

# CHINA LEGAL BRIEFING\* 183

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**Catalogue of Items and Basis of Administrative Permit  
Executed by the State Environmental Protection  
Administration Enacted by Laws and Regulations on  
Environmental Protection (HuanBan(2008)16)**

环境保护法律、法规设定的由国家环保总局实施的行政许可项目  
及依据目录(环办(2008)16号)

Issued By           **State Environmental Protection Administration**  
Subject             **Administrative Permit**  
Promulgated on    **February 17<sup>th</sup> 2008**  
Effective from     **February 17<sup>th</sup> 2008**  
Source             [www.sepa.gov.cn](http://www.sepa.gov.cn)

The Catalogue is a summarization of the items of administrative permits that shall be executed by the State Environmental Protection Administration (SEPA), and it consists of 23 administrative permits with explanations on their legal basis and the competent authorities.

I.           The administrative permits are:

1. Examination and Approval on Documents regarding Environmental Impact of Construction projects;
2. Censorship on Qualification of Appraisal Unit on Environmental Impact of Construction projects;
3. Checkup and Acceptance on Environmental Protection Facilities of Construction Projects;
4. Examination and Approval on Importation of Solid Waste that Usable as Materials which Importation is Limited by the State;
5. License for Management of Hazardous Waste;
6. Approval on Trans-border Transfer of Hazardous Waste;
7. Cognizance on Designated Enterprise to Process and Utilize Waste Electric Appliances which are Limited to be Imported by the State;
8. Registration for Environmental Administration on Imported Hazardous Chemicals;
9. Approval and Issuance of Certificate of Registration for Environmental Administration on Exportation of Hazardous Chemicals;
10. Approval and Issuance of Certificate of Registration for Environmental Administration on New Chemical Substance;
11. Examination and Approval on Licenses of Production and Quota of Importation for Substances Consuming Ozonosphere;
12. Approval and Issuance of Licenses of Construction and Operation for Civil Nuclear Facilities and Examination and Approval on Loading and Out of Commission;

13. Permits on Production, Distribution and Utilization of Radioactive Isotope and Radial Facilities;
14. Examination and Approval on Importation of Radioactive Isotope that Falls into the Catalogue of Limitation on Importation and Exportation;
15. Approval and Issuance of License for Storage and Disposal on Radioactive Solid Waste;
16. Ratification on Qualification of Protection, Control and Inspection on Radioactive Pollution, and Approval and Issuance of License of Qualification of Experts on Protection and Control on Radioactive Pollution;
17. Approval and Issuance of License for Operation Personnel on Civil Nuclear Facilities;
18. Approval on License of Civil Nuclear Materials;
19. Approval and Issuance on Licenses of Design, Manufacture, Installation and Nondestructive Testing on Civil Nuclear Safety Equipments;
20. Approval and Issuance on Licenses of Welding and Solderer on Civil Nuclear Safety Equipments;
21. Approval on Certificate of Qualification for Nondestructive Testing Personnel for Civil Nuclear Safety Equipments;
22. Registration of Overseas Organizations Engage In Design, Manufacture, Installation and Nondestructive Testing on Civil Nuclear Safety Equipments within China; and
23. Cognizance on Qualification of Operation Unit on Environmental Protection Facilities.

II. Item I: Documents regarding Environmental Impact of Construction projects

As for those FIEs which engage in production activities instead of merely consulting, trading etc, before their application for the initial establishment of the enterprises or newly constructions of production lines or new construction projects and etc. goes to other competent authorities such as MOFCOM, they have to prepare certain documents or retain a qualified agency to prepare certain documents to be submitted to SEPA or its authorized branches for the prior approval. Without the prior approval from SEPA or its authorized branches concerning the environmental protection, it is not possible for the manufacture enterprises to obtain approvals from other competent authorities for the establishment or the new construction projects.

The main concerns of SEPA or its authorized branches for the examination and approval on the documents prepared by the applicants are whether or not the construction projects are comply with the 1) related laws and regulations on environmental protection; 2) general layout of the specific city or region; 3) national industrial policies and requirements on

depurate production; 4) environmental functions standard of the places where the projects located; and 5) whether or not the intended protection and control measures on pollutions are in line with the national or local standards; and 6) whether or not the intended protection measures on ecological environment will effectively defend and control the destroy on ecological environment.

The examination procedures are mainly: 1) Investors of the construction projects shall file the documents to the SEPA; 2) SEPA shall undertake examination on the project; 3) SEPA approves the project; then 4) hearing and information disclosure to the public.

The whole procedures will take around 60 working days or generally less than 90 working days where hearing or special appraisals are required or generally less than 120 working days for specific significant and serious projects. And the administrative permit shall be free of charge.

### III Item 3: Environmental Protection Facilities of Construction Projects

According to the related laws and regulations, the environment protection facilities of construction projects shall be designed, built and commissioned together with the principle part of the construction project. No permission shall be given to the construction projects to be put into test (trial) operation until the environment protection facilities are examined and approved by the competent administrative department in charge of environment protection; and no permission shall be given to the construction projects to be commissioned or used until the environment protection facilities are checked and accepted by the competent administrative department in charge of environment protection or considered to be up to standards after having been checked and accepted.

The examination shall be finished within 30 days as of the application for checking and acceptance of the environmental protection facilities was submitted. Only upon approval on the environmental protection facilities can the construction project be entered into use.

**Decision of the General Administration of Customs  
concerning Amending the Measures of the Customs of the  
People's Republic of China for the Supervision of Processing  
Trade Goods (Decree No.168)**

海关总署关于修改《中华人民共和国海关对加工贸易货物监管办法》的决定(海关总署令第168号)

Issued By	<b>China Customs</b>
Subject	<b>Processing Trade</b>
Promulgated on	<b>January 14<sup>th</sup> 2008</b>
Effective From	<b>March 1<sup>st</sup> 2008</b>
Source	<a href="http://www.customs.gov.cn">www.customs.gov.cn</a>

The Measures were promulgated by China Customs on 26 February 2004 by its decree order No. 113, and came into force as of 1 April 2004. China Customs decided to amend such Measures for the purpose of adapting to the changes in processing trade industry.

Paragraph 11 of Article 3 of the Measures is amended as: "The term 'outward processing' refers to the act that an operating enterprise, due to the restrictions from its own production characteristics and conditions, upon the approval of the customs and after having gone through the relevant formalities, entrusts a contracting enterprise to process the goods processing trade and transport the processed goods back to the operating enterprise within the prescribed time limit for final re-export."

Paragraph 12 of Article 3 of the Measures is deleted simultaneously. Item 2 of Article 25 of the Measures is deleted.

Paragraph 1 of Article 23 of the Measures is amended as: "The operating enterprise may undertake outward processing business upon the approval of the customs, and it shall abide by the relevant administrative provisions on outward processing."

Article 24 of the Measures is amended as: "Upon the approval of the competent customs of the place where the operating enterprise is located, it is allowed not to carry back the finished products and residual materials of outward processing as well as the leftover materials, shoddy and defective products, byproducts and other processing trade goods generated during the processing."

Article 42 of the Measures is amended as: "Where any one, in violation of the present Measures, commits smuggling or any other act against the customs supervision provisions or the Customs Law, it/he shall be punished by the customs according to the relevant provisions of the Customs Law of the People's Republic of China and the Regulation of the

People's Republic of China on the Implementation of Customs Administrative Punishment; in case a crime has been constituted, the offender shall be subjected to criminal liabilities."

## **Circular of the State Council on Promoting the Economical and Intensive Utilization of Land (GuoFa [2008] No. 3)**

国务院关于促进节约集约用地的通知(国发[2008]第3号)

Issued By	<b>State Council</b>
Subject	<b>Utilization of Land</b>
Promulgated on	<b>January 3<sup>rd</sup> 2008</b>
Effective from	<b>January 3<sup>rd</sup> 2008</b>
Source	<a href="http://www.gov.cn">www.gov.cn</a>

The State Council believes that China is now experiencing a fast development of industrialization and urbanization, and the conflict between supply and demand of construction land is become more and more serious. The Circular shows the main principles and guidelines.

The effect of the general plans for land use shall be intensified;  
Scientific planning of major infrastructure projects and basic industries shall be conscientiously strengthened;  
The size of urban land shall be controlled strictly;  
The standards of land-use shall be controlled strictly;  
General survey and evaluation of the construction land shall be launched;  
Measures on handling idle land plots shall be implemented strictly;  
Utilization of the unutilized land and discarded land shall be actively guided;  
The development and utilization of the over-ground and underground spaces shall be encouraged;  
Development zones shall be encouraged to raise the land use rate;  
The reform of the system of compensated use of land shall be promoted deeply;  
Construction land reserve system shall be perfected;  
The scale of the assigned land shall be determined rationally;  
Assignment system of industrial land and profit-oriented land shall be implemented strictly by means of public bidding, auction or listing;  
Management of land use contracts shall be strengthened;  
The structure of the land used for housing shall be optimized;

The planning and management of the land used for construction of rural collective organizations shall be highly emphasized;

The improvement of the utilization efficiency of rural land used for construction shall be encouraged;

The policy that one rural household can own one piece of land for building house shall be implemented strictly;

Dynamic monitoring system of the market of land shall be established;

The system of completion-based checking and acceptance of construction project shall be perfected;

The monitoring of all kinds of land changes shall be strengthened;

Supervision of economical and intensive land use shall be strengthened; and

It is necessary to establish a test system of economical and intensive land use.

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