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name Notice on Issuing the "Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects"

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The ecological environment departments and commerce departments of all provinces, autonomous regions, municipalities directly under the Central Government, cities under separate state planning and Xinjiang Production and Construction Corps, and relevant central enterprises:

In order to thoroughly implement Xi Jinping Thought on Ecological Civilization, implement the decisions and arrangements of the CPC Central Committee and the State Council, promote the sustainable development of foreign investment and cooperation and the construction of a green "Belt and Road", improve the environmental management level of foreign investment and cooperation construction projects, and better serve the construction of a new development pattern, ecological The Ministry of Environment and the Ministry of Commerce have formulated the "Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects", which are hereby issued to you. Please implement them in light of the actual situation.

General Office of the Ministry of Ecology and Environment
General Office of the Ministry of Commerce

(This piece is made public)

Issued by the General Office of the Ministry of Ecology and Environment on January 6, 2022

Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects

Article 1 This guideline is formulated to guide enterprises to implement the concept of ecological civilization, further improve the ecological environment protection of foreign investment and cooperation construction projects, and promote the green and high-quality development of projects.

Article 2 Enterprises consciously fulfill their responsibilities for ecological and environmental protection, coordinate economic, social and environmental benefits, promote the coordinated development of local economy, society and environment, and promote mutually beneficial cooperation.

Article 3 Enterprises implementing foreign investment and cooperation construction projects shall abide by the ecological environment laws, regulations and policy standards of the host country (region), and apply for the required ecological environmental protection licenses as required. If the host country (region) does not have relevant standards or the standard requirements are low, on the basis of the ecological environment protection license, it is encouraged to adopt the international common rules and standards or China's stricter standards.

Article 4 Enterprises shall incorporate ecological and environmental protection into their own development strategies, establish corresponding ecological and environmental protection rules and regulations with reference to international common practices, and improve their internal environmental management systems. Strengthen ecological and environmental protection training, seminars and capacity building, appoint special personnel to be responsible for ecological and environmental protection work, and continuously improve the environmental management capabilities of enterprises.

Article 5 Before carrying out external mergers and acquisitions, an enterprise may, through environmental due diligence and other methods, evaluate the ecological damage, environmental pollution, environmental protection penalties, environmental litigation, environmental protection facilities operation and related ecological and environmental risks caused by the target to be acquired in the historical business activities. , focusing on assessing hazardous waste disposal, soil, groundwater, greenhouse gas emissions and atmospheric environmental impacts.

Enterprises are encouraged to choose ecological environment consulting service institutions with strong business capabilities, good credit, and familiarity with domestic and foreign environmental laws, regulations and policies according to their business needs, and provide market-oriented and internationalized ecological environment consulting services for foreign investment and cooperation of enterprises.

Article 6 Before the construction of the project, the enterprise shall grasp the background status of the ecological environment of the project location and its surrounding areas by collecting relevant information, conducting biodiversity surveys in the proposed site area, monitoring and evaluating the ecological environment, etc. , monitoring and evaluation results are archived for future reference.

When the background value exceeds local standards, international general rules or domestic quality standards, it is recommended to fully demonstrate the rationality of the site selection environment, and consider re-site selection if necessary.

Article 7 Enterprises should carry out environmental impact assessments in accordance with the laws and regulations of the host country (region), and take reasonable measures to reduce and eliminate possible adverse impacts. If the host country (region) lacks environmental impact assessment requirements, it may refer to the internationally accepted rules and standards or Chinese standards to organize and carry out environmental impact assessment work.

Article 8 Enterprises should strengthen the ecological protection work during the construction period, adhere to ecological priority and green construction, do a good job in ecological protection and control of air, water, noise, vibration, radiation and solid waste pollution, slow down greenhouse gas emissions, and prevent them through standardized management. and reduce the adverse impact of construction on the environment.

Do a good job of ecological restoration, and formulate ecological restoration plans according to local conditions in combination with the surrounding resource endowments and natural ecological conditions of the

project.

Article 9 Enterprises shall construct and operate pollution prevention and control facilities, discharge waste gas, waste water or other pollutants, and treat and dispose of solid wastes according to the construction project industry, scale, process, pollutant and greenhouse gas emissions, ecological impact and surrounding ecological environment. It should comply with relevant standards, take effective measures to control greenhouse gas emissions, and do a good job in ecological environment monitoring and management during operation.

Article 10 When implementing energy projects, enterprises shall give priority to clean and green renewable energy projects. When implementing water conservancy and hydropower projects, the occupation of nature reserves and important biological habitats should be avoided as much as possible, and a reasonable layout should be made within the watershed; engineering design and construction organization should be optimized, and measures such as aquatic habitat protection, aquatic biological channel construction, proliferation and release should be reasonably adopted. ; If the protected wild animals and plants and their habitats are affected, measures such as engineering protection, off-site transplanting, rescue, and habitat restoration shall be actively adopted, and measures such as ecological flow discharge shall be adopted to meet the needs of living, ecological and production water in downstream rivers. Do a good job in ecological and environmental management of renewable energy projects such as wind power and photovoltaics.

Article 11 When implementing petrochemical projects, enterprises shall strengthen the construction and operation and maintenance of pollution control facilities to reduce pollutants and greenhouse gas emissions. Strengthen environmental risk prevention and control, and improve environmental risk prevention and control measures.

Article 12 When implementing mining projects, enterprises shall take effective pollution control measures to control the discharge of various pollutants, especially heavy metal pollutants. Strengthen the comprehensive utilization of solid waste and reduce the amount of production and storage. Do a good job in the reinforcement and seepage prevention of solid waste storage sites such as tailings ponds and gangue fields to prevent pollution of groundwater sources. Strengthen environmental protection design, reduce ecological damage and land occupation, and carry out ecological restoration and biodiversity protection.

Article 13 When enterprises implement transportation infrastructure projects, they shall select routes and sites reasonably in accordance with the requirements of green, low-carbon and sustainable development, and try to avoid occupying or passing through nature reserves and important wildlife habitats. If it is really unavoidable, mitigation or compensation measures such as harmless crossing and the construction of wildlife passages can be taken. Strengthen the environmental management during the construction period, reasonably arrange the construction organization method, reduce soil excavation and temporary site occupation, reduce the impact on wildlife and surrounding residents, such as noise and dust, and carry out ecological environment restoration in a timely manner after the construction is completed.

Article 14 Enterprises carry out pollutant discharge monitoring according to the environmental impact characteristics of the project, keep abreast of the project's pollutant discharge status, and record and archive the monitoring results. If the impact on the ecological environment is involved, do a good job in the ecological environment investigation.

Article 15 Enterprises should take measures to reduce the amount of solid waste generated in the project, promote the comprehensive utilization of solid waste, reduce the harm of solid waste, and strictly implement the requirements for storage, transportation, utilization and disposal of solid waste such as hazardous waste.

Article 16 Enterprises shall formulate emergency plans for environmental emergencies according to the nature, characteristics and possible environmental hazards of the project's environmental risks. When environmental emergencies occur, they shall report to domestic investors, Chinese embassies and consulates abroad, and local management departments in a timely manner according to regulations, and domestic investors shall report to relevant management departments in a timely manner as required.

The content of emergency plans for environmental emergencies generally includes the organizational system and responsibilities of emergency management, prevention and early warning mechanisms, handling procedures, emergency support, and post-event recovery and reconstruction. Encourage enterprises to organize plan drills and optimize and update plans in a timely manner.

Article 17 Enterprises should pay attention to the laws, regulations and policies of the world and the host country (region) on addressing climate change, actively participate in low-carbon and carbon sink projects

according to their own conditions, support the green and low-carbon development of energy in developing countries, and contribute to the host country (region) Make a positive contribution to addressing climate change.

Article 18 Enterprises should pay attention to the biodiversity conservation strategies and action plans formulated by the host country (region), fully consider the ecological function positioning of the project area, reduce the adverse impact on local biodiversity, and promote the realization of biodiversity conservation and sustainability. Use continuously.

Article 19 Enterprises should follow the concept of cleaner production, promote green design and recycling, reduce pollution from the source, improve the efficiency of material and resource utilization, and reduce the generation and discharge of pollutants in the process of production, service and product use.

Article 20 Enterprises should carry out green value chain innovation and practice, build a green supply chain management system, implement green procurement, promote green production, and give priority to purchasing environmentally friendly products.

Article 21 Enterprises are encouraged to apply for environmental management system certification, energy management system certification, and green certifications such as energy saving, water saving, low carbon and environmental protection of related products.

Article 22 Enterprises shall report ecological and environmental protection compliance information in accordance with relevant regulations.

Article 23 Enterprises should strengthen contact and communication with local environmental management departments, exchange information about the project's ecological and environmental protection, and actively seek their opinions and suggestions. Actively strengthen communication with potentially affected communities, relevant social groups and the public, and listen to opinions and suggestions on the environmental impact of the project through forums, hearings, etc.

Article 24 Enterprises should strengthen information release and experience sharing, regularly release the project implementation of the host country (region) ecological environment laws and regulations, the measures taken and the obtained environmental performance, etc., and share the project's ecological and environmental protection concepts and best practices.

Article 25 Enterprises shall, in accordance with the law or with reference to international practice, do a good job of ecological protection during the period of decommissioning, dismantling and closing of foreign investment and cooperative construction projects.

Interpretation: [1. The relevant person in charge of the Environmental Impact Assessment and Emission Management Department of the Ministry of Ecology and Environment answered reporters' questions on the "Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects"](#)

[2. One picture to understand the "Guidelines for Ecological Environmental Protection of Foreign Investment Cooperation and Construction Projects"](#)

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