

Environmental Public Interest Litigation in China

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Four phases of development

- 1 Research and theoretical activities (before 2007)
- 2 Individual case study (2008-2012)
- 3 Legislations on environmental public interest litigation (2012-2014)
- 4 Extend to nationwide (2014 until now)

Amendment on substantive law and procedural law

-Civil Procedure Law of the People's Republic of China (2012 and 2017 revised)

-Environmental Protection Law of the People's Republic of China (2014 revised)

-Administrative Procedure Law of the People's Republic of China (2017 revised)

Other legislations

Supreme People's Court of China Interpretation on Adjudication of Environmental Civil Public Interest Litigation (2015)

*Supreme People's Court of China Interpretation on Adjudication of **Consumer Protection** Civil Public Interest Litigation (2015)*

*NPC Standing Committee, Decision on Authorizing the Pilot Program for **Supreme People's Procuratorate** to Initiate Public Interest Litigation in Some Areas. (2015)*

*Supreme People's Procuratorate, Implementation Measures for Pilots on **People's Procuratorates** Initiating Public Interest Litigation. (2016)*

*Supreme People's Court, Implementation Measures for Pilots on People's Courts Hearing Public Interest Lawsuits Initiated **by People's Procuratorates**, ” (2016)*

Public Interest Litigation China Background Memo (2017)

Who Should Be Eligible to Bring Environmental Public Interest Litigation in China?

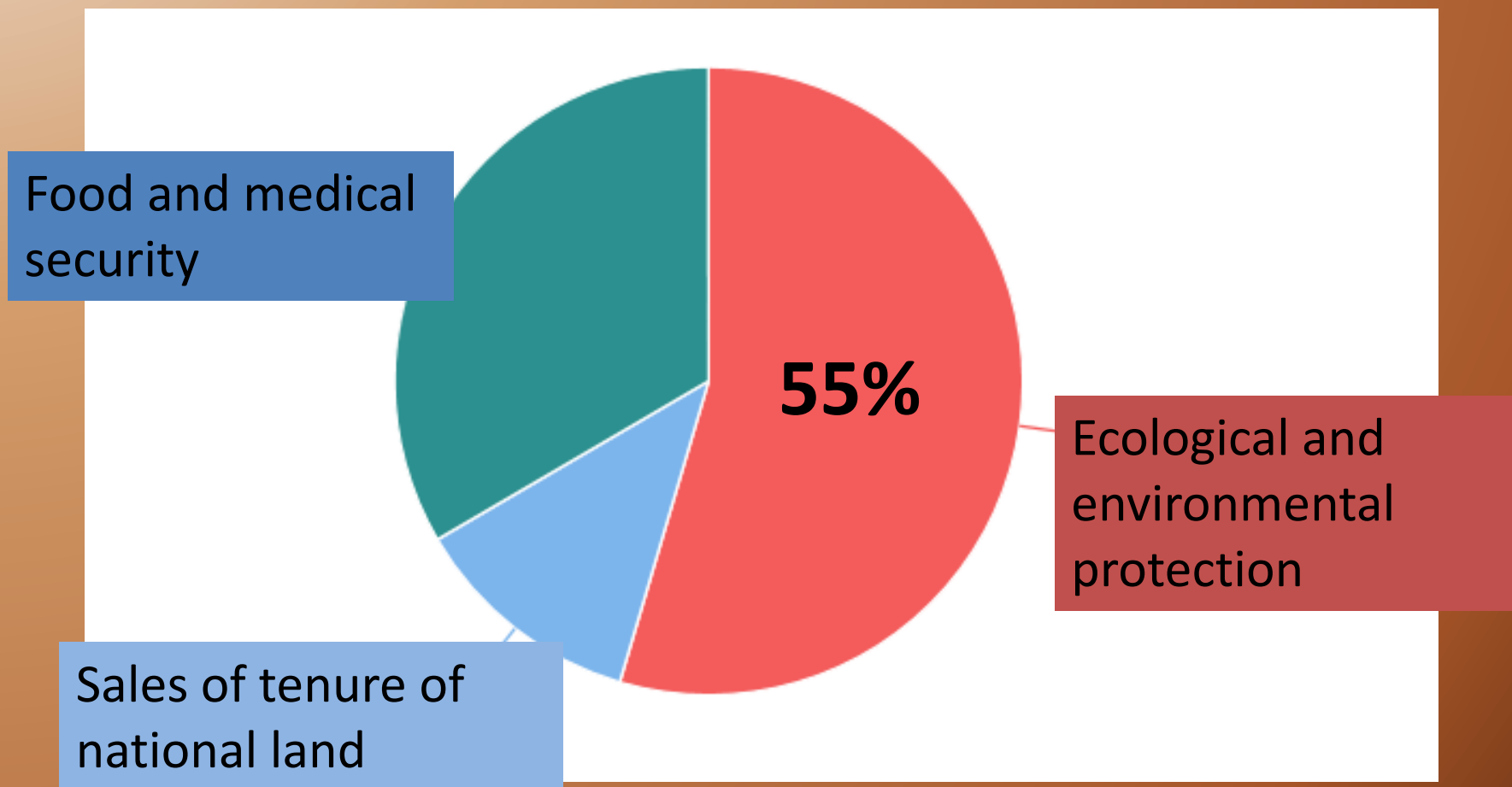
Individuals

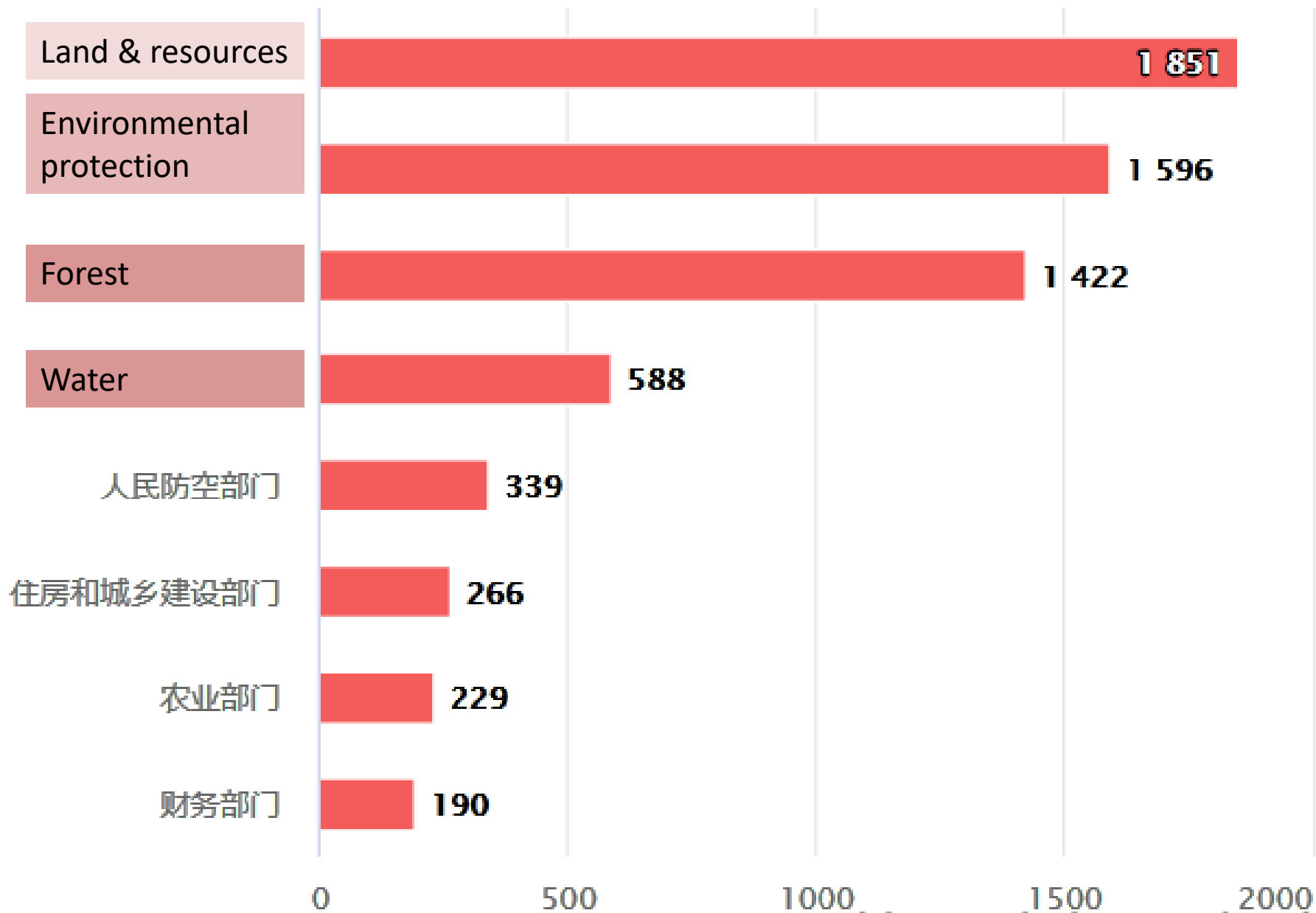
NGO



Procuratorates

From January to November of 2018, more than 55% of public interest litigation proposed by procuratorates are relevant to ecological and environmental protection





The diversified cases

- Environmental component
- Forms of jeopardizing to environment
- Civil public interest litigation attached to a criminal case



Classic cases I

- People's Procuratorates participated as plaintiff
 - People's Procuratorate of Huangshi City v. Cihu Scenic Area of Huangshi City
 - Anhui-Wuhu Jinghu People's Procuratorate v. Li and others' solid-waste dumping cross provincial regions



Classic cases II

- civil society organization participated as plaintiff
 - China Biodiversity Conservation and Green Development Foundation v. Shenzhen Sumei Co., Ltd and Zhejiang Taobao Network Co., Ltd
 - The Green Volunteer League of Chongqing v. Eleme online food servicers

Reflections

- The public interest litigation proposed by procuratorates

The source of cases is relatively simple

The claim is not comprehensive

The cost burden is unfunded

The trial of the protest has not been clarified



- The public interest litigation proposed by procuratorates

Expanding the interpretation of “duty”

Putting forward “compensation of damage”

Establishing “environmental public interest fund”

Defining the connotation of “administrative public prosecutor”



- The public interest litigation proposed by NGOs

Further promote participation by civil society

Current requirements for NGOs to be granted standing should be further relaxed



Thank you

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