

# China

## SEA profile

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### Overview SEA procedure

The SEA process in China consists of screening, scoping, assessment, review, decision-making and follow-up. Regarding its timing, Article 7 of the Plan-EIA regulations (2009) mentions that PEIA should be applied during the course of plan-making.

Milestone documents during the SEA process are the following: Environmental Impact Chapter / SEA report, SEA review comments

### Establishing context

#### Screening process

The Law on EIA (2002) determines that the governments of provinces, autonomous regions and municipalities should determine, based on the local situation, whether or not PEIA is needed.

The screening process involves distinguishing different types of plans as they require different levels of assessment. Two types of plans are distinguished in the Law on EIA (2002) and confirmed by the Plan-EIA regulations (2009) with few additions made to it:

(1) Comprehensive plans for land use, regional development, watershed and marine development, construction and utilization.

(2) Specific plans for industry, agriculture, animal husbandry, forestry, energy, water management, transportation, urban construction, and tourism and nature resources.

Article 10 of the Plan-EIA regulations (2009) further distinguishes (3) directive plans which are special plans that mainly concentrate on developing strategies.

Moreover, the classified Directory for Environmental Protection management of Construction Projects also lists a few development plans (for river basin planning, coastal zones development and to reclaim land) that require EIA. These are also referred to as Regional Environmental Assessment, similar to SEA.

The different typologies of plans thus require a different assessment level as determined in Article 10 of the Plan-EIA regulations.

- For a comprehensive plan, a chapter of environmental impacts on the potential environmental effects of the implementation of proposed plan shall be written.
- For a special plan, the environmental impact statement shall be compiled prior to the submission of the plan for examination and approval.
- For a directive plan, a chapter on the environmental impacts shall be compiled.

Article 2 of the Plan-EIA Regulations (2009) further determines that PEIA should apply to plans proposed

and developed by relevant ministries and commissions of the State Council and local governments (at or above municipal level with districts) and their departments. It also mentions that the detailed scope of sectors to which PEIA applies will be drafted by the competent authority of environmental protection (CAEP) of the State Council jointly with relevant ministries and commissions of the State Council, and implemented after the State Council has ratified it.

With respect to Regional EIA (REIA), those EIAs are classified according to the classification of regional environmental plans. The following REIAs are distinguished:

- EIA for development zones
- EIA for urban construction and development
- EIA for river basin development

### **Timeline Screening**

Not specified.

### **Identification of stakeholders**

The methods for stakeholder identification are not specified. Involved stakeholders may include the related governmental departments, experts, planners, public, NGO, and etc.

### **Setting SEA objectives**

No information

### **Implementing SEA**

#### **Scoping process**

The scopes for the SEAs of general plans and sector plans are jointly set by the proponent, MEP and the relevant departments under the State Council and are submitted to the State Council for approval.

#### **Participation in scoping**

Not specified.

#### **Baseline data**

Not specified.

#### **Alternatives**

There are no clear requirements for studying alternatives in PEIA.

## Assessment/mitigation of effects

The Environmental Impact Chapter or the SEA report shall be compiled by plan-making departments or by certified PEIA technical institutes appointed by plan-making departments. The plan-making department is solely responsible for the quality of the SEA document though. The PEIA should analyze, predict and evaluate the following types of impacts:

- potential cumulative impacts on the ecological system of relevant regional, watershed and marine areas resulting from the implementation of the plan
- potential long-term effects on the environment and local communities resulting from the implementation of the plan
- the relationships between economic, social and environmental benefits, and current and long-term benefits resulting from the implementation of the plan.

The requirements for the content of the SEA report indicate certain methods to be used for the assessment process, namely that an environmental carrying capacity analysis, an analysis and prediction of adverse environmental impacts, and an analysis of environmental compatibility of the plan with other relevant plans shall be done.

## Documenting results

The assessment results are documented in an SEA report in case of special plans and in an environmental impact chapter in case of comprehensive or directive plans.

## Content of SEA report

The content of the SEA report is mentioned in Article 10 of the EIA law (2002) and further specified in Article 11 of the Plan-EIA regulations (2009).

An environmental impact chapter required for comprehensive plans and directive plans shall contain the following elements:

- (1) analyses, predictions and assessment of the potential environmental effects of the implementation of the plan.
- (2) countermeasures and solutions to prevent or reduce adverse environmental impacts, including policies, management measures and technical measures.

For the SEA report of special plans, the above mentioned aspects should be included as well as the following additional element:

- (3) the conclusions of the environmental impact assessment of the plan. These can include the environmental rationality and feasibility of the draft plan, the rationality and effectiveness of countermeasures, solutions to prevent or reduce

adverse environmental impacts, and suggestions on

how the draft plan should be adjusted.

It is further mentioned that the comments of the public

shall be documented in the SEA report.

## Review process

The requirements for the review of the SEA report depend on the administrative level on which the special plan is examined and approved.

For special plans which are approved and examined by provincial governments, the SEA report review and approval process is conducted by the competent authority of environmental protection of the State Council together with relevant ministries and commissions of the State Council.

For special plans that are examined and approved by local governments (at or above municipal level), the SEA report is reviewed by a SEA review team. This team consists of experts and representatives from relevant departments and is formed by the respective competent authority of environmental protection. The SEA review team examines the SEA report of the plan and provides written review comments on it. The review comments shall include the following elements:

- (1) authenticity of the original data and information used;
- (2) appropriateness of the assessment methods used;
- (3) reliability of environmental impacts analysis, prediction, and evaluation;
- (4) reasonability and effectiveness of the suggested countermeasures and solutions to prevent or mitigate adverse environmental impacts;
- (5) rationality of the statement that explains whether the comments and suggestions from the public have been adopted or not; and
- (6) scientific validity of the conclusions of PEIA process. Article 20 and 21 describe criteria to support the review decision taken by the review examination team, namely it lists conditions which, if they occur, indicate that the SEA report must be revised and the revisions should be re-assessed afterwards or that the SEA report should not be approved.

## Participation in review

The EIA law (2002, Article 11) and the Plan-EIA regulations (2009, Article 13) provide for public participation in the draft SEA phase in cases where the public are likely to be affected. The authority that draws up the plan shall then conduct questionnaires, hold workshops, seminars, forums and/or hearings to solicit comments and suggestions on the EIS from relevant institutions, experts and the public. This shall be done prior to the submission of the draft plan for examination and approval. If the conclusions of relevant institutions, experts and the public regarding the EIR differs strongly, then the plan-making department shall hold further forums, hearings or other forms of meetings. The planning authority shall consider the comments seriously and it should document the comments or suggestions made by the public in the EIR. There the authority should state whether they have been adopted or not why that is so.

Also, the written explanations of the competent authority describing the reasons why some conclusions of the SEA report and the review comments were not considered for the SEA approval decision can be reviewed by relevant departments, experts and the public and is archived for future checks.

## Timeline review

Not specified.

## **Informing decision making**

### **SEA and planning decision-making**

In order to ensure the implementation of the SEA system and in order to make it more efficient, it is regulated that the SEA report should be submitted with the draft special plan. This guarantees that the approving authority should have a comprehensive understanding of the environmental protection approaches and measures of the special plan. Once the draft SEA report is reviewed and approved, it is thus included in the draft special plan. The plan-making department will submit the plan (including the SEA report) to the competent authority of planning examination and approval (PEAA), which takes the decision on the plan approval. If the SEA report is not included in the draft plan, the plan will not be examined or approved by the competent authority. Thus an SEA report approval is needed for the approval of the draft plan.

Similar conditions apply for draft comprehensive plans and draft directive plans which require an environmental impact chapter in order to be approved by the competent authority.

The legislation stipulates that the decision on the approval of a special plan shall be mainly based on the conclusions of the SEA report and the comments from the SEA review process.

However, the environment is only one aspect to consider for the decision as the approving authority has to take into account a comprehensive balance between economic, social and environmental development, as well as national security. Hence, for unfavorable conclusions and reviewing comments, the approving department can also decide to not adopt them.

### **Justification of decision**

In case the conclusions of the SEA report and the reviewing comments are not adopted by the competent authority for taking the decision on the plan approval, a written statement should be provided that explain for each conclusion or comment why it was not adopted.

## **Follow-up**

### **Monitoring and evaluation**

There is a technical requirement for compliance monitoring on PEIA reports, as well as on monitoring of the actual impacts of the plan. The planning departments is responsible for conducting such monitoring and for reporting the monitoring results to the authorities (e.g. NDRC) which approve the plans. Also they inform the environmental departments about the results when much more severe environmental effects than initially expected are observed.

The following elements should be part of the follow-up assessment for PEIA:

- (1) comparative analysis and evaluation between actual and predicted environmental impacts, as the plan is implemented;
- (2) analysis and evaluation of the effectiveness of countermeasures and solutions adopted to prevent or mitigate adverse environmental impacts;
- (3) comments from the public on environmental impacts, as the plan is implemented;
- (4) conclusions of the follow-up assessment for PEIA.

In the course of the the follow-up, opinions are sought from relevant departments, experts and the

public. The following methods can be used for this: questionnaires, on-site interviews, hearings and others. In case significant adverse impacts are identified during the plan implementation process, different actors are involved in developing the measures taken. The planning authority shall then immediately identify corrective measures and report them to the competent authority of plan examination and approval (PEAA), and inform the competent authority of environmental protection (CAEP). The CAEP will then check the findings on the adverse impacts and once this is confirmed provide suggestions on corrective measures or plan revisions to the PEAA. When the PEAA has received report from the planning authority and from the CAEP, a discussion is organized to reformulate the plan and determine new mitigation measures.

## **SEA practice**

### **Annual no. of SEAs**

MEP approves at the national level about 50 PEIAs per year.

### **Central SEA database**

All EIA/SEA reports and their review records are kept in ACEEs at central and local levels. They are available for public inquiry if applications for it are approved.

### **Professional bodies**

- Centre for Strategic Environmental Assessment for China, The Chinese University of Hong Kong
- [Chinese Academy for Environmental Planning](#)

### **NCEA's capacity development activities**

No information

### **Relevant links on SEA**

[World Bank on SEA in China](#)

## **Background information**

### **History of SEA**

The significance of SEA has attracted expert attention in China since the 1980s. Over the years, several documents and regulations stipulating SEA-like characteristics have been produced calling for the integration of Environment into development and decision making. These documents include: (i) 21 Century Agenda of China: White Book of China's Population, Environment and Development (1994); (ii) 21 Century Agenda of China's Environmental Protection (1995) (iii) The State Council's Decision on Some Environmental Protection Problems (1996); (iv) The State Council's Document on Establishment of SEPA (Document No. 5, 1998).

In 1993, Regional Environmental Impact Assessment (REIA) was introduced and EIA was extended from individual projects to wider development zones.

The EIA law promulgated in 2002 and implemented from September 2003 provided the legal basis for Plan Environmental Impact Assessment (PEIA), a preliminary version of SEA. It embraced the strategic dimension of assessment practices in China, but as it only was applied for plans, its scope was smaller than the one of SEA. Further impetus was given to the law when a Circular on Improving the Implementation of PEIA was issued in 2006 and when in 2009 the Regulations of Planning Environmental Impact Assessment were released by the State Council. The implementation of Plan EIA remained challenging though.

The revised Environmental Protection Law from 2014 extends the scope of environmental assessment requirements in China. It instructs central and provincial level governments to carry out EIAs for their economic and technological policies. EA shall thus now be conducted for policies as well, not only for plans.

## Legal framework

### Enabling law

The Law of People Republic of China on Environmental Impact Assessment (promulgated in 2002, into effect on sept. 2003) laid the institutional foundation for SEA in China.

### National detailed regulation

The Law of People Republic of China on Environmental Impact Assessment (promulgated in 2002, into effect on sept. 2003) provides in its Chapter 3 rather detailed procedural requirements for the environmental assessment of plans, although not yet complete.

### Guidelines

The following general technical guidelines for PEIA have been issued:

- Technical guidelines for plan environmental impact assessment (On trial) (HJ/T 130-2003)
- The Guideline on Plan-EIA (trial use) (HJ/T130-2003) is released to facilitate the implementation of Plan-EIA.

Article 9 in Plan-EIA regulations (2009) requires that further technical guidelines of PEIA are formulated by the competent authority of environmental protection of the State Council together with relevant ministries and commissions of the State Council.

Furthermore, technical specifications of PEIA for different sectors are formulated by relevant ministries and commissions of the State Council. The following technical guidelines have already been developed:

- Technical Guidelines for PEIAs on Master development Plans of Coal Mining Areas
- Key Points for Technical Review of PEIA Reports of Harbour Master Development Planning

The technical guidelines can be accessed via the following [link](#).

### Scope of application

SEA in China applies to plans and policies.

#### **Exemptions from application**

No exemptions are provided within the mandatory scope including the so-called one-land, three-regions and ten-specific-industries.

#### **SEA approach**

The SEA approach chosen in China is EIA-based. SEA is merely referred to as Plan-EIA.

#### **SEA tiering with ESIA**

The Plan-EIA regulations (2009) provide for tiering of EIA and SEA in Article 23. It determines that for plans that involve specific construction projects, the conclusions of the PEIA shall be used as an important basis for the EIA of these projects. Further it mentions that the contents of project EIAs shall be simplified according to the analyses and arguments of the PEIA.

Provisions for tiering are also given in the General Technical Guidelines for EIA (2011). It is there mentioned that the role of a project has to be considered in the development of a plan.

### **Institutional setting**

#### **Central SEA authority**

The MEP or EPBs and/or Environmental and Resources Committees at all levels of the People's Congress Council are the central PEIA authorities.

One function of MEP that is directly related to SEA:

- performing EIA of key economic and technical policies, development plans and major economic development plans

#### **(De)centralisation of SEA mandates**

Decision making is decentralised vertically but only to the provincial, city and district levels. The administrative level of the competent authority that is responsible for the approval of plans differs for different types of plans (see category screening). Decisions on comprehensive plans take place at and above provincial level, while decisions on special plans are also taken by the government at or above municipality level.

The PEIA process seems to be decentralized in general, as the Plan-EIA regulations (2009) determine that governments of provinces, autonomous regions and municipalities shall require the county governments under their jurisdiction to implement PEIA on plans, according to local situations. Also, detailed measures shall be formulated according to the EIA Law by governments of provinces, autonomous regions and municipalities.

Furthermore, sectoral decentralization takes place as technical specifications of PEIA are formulated for individual sectors.

**Initiator of the SEA**

The plan owners are responsible for initiating and conducting SEA.

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