areas under the jurisdiction of the People's Republic of
China.

Article 3 State standards and local standards for the discharge of
pollutants must be
complied with in building construction projects that generate pollution;
requirements for
aggregate control of discharge of major pollutants must be met in areas
under aggregate
control of discharge of major pollutants.

中华人民共和国国务院令
(第 2 5 3 号)

《建设项目环境保护管理条例》已
经 1 9 9 8 年 1 1 月 1 8 日国务院第 1
0 次常务会议通过，现予发布施行。

总理 朱镕基

1 9 9 8 年 1 1 月 2 9 日

建设项目环境保护管理条例

第一章 总则

第一条 为了防止建设项目产生新
的污染、破坏生态环境，制定本条例。

第二条 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
对环境有影响的建设项目，适用本条
例。

第三条 建设产生污染的建设项目，
必须遵守污染物排放的国家标准和
地方标准；在实施重点污染物排放总量
控制的区域内，还必须符合重点污染物
排放总量控制的要求。

Article 4 Industrial construction projects should adopt clean production techniques with low energy consumption, low materials consumption and low pollutants generation, rationally exploit natural resources to prevent environmental pollution and ecological damage.

Article 5 Measures must be taken in reconstruction, expansion projects and technological transformation projects to treat original environmental pollution and ecological damage related to the said projects.

Chapter II Environmental Impact Evaluation

Article 6 The state practices the construction project environmental impact evaluation system. The work of construction project environmental impact evaluation shall be undertaken by units having acquired certificates of corresponding qualifications.

Article 7 The state practices classified control over construction project environmental protection in accordance with the extent of environmental impact of construction projects in pursuance of the following provisions:

(1) a report on environmental impact should be compiled for a construction project that may cause major impact on the environment, giving comprehensive and detailed evaluation of the pollution generated and environmental impact caused by the construction project;

(2) a statement on environmental impact should be compiled for a construction project that may cause light impact on the environment, giving analysis or special-purpose evaluation of the pollution generated and environmental impact caused by the construction project; and

(3) a registration form should be filled out and submitted for a construction project that has slight impact on the environment and necessitates no environmental impact evaluation.

Catalog for the classified control of construction project environmental protection shall be

第四条 工业建设项目应当采用能耗物耗小、污染物产生量少的清洁生产工艺，合理利用自然资源，防止环境污染和生态破坏。

第五条 改建、扩建项目和技术改造项目必须采取措施，治理与该项目有关的原有环境污染和生态破坏。

第二章 环境影响评价

第六条 国家实行建设项目环境影响评价制度。

建设项目的环境影响评价工作，由取得相应资格证书的单位承担。

第七条 国家根据建设项目对环境的影响程度，按照下列规定对建设项目的环境保护实行分类管理：

（一）建设项目对环境可能造成重大影响的，应当编制环境影响报告书，对建设项目产生的污染和对环境的影响进行全面、详细的评价；

（二）建设项目对环境可能造成轻度影响的，应当编制环境影响报告表，对建设项目产生的污染和对环境的影响进行分析或者专项评价；

（三）建设项目对环境的影响很小，不需要进行环境影响评价的，应当填报环境影响登记表。

建设项目环境保护分类管理名录，由国务院环境保护行政主管部门制订并公布。

compiled and published by the competent department of environmental protection administration under the State Council.

Article 8 The report on construction project environmental impact should contain the following contents:

- (1) an overview of the construction project;
- (2) current state of environment surrounding the construction project;
- (3) analysis and predictions of impacts which may be caused by the construction project on the environment;
- (4) measures for environmental protection and their financial and technical authentication;
- (5) environmental impact economic loss-benefit analysis;
- (6) proposals for environment monitoring of the construction project; and
- (7) conclusions of the environmental impact evaluation.

A scheme for water and soil conservation examined and approved by the competent

department of water administration must be prepared for the construction project involving

water and soil conservation.

Contents and formats of the construction project environmental impact statement and

environmental impact registration form shall be prescribed by the

competent department of

environmental protection under the State Council.

Article 9 A construction unit should, in the phase of construction project feasibility

study, submit the construction project environmental impact report, environmental impact

statement or environmental impact registration form for approval;

however, for such

construction projects as railways and communications, environmental impact report or

environmental impact statement may, prior to the completion of preliminary design, be

submitted for approval upon the consent of the competent department of environmental

protection administration with authority of examination and approval.

For a construction project that necessitates no feasibility study pursuant to relevant state

provisions, the construction unit should, prior to the start of construction of the construction

project, submit the construction project environmental impact report,

第八条 建设项目环境影响报告书，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和预测；
- （四）环境保护措施及其经济、技术论证；
- （五）环境影响经济损益分析；
- （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。

建设项目环境影响报告表、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规定。

第九条 建设单位应当在建设项目可行性研究阶段报批建设项目环境影响报告书、环境影响报告表或者环境影响登记表；但是，铁路、交通等建设项目，经有审批权的环境保护行政主管部门同意，可以在初步设计完成前报批环境影响报告书或者环境影响报告表。

按照国家有关规定，不需要进行可行性研究的建设项目，建设单位应当在建设项目开工前报批建设项目环境影响报告书、环境影响报告表或者环境影响登记表；其中，需要办理营业执照的，建设单位应当在办理营业执照前报批建设项目环境影响报告书、环境影响报告表或者环境影响登记表。

environmental impact
statement or environmental impact registration form for approval; among
which where
application for a business licence is required, the construction unit should,
prior to the
application for business licence, submit the construction project
environmental impact
report, environmental impact statement or environmental impact
registration form for
approval.

Article 10 Construction project environmental impact reports,
environmental impact
statements or environmental impact registration forms shall be submitted
by construction
units to competent departments of environmental protection
administration with authority of
examination and approval for examination and approval; where
construction projects have
competent departments of trades, their environmental impact reports or
environmental
impact statements should, upon preliminary examination of the competent
departments of
trades, be submitted to the competent departments of environmental
protection
administration with authority of examination and approval for examination
and approval.
Coastal engineering construction project environmental impact report or
environmental
impact statement shall, upon the examination and verification of the
competent department
of maritime administration with views attached thereunto, be submitted to
the competent
department of environmental protection administration for examination
and approval.
Competent departments of environmental protection administration
should, within 60 days
starting from the date of receipt of the construction project environmental
impact report,
within 30 days starting from the date of receipt of the environmental
impact statement and
within 15 days starting from the date of receipt of the environmental
impact registration
form, make a decision on examination and approval and notify the
construction units in

第十条 建设项目环境影响报告
书、环境影响报告表或者环境影响登记
表，由建设单位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。

海岸工程建设项目环境影响报告书
或者环境影响报告表，经海洋行政主管
部门审核并签署意见后，报环境保护行
政主管部门审批。

环境保护行政主管部门应当自收到
建设项目环境影响报告书之日起 60 日
内、收到环境影响报告表之日起 30 日
内、收到环境影响登记表之日起 15 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
响报告书、环境影响报告表或者环境影
响登记表，不得收取任何费用。

writing respectively.

No fee whatsoever shall be collected for the preliminary examination, examination and verification, and examination and approval of construction project environmental impact reports, environmental impact statements or environmental impact registration forms.

Article 11 The competent department of environmental protection administration under the State Council shall be responsible for the examination and approval of the following construction project environmental impact reports, environmental impact statements or environmental impact registration forms:

(1) special-nature construction projects such as nuclear facilities and top-secret projects;

(2) construction projects transcending the administrative areas of the provinces, autonomous

regions and municipalities directly under the Central Government; and

(3) construction projects subject to the examination and approval of the State Council or the examination and approval of the departments concerned authorized by the State Council.

Limits of authority of examination and approval of the construction project environmental impact reports, environmental impact statements or environmental impact registration

forms beside those provided for in the preceding paragraph shall be prescribed by people's governments of the provinces, autonomous regions and municipalities directly under the Central Government.

Where a construction project causes trans-administrative area environmental impact and a dispute arises between the competent departments concerned of environmental protection administration over the conclusions of environmental impact evaluation, the environmental impact report or environmental impact statement shall be submitted to the joint competent department of environmental protection administration at the next higher level for examination and approval.

Article 12 Where major changes take place in the nature, scale, location or

第十一条 国务院环境保护行政主管部门负责审批下列建设项目环境影响报告书、环境影响报告表或者环境影响登记表：

（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）国务院审批的或者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环境影响报告书、环境影响报告表或者环境影响登记表的审批权限，由省、自治区、直辖市人民政府规定。

建设项目造成跨行政区域环境影响，有关环境保护行政主管部门对环境影响评价结论有争议的，其环境影响报告书或者环境影响报告表由共同上一级环境保护行政主管部门审批。

第十二条 建设项目环境影响报告

production
techniques adopted of the construction project upon approval of the
construction project
environmental impact report, environmental impact statement or
environmental impact
registration form, the construction unit should once again submit the
construction project
environmental impact report, environmental impact statement or
environmental impact
registration form for approval.
Where a construction project starts construction on expiry of 5 years
starting from the date
of approval of the construction project environmental impact report,
environmental impact
statement or environmental impact registration form, its environmental
impact report,
environmental impact statement or environmental impact registration form
should be
submitted to the original examination and approval organ for re-
examination and re-
verification. The original examination and approval organ should, within
10 days starting
from the date of receipt of the construction project environmental impact
report,
environmental impact statement or environmental impact registration
form, notify the
construction unit in writing of the views on examination and verification;
failure to notify on
expiry shall be construed as approval upon examination and verification.

Article 13The state practices the qualification examination system of units
engaging in
the work of construction project environmental impact evaluation.
Units engaging in the work of construction project environmental impact
evaluation must
obtain a qualification certificate issued by the competent department of
environmental
protection administration under the State Council, engage in the work of
construction project
environmental impact evaluation pursuant to the grade and scope
prescribed in the
qualification certificate, and be responsible for the evaluation conclusions.
The competent
department of environmental protection administration under the State
Council should

书、环境影响报告表或者环境影响登记表经批准后，建设项目的性质、规模、地点或者采用的生产工艺发生重大变化的，建设单位应当重新报批建设项目环境影响报告书、环境影响报告表或者环境影响登记表。

建设项目环境影响报告书、环境影响报告表或者环境影响登记表自批准之日起满 5 年，建设项目方开工建设的，其环境影响报告书、环境影响报告表或者环境影响登记表应当报原审批机关重新审核。原审批机关应当自收到建设项目环境影响报告书、环境影响报告表或者环境影响登记表之日起 10 日内，将审核意见书面通知建设单位；逾期未通知的，视为审核同意。

第十三条 国家对从事建设项目环境影响评价工作的单位实行资格审查制度。

从事建设项目环境影响评价工作的单位，必须取得国务院环境保护行政主管部门颁发的资格证书，按照资格证书规定的等级和范围，从事建设项目环境影响评价工作，并对评价结论负责。

国务院环境保护行政主管部门对已经颁发资格证书的从事建设项目环境影响评价工作的单位名单，应当定期予以公布。具体办法由国务院环境保护行政主管部门制定。

从事建设项目环境影响评价工作的单位，必须严格执行国家规定的收费标

publish at regular intervals the list of units engaging in the work of construction project environmental impact evaluation which have already been issued qualification certificates.
Specific measures shall be worked out by the competent department of environmental protection administration under the State Council.
Units engaging in the work of construction project environmental impact evaluation must strictly comply with the rates for the collection of charges prescribed by the state.

Article 14 Construction units may adopt the form of open tender to select the units engaging in the work of environmental impact evaluation for environmental impact evaluation of the construction projects.
No administrative organ shall appoint units engaging in the work of environmental impact evaluation for construction units for environmental impact evaluation.

Article 15 Construction units should, in compiling the environmental impact reports, solicit the views of the units and residents concerned of the locality wherein the construction project is located pursuant to relevant provisions of law.

Chapter III Construction of Environmental Protection Facilities

Article 16 Simultaneous design, simultaneous construction and simultaneous going into operation with the main body project must be realized for matching environmental protection facilities construction which is required for the construction project.

Article 17 The preliminary design of a construction project should, pursuant to the requirements of environmental protection design standards, contain compilation of a chapter on environmental protection, and ascertain measures for the prevention and treatment of environmental pollution and ecological damage as well as budgetary estimate for investment in the chapter on environmental protection on the basis of the approved

准。

第十四条 建设单位可以采取公开招标的方式，选择从事环境影响评价工作的单位，对建设项目进行环境影响评价。

任何行政机关不得为建设单位指定从事环境影响评价工作的单位，进行环境影响评价。

第十五条 建设单位编制环境影响报告书，应当依照有关法律规定，征求建设项目所在地有关单位和居民的意见。

第三章 环境保护设施建设

第十六条 建设项目需要配套建设的环境保护设施，必须与主体工程同时设计、同时施工、同时投产使用。

第十七条 建设项目的初步设计，应当按照环境保护设计规范的要求，编制环境保护篇章，并依据经批准的建设项目环境影响报告书或者环境影响报告表，在环境保护篇章中落实防治环境污染和生态破坏的措施以及环境保护设施投资概算。

construction project environmental impact report or environmental impact statement.

Article 18 Where trial production is required upon completion of the main body project of a construction project, its matching environmental protection facilities built must go into simultaneous trial run with the main body project.

Article 19 The construction unit should, during the trial production of a construction project, monitor the operations of the environmental protection facilities and the environmental impact of the construction project.

Article 20 The construction unit should, upon completion of a construction project, file an application with the competent department of environmental protection administration that examined and approved the said construction project environmental impact report, environmental impact statement or environmental impact registration form for acceptance checks on completion of matching construction of environmental protection facilities required for the said construction project. Acceptance checks for completion of construction of environmental protection facilities should be conducted simultaneously with the acceptance checks for completion of construction of the main body project. Where trial production is required for the construction project, the construction unit should, within 3 months starting from the date of the said construction project going into trial production, file an application with the competent department of environmental protection administration that examined and approved the said construction project environmental impact report, environmental impact statement or environmental impact registration form for acceptance checks on completion of matching construction of environmental protection facilities required for the said construction project.

Article 21 For construction projects that are built in phases, go into

第十八条 建设项目的主体工程完工后, 需要进行试生产的, 其配套建设的环境保护设施必须与主体工程同时投入试运行。

第十九条 建设项目试生产期间, 建设单位应当对环境保护设施运行情况和建设项目对环境的影响进行监测。

第二十条 建设项目竣工后, 建设单位应当向审批该建设项目环境影响报告书、环境影响报告表或者环境影响登记表的环境保护行政主管部门, 申请该建设项目需要配套建设的环境保护设施竣工验收。

环境保护设施竣工验收, 应当与主体工程竣工验收同时进行。需要进行试生产的建设项目, 建设单位应当自建设项目投入试生产之日起 3 个月内, 向审批该建设项目环境影响报告书、环境影响报告表或者环境影响登记表的环境保护行政主管部门, 申请该建设项目需要配套建设的环境保护设施竣工验收。

第二十一条 分期建设、分期投入

production or are delivered for use in phases, acceptance checks for their corresponding environmental protection facilities should be conducted in phases.

Article 22 Competent departments of environmental protection administration should, within 30 days starting from the date of receipt of the application for acceptance checks on completion of construction of the environmental protection facilities, complete the acceptance checks.

Article 23 The said construction project may only formally go into production or be delivered for use when the matching construction of the environmental protection facilities required for the construction project has passed acceptance checks.

Chapter IV Legal Liability

Article 24 Whoever commits any of the following acts in violation of the provisions of these Regulations shall be ordered by the competent department of environmental protection administration responsible for the examination and approval of the construction project environmental impact report, environmental impact statement or environmental impact registration form to make up the formalities within a given time period; whoever fails to make up the formalities on expiry of the given time period and start construction without authorization shall be ordered to stop the construction and may be imposed a fine of less than RMB 100000 Yuan:

(1) failure to file an application for approval of the construction project environmental impact report, environmental impact statement or environmental impact registration form;

(2) failure to file a new application for approval of the construction project environmental impact report, environmental impact statement or environmental impact registration form in the event of major changes taking place in the nature, scale, location or production

生产或者使用的建设项目，其相应的环境保护设施应当分期验收。

第二十二条 环境保护行政主管部门应当自收到环境保护设施竣工验收申请之日起 30 日内，完成验收。

第二十三条 建设项目需要配套建设的环境保护设施验收合格，该建设项目方可正式投入生产或者使用。

第四章 法律责任

第二十四条 违反本条例规定，有下列行为之一的，由负责审批建设项目环境影响报告书、环境影响报告表或者环境影响登记表的环境保护行政主管部门责令限期补办手续；逾期不补办手续，擅自开工建设的，责令停止建设，可以处 10 万元以下的罚款：

（一）未报批建设项目环境影响报告书、环境影响报告表或者环境影响登记表的；

（二）建设项目的性质、规模、地点或者采用的生产工艺发生重大变化，未重新报批建设项目环境影响报告书、环境影响报告表或者环境影响登记表的；

（三）建设项目环境影响报告书、环境影响报告表或者环境影响登记表自批准之日起满 5 年，建设项目方开工建设，其环境影响报告书、环境影响报告表或者环境影响登记表未报原审批机关重新审核的。

techniques adopted of the construction project; and
(3) failure to submit the construction project environmental impact report, environmental impact statement or environmental impact registration form to the original examination and approval organ for re-examination and re-verification of the construction project that starts construction on expiry of 5 years starting from the date of approval of the construction project environmental impact report, environmental impact statement or environmental impact registration form.

Article 25 Whoever starts construction without authorization, without the approval of the construction project environmental impact report, environmental impact statement or environmental impact registration form or without the consent upon re-examination and re-verification of the original examination and approval organ shall be ordered by the competent department of environmental protection administration responsible for the examination and approval of the said construction project environmental impact report, environmental impact statement or environmental impact registration form to stop the construction, restore the original state within the given time period, and may be imposed a fine of less than RMB 100000 Yuan.

Article 26 The matching environmental protection facilities built for the construction project that goes into trial production fail to go into trial run simultaneously with the main body project in violation of the provisions of these Regulations shall be ordered by the competent department of environmental protection administration responsible for the examination and approval of the said construction project environmental impact report, environmental impact statement or environmental impact registration form to make a rectification within the given time period; whoever fails to make a rectification on expiry of the given time period shall be ordered to stop the trial production, and

第二十五条 建设项目环境影响报告书、环境影响报告表或者环境影响登记表未经批准或者未经原审批机关重新审核同意，擅自开工建设的，由负责审批该建设项目环境影响报告书、环境影响报告表或者环境影响登记表的环境保护行政主管部门责令停止建设，限期恢复原状，可以处10万元以下的罚款。

第二十六条 违反本条例规定，试生产建设项目配套建设的环境保护设施未与主体工程同时投入试运行的，由审批该建设项目环境影响报告书、环境影响报告表或者环境影响登记表的环境保护行政主管部门责令限期改正；逾期不改正的，责令停止试生产，可以处5万元以下的罚款。

may be imposed a
fine of less than RMB 50000 Yuan.

Article 27A construction unit that fails to file an application for acceptance checks on completion of construction of the environmental protection facilities of a construction project having gone into trial production for more than 3 months in violation of the provisions of these Regulations shall be ordered by the competent department of environmental protection administration that examined and approved the said construction project environmental impact report, environmental impact statement or environmental impact registration form to go through the formalities of acceptance checks on completion of the environmental protection facilities within the given time period; whoever fails to complete the said formalities shall be ordered to stop the trial production and may be imposed a fine of less than RMB 50000 Yuan.

Article 28Where the main body project formally goes into production or is delivered for use without the completion of construction of matching environmental protection facilities required for the construction project, without going through acceptance checks or without passing the acceptance checks in violation of the provisions of these Regulations shall be ordered by the competent department of environmental protection administration that examined and approved the said construction project environmental impact report, environmental impact statement or environmental impact registration form to stop the production or use, and may be imposed a fine of less than RMB 100000 Yuan.

Article 29Any unit engaging in the work of construction project environmental impact evaluation that practices fraud in the work of environmental impact evaluation shall be revoked of its qualification certificate by the competent department of environmental

第二十七条 违反本条例规定，建设项目投入试生产超过 3 个月，建设单位未申请环境保护设施竣工验收的，由审批该建设项目环境影响报告书、环境影响报告表或者环境影响登记表的环境保护行政主管部门责令限期办理环境保护设施竣工验收手续；逾期未办理的，责令停止试生产，可以处 5 万元以下的罚款。

第二十八条 违反本条例规定，建设项目需要配套建设的环境保护设施未建成、未经验收或者经验收不合格，主体工程正式投入生产或者使用的，由审批该建设项目环境影响报告书、环境影响报告表或者环境影响登记表的环境保护行政主管部门责令停止生产或者使用，可以处 10 万元以下的罚款。

第二十九条 从事建设项目环境影响评价工作的单位，在环境影响评价工作中弄虚作假的，由国务院环境保护行政主管部门吊销资格证书，并处所收费用 1 倍以上 3 倍以下的罚款。

protection administration under the State Council, and may concurrently be imposed a fine of more than 100% less than 300% of the fee collected.

Article 30 Any functionary of the competent department of environmental protection administration who indulges in malpractices for selfish gains, abuse of power, negligence of duty that constitute a crime shall be investigated of the criminal liability according to law; where a crime has not been constituted, administrative sanctions shall be imposed according to law.

Chapter V Supplementary Provisions

Article 31 Environmental impact evaluation should be done in compiling construction planning for such regional development as valley development, development zone construction, new urban district construction and old urban district reconstruction. Specific measures shall be worked out separately by the competent department of environmental protection administration under the State Council in conjunction with the competent departments concerned under the State Council.

Article 32 Environmental protection administration of offshore oil prospecting and exploitation construction projects shall abide by the provisions of the State Council concerning environmental protection administration of offshore oil prospecting and exploitation.

Article 33 Environmental protection administration of construction projects of military installations shall abide by the relevant provisions of the Central Military Commission.

Article 34 These Regulations come into force as of the date of promulgation.

第三十条 环境保护行政主管部门的工作人员徇私舞弊、滥用职权、玩忽职守，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第五章 附则

第三十一条 流域开发、开发区建设、城市新区建设和旧区改建等区域性开发，编制建设规划时，应当进行环境影响评价。具体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另行规定。

第三十二条 海洋石油勘探开发建设项目的环境保护管理，按照国务院关于海洋石油勘探开发环境保护管理的规定执行。

第三十三条 军事设施建设项目的环境保护管理，按照中央军事委员会的有关规定执行。

第三十四条 本条例自发布之日起施行。

database@chinalawinfo.com
