

(1) China situation of the development of legal system for EIA

China's policies on environmental conservation borrow heavily from policies in the US, Europe, Japan, and other countries, and the nation was one of the first developing countries to adopt the policies and systems of the industrialized nations.

China's environmental impact assessment (EIA) is also modeled on EIA of US, and are considered to have begun with the country's issuance of the Three Synchronization system. This system, which applies to construction, scientific research, and similar projects, requires that project proponents design, construct, and utilize wastewater, emissions, and solid waste treatment facilities alongside the main construction.

In 1979, China enacted a basic law for environmental conservation called the Environmental Protection Law (for trial implementation). This law included provisions for environmental impact assessments, and required that EIA be carried out for project construction or repairs.

The State Planning Commission, National Construction Committee, and the Leading Group of Environmental Protection of the State Council established a legal framework for EIA with their issuance of the Basic Law on the Administration of Construction Projects for Environmental Protection in 1981, which gave specific scope, details, and procedures for environmental impact assessments. This was followed in 1986 by the Law on the Administration of Construction Projects for Environmental Protection, jointly issued by the State Environmental Protection Bureau, State Planning Commission, and State Economic Commission. The law expanded the scope of projects required to submit EIA to all those with environmental impacts.

China announced its Regulations on the Administration of Construction Projects for Environmental Protection in 1998, detailing a basic process for environmental impact assessments that included category-based management requirements, a system for preliminary review and authorization, public participation, managing the qualifications of agencies that prepare EIA statements, and the Three Synchronization system for environmental conservation facilities. It also defined legal liabilities for those who violated the EIA system guidelines.

The Environmental Impact Assessment Law was enacted in 2002, passed during the 30th session of the Standing Committee of the National People's Congress that October and going into effect in January of the following year (the law was later revised in 2016 and 2018).

China issued and enacted the Plan Environmental Impact Assessment Regulations in 2009, thus establishing the “One law, two sets of regulations” legal framework for its EIA system.

Separate laws like the Air Pollution Control Law and the Water Pollution Control Law we also passed, also stipulating that EIA be carried out according to law.