Category: **Procedural Obligations - General; Substantive Obligations**

Sub-Category: **Environmental Laws with Strong Procedural Guarantees**

Name of Good Practice: **China’s Revised Environmental Protection Law**

Key Words: Access to Information, Access to Justice, Implementation, Participation, Principle 10

Implementing Actors: Nation State: China

Location: China

Description: In April 2014, China adopted a new framework Environmental Protection Law that entered into force on 1 January 2015. The Law incorporated a wide range of procedural rights guarantees relating to environmental information disclosure, public participation, and access to justice.

Chapter V of the Law addresses environmental information disclosure and public participation. Article 53 sets out the right of citizens, legal persons and other organisations “to obtain environmental information, participate and supervise the activities of environment protection in accordance with the law” and requires environmental regulators at all levels of government to “disclose environmental information pursuant to the law, improve public participation procedures, and facilitate citizens, legal persons and other organizations to participate in, and supervise, environmental protection work.” Article 54 requires that the national government “release national environmental quality, monitoring data of key pollutant sources and other major environmental information,” including information on environmental quality, environmental monitoring, environmental emergencies, environmental administrative permits, environmental administrative punishments, and the collection and use of pollutant discharge fees. Article 54 also requires the government to maintain and disclose to the public a list of non-State actors who are violating environmental laws. Article 56 sets out public participation procedures relating to environmental reviews, and requires, among other things, that project proponents “shall explain relevant situations to the potentially-affected public when preparing the environmental impact report, and solicit public opinions... In the case of a construction project failing to solicit sufficient public comments, [government regulators] shall request the project to fulfill the task.” Article 57 provides for the ability of citizens, legal persons, and other organisations to file confidential complaints relating to environmental harm with government regulators, including harm caused by local government, and article 58 also provides for a public interest standing provision. Chapter VI addresses legal liability under the law, and imposes various types of liability on violators, including administrative fines and tort liability. Article 60 also allows the government in certain cases to suspend operations of polluters, while Article 61 allows the government in cases where project proponents have violated environmental review laws to “order them to stop the construction, impose fine penalty, and may require restoration of the construction sites.”

**Further Information:** The EU-China Environmental Governance Programme, a €15 million EU-funded programme implemented with China’s Ministry of Commerce and the Ministry of Environmental Protection, provides an unofficial English translation of the Law: <http://www.ecegp.com/english/DataBase/UploadFile/20140514091809139.pdf>.