



Policy Instruments for Chinese Sustainable Future:
Environmental Policy Integration and
Strategic Environmental Assessment
for the Energy and Transport Sectors

An Action under the
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Administrative Culture and Practice
Organisational and institutional set-up report
– transport III.1

China Academy of Transport Science (CATS)

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Project outline

Policy Instruments for Chinese Sustainable Future focuses on the integration of the environment into transport and energy planning in China, both at the policy level and in terms of concrete measures for the two administrative levels of provinces and municipalities. The implementation of this project will help to build transportation and energy-use systems that are environmentally sound and capable of achieving sustainable development in China. As part of the Asia Pro Eco II Programme the project contributes to the programme's main themes for China: energy savings, improved air quality and reduced emissions of GHGs.

At the heart of this project are two closely related mechanisms that are central to the EU efforts to promote sustainability: Environmental Policy Integration (EPI) and Strategic Environmental Assessment (SEA).

The action targets the inadequate reflection on environmental policy objectives and the weakness of the environment as a cross-sectoral priority and the need for information and knowledge of technical/practical solutions that can lead to immediate improvements in the development of sectoral plans. The 30 months Action consists of four work packages and multiple activities.

For further information please look at:

http://www.epi-in-china.com/project_information/summary.html

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Chapter 6 Administrative Culture and Practices

6.1 National Laws and regulations relevant to environmental protection in transportation

Considering that the legal system is the base of administration, it is needed to skim through Chinese legal system of environmental protection in transportation before the description of administration structure of the transport sector.

The Chinese legal system is based on the China Constitution and is made up of written laws, regulations, directives and local laws, laws of Special Administrative Regions and laws resulting from international treaties entered into by the China government.

The National People's Congress of the China, NPC, is empowered by the China Constitution to exercise the legislative power of the State. The NPC has the power to amend the China Constitution and enact and amend basic laws governing State agencies and civil and criminal matters. The State Council, the central government, is the highest organ of the State administration and has the power to enact administrative rules and regulations. The ministries and commissions under the State Council are also vested with the power to issue orders, directives and regulations within the jurisdiction of their respective departments. All administrative rules, regulations, directives and orders promulgated by the State Council and its ministries and commissions must be consistent with the PRC Constitution and the national laws enacted by the NPC.

At the regional level, the provincial and municipal congresses may enact local rules and regulations and the governments may promulgate administrative rules and directives applicable to their own administrative areas. These local laws and regulations must be consistent with the China Constitution, the national laws and the administrative rules and regulations promulgated by the State Council.

In recent decades of years, all levels of legislature and government of China enacted a number of laws and regulations for environmental protection. Some of that are directly or indirectly to transportation, including but not limited to the next list of laws and regulations.

- Environmental Protection Law of the People's Republic of China, Dec. 26, 1989
- Law of the People's Republic of China on Evaluation of Environmental Effects, Sept. 1, 2003
- Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution, Apr.29, 2004
- Law of the People's Republic of China on Prevention and Control of Water Pollution, May 15, 1996
- Law of the People's Republic of China on Prevention and Control of Environmental Noise Pollution, Oct.29, 1996
- Law of the People's Republic of China on Prevention and Control of Environmental Pollution by Solid Waste, Apr.1, 2005
- Land Administration Law of the People's Republic of China, Dec.29, 1998

- Law of the People's Republic of China on Water and Soil Conservation, June 29, 1996
- Agriculture Law of the People's Republic of China December 28, 2002
- Regulations on the Protection of Basic Farmland, Jan.1, 1999
- Highway Law of the People's Republic of China, Oct.31, 1999
- Port Law of the People's Republic of China, June 28, 2003
- Railway Law of the People's Republic of China, May 1, 1991
- Civil Aviation Law of the People's Republic of China, Oct.30, 1995
- Flood Control Law of the People's Republic of China, Jan.1, 1998
- Fisheries Law of the People's Republic of China, July 1, 1986
- Forest Law of The People's Republic of China, Jan.1, 1985
- Grassland Law of the People's Republic of China, Dec. 28, 2002
- Law of the People's Republic of China on the Protection of Wildlife, Mar.1, 1989
- Mineral Resources Law of the People's Republic of China, Aug.29, 1996
- Regulations of the People's Republic of China on Nature Reserves, Oct.9, 1994
- Regulations on the Administration of Construction Project Environmental Protection, Nov.29, 1998
- Law of the People's Republic of China on Protection of Cultural Relics, Oct.28, 2002
- Regulation on the Prevention and Control of Geologic Disasters, Nov.24, 2003

In the listed laws and regulations, some are focused on the transportation, such as Highway Law, others are focused on other sectors. However, some of items of these laws are relevant to the transportation. For example, the first of the list, Environmental Protection Law, requires all of sectors to take actions to protect environment, the transportation included without doubt.

Besides of the above enacted by the NPC or the State Council, other institutions, regulations by provincial or ministerial and the lower legislature and government will be stated in each paragraph.

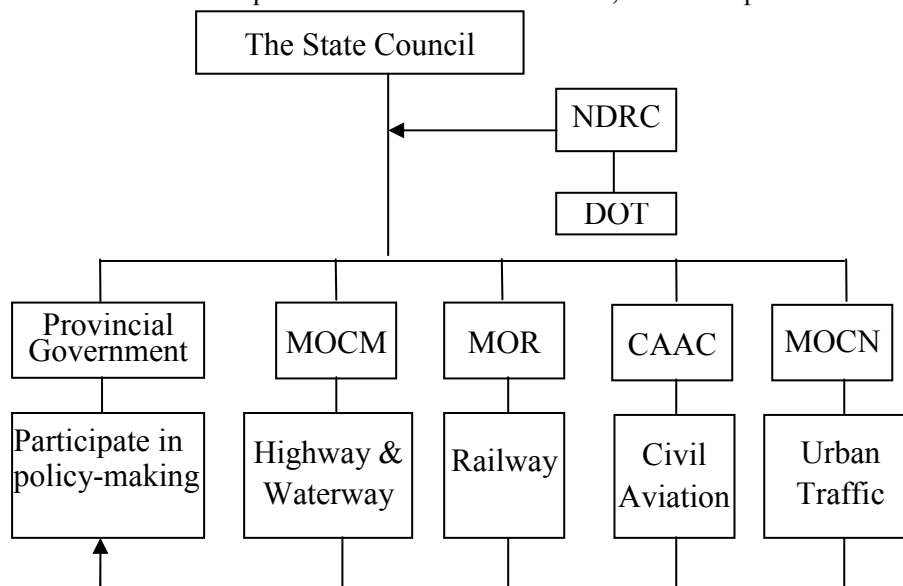
6.2 Administrative structure for the transport sector

6.2.1 National level administrative organizations involved in transport management

In China, the administrative structure for the transport is not like that of most of developed countries, which have a unitary administrative organization, such as the DOT of US. All of modes of transport, highway, waterway, railway, civil aviation, urban traffic and pipeline, have their administrative departments separately under the central government, i.e. the State Council. For example, Ministry of Communications (MOCM) takes charge of highway and waterway, and civil aviation is presided by the General Administration of Civil Aviation (CAAC). Besides, the local government is an important participant and policy-maker in transport planning and policy-making. The last but not the least, the relevant sectors, as the administrative organizations of pipeline, the PetroChina and Sinopec, two large-size oil enterprises, are not included in this report for the sake of correlativity to the project. Then, in short, the Administrative structure for the transport sector is illustrated in the next diagram.

Picture 1: Administrative Structure for the Transport Sector Planning in China

Note: NDRC – National Development and Reform Commission, DOT – Department of Transportation,



MOCM-Ministry of Communications, MOR - Ministry of Railways, CAAC - the General Administration of Civil Aviation of China, MOCN-Ministry of Construction,

6.2.1.1 Responsibilities of the National Development and Reform Commission (NDRC) and the Department of Transportation (DOT)

The National Development and Reform Commission (NDRC) is a macroeconomic management agency under the State Council, which studies and formulates policies for economic and social development, maintains a balance of economic aggregates and guides the overall economic system restructuring.

Among the all of responsibilities of NDRC, some of relevance to transport are as follows:

- To formulate and implement strategies for national economic and social development, long-term plans, annual plans, industrial policies and price policies;
- To monitor and adjust the performance of the national economy, maintain the balance of economic aggregates and optimize major economic structures;
- To examine and approve major construction projects;
- To guide and promote economic system restructuring;
- To promote the sustainable development strategy, social development and coordinated development of regional economy and implement the Western Region Development Program;
- To submit the plan for national economic and social development to the NPC on behalf of the State Council in accordance with the Constitution.

It needs to be emphasized that NDRC’s administration involves all of sectors relevant to economic and social development. Although these sectors and relevant work are not directly charged by NDRC, the plans and important projects need to be consulted with NDRC and get its approval.

Inside the NDRC, as a branch, the DOT is directed to manage the transport affairs. It is needed to clarify that DOT is only a subordinate body of NDRC, like a department of a university.

DOT is responsible for formulating national policies and development strategies for transportation; formulating annual and long-term development plans for transportation; formulating comprehensive transportation plan and coordinating plans of every transportation mode; monitoring and assessing the status of transportation development and its supply and demand; linking up the layout of projects and assessing the feasibility of important projects; making the draft of annual budget for transportation investment.

6.2.1.2 Responsibilities of the Ministry of Communications (MOCM)

As a constituent of the State Council, MOCM is in charge of highway and waterway transportation in China. Major responsibilities of MOCM as follows:

- Formulation of national regulations, policies and development strategies for highway and waterway transportation, and supervision of their enforcement and implementation;
- Formulation of master development plans and mid-term and long-term development plans for highway and waterway transportation, and supervision of their implementation; provision of data and statistics concerning highway and waterway transportation;
- Coordination and control of the transportation of cargoes of national importance, and the transportation of cargoes and passengers for emergency purposes; organization of the implementation of priority national highway and waterway construction projects;
- Provision of national guidelines on restructuring economic systems in highway and waterway transportation; maintenance of fair competition in the transportation sector; guiding the transportation sector to optimizing its structure for coordinated development;
- Organization of the construction and maintenance of highways and highway facilities, and levying of relevant fees; administration of the industries of automobile maintenance and repair, driver training, and of the running of driving schools;
- Organization of the construction and maintenance of waterway infrastructure and levying of relevant fees; administration of waterway safety; survey of vessels and facilities at sea; prevention of pollution by vessels; safeguarding sea navigation; rescue and salvage at sea; telecommunication and navigation services for vessels; administration of the industries of ship agency, ocean shipping tally, and dredging of navigation channels; administration of the utilization of coastlines in the construction of ports and port facilities;
- Formulation of national policies on science and technology in transportation; formulation of national technical standards and specifications, organization of major research and development programs, and promotion of technological advances in the transportation sector; provision of national guidelines for higher education, adult education and occupational education in this sector. About EIA and SEA of transport, some regulations are promulgated, as follows:
 - Specifications for environmental impact assessment of highway;
 - Specifications for environmental impact assessment of inland waterway;
 - Specifications for environmental impact assessment of ports;
 - Measures for the Administration of Environmental Protection of Transport Construction Projects;

- Measures for the administration of Plan environmental impact assessment of transport.
- Management of personnel, labour, salary and institutional affairs of the Ministry of Communications and organizations and institutions directly under its leadership; management of the top leadership of these subordinate organizations and institutions; provision of national guidelines for the development of human resources in highway and waterway transportation;
- International governmental cooperation in highway and waterway transportation; provision of national guidelines in the utilization of foreign investment in this sector; international cooperation involving international organizations in the transportation sector; promotion of international economic and technological exchanges and cooperation in transportation;
- Overall leadership and guidance to public security authorities in the shipping and port industries.

In 2005, the National Expressway Network Plan was formulated by MOCM and approved by the State Council. According to the plan, an expressway system connecting all capitals of provinces, linking major cities and important counties will be constructed by the end of 2020. The network will have a total length of about 85,000 km, including seven originating from Beijing; the Beijing-Shanghai, Beijing-Taipei, Beijing-Hong Kong-Macao, Beijing-Kunming, Beijing-Lhasa, Beijing-Urumchi, and Beijing-Harbin expressways. Now, half of the projects are already underway.

As mentioned at 6.2.1.2 section, NDRC is a macroeconomic management agency and MOCM is a direct administration organization of transport sector. Although MOCM is not a subordinate of NDRC, the plans and important projects need to be consulted with NDRC and get its approval.

6.2.1.3 Responsibilities of the Ministry of Railways (MOR)

MOR is the sector of the State Council in charge of Chinese Railways. Its core functions are:

- to draft the strategy of development, policy and statutes of the railway industry,
- make the uniform rules and regulations for the Chinese Railways with the supervision of their execution;
- to draw up the developing plan for the railway industry, and make the annual plan and provide guidance for their implementation;
- to be in charge of the administration of the railway construction, organize and manage large and medium-sized railways construction projects;
- to draft the railways industry's technological policies, standards and management regulations, and organize important researches on new technology and products to evaluate their achievements;
- to promote and guide Chinese Railways' reform;
- appoint and remove main leaders of railway enterprises and the units affiliated directly to the Ministry of Railways;

- to be in charge of Chinese Railways' financial work, arrange the use of the national construction funds and capitals, and manage the of expenditure of the railways industry;
- to be in charge of the dispatching of Chinese Railways, supervising and examining the railways' safety operation and the whole industry's atmosphere;
- to be responsible for the foreign affairs of the Chinese Railways and other international communication and economic cooperation.

In 2004, the National Mid-long term Railway Network Plan was formulated by MOR and approved by the State Council. According to the plan, the network will have a total length of about 100,000 km by the end of 2020. The passenger train and freight train will have separate lanes between main stations. The ratio of double-line and electrization can achieve to 50%.

6.2.1.4 Responsibilities of the General Administration of Civil Aviation (CAAC)

Directly under the State Council (National Governmental level), the General Administration of Civil Aviation of China (CAAC) is a ministry-level organ, which is responsible for the national civil aviation affairs. The core roles of the CAAC are as follow:

- Studying and putting forward the guiding principles, policies and strategies for the development of civil aviation industry, drafting civil aviation laws and regulations and supervising its implementation, promoting and guiding the structural reform of civil aviation industry and the corporate reform;
- Drawing out plans for civil aviation industry's medium and long term development, carrying out macro-control over the industry, and responsible for comprehensive statistics and information dissemination within the whole industry;
- Formulating policies, rules and regulations to ensure civil aviation safety, supervising and administrating the flight safety and ground safety, formulating the criteria for accidents and incidents, and investigating and handling aircraft accidents as provided;
- Formulating civil aviation flight standards and administrative rules and regulations, carrying out operational certification and continuous supervision and inspection on civil aircraft operators, responsible for the management of credentials for civil aviation pilots and flight dispatchers, examining and approving the flight procedures and minimum operation requirements for airports, and taking charge of the civil aviation sanitary tasks;
- Formulating the standards and rules and regulations on aircraft airworthiness administration, taking charge of aircraft type certification, production licensing, airworthiness certification, nationality registration, maintenance licensing and qualification regulation of maintenance personnel and ensuring such supervision and inspection are carried out in a continuous manner;
- Formulating the standards, rules and regulations on the civil aviation air traffic management, drawing out the civil aviation airspace plans, responsible for the construction and management of civil air routes, air traffic management and air traffic controllers' qualification regulation, and administrating the civil aviation navigation communication, aeronautical information and aeronautical meteorology;

- Formulating standards, rules and regulations for airport construction and safe operation, supervising the airport construction and safe operation, examining and approving the general airport plans, issuing certificates to airports, carrying out industrial regulation on airport airfield, environmental protection and airport-occupied land;
- Formulating standards and regulations for civil aviation security, administrating civil aviation security, supervising, inspecting, preventing and dealing with hijacking and aircraft explosion, providing guidance on the handling of major unlawful interference incidents affecting civil aviation safety, administrating and guiding airport security check, public security, fire-fighting and rescue and relief work;
- Formulating policies, rules and regulations for air transport and general aviation, regulating air transport and general aviation market, issuing operation permits to civil aviation enterprises, organizing and coordinating important transport tasks;
- Studying and putting forward pricing policy and economic regulation measures for civil aviation industry, monitoring the economic benefits of civil aviation industry, managing relevant budget funds, examining and approving the applications of enterprises for purchasing and leasing civil aircraft, studying and putting forward industry salary policy, regulating and providing guidance on wage policies of entities affiliated to the CAAC;
- Leading the various administrations in different regions, autonomous regions and municipalities and regulating civil aviation related institutions and colleges, supervising cadres within the extent as provided, organizing and providing guidance on training and education;
- Representing the country in handling civil aviation affairs involving foreign countries, responsible for negotiating and signing Air Service Agreements with foreign countries and supervising their implementation, safeguarding the national aviation interests, taking part in the ICAO activities and inter-governmental organizations as well as multilateral activities concerning civil aviation affairs, and handling civil aviation affairs involving Hong Kong, Macau and Taiwan.

6.2.1.5 Responsibilities of the Ministry of Construction (MOCN)

MOCN is the sector of the State Council in charge of municipal and rural construction, housing administration and other relevant public infrastructure affairs, such as water supply & sewerage work. For public transport, generally, its administration is one of responsibilities in most of provinces of China, including Shaanxi, the province of our case study, but it is exceptional in some metropolises with a unitary transport administration department, such as Beijing, Shanghai, Chengdu, Chongqing, etc.

At the end of the section, we should take note of the prospect that a unitary Ministry of Transport Administration, which maybe approved to be established by The National People's Congress of China in March, 2008. If it turns true, the status quo of so called one mode, one department will be changed and the coordination of all of transport modes will be strengthened. And there would be only one segment to this report of the administration structure for transport sector in this case.

6.2.2 Provincial level administrative organizations involved in transport management

6.2.2.1 Responsibilities of the Provincial Development and Reform Commission (DRC)

Shaanxi Development and Reform Commission (DRC) is a macroeconomic management agency under the provincial government, which studies and formulates policies for economic and social development, maintains a balance of economic aggregates and guides the overall economic system restructuring. To some extent, responsibilities of DRC are alike to NDRC, with a smaller administrative district.

Its major responsibilities relevant to transportation include some aspects, as follows:

Study and prepare the provincial economic and social development strategies, mid- and long-term plans and annual plans and put them into operation; research and formulate the economic adjustment goals, policies and measures for the province in accordance with the requirements of the state on macro-regulation; submit on behalf of the Provincial Government to the Provincial People's Congress reports on the provincial plan for economic and social development.

Study and analyze the provincial economic situation and development, monitor and forecast the economic operation of the province, and set forth emergency plans; look into key issues in provincial economic and social development and coordinate the work, propose policies, measures and recommendations.

Study key issues relating to economic restructuring and opening up of the province, take the lead in formulating comprehensive economic restructuring plans, coordinate special economic reform programs, and direct and coordinate pilot projects for economic restructuring; study issues related to the reform and development of the provincial development zones and coordinate the implementation of relevant policies.

Propose local plans for the overall scale of investment in fixed assets for the whole society, investment structures and capital balance, develop plans for key projects of the city and their layout; examine, approve and submit for approval fixed assets investment projects, arrange and coordinate key investment projects overseas, arrange government funding for construction, guide and oversee the use of policy-based loans, and guide the investment of non-governmental funds in fixed assets; study and propose development strategies and goals for using foreign investment and investment overseas, formulate relevant policies and be responsible for the aggregate control, structure optimization and monitoring of all foreign debts; guide and coordinate bid invitation and tendering.

Study and propose strategies for the provincial sustainable development, formulate land supply plans and propose policy recommendations for a balance between economic and social development and land resources; formulate plans for the development of such basic sectors as energy, for the exploration and utilization of resources and for the improvement of ecosystem, guide the work to save and make comprehensive utilization of resources, and coordinate the development of environmental protection industries.

6.2.2.2 Responsibilities of the Provincial Department of Communication (DOCM)

Shaanxi Provincial Department of Communication (DOCM) is responsible for transportation policymaking and planning of Shaanxi Province. Its main functions as follows:

- Implement relevant national guidelines, policies, laws and regulations regarding the development of transportation; research on and draft local regulations and rules on transportation and oversee their enforcement;
- Formulate medium- and long-term and annual plans on the development of highway and waterway and charge of their enforcement. A 5-year plan means the medium plan and a long-term plan may be extended to 20 years, Shaanxi Expressway Network Plan, the object of case study, is an example of long term plan till to 2020.
- Promote the optimization of the structure of comprehensive transportation; Undertake comprehensive statistical work of the provincial transportation;
- Formulate rules governing qualifications of and market access for the transportation; study and work out local technical standards and operation and service standards for transportation;
- Construct, manage and maintain the infrastructure of roads and waterway;
- Participate in the research on and implementation of investment and financing policies of the development of transportation;
- Formulate development outlooks and plans for scientific and technological progress in the city's transportation industry; provide guidance to the research, development and popularization work in major projects of transportation science and technology;
- Undertake foreign exchanges and cooperation for the provincial transportation;
- Manage the local civil aviation.

Similar to the relation of MOCM with NDRC, DRC play an endorser-role in plans and key projects of DOCM.

6.3 Environmental responsibilities of EPB

6.3.1 Environmental responsibilities of State Environmental Protection Administration (SEPA)

State Environmental Protection Administration (SEPA) follows the principle of taking natural ecological conservation and environmental pollution prevention as the main tasks; strengthening supervision on nuclear safety and enhancing environmental enforcement; improving supervision and administration; sticking to people-oriented principles; safeguarding the environmental rights and interests of the public, and promoting the sustainable development of society, economy and environment. Its major responsibilities are as follows:

- Formulating general and specific policies, laws and regulations, and administrative rules and regulations; conducting environmental impact assessment entrusted by the State Council on major economic and technical policies, development programs and major economic development plans; formulating national environmental protection programs; organizing the formulation and supervision of pollution prevention plans and ecological conservation plans in key regions and river basins identified by the Central Government; and formulating environmental zoning programs.
- Formulating and organizing the implementation of laws, rules and regulations on pollution prevention of air, water, soil, noise, solid wastes, toxic chemicals and vehicle emission; and guiding, coordinating and supervising marine environmental protection.
- Supervising the development and utilization activities of natural resources with impact on natural environment, major eco-environmental construction work and rehabilitation of ecological damages; supervising and inspecting the environmental protection in various kinds of nature reserves, scenic spots and forest parks; supervising and inspecting bio-diversity conservation, wild life and species conservation, wetland environmental protection, and desertification combating; proposing recommendations to the State Council on approving new national nature reserves of various kinds; supervising the management of national nature reserves; and serving as the head organization in charge of biological species resources (including biological genetic resources) management and exotic invasive species management.
- Guiding and coordinating major environmental problems in local regions, departments and cross-regions and cross river basins; looking into and handling major environmental pollution accidents and ecological damages; coordinating inter-provincial environmental pollution disputes; organizing and coordinating pollution prevention in key national river basins; taking charge of environmental supervision and inspection; organizing national inspection on environmental enforcement.
- Formulating national standards of environmental quality and pollutant discharge, releasing the standards in due procedures determined by the state; taking charge of filing standards of local environmental protection; reviewing the environmental protection component of urban development master plans; organizing the formulation of national environmental quality reports; releasing national bulletin on environmental status; releasing information on the

status of environmental quality in key cities and river basins on a periodic base; and participating in formulating national outline of sustainable development.

- Formulating the regulatory regime of environmental management and organizing its implementation; approving EIA Reports of the development and construction activities; guiding comprehensive environmental control in both urban and rural areas; taking charge of rural eco-environmental protection; and guiding the establishment of ecological demonstration zones and ecological agriculture across the country;
- Organizing researches and development, and technical demonstration projects of environmental protection; administrating environmental management system and environmental label certificating in the entire country; setting up and organizing the implementation of certification regime of qualification for environmental protection; and guiding and promoting the development of environmental industries;
- Responsible for environmental monitoring, statistics, and information; formulating environmental monitoring system and norms; organizing establishment and management of national environmental monitoring network and national environmental information network; organizing supervision on monitoring of environmental quality and pollution sources across the country; organizing, guiding and coordinating environmental promotion, education, and publishing work; and promoting the participation of the public and NGOs.
- Drawing up basic national principles on global environmental issues; administrating international cooperation and exchanges on environment; participating in and coordinating important international environmental activities; participating in negotiation of international environmental conventions; acting as focal point of managing, organizing and coordinating the implementation activities of international conventions in China; administrating foreign economic cooperation in the environmental protection system; coordinating and implementing relevant overseas funded projects; handling international affairs of environmental protection entrusted by the State Council; and responsible for liaison with international environmental organizations.
- Responsible for the management of nuclear safety, radiation environment and radioactive wastes, and drawing up relevant general and specific policies, laws, rules and regulations, and standards; involved in emergency response work of nuclear accidents and radiation environmental accidents; conducting integrated supervision and management on pollution prevention of the safety of nuclear facilities, electromagnetism radiation, nuclear technology application, and the development and utilization of mineral resources with radioactivity; carrying out safety monitoring on the control of nuclear materials and pressure-bearing nuclear facilities.
- Responsible for the institutional and human resources management of SEPA; organizing the institutional and administrative management reforms in the national system of environmental protection; and taking charge of dual management on leaders and cadres in the environmental protection system.

As the administration organization for EIA and SEA, a great number of regulations and guidelines need to be abided by in the process of EIA and SEA, which are enacted by SEPB. To the transport sector, main regulations and guidelines include:

- Technical guidelines for plan environmental impact assessment;
- Technical guidelines for environmental impact assessment-general principles;
- Technical guidelines for environmental impact assessment- atmospheric environment;
- Technical guidelines for environmental impact assessment- Ecological environment of nature resource development;
- Technical guidelines for environmental impact assessment- Surface water environment
- Technical guidelines for noise impact assessment;
- Measures of the Public Participation in Environmental Impact Assessment.

In an order about EIA and SEA of highway promulgated at Dec.13, 2007, SEPB emphasized that SEA is a prerequisite to the approval of national and provincial highway plan. Further more, the EIA report of the project not included in the plan after SEA will not be approved by EPB. Correspondingly, the project will not be approved by relevant administration sector, such as DRC.

6.3.2 Environmental responsibilities of Shaanxi Provincial Environmental Protection Administration

The key roles and responsibilities of the Shaanxi Provincial Environmental Protection Administration (EPA) are:

- Implement national laws, regulations, policies and guidelines on environmental protection.
- Draft local regulations and rules on environmental protection and implementation details, and organize the implementation and supervision.
- Carry out EIA process for major provincial economic policies authorized by the provincial government. Develop Shaanxi Provincial Environmental Protection Plan.
- Enforce laws and regulations on control of air, water, soil, noise pollution, radiation and poisonous chemical substance, and automobile pollution, etc.
- Supervise natural resource exploitation and use activities that have potential impacts on the ecological environment. Major ecological construction and recovery projects. Supervise environmental protection activities in various nature reserves. Advise the provincial government to apply national nature reserve projects and to review provincial nature reserves.
- Guide and coordinate the treatment of major environmental problems in different areas and sectors of the province and trans-area or trans-catchment-area environmental problems. Centralized management of environmental inspection across the whole province under different departments. Collection of sewage discharge fee. Environmental administrative inspection. Organize the check of environmental law enforcement in the whole province.
- Supervise the implementation of different environmental standards and pollution emission control standards issued by the state. Organize the drafting of local environmental protection standards and supervise the implementation upon their approval.
- Set up and organize the implementation of environmental management systems. Guide integrated environmental improvement activities in rural and urban areas. Organize the inspection of environmental protection responsibility system in the whole province.

- Organize the development of environmental protection sciences and technologies. Organize the implementation of technological pilot projects.
- Manage environmental monitoring, environmental statistics and environmental information. Establish environmental monitoring system and regulations. Organize the construction of provincial environmental monitoring network and environmental information network.
- Organize international cooperation and exchanges and the fulfilment of international agreements in the province. Manage the economic cooperation between the environmental protection organizations of this province and others.
- Management of the province's nuclear safety, radioactive environment and radiation waste.

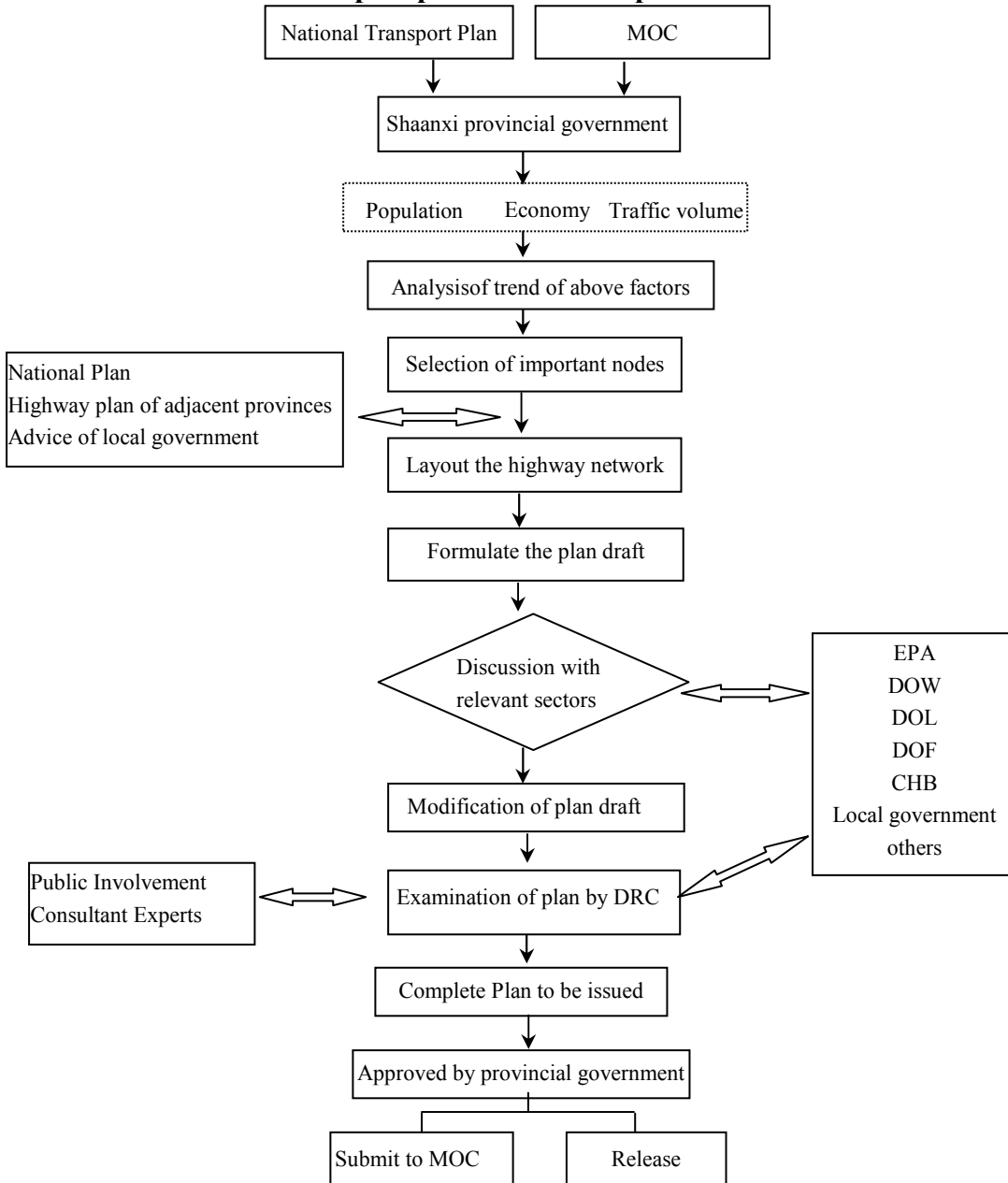
6.4 The formulating process of the transport plan and roles played by relevant sectors

In the next chart demonstrates the formulating process of the transport plan. The provincial government of the Shaanxi province orders Department of Communication to formulate the provincial transport plan after the national level transport plan is promulgated. Based on the demand of population and cities layout, economic and social development, a layout of highway network will be drafted. In this process, a large amount of data will be collected and analyzed to forecast the traffic volume of every corridor. Need to be mentioned, the advice from local governments is very important.

Second to the drafting stage, the draft plan will be discussed with relevant sector departments, such as EPA, DOL, DOL, etc. Especially, EPB is not only a reviewer of SEA and EIA report of plans or projects, but is a consultant in the formulating process of the plan, and then some environment sensitive sites can be avoided at the beginning stage.

After the interaction with other relevant sectors, DOCM will modify the draft of plan and submit it to DRC for examination. At the meeting of examination, experts from public and representatives from relevant sectors will be appraisers. According to the appraisal, DOCM will amend the plan to get the approval of provincial government.

Picture 1: Provincial transport plan elaboration process



Note: MOC – Ministry of Communications, EPA – Environmental Protection Agency, DOW- Department of Water Resources, DOL-Department of Land and Resources, DOF-Department of Forestry, CHB-Cultural Heritage Bureau, DRC – Development and Reform Commission

During the formulating process of a plan, the relevant sectors and public can participate in the policy-making at various stages. One highway network plan is not drawn up by the transport sector independently. However, many relevant sectors, experts and public are involved in it. To sum up, one plan is a result of coordination among every stakeholder.