

商务部 环境保护部关于印发《对外投资合作环境保护指南》的通知
对外投资合作环境保护指南

Notice on “ The Guideline of Environment Protection for Overseas Investment and Cooperation”

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The Guideline of Environment Protection for Overseas Investment and Cooperation

第一条 为指导中国企业进一步规范对外投资合作活动中的环境保护行为,及时识别和防范环境风险,引导企业积极履行环境保护社会责任,树立中国企业良好对外形象,支持东道国的可持续发展,制定本指南。

1. In order to guide Chinese companies to further standardize environmental protection behavior in the activities of overseas investment, and to identify and prevent environmental risks in time, and guide companies to actively fulfill the social responsibility of environmental protection, and establish a favorable overseas image of Chinese enterprises to support host nations' sustainable development, this guideline is established.

第二条 本指南适用于中国企业对外投资合作活动中的环境保护,由企业自觉遵守。

2. This guideline applies to environmental protection in overseas investment and cooperation activities of Chinese enterprises. Enterprises should consciously abide by the guideline.

第三条 倡导企业在积极履行环境保护责任的过程中,尊重东道国社区居民的宗教信仰、文化传统和民族风俗,保障劳工合法权益,为周边地区居民提供培训、就业和再就业机会,促进当地经济、环境和社区协调发展,在互利互惠基础上开展合作。

3. In the process of fulfilling their environmental protection responsibilities, Chinese enterprises should respect the religion, culture traditions and ethnic customs of the communities of host nations. In addition, ensuring the protection of the legal rights of laborers, providing job training and opportunities of employment and re-employment for the residents in the surrounding areas, and encouraging the coordinated development of local economy, environment and communities, all cooperation activities should be carried out on the basis of mutual benefits and reciprocity.

第四条 企业应当秉承环境友好、资源节约的理念,发展低碳、绿色经济,实施可持续发展战略,实现自身盈利和环境保护“双赢”。

4. Enterprises should adhere to the environmentally friendly and resource saving concept. Enterprises should develop low-carbon and green economy, carry out a sustainable development strategy and achieve profitability and environmental protection on the “win-win” basis.

第五条 企业应当了解并遵守东道国与环境保护相关的法律法规的规定。企业投资建设和运营的项目，应当依照东道国法律法规规定，申请当地政府环境保护方面的相关许可。

5. Companies should understand and comply with the environmental protection related laws and regulations in host nations. Companies should also follow host nations’ laws and regulations and apply for environment protection licenses when investing in construction and operation projects.

第六条 企业应当将环境保护纳入企业发展战略和生产经营计划，建立相应的环境保护规章制度，强化企业的环境、健康和生产安全管理。鼓励企业使用综合环境服务。

Enterprises should integrate environmental protection into their development strategy and plans for production and operation. They should establish related regulations for environmental protection and strengthen the management for environment, health and production safety. We encourage companies to use comprehensive environmental services.

第七条 企业应当建立健全环境保护培训制度，向员工提供适当的环境、健康与生产安全方面的教育和培训，使员工了解和熟悉东道国相关环境保护法律法规规定，掌握有关有害物质处理、环境事故预防以及其他环境知识，提高企业员工守法意识和环保素质。

7. Enterprises should build up and optimize the regulation of environmental protection training for staff. They should provide proper training and education for environmental, health and production safety. Employees should therefore understand and be familiar with the environmental protection laws and regulations of the host nations and acquire knowledge related to handling hazardous materials, environmental accidents prevention, as well as other environmental knowledge. Through this process, employees’ awareness of laws and environmental protection will be raised.

第八条 企业应当根据东道国的法律法规要求，对其开发建设和生产经营活动开展环境影响评价，并根据环境影响评价结果，采取合理措施降低可能产生的不利影响。

8. Enterprises should carry out environmental impact assessment regarding their construction and operation activities in accordance with the laws and regulations in host nations. According to the results of the assessment, companies should take measures to reduce the potential impacts.

第九条 鼓励企业充分考虑其开发建设和生产经营活动对历史文化遗产、风景名胜、民风民俗等社会环境的影响，采取合理措施减少可能产生的不利影响。

9. When operating their development, construction and production activities, enterprises are encouraged to fully consider and minimize the impacts on local historical and cultural heritage, scenic areas, traditional customs and the social environment.

第十条 企业应当按照东道国环境保护法律法规和标准的要求，建设和运行污染防治设施，开展污染防治工作，废气、废水、固体废物或其他污染物的排放应当符合东道国污染物排放标准规定。

10. Companies should follow the requirements of the environmental protection laws and regulations of host nations and build and operate pollution control facilities. The emission of polluted air, water, solid and other pollutants should conform to the emission standards of host nations.

第十一条 鼓励企业在项目建设前，对拟选址建设区域开展环境监测和评估，掌握项目所在地及其周围区域的环境本底状况，并将环境监测和评估结果备案保存。鼓励企业对排放的主要污染物开展监测，随时掌握企业的污染状况，并对监测结果进行记录和存档。

11. Enterprises are encouraged to carry out environmental assessment and survey in the chosen locations before the construction. The background conditions of the surrounding areas where the project is located should be well known and the results of environmental survey and assessment should be recorded. Enterprises are also encouraged to monitor the emission of the major pollutants, in order to know the pollution condition. The results of the monitoring should be recorded and filed.

第十二条 鼓励企业在收购境外企业前，对目标企业开展环境尽职调查，重点评估其在历史经营活动中形成的危险废物、土壤和地下水污染等情况，以及目标企业与此相关的环境债务。鼓励企业采取良好环境实践，降低潜在环境负债风险。

12. Enterprises are encouraged to carry out the environmental due diligence of target companies before acquiring overseas enterprises. The focus of the survey should include an assessment of the company's history of hazardous waste, soil, and groundwater pollution and the target company's liabilities associated with the company's operations. Enterprises are encouraged to adopt sound environmental practices in order to reduce the potential risks of environmental liabilities.

第十三条 企业对生产过程中可能产生的危险废物，应当制订管理计划。计划内容应当包括减少危险废物产生量和危害性的措施，以及危险废物贮存、运输、利用、处置措施。

13. Enterprises should make management plans to deal with the dangerous waste produced during operations. Plans should include measures for reducing the amounts and harmfulness of the dangerous waste produced, as well as measures for the storage, transportation, usage and disposal of waste.

第十四条 企业对可能存在的环境事故风险，应当根据环境事故和其他突发事件的性质、特点和可能造成的环境危害，制订环境事故和其他突发事件的应急预案，并建立向当地政府、环境保护监管机构、可能受到影响的社会公众以及中国企业总部报告、沟通的制度。

应急预案的内容包括应急管理工作的组织体系与职责、预防与预警机制、处置程序、应急保障以及事后恢复与重建等。鼓励企业组织预案演练，并及时对预案进行调整，鼓励企业采取投保环境污染责任保险等手段，合理分散环境事故风险。

14. As there may be a risk of environmental accidents, companies should make contingency plans to deal with accidents and emergencies according to the nature, characteristics and the level of damage of the incident. Also, a system should be built for reporting accidents to the local government, environmental protection agencies, affected communities and corporate headquarters in China.

Contingency plans include the organizational system and responsibilities of emergency management, prevention and early warning mechanisms, procedure for managing the situation, emergency support, and subsequent recovery and reconstruction. Enterprises are encouraged to organize practice exercises for facing severe incidents, and to adjust the plans in a timely manner. In order to reasonably disperse the risks of environmental accidents, companies are encouraged to adopt pollution liability insurance and use other means.

第十五条 企业应当审慎考虑所在区域的生态功能定位，对于可能受到影响的具有保护价值的动、植物资源，企业可以在东道国政府及社区的配合下，优先采取就地、就近保护等措施，减少对当地生物多样性的不利影响。对于由投资活动造成的生态影响，鼓励企业根据东道国法律法规要求或者行业通行做法，做好生态恢复。

15. Enterprises should carefully consider the ecological functions of the area. For those plants and animal resources that can be easily affected, companies may carry out protection procedures under the principle of in situ conservation with the help of the host nation and local communities, which can reduce the negative impacts on local biodiversity. With regards to those environmental impacts caused by investment activities, enterprises are encouraged to conduct environmental restoration according to the laws and regulations of the host nations and industry practice.

第十六条 鼓励企业开展清洁生产，推进循环利用，从源头削减污染，提高资源利用效率，减少生产、服务和产品使用过程中污染物的产生和排放。

16. Enterprises are encouraged to carry out clean production, promote recycling, reduce pollutants at the source, raise the efficiency of resource use and reduce the production and emission of pollutants in the process of production, service and use of products.

第十七条 鼓励企业实施绿色采购，优先购买环境友好产品。鼓励企业按照东道国法律法规的规定，申请有关环境管理体系认证和相关产品的环境标志认证。

17. Enterprises are encouraged to implement green procurement and give priority to purchasing eco-friendly products. Enterprises are also encouraged to apply for environmental management system identifications and environmental certification and product environmental certification in accordance with the laws and regulations of host nations.

第十八条 鼓励企业定期发布本企业环境信息，公布企业执行环境保护法律法规的计划、采取的措施和取得的环境绩效情况等。

18. Enterprises are encouraged to release their environmental information regularly, including plans to follow environmental protection laws, procedures undertaken and environmental measures that have been carried out successfully.

第十九条 鼓励企业加强与东道国政府环境保护监管机构的联系与沟通，积极征求其对环境保护问题的意见和建议。

19. Enterprises are encouraged companies to strengthen the communication and contacts with the environmental protection monitoring agencies in the host nations; actively soliciting the advice and opinions regarding environmental protection issues.

第二十条 倡导企业建立企业环境社会责任沟通方式和对话机制，主动加强与所在社区和相关社会团体的联系与沟通，并可以依照东道国法律法规要求，采取座谈会、听证会等方式，就本企业建设项目和经营活动的环境影响听取意见和建议。

20. Enterprises should promote corporate social responsibility and build communication and dialogue mechanisms. Enterprises should take the initiative to strengthen communication with the local communities and related social organizations. Also, according to the laws and regulations of host nations, enterprises may hold seminars and public hearings in order to gather suggestions and feedback about their environmental impacts of business activities.

第二十一条 鼓励企业积极参与和支持当地的环境保护公益活动，宣传环境保护理念，树立企业良好环境形象。

21. Enterprises are encouraged to actively join and support local environmental protection activities, promote the concept of environmental protection and build a good corporate image.

第二十二条 鼓励企业研究和借鉴国际组织、多边金融机构采用的有关环境保护的原则、标准和惯例。

22. Enterprises are encouraged to study and learn from the environmental protection principles, standards and practices of international organizations and multi-lateral financial institutions.