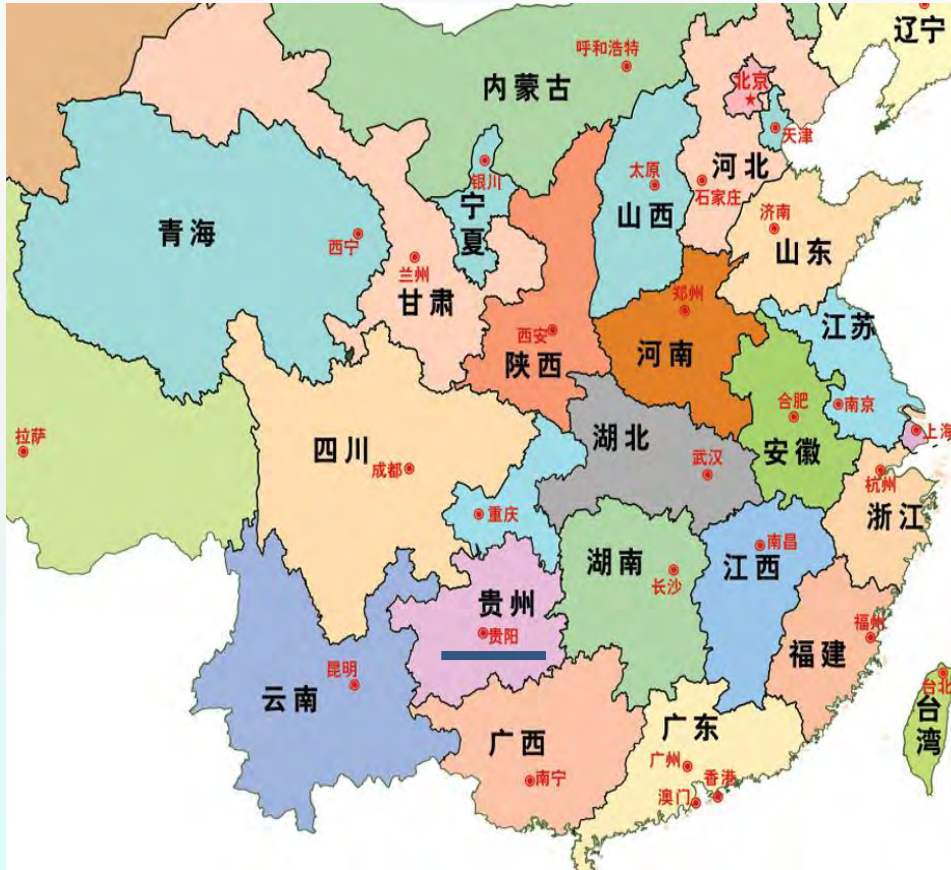




Chinese Experience in Judicial Countermeasure to Climate Change

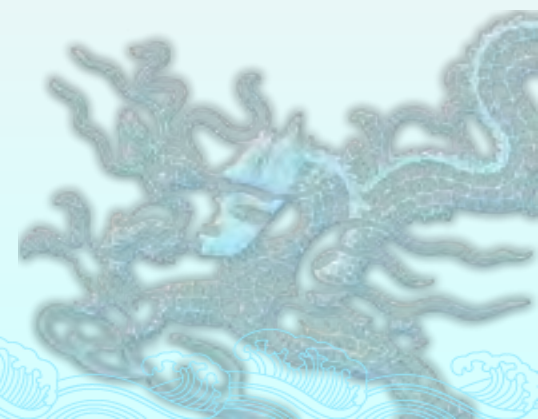
Chapter One Strengthening the construction of specialized adjudication institution



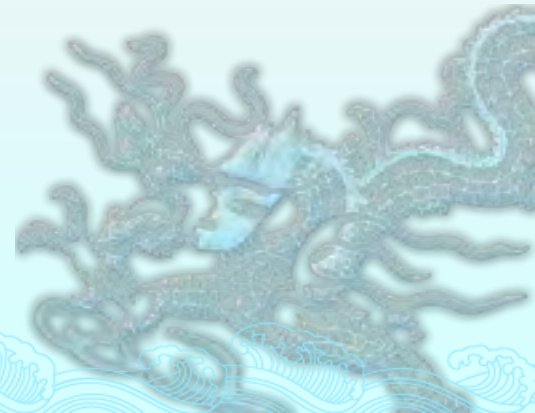
In November, 2007, the people's court of Qingzhen, Guiyang City, Guizhou Province, established the first ecological tribunal of China.



- ◆ The Supreme People's Court of the People's Republic of China founded the Environment and Resources Adjudication Tribunal in June, 2014
- ◆ For the adjudication and guidance of cases related to environment and resources

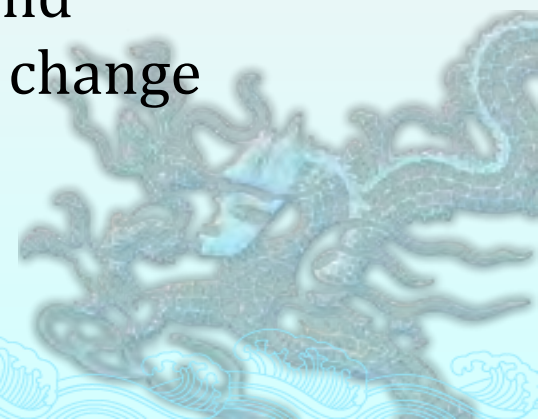


There are now in total 558 specialized environment and resources adjudication institutions in China established in people's courts in 27 provinces, autonomous regions, and municipalities directly under the Central Government



Chapter Two Hearing lawsuits related to climate change under law

- ◆ The Supreme People's Court of the People's Republic of China issued this June *the Opinion on Giving Full Play to the Functional Role of Adjudication and Providing Judicial Service and Protection for the Construction of Ecological Civilization and for Green Development*
- ◆ We should actively explore judicial countermeasure to climate change, hear under law cases related to carbon emission, energy conservation, green finance and biodiversity, and advance the construction and improvement of national system for climate change improvement.



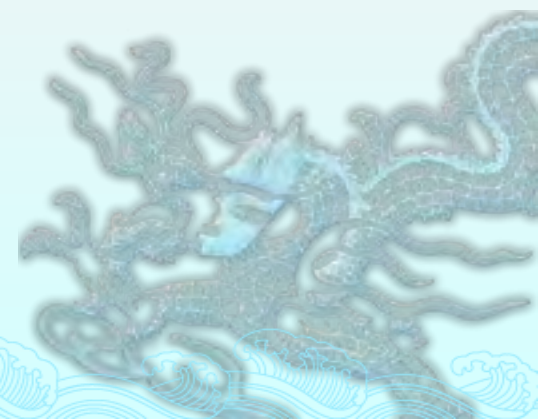
Chapter Three Promoting actively Environment-related Public-interest Litigation

- ◆ The new Environmental Protection Law took effective in January of 2015 specifies the qualifications for social organizations to file environment-related public-interest litigations.
- ◆ The Supreme People's Court promulgated the *Interpretation on Several Issues Concerning Law Application in the Adjudication of Environment-related Civil Public-interest Litigation Cases* in January, 2015, for the unification of referee scale.



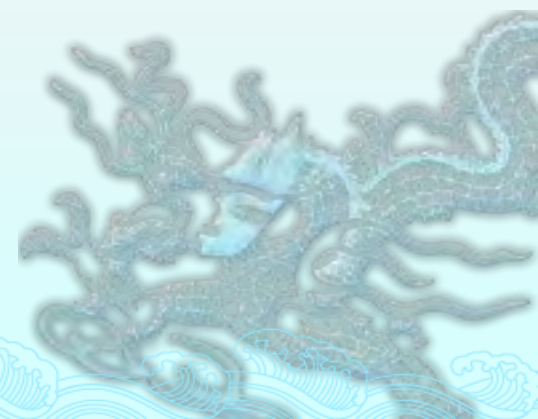


The procuratorates in 13 pilot regions can file environment-related civil and administrative public-interest litigations caused by environmental pollution or ecological damage.



Till now

- ◆ Courts all over the country accepted 98 environment-related civil public-interest litigation cases filed by social organizations,
- ◆ and 25 environment-related public-interest litigation cases filed by the procuratorates



*Some important stipulations in the Interpretation on
Several Issues Concerning Law Application in the
Adjudication of Environment-related Civil Public-
interest Litigation Cases*

- ◆ 1. Two types of cases that can be filed environment-related public-interest litigations :

When damages have been caused and that is, ecological environment has suffered damages; and when the behavior of a perpetrator has significant risk of harm to ecological environment.

◆ 2. Preservative measures:

According to Chinese laws, courts can take certain preservative measures on the behavior and treasure of perpetrators.

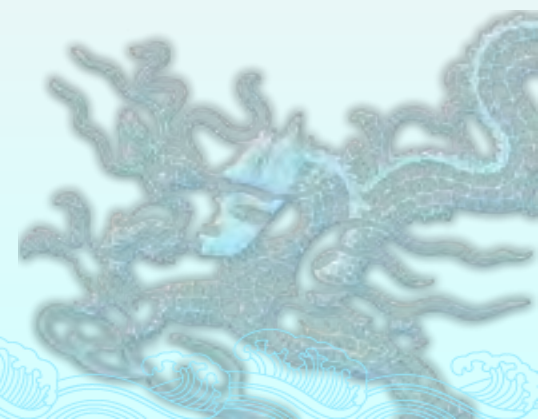


- ◆ 3. Courts can, according to the application of the plaintiff, adjudge that :

The defendant should restore the damaged ecological environment and compensate for the loss of the service function of ecological environment during the period from being damaged to being restored.



- ◆ 4. Parties can employ technical experts themselves, and courts can also employ technical experts ex officio to give advice on special issues such as the determination of causality, the cost for repairing ecological environment and the scheme for repairing.



Chapter Four Exploring the improvement for adjudication mechanism

We should

explore jurisdiction separate from administrative division, gradually change the present jurisdiction system based on administrative division and

set up trans-division specialized adjudication institutions related to environment and resources by ecological system or ecological functional zone such as drainage basin.



Thank you!

Supreme Court of the People's Republic of China