

*Supplementary document submitted by Brian Rohan, Associate Director of the American Bar Association Asia Law Initiative, during his testimony at the CECC Roundtable: "Clearing the Air: The Human Rights and Legal Dimensions of China's Environmental Dilemma" (January 27, 2003)*

## **APPENDIX A**

### **ABA Asia Law Initiative**

#### **Selected Project List**

The following descriptions provide highlights of some of the projects underway and recently completed by the ABA's Asia Law Initiative (ABA-Asia):

- **Afghanistan needs assessment and Afghan code distribution project.** In early 2002 ABA-Asia partnered with several other non-governmental organizations to conduct a needs assessment related to rule of law, human rights, and governance in Afghanistan (ABA-Asia was responsible for the rule of law aspects of the project). The team's report, *Filling the Vacuum: Prerequisites to Security in Afghanistan*, was published in early April. The report was based upon a previously completed in-country fact-gathering mission. In early June 2002, in partnership with International Resources Group and with funding from the State Department, ABA-Asia distributed 1,000 copies of key Afghan codes to justice sector officials in Afghanistan. This project helped ensure that justice sector officials have access to the laws governing their operations. ABA-Asia currently is implementing a commercial law reform project in partnership with the Afghan Embassy and the Center for International Management Education.
- **China environmental governance training program.** Since early 2002 ABA-Asia has been implementing a 12-month project focused on environmental governance in China. Through the project, ABA-Asia is providing Chinese stakeholders in regional cities with training and education on environmental governance issues. Following these trainings, ABA-Asia is working with Chinese partners to implement a series of pilot programs that highlight various "tools" for enforcing Chinese environmental law. One notable example is the draft Access to Information and Public Participation law, which the Environmental Protection Bureau of Shenyang is drafting with support from ABA-Asia. ABA-Asia's activities are being coordinated by a Beijing-based American environmental attorney. This project is funded by the U.S. Department of State.
- **Regional anti-corruption program.** With funding the U.S. State Department, in August 2002 ABA-Asia initiated a program to assist and support signatories to the Anti-Corruption Action Plan for Asia/Pacific developed by the Asian Development Bank and the Organisation for Economic Cooperation and Development. ABA-Asia has placed a long-term anti-corruption advisor in Bangkok, Thailand to implement this program, which focuses on providing technical assistance in support of anti-corruption implementation efforts in selected countries and building links among existing anti-corruption activities.
- **China legal aid project.** ABA-Asia also is supporting the development of a system of legal aid in China. ABA-Asia's work in this area was initiated with a joint symposium in Beijing, in June 2000, on legal aid systems in the U.S. and the PRC. Funding for the symposium was provided by The Ford Foundation, The Asia Foundation, and the U.S.-China Legal Cooperation Council. In Fall 2002, the ABA-Asia will implement an exchange and training program for Chinese legal aid

practitioners, with funding obtained from the U.S. State Department. This study tour will be followed by a training on legal aid in Xian in Spring 2003.

- China legal ethics and criminal law workshops. In April 2002 ABA-Asia, in partnership with the All China Lawyers' Association, implemented a workshop in Hangzhou, PRC on legal ethics, and in Spring 2003 will implement a workshop on criminal law defense issues in Beijing. These training programs are funded by the U.S.-China Business Council, and U.S. Embassy/Beijing, respectively.
- Indonesia bar strengthening project. In May 2002, ABA-Asia implemented a U.S.-based training program for a group of Indonesian legal professionals, on how bar examinations and discipline are addressed in various American jurisdictions. This U.S.-based training will be followed by a workshop in Indonesia in Spring 2003. Funded by the State Department, this program supports the Indonesian bar's efforts to develop a transparent qualification system for lawyers.
- Thailand class action law. In September 2002, ABA-Asia initiated a project together with Kenan Institute Asia to assist the Thai Council of State in the development of an effective class action law. ABA-Asia organized a team of experts with class action experience as plaintiff and defense counsel, as well as from judicial and academic perspectives, to participate in videoconferences, a U.S. study tour for Thai judges, and a workshop in Bangkok.
- China trial demonstration program. In mid-2001, ABA-Asia completed a major comparative trial demonstration program in the Western city of X'ian, PRC. Held in partnership with the Shanxi Judges' Association and the Berlin Judges' Association, the program presented the trial of a hypothetical domestic violence case, under the Chinese, German, and American legal systems, to an audience of over 400 Chinese judges and legal professionals. As a means of ensuring a broad and lasting impact, the program was videotaped in its entirety, and the tapes will be distributed to courts throughout China. The Ford Foundation provided funding for this project, as it provided funding for a similar ABA project in late 1998.

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## Master Schedule of Training Sessions [Shenyang Tuesday, July 16 – Friday, July 19; Wuhan, Tuesday, August 6 – Friday, August 9; Chifeng, Tuesday, August 20 – Friday, August 23]

| Date and Time   | Presenter  | Notes  |
|---|--|--|
| <b>Tuesday (first day of training)</b>  |  |  |
| <b>Shenyang Only:</b><br><br>8:30 –9:00 ---<br><b>Welcome from Shenyang, U.S. Consul General and American Bar Association</b> | Moderator, Mr. Li Chao, Shenyang EPB<br><br>Secretary General in Shenyang City Gov't welcome<br><br>U.S. Consul General welcome<br><br>ABA introduction to program, Gordon Davis, Esq. | Invite dignitaries to participate  |
| <b>Wuhan and Chifeng:</b><br><br>8:30 – 9:00 ---<br><b>Introduction to Environmental Governance Training Program</b>          | Wuhan: Jock Whittlesey, Gordon Davis, Esq.<br><br>Chifeng: Kurt Tong, Gordon Davis, Esq.   | Set the stage for environmental governance training. The “case study” to be covered in depth on third day will be introduced as well |
| 9:00 – 9:15 ---<br>Break  |  |  |
| Morning focus:<br>Understanding Environmental Law   |  |  |
| 9:15 – 10:30 ---<br><b>Chinese</b>  | Shenyang: Prof. Wang Xi [Prof. Wang Jin, Moderator]  | In Shenyang and Wuhan, Prof. Wang Xi will discuss all aspects of Chinese environmental law and their                                 |

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| <b>Environmental Laws and How to Use Them, an Overview, with Comparisons to Other National Environmental Protection Systems</b>            | Wuhan: Prof. Wang Xi [Prof. Wang Jin, Moderator]  | relationships, including local and national laws, as well as relevant international laws. Included with the text of his lecture are materials Prof. Wang considers relevant to his topic. In Chifeng, Prof. Wang Jin will address the same topic.                        |
|  | Chifeng: Prof. Wang Jin [Zhang Jianyu, Ph.D., Moderator]  |  |
| 10:30 – 11:30 --- <b>The Interactions of Environmental Groups, Government and Industrial Sectors that Affect Environmental Legislation</b> | Shenyang: Sun Youhai, Ph.D [Moderator, Prof. Wang Mingyuan]   | Dr. Sun Youhai will describe the interactions of industry, government, groups, and others in connection with the drafting of legislation. He will discuss the ways in which citizens and groups can become involved in the important undertaking of legislative drafting |
|  | Wuhan: Sun Youhai, Ph.D [Moderator, Prof. Wang Mingyuan]  |  |
|  | Chifeng: Sun Youhai, Ph.D [Moderator, Prof. Wang Mingyuan]  |  |
| 11:30 – 12:30 --- <b>Public Participation in Environmental Decision Making: The Most Potent Enforcement Device</b>                         | Shenyang: Jia Feng [Moderator, Prof. Wang Jin]  | Jia Feng will discuss the powerful role of the public in environmental decision making; he will touch on public participation in NGOs, EIAs, PRTRs, lawsuits, contacts with EPBs, other activities.  |
|  | Wuhan: Jia Feng [Moderator, Prof. Wang Jin]   |  |
|  | Chifeng: Thirty minute video of Jia Feng’s previous presentation with commentary by Prof. Wang Mingyuan |  |
| Lunch --- 12:30 – 1:30   |   |  |
| Afternoon focus: Legal Tools and Devices that are Used in Environmental Protection   |   |  |
| <b>1:30 – 2:30 --- Environmental Impact Assessments --- Procedures,</b>  | Shenyang: Prof. Wang Jin [Moderator, Prof. Wang Xi]   | Wang Jin will give an overview of how the EIA procedure works, how the public can involve itself, and the shortcomings of the present system of EIAs in China, with brief comparison to system in other countries  |
|  | Wuhan: Prof. Wang Jin [Moderator, Prof. Wang Xi]  |  |

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| <b>Public Participation and Problems</b>  | Chifeng: Prof. Wang Jin<br>[Moderator, Prof. Wang Mingyuan]  |   |
| <b>2:30 – 3:30 --- A Non-Technical Look at Emissions Trading, Pollution Taxes and Other Economic Incentives for Pollution Control --- How They Work</b> | Shenyang: Zhang Jianyu, Ph.D. [Moderator, Jia Feng]  | The point of this lecture is to introduce concepts not yet part of the Chinese environmental law mainstream to get all parties thinking about how to improve environmental enforcement and compliance in China. |
|   | Wuhan: Zhang Jianyu, Ph.D. [Moderator, Jia Feng]   |   |
|   | Chifeng: Zhang Jianyu, Ph.D..<br>In Chifeng, add economic incentives for ecological protection [Moderator, Sun Junbao] |   |
| 3:30 – 3:45 ---<br>Break  |  |   |
| <b>3:45 – 4:45 --- How to Use Existing Law to Gain Access to Environmental Information</b>  | Shenyang: Prof. Wang Mingyuan [Moderator, Sun Junbao]  | Prof. Wang will develop the theme of how Chinese citizens can gain access to information under existing Chinese law and will discuss desirable improvements in the law based on other countries' systems        |
|   | Wuhan: Prof. Wang Mingyuan [Moderator, Sun Junbao]   |   |
|   | Chifeng: Prof. Wang Mingyuan [Moderator, Sun Junbao]   |   |
| <b>4:45 – 5:00 --- Commentary and Summation for the Day</b>   | Shenyang: Jia Feng   | This is the occasion for bringing all of the day's themes together and to briefly look ahead to what will be happening tomorrow   |
|   | Wuhan: Zhang Jianyu, Ph.D.   |   |
|   | Chifeng: Zhang Jianyu, Ph.D.   |   |
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| <b>Wednesday (second day of training) (two tracks today, Technical Track and General Track)</b>   |  |   |
| Today's focus:  |  |   |

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| Practical Tools and Stakeholder Roles in Environmental Governance  |  |              |  |   |              |
| 8:30 – 8:45 ---<br><b>Introduction to Today’s Focus</b>  | Shenyang: Gordon Davis, Esq.                                   |              | Mr. Davis will describe the two parallel training tracks, and clarify that there are no restrictions: any attendee may attend sessions in either track, and may shift from one track to the other over the course of the day |   |              |
|  | Wuhan: Gordon Davis, Esq.                                      |              |  |   |              |
|  | Chifeng: Gordon Davis, Esq.                                    |              |  |   |              |
| <b>Technical Track</b>   | <b>Presenter</b>   | <b>Notes</b> | <b>General Track</b>   | <b>Presenter</b>  | <b>Notes</b> |
| 8:45 – 9:45 ---<br><b>Environmental Litigation in China I --- Some Recent Cases Emphasizing Recovery of Damages for Injuries Due to Pollution and Changes in Chinese Judicial Approaches to Environmental Litigation</b>                                       | Shenyang: Prof. Wang Canfa [Moderator, Ms. Zhang Minghua]      |              | 8:45 – 9:45 ---<br><b>The Media’s Role in Environmental Governance</b>   | Shenyang: Cui Guoqi [Moderator, Jia Feng]                           |              |
|  | Wuhan: Prof. Wang Canfa [Moderator, Sun Junbao]                |              |  | Wuhan: Cui Guoqi [Moderator, Jia Feng]                              |              |
|  | Chifeng: Prof. Wang Canfa [Moderator, Sun Junbao]              |              |  | Chifeng: <b>Replacement for Cui Guoqi</b> [Moderator, Husayn Anwar] |              |
| Prof. Wang Canfa will give an overview of the kinds of environmental lawsuits that have been litigated in China, and will discuss successful causes of action, damages for environmental torts, class actions and other dimensions of environmental litigation |  |              | This will be a discussion of how media representatives become involved in environmental decision making  |   |              |
| 9:45 – 10:00 ---<br>Break  |  |              |  |   |              |
| 10:00 – 11:00 ---<br><b>Environmental Litigation in China II --- The Use of Scientific and Technical</b>   | Prof. Wang Canfa in all three [Moderator, Richard Ferris, Esq. |              | 10:00 – 11:00 ---<br><b>How a Judge Sees Environmental Disputes in the Litigation</b>  | Shenyang: **** [Moderator, Jock Whittlesey]                         |              |
|  |  |              |  | Wuhan: Liu Gansheng [Moderator]                                     |              |
| Prof. Wang Canfa will continue his presentation on environment   |  |              | Judges that have actually presided over environmental cases will speak about   |   |              |

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| <p><b>Proof In Court</b></p>  | <p>or Zhang Hongjun, Ph.D. in all three]</p>  | <p>al litigation, covering in this hour the kinds of proof that have been useful in successful cases, and how to find and use such evidence</p>   | <p><b>Context</b></p>  | <p>or, Jock Whittlesey]</p> <hr/> <p>Chifeng: Wang Yaxin [Moderator, Kurt Tong]</p>   | <p>their cases</p>  |
| <p>11:00 – 12:00 ---<br/><b>Panel Discussion: Practice Tips --- Conducting an Environmental Lawsuit and Profitably Practicing Environmental Law</b></p> | <p>Chair, Richard Ferris, Esq., or Zhang Hongjun, Ph.D. ; Gordon Davis, Esq.; Sun Junbao;</p> | <p>This panel discussion will seek to give useful information to lawyers trying to develop an environmental practice</p>  | <p>11:00 – 12:00 --- <b>Panel Discussion: How Industrialists Can Stay in Compliance with Environmental Law While Making a Profit and Protecting Themselves</b></p> | <p>Prof. Wang Jin, Chair/ a local EPB representative, Husayn Anwar, Ph.D., and a local industrialist in all three locations****</p> | <p>This panel discussion will identify practical techniques for complying with environmental requirements</p>                               |
| <p>Lunch --- 12:00 – 1:30</p>   |   |   |  |   |   |
| <p>1:30 – 2:30 ---<br/><b>Looking at China’s Environmental Protection Standards and How They Might be Used in Environmental Litigation</b></p>          | <p>Zhang Hongjun, Ph.D. or Richard Ferris, Esq. [Moderator, Sun Junbao] in all three</p>      | <p>This hour is to be used to introduce specific statutory and regulatory standards found in Chinese law, together with suggestions from foreign lawyers on how the standards might be used to advantage in lawsuits brought by and against</p> | <p>1:30 – 2:30 ---<br/><b>Problems with Chinese Environmental Laws from the Industrialist Perspective</b></p>  | <p>Husayn Anwar, Ph.D. in all locations [Moderator, Cui Guoqi in Shenyang and Wuhan, Du Tiehua in Chifeng</p>                       | <p>Industry must satisfy Chinese regulatory officials that they are in compliance with environmental laws, a task easier said than done</p> |

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|  |   | industrial clients   |  |   |  |
| 2:30 – 3:30 ---<br><b>Pollution Release and Transfer Registers And Other Trends Toward Transparency That Discourage Pollution</b>                          | Shenyang:<br>Brian Rohan<br>[Moderator,<br>Prof. Wang Jin]  | The PRTR device has a vast number of uses; it is relatively unknown in China but if introduced it can become a powerful tool of environmental standards enforcement. | 2:30 – 3:30 ---<br><b>Forging Effective Partnerships Among Lawyers, Environmental Groups, and Enforcement Officials</b>  | Shenyang: Zhang Hongjun, Ph.D. or Richard Ferris, Esq.<br>[Moderator, Cui Guoqi in Shenyang and Wuhan, Du Tiehua in Chifeng |  |
|  | Wuhan:<br>****<br>[Moderator,<br>Prof. Wang Jin]  |  |  |   |  |
|  | Chifeng:***<br>*<br>[Moderator,<br>Prof. Wang Jin]  |  |  |   |  |
| 3:30 – 3:45 ---<br>Break   |   |  |  |   |  |
| 3:45 – 5:00 ---<br><b>Reports by Rapporteurs of Presentations in Technical and General Tracks Followed by General Discussion and Summation for the Day</b> | Shenyang: Moderator: Prof. Wang Xi; Rapporteur for Technical Track, Mrs. Zhang Minghua, Rapporteur for General Track, Cui Guoqi |  | This is the time when the themes brought out separately in the two tracks are brought together. Each track will have one “Rapporteur,” who will have attended all sessions in that track. The Moderator will ask each Rapporteur to briefly summarize the important issues covered by the speakers in his track. Then the Moderator, by asking questions, will promote a dialogue with the Rapporteurs and the trainees on important issues. The idea is to begin to bring the trainees into active discussion of the issues in preparation for the third day. |   |  |
|  | Wuhan: Moderator: Prof. Wang Xi; Rapporteur for Technical Track, Jia Feng; Rapporteur for General Track, Kurt Tong              |  |  |   |  |
|  | Chifeng: Moderator: Prof. Ma Zhong; Rapporteur for Technical Track, Sun Junbao; Rapporteur for General Track, Mr. Li Xiaohui    |  |  |   |  |
| <b>Thursday (third day of training)</b>  |   |  |  |   |  |
| Morning focus:<br>Putting it All Together  |   |  |  |   |  |

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| <p>8:30 – 8:45 ---<br/><b>Introduction to Today’s Focus</b></p>   | <p>Shenyang: Gordon Davis, Esq.</p> <hr/> <p>Wuhan: Gordon Davis, Esq.</p> <hr/> <p>Chifeng: Gordon Davis, Esq.</p>  |   |
| <p>8:45 – 9:45 ---<br/><b>Citizens: Join a Group, Form a Group, Learn the Law, Use the Hotlines</b></p>   | <p>Shenyang: Prof. Liang Congjie [Moderator, Prof. Wang Mingyuan]</p> <hr/> <p>Wuhan: Prof. Liang Congjie [Moderator, Prof. Wang Mingyuan]</p> <hr/> <p>Chifeng: Dr. Li Lailai [Moderator, Prof. Wang Mingyuan]</p>  | <p>This is an inspirational talk about Chinese civil society becoming actively involved in environmental decision making. Professor Liang will encourage people from every interest group to play a role in environmental governance.</p>   |
| <p>9:45 – 10:00 ---<br/>Break</p>   |  |   |
| <p>10:00 – 12:00 ---<br/><b>Case Study: Can an Industrialist in Compliance with Permits Nevertheless be Liable for an Environmental Tort?</b></p> | <p>Shenyang: Moderator: Du Tiehua; Mr. Sun Junbao, and role playing participants</p> <hr/> <p>Wuhan: Moderator: Dr. Li Lailai; Mr. Sun Junbao, and role playing participants</p> <hr/> <p>Chifeng: Moderator: Du Tiehua; Mr. Sun Junbao, and role playing participants</p> | <p>This will be a discussion of a case involving an industrial plant that was in compliance with all of its environmental emission permits, but its legal effluent was killing fish in the river, and the plant was held legally liable for downstream environmental damage. Then representatives from each stakeholder group (judges, lawyers, industrialists, EPB officials, NGO representatives, media representatives and citizens who are “victims” of the pollution will play their roles in an effort to fully understand this complex situation</p> |
| <p>Lunch --- 12:00 – 1:30</p>   |  |   |
| <p>Afternoon focus:<br/>Local issues and appropriate responses</p>  |  |   |
| <p>1:30 – 2:30 --- <b>A Local Environmental Challenge</b></p>   | <p>Shenyang: <b>Drafting the First City Public Participation Law</b> Mr. Li Chao, Deputy Director, Shenyang EPB [Moderator Jia Feng]</p>   | <p>Shenyang EPB is currently trying to draft what they think will be the first Chinese city public participation law; Mr. Li will talk about their undertaking to set up trainee discussion in the next hour</p>  |

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|   | <p>Wuhan: <b>A Water Pollution Challenge****</b> [Moderator</p>   | <p>Mr.****, Wuhan EPB, believes that the most important environmental issue in Wuhan is water pollution. He will discuss this problem to set up trainee input during the next hour for an appropriate project to undertake in a follow on activity</p>                          |
|   | <p>Chifeng: <b>Challenges of Ecological Protection Facing Chifeng</b> Mr. Li Xiaohui, Director, Chifeng CEEC [Moderator ****</p>      | <p>Mr. Li believes the most pressing issue in Chifeng is desertification, with all that implies for wildlife and natural systems. He will discuss this problem to set up trainee input during the next hour for an appropriate project to undertake in a follow on activity</p> |
| <p>2:30 – 3:30 ---<br/><b>Expertise Relevant to the Local Environmental Challenge</b></p> | <p>Shenyang: <b>Possible follow up project:Public Participation Laws from Other Jurisdictions</b> Jia Feng [Moderator Kurt Tong]</p>  | <p>A discussion of how other provincial and city governments have goal of drafting a public participation law --- problems and solutions</p>  |
|   | <p>Wuhan: <b>Follow up project: Local Water Pollution ****</b> [Moderator Kurt Tong]</p>  | <p>Discussion of a possible project</p>   |
|   | <p>Chifeng: <b>Follow up project: Practical Policies for Chifeng’s Sensitive Environment</b> Prof. Ma Zhong [Moderator Kurt Tong]</p> | <p>Discussion of a possible project</p>   |
| <p>3:30 – 3:45 ---<br/>Break</p>  |   |   |
| <p>3:45 – 4:45 ---<br/><b>Open Microphone Discussion of the Previous Lectures</b></p>     | <p>Shenyang: Moderator, Jia Feng</p>  | <p>Public input into scope, nature and details of possible follow on project</p>  |
|   | <p>Wuhan: Moderator, Prof. Wang Xi</p>  |   |
|   | <p>Chifeng: Moderator, Du Tiehua</p>  |   |
| <p>4:45 – 5:00 ---<br/><b>Commentary and summation for the day and the course</b></p>     | <p>Shenyang: Gordon Davis, Esq.</p>   |   |
|   | <p>Wuhan: Gordon Davis, Esq.</p>  |   |
|   | <p>Chifeng: Gordon Davis, Esq.</p>  |   |
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| <b>Friday (fourth day of training--- optional)</b> |  |  |
| 8:00 – 4:00  | Shenyang: field trip to industrial site for discussion of environmental compliance |  |
|  | Wuhan: field trip to industrial site for discussion of environmental compliance    |  |
|  | Chifeng: field trip to desertified area for discussion of carrying capacity        |  |

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## **Measures of the Shenyang Municipality on Public Participation in Environmental Protection**

**(Draft)**

### **(Unofficial ABA Asia Law Initiative Translation)**

**Article 1.** In order to protect the environmental rights and interests of the public, to improve the openness and democracy of the environmental protection work, to comply with the commitment made by China as a WTO member state of promoting public participation, the Measures are formulated in accordance the Environmental Protection Law of the People Republic of China and with consideration of the actual conditions of this Municipality.

**Article 2.** The public as referred to in the Measures includes natural persons with full capacity, legal persons and other organizations.

**Article 3.** The Measures applies to public participation in the environmental protection activities within the administrative area of this Municipality.

**Article 4.** Public participation in environmental protection shall adopt such principles as broadness, equality, democracy, openness, transparency and good faith.

**Article 5.** The public has the following rights in participation in environmental protection:

- (1) Participating in environmental legislation in a legal way;
- (2) Participating in environmental policy making and environmental planning in a legal way;
- (3) Participating in environmental impact assessment of construction projects in a legal way;
- (4) Obtaining and using public environmental information;
- (5) Putting forward criticism and suggestions on environmental protection work;
- (6) Reporting and bringing action against activities causing pollution and damage to the environment;
- (7) Claiming damages caused by environmental pollution according to law;
- (8) Reporting the illegal activities of government employees with environmental protection duty;
- (9) Other rights stipulated by laws, regulations and rules.

**Article 6.** Environmental administrative authorities of the government at municipal, district and county (sub-city) levels are responsible for implementing the Measures. Relevant government agencies at various levels shall provide assistance in the work with respect to public participation in environmental protection.

**Article 7.** Governments at municipal, district and county (sub-city) levels shall set up special funds to award the units and individuals making prominent contribution to the cause of public participation in environmental protection.

**Article 8.** Environmental administrative authorities at municipal, district and county (sub-city) levels shall establish environmental advisory committees consisting of public representatives, shall carry out public education on environmental protection and organize the public to appraise environmental protection work, and shall invite environmental protection supervisor to oversee the environmental protection work.

**Article 9.** Environmental information is public information of the society. Governments at municipal, district and county (sub-city) levels and their environmental administrative authorities shall open to the public environmental information in a comprehensive and timely manner, except in cases where secrecy is required by State regulations.

**Article 10.** The following environmental information shall be open to the public or be publicized.

- (1) National, provincial and municipal environmental protection laws, regulations, rules and other normative documents;
- (2) National, provincial and municipal environmental protection policies, planning and projects;
- (3) Various environmental standards and environmental functional zoning;
- (4) Pollutant release and pollution disposal of polluting enterprises;
- (5) Environmental quality of the municipal, district and county (sub-city) administrative areas;
- (6) Environmental management of construction projects;
- (7) Charging basis, standards and use of pollutant release fees;
- (8) Basis, standards, procedures and implementation of administrative sanctions;
- (9) Main duties, processes and service commitments of environmental administrative authorities;
- (10) Major environmental management projects and foreign invested environmental projects;
- (11) Archives of law enforcement documents;
- (12) Other environmental information.

**Article 11.** The public may obtain the environmental information through the following ways:

- (1) Directly Inquiring the environmental administrative authorities in writing or orally;

- (2) Searching the websites of the environmental administrative authorities;
- (3) Searching environmental information publications.

**Article 12.** Where the public makes direct requests for environmental information, the environmental administrative authorities shall respond within 15 working days upon receipt of the requests. In special circumstances, the period can be extended to 30 working days.

**Article 13.** Environmental administrative authorities at municipal, district and county (sub-city) levels shall issue annual reports regarding the environmental quality of their respective administrative areas.

**Article 14.** In case of emergency when an environmental pollution accident happens and imposes potential threat to the public health and the environment, the environmental administrative authorities shall promptly send to the public possibly being affected all kinds of information that will help them to take prevention measures and reduce damages.

**Article 15.** The key polluting enterprises shall periodically report to the public the following environmental information of themselves:

- (1) Total amount of pollutants released and the amount released beyond the limits;
- (2) Impact on the environment caused by the released pollutants;
- (3) Pollution accident prevention and response;
- (4) Pollution disposal plan and annual progresses in implementation;
- (5) Management of the internal environment of the enterprise. The municipal environmental administrative authority shall determine the key polluting enterprises based on their pollutant release, pollution load and impact on the environment, and shall announce the determination periodically on the media.

**Article 16.** When making environmental policies, environmental protection planning and local environmental legislations, the governments and their environmental administrative authorities shall publicize the drafts on the media or hold deliberative meetings in advance to openly solicit public opinions and shall adopt reasonable opinions from the public, except in the cases where secrecy is required by State regulations.

**Article 17.** Except in the cases where secrecy is required by State regulations, when construction projects will have significant impact on the environment and are required to submit environment impact assessment reports, environmental administrative authorities shall, within 3 days upon receipt of construction project environmental assessment reports, publicize on local media and environmental websites the information of the projects as to project name, intended location, nature of the project, potential impact on the environment, prevention measures against pollution and ecological damage.

The public may make opinions to the environmental administrative authorities via phone, fax, mail and email within 5 days upon publicity of the information. The environmental administrative authorities shall adopt reasonable opinions from the public.

**Article 18.** For construction projects of the heavy industries like chemical industry, pharmacy, metallurgy, plating, papermaking, leather-working, fur-manufacturing, dyeing, fermenting and brewage, the environmental administrative authorities shall hold project introduction meetings with the participation of project constructing units, environment impact assessment units, units at the project site, community committees, public representatives and media. The constructing unit shall make explanation in the environment impact assessment report for the project as to whether public opinions have been adopted or not.

Constructing units, when initiating projects of catering and entertaining business in residential areas, shall solicit public opinion through community committees or neighborhood administrative offices and shall make explanation as to whether public opinions have been adopted or not.

**Article 19.** Environmental administrative authorities shall set up telephones, to accept public complaints about environmental pollution and ecological damage, as well as public suggestions on environmental protection work.

When the public file civil actions at court for environmental pollution damages, the environmental administrative authorities shall provide assistance with proving the damages.

**Article 20.** Where environmental administrative authorities, in violation of the Measures, fail to open environmental information to the public as stipulated or fulfill their legal duties, they shall be ordered by relevant agencies with authority to perform within a time limit. If they fail to perform within the time limit, the person in charge and the directly responsible person shall be subject to the administrative sanction by the disciplinary and supervisory authorities.

**Article 21.** Where environmental administrative authorities, in violation of the Measures, approve construction projects without publicizing the project information or holding project introduction meetings, the approvals are null and the directly responsible person shall be subject to administrative sanction.

**Article 22.** Where construction projects of catering and entertaining business fail to solicit public opinions, the environmental administrative authorities shall not approve the projects; if approve, the directly responsible person shall be subject to administrative sanction. If constructing units resort to deception when soliciting public opinions, the environmental administrative authorities shall revoke the approval and impose a fine less than 30,000 yuan.

**Article 23.** Where key polluting enterprises, in violation of the Measures, fail to publicize the environmental information regarding the enterprises, the environmental administrative authorities shall publicize the information and impose a fine less than 100,000 yuan on the responsible enterprises.

**Article 24.** The Measures shall take effect as of 2003