



# Plan EIA Draft Regulation – A feedback from an international perspective

Holger Dalkmann and Olivia Bina

**Workshop on Strategic Environmental Impact  
Assessment**

Beijing, 27.09.2007



**gtz**



# Content

- **General Comments**
- **Specific Comments:**
  - Aim/Scope of the law
  - Clarifications and Definitions
  - Scoping
  - Public Participation
  - Review
  - Reporting
  - Monitoring

# General Comments

- **Plan EIA/SEA fills a gap in the Chinese environmental legislation**
- **It is a main contribution to the target of a harmonious society and circular economy**
- **It includes key elements of good practice (eg. Public Participation, Reporting, Monitoring)**
- **Review Panel and Certification are helpful elements to guarantee quality standards**

# General Comments - Challenges

- **Timing and Process Integration are crucial for a successful Plan EIA/SEA**
- **Discussion of Alternatives are a key element of a Plan EIA and should be explicitly covered**
- **“Tiering” (Link between Plan EIA and construction/project EIA) is key to avoid double counting and reduce amount of financial as well as human resources**
- **Assessment on a strategic level requires a broad variety of methods (qualitative as well as quantitative),**
  - has to deal with uncertainty
  - and should deal with positive effects as well.

# Clarifications and Definitions

- **A complete list of types of plans that will be subject to Plan EIA (Article 2.1)**
- **Who does what: a clear outline of responsibilities (example: Article 5 funding and management of funds by?, Article 11 submitting the review to? Article 14 who selects the review panel?)**
- **Guidance on process and methods for Plan EIA (assist in detailed scoping tasks for each major sector, and in selecting the level of information and analysis needed for different types of plans)**
- **Uncertainty and ‘very complicated impacts’ (Article 39.11)**

# Aim/Scope of the law

- **Strong support for environmental protection and progress towards sustainable development (article 1)**
- **Concept of significant impact (e.g. Article 39.8)**
  - environmental utilitarian functions, cross boundary impacts, negative effects on areas of social concerns and on protected, ecologically sensitive and fragile areas
  - Critical gaps that should be part of the overall aim of Plan EIA/SEA:
    - Effects on Human health, well being, social harmony
    - Carrying capacity, Material and Energy consumption and Climate Change.

# The early stages in Plan EIA/SEA: Scoping

- Key elements are covered: “Baseline” (analysis of resources/environmental status-quo), consistency analysis with environmental plans, analysis of impacts and trends
- An integration of an **objective-led approach** provides overall framework and direction
- **Consistency analysis** with relevant political and planning targets (e.g. river basin or for a sector) should be added
- **Organisational set-up** should be required at this stage to integrate key actors and stakeholders (like members of the review panel (Article 14) and support the review and monitoring activities.

# Public Participation

- Strong commitment to full consideration of public comments (Article 28)
- Legal guarantee for public participation (Article 29)
- **Timing involved only at the Draft Reporting Stage – early involvement suggested**
- **Full and free access to Plan EIA process and related documentation (e.g. draft report Article 26)) is essential for meaningful participation**
- **Time for comments should be reasonable and flexible commensurate to complexity**

# Review

- Review panel as an independent institution to guarantee quality of EIA documentation
- **Review panel should be selected based on plan and environmental requirements**
- **Content of the review (Article 16) should be expanded:**
  - Process Quality
  - Alternatives
  - Monitoring
- **More flexible timing ?**
- **Permanent review committee on a provincial level?**

# Reporting

- **Consider a list of minimum contents**
- **Clarify different outcomes/products (chapters or descriptions vs EIA report)**

# Monitoring/Impact Tracking

- **Effort should be commensurable to the impact type and significance (Article 30)**
- **Focus on the key environmental effects (Article 31)**
- **Include positive as well as negative impacts**
- **Include quality of overall Plan EIA process**
- **Consider submitting monitoring results to the public (Article 32)**