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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human rights and with reference to the joint communication [AL CHN 2/ 2021] dated by 17 March 2021, has the honour to transmit herewith the reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 27 May 2021



Office of the High Commissioner for Human Rights
GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of communication AL CHN 2/2021 dated 17 March 2021 from the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, of the United Nations Human Rights Council. The Chinese Government wishes to respond with the following:

China has strengthened the establishment of an environmentally friendly culture. It has actively assumed its international responsibility for dealing with climate change and worked positively with other countries to build the “Green Silk Road”. The Government has always adhered to the principles of shared discussion, shared construction and shared enjoyment of green development. It has always required enterprises to carry out foreign projects in compliance with the laws of the countries or regions where they are located, to respect the provisions of contracts, to abide by local traditions and customs, to pay attention and attach importance to environmental protection and to promote local economic and social development. Our understanding from the relevant departments, enterprises, banks and others concerned is that the thermal power plant projects built by the relevant enterprises are all commercial projects, with investment by local governments or enterprises, and their construction and operation are in strict compliance with international standards and the laws and regulations of the host country. The environmental indicators meet the requirements of local laws, comply with the relevant norms and directives of the European Energy Community and offer great economic and environmental benefits to the region. The Chinese financial institutions in question have always adhered to the concept of green credit. They regard the strengthening of green finance as an important long-term strategy; they have paid attention and attached importance to the social and environmental impact of the project, complied with the requirements of local environmental protection policies and international conventions and supported the sustainable development of the local economy. The credit projects that provide the financing all meet the environmental protection requirements of the host country. They comprehensively take into consideration the social and environmental impact of the project and support legal compliance as the project progresses, striving at the same time to achieve greater economic, social and ecological benefits. The allegations of human rights violations by the project in question are not based on fact. They are purely false accusations.

1. The environmental indicators of the Stanari thermal power plant project meet the requirements of local laws and are in line with the relevant norms and directives of the European Energy Community. The secretariat of the European Energy Community conducted a comprehensive review of the project in 2015 and confirmed that it fully met the requirements of local laws and regulations in Bosnia and Herzegovina and of the relevant directives of the European Union, and the environmental permit statement was published on the website of the European electricity trader, the Energy Financing Team Group (EFT Group) (attached). The project has been handed over and completed. Dongfang Electric Corporation has not been involved in its subsequent operation and management. The project’s environmental impact assessment and construction permit are under the responsibility of EFT Group.

2. The construction of unit 7 of the Tuzla thermal power plant is intended to replace outdated local units in extended service, meet the environmental requirements of European Union carbon emission standards and solve the problem of the lag in the economic development of the local power supply. The project is in line with Directive 2010/75/EU of the European Union, which is currently applicable. It meets the latest emission targets under the current European Union standards and makes use of the latest technology and environmentally friendly processes. When completed, the project will not only furnish reliable electricity for the local area, but also provide central heating for the surrounding cities, revitalize the economy of the Tuzla area, promote employment, ensure the continuous operation of the Tuzla coal mine and bring huge economic benefits to the local residents, thus improving their living standards.



2.1 Environmental permits. In accordance with an agreement reached between the Ministry of Environment and Tourism of Bosnia and Herzegovina and the secretariat of the European Energy Community in 2017, the owner of the Tuzla project renewed the environmental permit in October 2017. There are clear requirements for the electric power plant's emissions indicators, including for SO₂, NO_x and particulate matter, etc. (SO₂ ≤ 200mg / Nm³, NO_x ≤ 200mg / Nm³, dust ≤ 10 mg/Nm³), which meet the latest emission standards of the European Union, and none of the environmental permits for the project are currently in dispute. The so-called health costs of €810 million and reduction of life expectancy of 39,000 years brought about by the operation of the project are not official figures but data reported by local non-governmental organizations lacking credibility and with no basis for estimation. According to the owner's environmental impact assessment, after the completion of the project, in comparison with the old power plant, SO₂ emissions will be just 3 per cent of the previous level, NO_x emissions will be 26 per cent, dust emissions only 13 per cent, and pollution emissions will be greatly reduced. The project's ash and slag treatment uses an ash solidification scheme with gypsum, fly ash and slag having a 17 per cent water content. The owner obtained the approval of the Ministry of Environment and Tourism of Bosnia and Herzegovina in August 2018. According to the document, the project has enough landfill space and the ash treatment process is sufficient to avoid groundwater pollution and will not have a negative environmental impact.

2.2 Regarding the so-called illegal State aid. In accordance with the Act on the System of State Support in Bosnia and Herzegovina and the objectives, standards and conditions of State assistance established by the Government of Bosnia and Herzegovina, the country's State Aid Council adopted a resolution in July 2018 to determine that the guarantee provided by the Federation of Bosnia and Herzegovina does not constitute State assistance and to ensure compliance with the relevant obligations of States parties to the European Energy Community Treaty. It was submitted to the European Energy Community for approval. In April 2019, the two houses of the federal Parliamentary Assembly of Bosnia and Herzegovina formally voted on and adopted the decision to provide the guarantee for the project, in a process that was in accordance with the country's law and regulations. During the period when the European Energy Community was processing the approval, its secretariat considered the project to constitute illegal State assistance and filed a request for legal action. According to public news reports in Bosnia and Herzegovina, in December 2020 the Ministerial Council of the European Energy Community rejected the secretariat's request for legal action against the project. The so-called issue of illegal State assistance has been recognized by all parties as resolved, and there is now no dispute.

3. The Balovic thermal power plant project is fully advanced from the technological standpoint and includes the latest technology; the environmental protection index is much higher than the European Union standard. However, owing to factors relating to the project owner, the project has essentially been suspended; it has not entered into effect and construction work has not begun.

Attached: Environmental permit statement for the Stanari power plant project, issued by the European electricity trader, EFT Group.

联合国人权理事会有毒废料处置的人权影响问题特别报告员、与环境相关的人权义务问题特别报告员 2021 年 3 月 17 日来函【AL CHN 2/2021】收悉。中国政府对来函答复如下：

中国加强生态文明建设，主动承担应对气候变化的国际责任，积极同各国一道打造“绿色丝绸之路”。政府始终坚持共商共建共享原则和绿色发展理念，一贯要求企业开展对外承包工程应当遵守工程项目所在国家或者地区的法律，信守合同，尊重当地的风俗习惯，注重生态环境保护，促进当地经济社会发展。经向有关部门、企业、银行等方面了解，有关企业建设的火电站项目，均为当地政府或企业投资的商业项目，建设运营严格遵循国际标准和驻在国法律法规，环境指标满足当地法律要求，符合欧洲能源共同体相关规范和指令，为当地带来极大的经济效益和生态效益。有关中国金融机构始终坚持绿色信贷理念，将加强绿色金融建设作为长期坚持的重要战略，注重项目社会和环境的影响，遵守当地环保政策和国际公约要求，支持当地经济可持续发展。提供融资的信贷项目均符合东道国环保要求，并在综合考虑项目对社会和环境的影响下，合法合规支持项目进展，努力实现经济效益、社会效益、生态效益同步提升。关于所涉项目侵犯人权的指控无事实依据，纯属诬陷。

一、斯坦纳瑞电站项目环境指标满足当地法律和欧洲能源共同体相关规范和指令。欧洲能源共同体秘书处已于 2015 年对该项目进行全面审查，确认完全满足波黑当地法律法规

及欧盟相关指令要求，欧洲电力贸易商 EFT 集团网站公布了环境许可申明（附后）。该项目系已移交完工项目，东方电气集团不涉及后期运营管理，项目的环境影响评价和建设许可办理均属于项目业务 EFT 集团责任范围。

二、图兹拉火电站 7 号机组项目建设目的是为了替代当地超期服役老旧机组，满足欧盟碳排放标准的环保要求，解决当地电力供应滞后经济发展问题。项目符合现行欧盟 Directive 2010/75/EU 指令，最新的排放指标满足欧盟现行标准，采用最新技术和环保工艺。该项目建成后不仅能为当地提供可靠的电能，而且能为周边城市集中供热，可振兴图兹拉区域的经济，促进就业，保证图兹拉煤矿连续运营，并为当地居民带来巨大经济效益，提高当地居民生活水平。

（一）关于环境许可。根据波黑联邦环境和旅游部与欧洲能源共同体秘书处于 2017 年达成一致意见，2017 年 10 月，业主更新图兹拉项目的环境许可，对电厂的各项排放指标如 SO₂、NO_X、颗粒物等污染物排放都有明确要求（SO₂ ≤ 200mg/Nm³, NO_X ≤ 200mg/Nm³, Dust ≤ 10mg/Nm³），满足欧盟最新排放标准，项目目前不存在有争议的环境许可。所谓项目运营将带来 8.1 亿欧元健康成本以及 39000 年寿命减少问题，并非官方发布数据，而是当地非政府组织无测算依据的报告数据，难以令人信服。根据业主环评报告数据，本项目建成后，SO_X 排放仅为老旧电厂的 3%，NO_X 排放仅为老厂的 26%，粉尘排放仅为老厂的 13%，污染排放物将大幅降低。本项目灰渣处理采用石膏、飞灰、炉渣组成的 17%含水率的灰渣固化物方案，业主于 2018 年 8 月获得波黑环境和旅游部的审批

文件，该项目填埋场空间充足，所采用的灰渣处理工艺能够避免地下水污染，不会产生负面环境影响。

（二）关于所谓非法国家援助。根据波黑国家援助制度和波黑联邦给予国家援助的目的、标准和条件法规，波黑国家援助委员会于 2018 年 7 月通过决议，确定波黑联邦提供的主权担保不属于国家援助，并履行欧洲能源共同体条约缔约国相关义务报送至欧洲能源共同体进行审批。2019 年 4 月，波黑联邦议会两院正式表决通过了为本项目提供担保的决定，流程合法合规。在欧洲能源共同体审批期间，其秘书处认为本项目系非法国家援助并提出诉讼要求。根据波黑公开新闻报道，欧洲能源共同体最高权力理事会已于 2020 年 12 月拒绝了秘书处对本项目进行诉讼的要求，所谓非法国家援助问题已获各方确认，不存在争议。

三、巴洛维奇火电站项目技术成熟、先进，环保指标远高于欧盟标准，但由于业主因素，项目实质处于中止状态，并未生效或开工建设。

附件：欧洲电力贸易商 EFT 集团公布的斯坦纳瑞电站项目的环境许可申明



ENVIRONMENT PROTECTION

TPP Stanari

Stanari Mine

Environmental Impacts Assessment and Environmental Permit

In the development and construction of the Stanari TPP, all of the environmental impact assessment and environmental permitting conditions required by the effective legislation in Republika Srpska and Bosnia and Herzegovina have been satisfied.

Significant measures include:

- Obtaining the Resolution on establishing the obligation for implementation of environmental impacts assessment (May 2006)
- Development of Environmental Impacts Assessment Study (June 2006 – June 2007)
- Presentation and Public Discussion (June – August 2007)
- Study Approval (February 2008)
- Obtaining the Environmental Permit (May 2013)
- Environmental Permit Extraordinary Audit (July 2015)

An Extraordinary Audit of the Environmental Permit, which was conducted by the competent ministry in Republika Srpska, confirmed that the Stanari TPP conformed to the strict emission limits set out in the Large Combustion Plants Directive 2001/80/EC.

In accordance with the Environmental Impact Assessment, the thermal power plant construction and operation will not bear any significant adverse impact to the environment.

The Stanari TPP currently applies numerous environmental impacts mitigation measures implemented using state-of-the-art technology. The low sulfur content of coal from the Stanari coal deposit further improves environmental outcomes. The desulfurization method applied in flue gases has mitigated the SO₂ emissions not only to the standards stipulated by the local legislative but also to the stricter standards defined by the EU Directive 2001/80/EC.

The utilization of a "Low NO_x" burner ensures the nitrogen oxides emission levels comply with the EU Directive 2001/80/EC.

The removal of solid matters from flue gases is performed by bag filters with the efficiency of 99, 99%. The Stanari TPP also applies a system for continuous monitoring and controlling of combustion processes and polluting matters emissions.

The application for the renewal of the Environmental Permit should be submitted every five years.

Energy Community

In 2015 the Energy Community Secretariat conducted a full review of the process of developing the Environmental Impact Assessment and issuance of environmental permit for the Stanari TPP.

It concluded that the Stanari TPP had met all the requirements of local regulations as well as relevant EU Directives 85/377/EEC, 2001/80/EC, 2010/75/EU.

Air emissions

Air emissions limit values

The air emissions limit values stipulated by the Environmental Permit:

Parameters (mg/Nm ³)	TPP Stanari
SO ₂	200
SO ₂	200
Solid matters	30

The Stanari TPP applies Continuous Emissions Monitoring system (CEMS) to control the level of air emissions and to optimize coal combustion processes.

Calibration of Emission Measurement

The control of CEMS had been performed prior to the operational commencement of the TPP in accordance with the local regulations and BAS EN ISO 14181 standard with the purpose to implement the calibration process (QAL 2).

The assessment quality for measuring parameters (SO₂, NO_x, CO, O₂, temperatures and flue gas pressure, solid matters concentration) fully satisfied the standard requirements.

Occasional Measurement

The occasional measurements performed within the Stanari TPP by accredited laboratories are summarized as follows:

- Tests performed in October 2017 with the purpose to measure values of SO₂, NO_x and solid matters emissions in the air proved that the air emissions had fully satisfied the stipulated limit values
- Measurements performed in October 2017 to test the air emission values of mercury (Hg), hydrogen chloride (HCl) and hydrogen fluoride (HF) proved that the air emissions had fully satisfied the stipulated limit values
- Measurements performed in March 2018 with the purpose to test the Stanari TPP operational ability to satisfy the requirements in new the BAT (Best Available Technologies, 31 July 2017) standard in relation to air emissions of SO₂ and NO_x. These results proved the TPP Stanari may satisfy the stipulated limit values of 150 mg/Nm³ for NO_x, 160 mg/Nm³ for SO₂, in compliance with new BAT standard and Industry Emissions Directive 2010/75/EU.

The continuous emission measurements performed in the period from the TPP operation commencement has proved that the requirements stipulated by new BAT standard for Limit Emission Values (LEV) for solid matters (10mg/Nm³) was satisfied.

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