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Environmental Improvement in 2035**

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China's ecological civilization construction and eco-environmental protection have entered a new era. With the convening of the 19th National Congress of the Communist Party of China and the National Ecological Environmental Protection Conference, the Chinese government has proposed national medium- and long-term strategic development goals on ecological civilization construction, striving to successfully control pollution by 2020 and achieve fundamental improvement in ecological environment quality with the goal of a Beautiful China basically attained by 2035.

Overall, China's current eco-environmental governance system and capacity are still weak due to a number of shortcomings and deficiencies. Therefore, it is more difficult to achieve the 2035 goal considering more challenges. After the critical period for pollution control, it is necessary to further accelerate the governance process based on different elements, so that the eco-environmental quality can be finally improved in terms of comprehensiveness, stability and balance. Comprehensiveness means that the improvement of the eco-environmental quality should cover all areas and elements; stability means that fluctuations in the changes of the eco-environmental quality become smaller and come up to standard steadily; balance means that the ecological environment is decoupled from economic development and forms a harmonious development pattern. To achieve this goal, the following policy recommendations are proposed:

1. Policy Recommendation on the Strategic Path of Fundamental Improvement in Ecological Environment Quality by 2035

1.1 Incorporate the research on the strategic path of fundamental improvement in the environment by 2035 into the national macro strategy research plan

Based on the institutional advantages and late-comer advantages in China's eco-environmental governance, from a medium- and long-term perspective, China's eco-environmental quality will by 2035 probably reach the current level of western developed countries and regions. Of course, for regions with different economic development levels and natural resources, there will be small differences in the nodes of achieving goals. For example, the Pearl River Delta region may complete the goal by 2030, while such goal will be appropriately delayed in central and western regions. In order to achieve this overall goal by 2035, at the national macro-strategic level, it is necessary to enhance the emphasis on research and planning, integrate scientific research resources, further refine the policy optimization path, and

design and deploy specific action plans in advance for achieving fundamental improvement in the environment after the critical period for pollution control.

1.2 Transfer the focus of eco-environmental governance from end-of-pipe treatment to source control

From 2020 to 2035, China's eco-environment governance process will continue to advance in line with industrialization, urbanization and agricultural modernization. Therefore, it is necessary to change the ideas of eco-environmental governance based on end-of-pipe treatment, so that the focus of governance system construction, policy design and manpower resources can be transferred to the source control, thereby achieving the sustainable governance and the goal of fundamental improvement in the environment.

- On the basis of completely delineating the ecological red line, we will further improve and strengthen the ecological space zoning and control by establishing a supervision and management system including the central, provincial and municipal levels to ensure the effectiveness of management and control. In the later phase, the classification criteria can be adjusted according to the progress of the eco-environmental quality improvement, and the demarcation of ecological space can be adjusted simultaneously to adapt to the coordinated development of the economic and the ecological environment.

- Maintain the leading role of supply-side reform in eco-environmental governance. Starting from the production side, the government should further strengthen the adjustment of industrial structure, energy structure and investment structure. In addition, the government should increase the proportion of emerging industries, especially environmental protection industries. The focus of the subsidy policy for environmentally friendly industries has been transferred from supporting the industries to stimulating green production behaviors. The government should also build an energy utilization system consisting of clean, efficient and centralized utilization of coal, natural gas utilization, and the development and utilization of renewable energy (especially biomass energy, solar energy and wind energy).

- Enhance attention to the demand side in eco-environmental governance. Starting from the consumption side, the government should further adjust the trade structure and improve the external conditions of infrastructure at the municipality and community level (e.g. establishing a sound green public transportation supplying system, etc.), so as to make the external conditions of

green consumption in line with the green consumption concept.

1.3 2020-2035 Key issues in ecosystems and environmental protection requiring attention

Based on the elements of the ecological environment, the proposal of the phased key tasks for improving the eco-environmental quality during 2020-2035 has lighted up the direction of policy adjustment and optimization.

- The air quality nationwide comes up to standard steadily. The air quality in metropolitan areas of Beijing, Shanghai and Guangzhou has reached the current level of air quality in London, England. The treatment of conventional pollutants such as PM_{2.5}, PM₁₀, SO₂, NO_x, etc. will be completed by 2025, and the stabilization phase will begin since 2035. Incorporating new pollutants such as O₃ and volatile organic chemicals into the governance system requires the deployment of relevant action plans in advance.

- Focus on the treatment of seriously polluted water bodies and complete the restoration of water environment. The government should pay attention to key areas such as organic pollution control of water bodies, disposal of heavy metal pollution, underground construction such as pipe network, sediment pollution control, marine pollution control, etc., and completely eliminate black and odorous water bodies in urban built-up areas. These measures can make the quality of centralized urban drinking water sources in line with Class III or above. In addition, the water quality of major rivers reaches the current level of the Rhine River, the water quality of offshore areas has been comprehensively improved, and the water quality of key sea areas has been as good as that of developed countries or regions. The governance process is still dominated by end-of-pipe treatment and restoration of functions of water environmental system. The intensity and implementation of joint prevention and control of the upstream and downstream river basin will be further strengthened.

- Strictly protect the soil environment and spread the restoration work from pilots to the whole country. By 2025, China will establish a soil pollution control system that focuses on controlling sources and risks, and the soil environmental risks of undeveloped contaminated land and redeveloped contaminated land will be under full control. By 2035, the country will obtain remarkable results in the restoration of the soil pollution pilots, which will be promoted nationwide and used to accelerate the comprehensive treatment against soil pollution control and restoration.

- The ecosystem enters a comprehensive recovery phase. The forest coverage rate and the proportion of ecological public welfare forests are

continuously increasing, the biodiversity reduction has been fully controlled, and ecological service functions have been greatly improved. By 2035, there will be an improvement of various ecological restoration measures. The self-repair and adjustment capabilities of the key ecosystem will be fully restored, and various ecosystem regions will keep stable.

- Public health will become the core of the eco-environmental protection system, and the corresponding environmental health management system will be established.

1.4 Reform the eco-environmental governance pattern and realize "five co-ordinations" in the eco-environmental governance system

At present, China's eco-environmental governance pattern is still dominated by administrative means. Although such pattern can produce results in the short term, after the critical period for pollution control, we need to consider more in the long-term perspective and persistence of systems and policies, and give full play to the sustainability of system's and policy's effects.

- Achieve the co-ordination between ecology and the environment. On the basis of the reform of state institutions in 2018, there will be a real connection between ecology and the environment, which cannot be distinguished independently any longer.

- Achieve the co-ordination among governance means. The government should transform the current dominant administrative means into the coordinated governance between administrative means and other means such as market means and legal means. Market means should highlight price mechanism and fiscal taxation mechanism.

- Achieve the co-ordination of the whole society. The government should guide companies to play a role as the main body of eco-environmental governance and take the initiative to undertake the main responsibility of eco-environmental governance. On the basis of information disclosure, the government should enhance the public's subjective initiative to participate in the eco-environmental governance, especially leveraging the gender advantages of women by enhancing their participation in developing and implementing green life, green consumption and other policies. In addition, the government should regard culture as an important part of the eco-environmental governance system. Cultural transmission enables ecological civilization to be the mainstream value of social development, fosters ecological characters, and thus forms a good atmosphere for protecting the ecological environment in the whole society.

- Achieve synergy at home and abroad. China should adjust its governance standards to be in line with the international level, and accelerate its environmental governance process to realize the coordinated development with global governance.

- Achieve vertical and horizontal co-ordination among governance institutions. From a vertical perspective, central and local governments should cooperate to jointly manage the ecological environment, and the main body of governance should be transferred from the central to local so as to incentivize local governance. From a horizontal perspective, a monitoring mechanism can be established to achieve the synergy among relevant departments at all levels.

1.5 Improvement of eco-environmental governance capacity

The improvement of the governance system and the guarantee of governance capacity are necessary for the fundamental improvement in the environment.

- Strengthen the cultivation of the governance team. For departments with high work intensity and heavy tasks, the government should appropriately expand the staffing structure to ensure the competency. In addition, the government should establish a sound standardized training system to normalize the training and assessment mechanism towards the professional team, so as to improve the overall skills and professional quality of the relevant department staff.

- Complete the infrastructure construction. The government should first improve the construction of environmental infrastructure in densely populated cities, tourist cities and rural areas, and then by 2035 basically complete the construction of environmental infrastructure nationwide, with a supporting management and supervision mechanism in place.

- Make scientific and technological innovation become one of the important endogenous driving forces in ecological protection. On the one hand, the government should make scientific and technological innovation as an importance part in industrial transformation and development and encourage companies to cultivate independent R&D capabilities by conducting evaluation and supervision and providing corresponding support. On the other hand, the government should introduce scientific and technological innovation into eco-environmental quality monitoring, supervision, risk prevention and control, etc., and allocate state-owned capital for investment, so as to realize digital monitoring, intelligent supervision and scientific risk prevention and control.

2. Policy Recommendation on Rule of Law Measures for the Realization of China's Goal of Environmental Quality Improvement by 2035

2.1. Recommendations on improving environment-related legislation now and for some time to come

2.1.1 Legislation recommendations on formulating the Environmental Quality Standards Law

Firstly, clarify the legal status and effectiveness of environmental quality standards; Secondly, establish procedures and rules for the formulation and revision of environmental quality standards, and strengthen public engagement and expert review in the legislative procedures of environmental quality standards to ensure scientific and democratic legislation; Thirdly, clarify the interface and coordination between the environmental quality standard system and other environmental governance systems, establish the applicable principles and conditions for environmental quality standards, and further improve the environmental standards system; Fourthly, establish a legislative evaluation system for environmental quality standards, and promptly revise or abolish the environmental quality standards that are clearly overlapping with each other, outdated or deviating from the reality; Fifthly, push for the establishment of local environmental quality standards system and encourage the development of the enterprise- or society-based autonomous environmental quality standards system.

2.1.2 Legislative recommendations on Environmental Monitoring Regulations

Firstly, build a modern monitoring and management system. It is necessary to speed up the establishment of modern monitoring technical specification oriented by automatic monitoring and carry out research on the environmental monitoring development strategy. Secondly, accelerate voluntary disclosure of monitoring information, advance information disclosure of the environmental monitoring system in an orderly manner in accordance with the law, actively engage the whole society to participate extensively, and determine the directory of environmental monitoring information disclosure. Thirdly, improve quality control within the whole process. Fourthly, rely adequately on social monitoring capacity, cultivate monitoring agencies and the monitoring market, and accelerate the development of an environmental monitoring landscape with environmental monitoring institutions as the backbone supported by other relevant authorities and industrial monitoring institutions and participated by a wide range of social monitoring entities. Fifthly, promote people-oriented environmental monitoring, and consider more

factors such as human health and survival to be aligned with people's actual feelings. Sixthly, refine and implement the legal responsibility for monitoring according to the relevant provisions of the new Environmental Protection Law.

2.1.3 Legislative recommendations on Environmental Inspection Regulations

China urgently needs to formulate and improve the Environmental Inspection Regulations to regulate and adjust the environmental inspection system and mechanism, which primarily involves the following aspects: firstly, clearly define the authority of environmental inspection, and rationally allocate liaison and division of labor with other environmental administrative law enforcement functions and powers; secondly, clearly define the scope of subject and the conditions of environmental inspection; thirdly, clarify the general law enforcement procedures, requirements, and relief mechanisms of environmental inspection; fourthly, clarify the information disclosure of environmental inspection and protect the public's rights to know, participate, and supervise; fifthly, clarify the specific liability system of environmental inspection.

2.1.4 Legislative recommendations on gender mainstreaming in the environmental rule of law

Firstly, comprehensively assess the gender blind spot in the structure of environmental rule of law by using the gender impact assessment (GIA). The gender impact assessment shall be conducted for environmental legislation and planning that may have serious gender impact. Secondly, establish a gender equality assessment committee at the national level. The most crucial task is that the government shall implement gender equality assessment as the main tool and strategy for implementing social gender mainstreaming in the specific process of state legislation. Thirdly, actively convert the social gender provisions in international environmental laws by converting fundamental social gender provisions from international legal documents into corresponding domestic laws and developing specific provisions terms that are more feasible.

2.1.5 Recommendations on progressive realization of an ecology-oriented energy law

Firstly, establish the sustainable development mindset. Secondly, improve the basic legal regime in an ecology-oriented way. It is necessary to add ecology-oriented basic legal systems. At the same time, the ecology-oriented energy law must be integrated with the basic system of the environmental law. Thirdly, develop ecology-oriented legal liabilities, aiming at highlighting the

source of liability and clarifying the reasons why the subject of liability assumes ecological legal liability. Fourthly, promote systematization of supporting laws and regulations by, internally, developing a set of energy management laws and regulations system for energy development, transportation, distribution and consumption centered on ecology-oriented energy laws, and externally, thoroughly implementing basic system of the environmental protection law, and strengthening the coordination and link between the energy law and the environmental protection law.

2.1.6 Recommendations on compiling the environmental code

The iconic legislation for the achievement of the goal of environmental quality improvement by 2035 is the introduction of the Environmental Code of the People's Republic of China. At present, China has already prepared for integrating environmental laws. It is recommended that the Standing Committee of the National People's Congress include the enactment of the environmental code into its legislative planning. (1) We recommend that the Law Committee of the Standing Committee of the National People's Congress and relevant parties proceed to study and codify the environmental protection code with pollution prevention as the main content, and seek to form a legal norm system with unambiguous concept, complete content, clear structure and strict logic in the field of pollution prevention and control. (2) Research and demonstration of codification in stages, including the legal theory research for the environmental protection code compilation, the research on the compilation of foreign environmental protection codes, and preliminary research and demonstration of the theoretical framework of the environmental protection code, the basic principles and basic systems of environmental protection law, etc.

2.2. Recommendations on strengthening ecological environment law enforcement guarantee

2.2.1 Recommendations on improving the reform of the ecological environment supervision system and mechanism

Optimize China's environmental management system to achieve a combination of centralization and decentralization for the regulatory approach and an integration of legal implementation and supervision. Bring China's environmental management system reform onto the track of rule of law, clearly distinguishing the powers and responsibilities of environmental authorities and other relevant authorities; optimize the division of labor between the central and local environmental supervision systems by carrying out a new round of reform of administrative power in environmental protection and decentralizing

administrative licensing and regulatory authority, giving intermediary organizations technical service rights; establish high-standard environmental management coordination agencies for specific problems, e.g. by setting up the national environmental protection committee at the central level, and office of the environmental protection committee under the Ministry of Environmental Protection, and setting up the river basin environmental protection coordination agencies at river basins and coordination agencies at key air pollution prevention and control areas, etc. Implement the system and mechanism of “equal liability for CPC and governments, dual liability for one post, and accountability for negligence”, and improve the system and mechanism of supervision by the people’s congress, so that governments and CPC committees at all levels can exercise environmental protection duties according to law.

2.2.2 Recommendations on improving the performance appraisal and evaluation mechanism

Firstly, improve the local government’s eco-performance appraisal & incentive compatibility mechanism, primarily by improving the civil servant performance & promotion mechanism, the explicit material incentive mechanism, the implicit reputation incentive mechanism, and by establishing an eco-performance quality credit rating system. Second, improve professional supervision mechanism for local government eco-performance appraisal. In the evaluation of eco-performance, it is necessary to evade behaviors such as political fraud, exaggerating, and false reporting by establishing professional supervision mechanisms, to achieve institutionalization of supervision authority, specialization of supervision institutions, specialization of supervision talents and supervision comprehensiveness. Thirdly, improve the accountability mechanism for evaluation of local governments’ ecological performance appraisal, whereby a sanction ladder from low-key or informal lesser punishment to severe measures, establishing a list of assessment responsibilities to strengthen disciplinary functions.

2.2.3 Recommendations on promoting the development of environmental health risk management mechanism

Assess the environmental health risks based on China’s environmental realities and goals of environmental governance by 2035, design China’s environmental health management mechanism by applying the risk management theory, and provide constructive advice for the country to gradually establish an environmental health risk management system: Establish an environmental health risk monitoring system; establish an

environmental health benchmark standard; integrate and link the basic system of environmental management; improve environmental health technical support capabilities; and establish an environmental health risk communication mechanism.

2.2.4 Recommendations on establishing a long-term mechanism for gender mainstreaming in environmental rule of law

Firstly, set up a special gender equality agency or coordinator in general and branched departments concerning environmental protection management, which is responsible for coordinating and supervising the gender mainstreaming of the department, issuing expert opinions on gender impact assessment of environmental legislation and decision-making, implementing the environmental protection gender equality program and maintaining communication with the coordinators of other relevant departments, and carrying out relevant international cooperation. Secondly, carry out gender budgeting in general and branched departments concerning environmental protection management. Analyze existing environmental budgets, fully consider the different impacts on men and women, and select gender-sensitive factors in the budget as a focus to promote gender equality and environmental protection in this area. Thirdly, collect gendered data as a basis for gender equality decision-making as adding necessary gender specific data to existing environmental data is an essential part of truly integrating the gender perspective into the environmental rule of law.

2.3. Recommendations on strengthening judicial safeguard for ecology and environment

2.3.1 Recommendations on the reform of jurisdiction of environment damage in cross-administrative regions

Firstly, determine the jurisdiction of the case according to the regional nature of the environment and have consolidated resolution for the courts' division of labor and authority concerning environment cases from the perspective of overall response of the case and the resolution of the dispute system. Secondly, implement a cross-region fiscal security policy according to the nature of the central government powers and responsibilities, whereby the property of the local courts below the provincial level shall be managed by the provincial level or above to strengthen the management responsibilities at the central and provincial levels; the funds required for the local courts below the provincial level shall be jointly borne by the central and provincial governments in accordance with the responsibility of the classification of funds. Thirdly, implement a dual review system for legal review and scientific review of

appraisal opinions, primarily to examine whether the appraisal institution has relevant qualifications, whether the appraisers who carry out the appraisal have professional qualifications, and whether there is any avoidance scenario for the appraiser; introduce the expert helper system to help the parties jointly exercise their right of inquiries in the court for appraisal opinions.

2.3.2 Recommendations on promoting public interest litigations for environment damage cases

Firstly, clarify and expand the scope of cases involving environmental damages, and strengthen the supervision of environmental litigation cases. Secondly, promote the specialization of trials of environmental damage cases; the Intermediate People's Court, the Higher People's Court and the Supreme People's Court shall all establish environmental resources courts. Thirdly, support public engagement in environmental protection and promote the link between environment-related judicial proceedings and non-litigation procedures. Fourthly, improve the environment-related public interest litigation system, broaden the scope of proper plaintiffs to promote environment-related public interest litigation.

2.3.3 Recommendations on enhancing compensation system for environment damage cases

Firstly, for the subject of right of compensation for ecological environmental damage, a mode in which the subject of right authorizes the subject of claim according to law shall be adopted. Secondly, the subject of duty or the compensation obligor liable for ecological environmental damage is the entity or individual that causes damage to the ecological environment. Strict liability shall be impose on those causing damage to the environment, discarding requisites of violation of laws. Thirdly, the reform of the scope of compensation for environmental damage shall be conducive to the improvement of environmental quality, and the damages determined by the assessment report on environmental damage shall be taken as the criteria. Fourthly, effective relief methods shall be adopted to gradually promote the diversified relief methods for compensation for damage to the ecological environment. Fifthly, legislation on the compensation system for environmental damage shall be strengthened. It is necessary to formulate, revise, and abolish the relevant laws and regulations on compensation for environmental damage, and establish and improve supporting policies, measures, and systems for the compensation system for environmental damage.

2.3.4 Recommendations on establishing a diversified resolution mechanism for environmental disputes

Firstly, the top-down design of a diversified resolution mechanism for environmental disputes shall be strengthened. Based on the characteristics of China's system and social conditions, priority shall be given to the development of various types of public welfare settlement services, while gradually exploring the development model of market-oriented mechanisms and building a rational management system. Secondly, adopt a progressive, categorized and step-by-step approach starting from specific systems and procedures based on actual needs and conditions, to establish specialized systems or procedures through special laws, separate regulations, legal amendments, etc. Thirdly, cultivate a new culture of dispute resolution, starting from education and popularization and a transformation of legal occupation concepts, and strengthening the cultivation of a new culture of dispute resolution.

2.3.5 Recommendations on strengthening judicial safeguard for gender mainstreaming in the environmental rule of law

Introduce female judicial practitioners; for cases involving women's and children's environmental rights, a fair proportion of female practitioners shall be allocated among judges, jurors, and judicial mediators.

2.4. Strengthen public observance of law and administrative law enforcement

2.4.1 Recommendations on promoting public observance of law and giving full consideration to gender mainstreaming

Firstly, make efforts to create a social atmosphere in which all people consciously learn, abide by and utilize the law. The staff of CPC and government organs at all levels, especially those closely related to the sustainable development of the economy and society, shall take the lead in observing the Constitution and laws, and actively take advantage of emerging online media for its supervisory role. It is recommended that universities offer environmental law education courses. Secondly, adequately consider female factors in the design of public participation system and increase the proportion of women. Thirdly, pay attention to the female economy in "green consumption", consider the influencing factors of women in green consumption, and conduct policy guidance.

2.4.2 Recommendations on corporate observance of law and the development of environmental information disclosure system

Firstly, propose a program for corporate law observance assistance and incentive mechanism to improve the legal self-consciousness and enthusiasm of polluters. Secondly, strengthen the development of the corporate

environmental information disclosure system. Establish a public directory of corporate environmental information, including classification of information, degree of disclosure, information disclosure using the standardized template, etc. Improve the remedy mechanisms, penalties and incentives for all parties involved in the disclosure of corporate environmental information.