



IVL Swedish Environmental
Research Institute



贵州省环境保护国际合作中心
Guizhou International Cooperation Centre
for Environmental Protection



Activity Visibility Report

活动宣传报告

EGP-Guizhou
环境治理项目-贵州项目

Improving access to environmental justice
to protect people's environmental rights
in Guizhou province

推动贵州环境司法发展维护贵州公众环境权益

A Partnership Project within the
EU-China Environmental Governance Programme
(EU-China EGP).

中欧环境治理项目--地方伙伴项目

环境损害评估与赔偿实践及政策建议研讨会（工作包 3/工作包 4）

2014 年 4 月 2-3 日，EGP-贵州项目在贵州省贵阳市-贵州民族饭店举行了为期两天的环境损害评估（EDA）与赔偿实践及政策研讨会。参会人员包括贵州省当地的各个利益相关方以及受邀的环境损害评估方面的中欧专家。

此次研讨会针对环境损害评估和赔偿中保护公众环境权益所面临的问题和挑战进行了探讨。研讨会的特定目的是基于贵州省已有经验，通过学习借鉴中欧先进经验，就环境损害评估和赔偿为贵州当地提供实践和政策两方面的建议，以促进相关工作在贵州的开展。此外，参会的利益相关方可以通过与中欧专家深入交流讨论环境损害评估和赔偿方法学，提升自身能力。

4 月 2 日上午，相关专家就环境损害评估和赔偿的概念、以及欧洲、中国和贵州省环境损害评估和赔偿当前现状分别进行了介绍。上午的议程由来自瑞典环境科学研究院（IVL）的艾瑞克·林德姆先生的主持，他对所有与会人员的到来表示热情的欢迎，并对所有演讲嘉宾表示诚挚的感谢。来自 EGP 项目中央层面的项目官员理查德·哈德曼先生是第一位演讲嘉宾，他在开幕致辞中强调，EGP 项目中地方层面项目的实践经验，对国家层面的环境治理有非常重要的借鉴意义。接下来，来自环保部环境规划院环境风险与损害鉴定评估研究中心的於方女士介绍了环境损害评价和赔偿在中国开展的现状和实践活动的总体情况。随后，来自瑞典环境经济机构的斯科特·科尔先生介绍了欧洲环境损害评价和赔偿的整体情况。而在剩余的时间里，主要集中在从不同领域介绍了环境损害评估和赔偿的案例和实践经验：首先，来自中国环境科学学会环境损害鉴定评估中心的杨乔先生介绍了环境科学学会在国内开展的环境损害鉴定和赔偿案例，接下来，来自法国 Biotopie 的法比恩·奎提尔先生介绍了欧盟的一些环境损害鉴定和赔偿案例，最后，来自清镇法庭的罗光黔法官介绍了贵州省内的一些环境损害鉴定和赔偿案例，作为上午活动的结束环节。

下午，研讨会分为两个分会场进行相关议程。在第一分会场，受邀的国内外专家向与会者介绍了环境损害评估和赔偿计算的方法学以及相关事例，并就此进行讨论。在第二分会场，主要针对环境损害评估和赔偿的政策建议进行讨论。与会者就 EGP-贵州项目组和当地利益相关方提前准备好的一系列政策建议展开了激烈的讨论。

在第一分会场，於方女士作为整个会议的主持人，首先就中国当前实施环境损害评估和赔偿的法律框架、工作机制、所应用的方法学和计算方法进行了更加深入细致的阐述，同时也对贵州省未来开展相关工作提出了相关建议。随后，斯科特·科尔先生以案例引导的方式介绍了欧盟实施环境损害评估的方法，主要集中介绍了 REMEDE 工具包，斯科特·科尔先生为如何在中国及贵州建立公平有效的环境损害评估和赔偿体系，提供了自己的建议，并以之作为演讲的结尾。剩余的时间里，与会者和专家们共同讨论了环境损害评价和赔偿的一些概念、理念，分享了当前的现状和当地工作开展的难点，并从技术角度出发，为贵州省在环境损害评价和赔偿方面开展下一步工作献计献策。

在第二分会场，与会者就项目组提供的关于修改《贵州省生态文明建设促进条例（草案）》的政策建议草稿进行了激烈讨论。讨论主要集中于在贵州成立环境损害评估中心并设置相关支持律师事务所、基层法律服务机构及法律工作者在环境司法方面提供法律援助，以及扩大环境公益诉讼主体范围等方面。来自贵州省人大、贵州省环保厅、清镇市环保法庭、仁怀市环保局和当地律师事务所的律师都纷纷发言，根据自己的实际工作经验，为政策建议草稿的进一步修改提出了宝贵建议。第二分会场的会议由来自贵阳市环境公众教育中心的黄成德先生和来自贵州省环保厅的尹健先生共同

主持。来自EGP项目中央层面的官员理查德·哈德曼先生也参与了讨论，并分享了公众参与环境司法的经验，同时为系统地修改政策建议提供了指导。

4月3日上午的会议由来自贵州省环境保护国际合作中心的郑明杰先生主持。首先，由来自瑞典环境科学研究院的安雅·卡尔森女士和徐敏先生分别简要回顾了第一天两个分会场的讨论情况及相关结论。接下来，基于第一天的相关结论，与会者就下一步如何在贵州开展环境损害评估和赔偿工作以及政策建议进行了深入讨论。此外，EGP-贵州项目组向与会者发放了环境维权指导手册和环境上访宣传页草稿，邀请大家根据日常工作经验提出修改意见和建议。第二天的会议在中午结束，艾瑞克·林德姆先生和理查德·哈德曼先生对整个会议的成果进行了简要总结。

此次共计有50人出席了第一天的项目研讨会，另有39人参加了第二天的讨论议程。与会者包括来自贵州省环保厅、贵州地方环保局和环境工程评估中心的官员，贵州省人大、平坝市环保法庭、凯里市环保法庭、清镇市环保法庭、贵州省高级人民法院、贵阳市生态文明基金（NGO）、贵阳天一致和律师事务所的代表，以及来自新华社、中国新闻社和贵州省环保厅环境宣教中心的记者。

Workshop on Environmental Damage Assessment (EDA) and Compensation in practice and policy (WP3/WP4)

On Wednesday and Thursday 2-3 April 2014, a two day workshop on Environmental Damage Assessment (EDA) and Compensation in Practice and Policy was successfully held by the EGP-Guizhou project. The workshop took place in Guizhou Nationality Hotel in Guiyang, Guizhou Province, inviting local stakeholders and experts including both Chinese and European experts.

The workshop addressed some of the issues and challenges concerning protecting the public's environmental rights related to Environmental Damage Assessment (EDA) and compensation for environmental damages. The workshop aimed specifically to make suggestions for further improvement both in practice and policy of EDA and compensation based on previous practices in Guizhou, learning from the EU-China context. Furthermore, during the workshop, stakeholders in Guizhou got the opportunity to increase their capacity, discuss and elaborate on EDA and compensation methodology together with invited Chinese and European experts.

In the morning of Wednesday 2nd of April, the concepts and current status of EDA and compensation for environmental damage were introduced from European, Chinese and Guizhou perspectives. The morning was moderated by **Mr. Erik Lindblom** from IVL Swedish Environmental Research Institute (IVL), who welcomed all participants and put forward his great gratitude to all the speakers. As the first speaker, **Mr. Richard Hardiman** from EGP Component 2 made an opening remark stressing that the experiences from the activities on local level within the EGP Programme have importance for national level environmental governance. Next, **Ms. Yu Fang** from the Research Center for Environmental Risks and Damage Assessment (Chinese Academy for Environmental Planning of MEP) gave the participants an overview of the current developments of EDA and Compensation carried out in China. This was followed by an overview of the EDA and environmental compensation in Europe, presented by the European experts **Mr. Scott Cole** from EnviroEconomics Sweden. The remaining morning was dedicated to presentations of EDA and compensation cases and experiences from the different perspectives. First, **Mr. Yang Qiao** from Center for Environmental Damage Assessment (Chinese Society of Environmental Science) introduced some Chinese cases and experiences of compensation for environmental damages that the Society has carried out and been engaged in. Next, the European expert **Mr. Fabien Quetier** from BioTope introduced cases and experiences of EDA and compensation from Europe. The morning was concluded by **Judge. Luo Guangqian** from Qingzhen Environmental Court in Guiyang giving an introduction to the cases and experiences in Guizhou related to compensation for environmental damages.

In the afternoon, the workshop was divided into two parallel parts. In Part A, the participants were introduced to and discussed EDA and compensation in practice focusing on methodology for assessing environmental damages and calculating compensation. In Part B, the focus was on EDA and compensation in Policy where participants discussed a number of policy proposals prepared in advance by local stakeholders together with the EGP-Guizhou project team.

In Part A of the workshop, **Ms. Yu Fang** firstly put forward a more in-depth introduction to the legal framework, current working mechanism and methods used in China for carrying out EDA and calculating compensation for environmental damages, as well as suggestions for future work in this aspect. Next, **Mr. Scott Cole** introduced and exemplified the methods used in the EU for carrying out an EDA, with focus on the REMEDE toolkit. Mr. Scott Cole concluded his presentation by giving the participants suggestion for how to ensure an equitable and effective environmental compensation

regime in China and Guizhou. During the rest of the Part A of the workshop, the participants and experts discussed the concept on EDA and compensation, shared the current status and difficulties in local practices and elaborated on possible next steps to be taken in Guizhou from a technical point of view regarding EDA and compensation.

The participants taking part in Part B of the workshop had an active discussion on a pre-drafted policy proposal regarding the suggestions on amending *Regulations on Promotion of Ecological Civilization Construction of Guizhou Province*, with focus on the establishment of an EDA Centre in Guizhou and supporting law firms, grass-roots legal services agencies and other legal workers on their legal aid for environmental litigation, as well as expanding the qualification scope of the plaintiffs for environmental public interest litigation. Officials from the People's Congress of Guizhou Province, Guizhou Environmental Protection Department, Qingzhen Environmental court in Guiyang, Renhuai Environmental Protection Bureau, and lawyers from local law firms proposed many valuable suggestions for the further revision of the proposal, based on their practice experience. Part B was hosted by **Mr. Huang Chengde** from GPEEC together with **Mr. Yinjian** from Guizhou EPD. **Mr. Richard Hardiman** from EGP Component 2 also joined in the discussion and shared the EU experience on access to justice with the participants, as well as gave the guidance for the systematic amendment of the policy recommendation.

In the morning of Thursday 3rd of April, the workshop continued moderated by **Mr. Zheng Mingjie** from Guizhou International Cooperation Centre. The morning was opened by **Ms. Anja Karlsson** and **Mr. Xu Min** (IVL) presenting the main conclusions from the discussions during the previous day in workshop Part A and Part B respectively. The remaining morning was then dedicated to in-depth discussions between the participants on the next steps for EDA and compensation in practice and in policy in Guizhou, based on the discussions and main conclusions from the previous day. Furthermore, all the participants present were invited to give suggestions based on their daily work on the drafts of the Handbook on Environmental rights and Brochure on Reporting Guidance to the public in Guizhou prepared by the EGP-Guizhou Project Team. The workshop and Day 2 was concluded at noon with some general remarks of the outcomes from the workshop by **Mr. Erik Lindblom** and **Mr. Richard Hardiman**.

50 participants attended the first day of the workshop, while 39 participants joined the discussions on the second day. Participants included governmental officials from Guizhou Environmental Protection Department, local Environmental Protection Bureaus and Environmental & Engineering Evaluation Centre's across Guizhou Province. Furthermore, representatives from Guizhou Provincial People's Congress, Pingba environmental court, Kali environmental court, Qingzhen Environmental Court, Guizhou Superior People's Court, Guiyang Ecological Civilization Foundation (NGO) and Guiyang Tianyizhihe Law Firm as well as news reporters from the Xinhua News Agency, China News Service and Center for Environmental Education and Outreach of Guizhou Environmental Protection Department.