

关于修订《节约能源法》的初步思考

Preliminary Ideas on Amending the Energy Conservation Law

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节约资源是我国的一项基本国策

Resource conservation is an essential part of
China's national policy

《中共中央关于制定国民经济和社会发展第十一个五年规划的建议》提出：要把节约资源作为基本国策，发展循环经济，保护生态环境，加快建设资源节约型、环境友好型社会，促进经济发展与人口、资源、环境相协调。

The Central Party's Suggestions on the Development of the 11th Five-Year National Economic and Social Development Plan," approved by The Fifth Plenary Session of the 16th Central Committee of the Communist Party of China (CPC), clearly states that "the government should elevate resource conservation to the level of principal national policy, encourage a cyclical economy, protect the environment, increase resource efficiency, foster the development of an environmentally-friendly society, and balance economic development with population growth, resource consumption, and environmental protection."

主要内容

Main content

- 一、《节约能源法》的实施效果
- 二、修订《节约能源法》的必要性
- 三、修订《节约能源法》的初步思考

- **Results of EC Law Implementation**
- **Necessity of Amending EC Law**
- **Preliminary Ideas about Amending EC Law**

一、《节约能源法》的实施效果

Results of EC Law Implementation

(一) 节能法制建设得到加强

- 制定和实施节能法及配套法规；
- 颁布实施了地方性节能条例或办法及法规；
- 颁布实施了一大批产品能效标准、行业节能设计规范、建筑节能设计标准等。

(1) Legal basis established for energy conservation

- A series of implementation regulations for EC Law have been adopted;
- The governments of over 20 provinces have adopted a total of about 70 energy-saving regulations and measures;
- Benchmarks for energy efficiency standards, industrial energy-saving planning norms, and architectural energy-saving design standards have been developed and adopted.

一、《节约能源法》的实施效果

Results of EC Law Implementation

(二) 节能管理制度不断完善

(2) The energy-saving management system is continues to be improved

- 重点用能单位节能管理制度
 - 强制性能效标准和标识制度
 - 节能产品认证制度
 - 节能产品政府采购制度
- Management Regulations for Key Energy-Consuming Enterprises
 - Mandatory Energy-Efficiency Standards and Labels
 - Energy-Efficient Product Certification
 - Government Procurement Programs

一、《节约能源法》的实施效果

Results of EC Law Implementation

(三) 节能监管体制取得突破

- 上海、甘肃、云南等省市根据地方法规，建立了节能监察中心，由政府依法授权开展节能执法监察
- 浙江、天津等省市政府设专项资金，委托省级节能监测中心对重点耗能企业进行节能监测

(3) Effective Monitoring and Supervision System

- Energy Conservation Supervision Centers have been established in Shanghai, Gansu province, and Yunnan province; these Centers are responsible for supervising the energy usage and energy efficiency of enterprises
- Special funds have been established in Zhejiang and Tianjin so as to support local governmental monitoring centers in charge of supervising enterprise energy consumption

一、《节约能源法》的实施效果

Results of EC Law Implementation

《节约能源法》实施8年来，我国节能工作取得积极进展，促进了能源利用效率的提高。2004年，单位GDP能耗比1997年下降18%；主要产品单位能耗均有不同程度降低，与国外先进水平的差距逐步缩小。

Since the implementation of the EC Law, China's energy saving management has improved. This has resulted in improved energy utilization efficiency. China's energy consumption per unit of GDP in 2004 was 18 percent lower than it was in 1997. Several main products have reduced their energy consumption. This has narrowed the gap between China's energy consumption per unit of GDP and that of advanced countries.

二、修订《节约能源法》的必要性

Necessity of Amending EC Law

- 传统的高投入、高消耗、高排放、低效率的粗放型增长方式已经走到了尽头，必须加快转变经济增长方式，大力节约能源
- 实现“十一五”能源消耗降低20%的目标，必须采取强化节约能源的措施，这是具有全局性和战略性的重大任务
- 《节约能源法》在诸多方面已不能适应可持续发展对节能的要求
- China's rapid economic growth, characterized by high input, high consumption, high emissions, and low efficiency, is no longer a tenable mode of growth. China must change its mode of economic growth, focusing on conservation of energy resources.
- In order to reduce energy consumption per unit of GDP by 20% during the 11th Five-Year period, energy efficiency needs to be dramatically improved. This is key to socialist modernization in China, and is central to the welfare of the people and China's long-term development
- The EC Law is not currently sufficient to address China's sustainable development and energy conservation needs.

三、修订《节约能源法》的初步思考

Preliminary Ideas about Amending EC Law

(一) 基本思路

(1) Fundamentals:

- 以科学发展观为指导，以实现经济社会可持续发展对提高能源利用效率的要求为目标，建立严格的管理制度、明确各行为主体责任、提高监管能力、完善体制机制、强化政策激励、加大惩戒力度，在吸取节能法实施以来的经验教训，借鉴国外成功经验的基础上加以完善，使节能法成为新时期推进节能工作重要的法律保障。
- Adopt a scientific outlook regarding development; improve energy efficiency in order to realize sustainable economic and social development; adopt stricter management systems, clarifying responsibilities for each group; improve supervision capability; enhance systematic operation mechanisms; multiply policy incentives; strengthen enforcement of laws and of punitive measures; adjust and improve the EC Law based on lessons learned from experience since its adoption and on international best practice; and, ensure that the EC Law guarantees that energy saving will be promoted in the future.

三、修订《节约能源法》的初步思考

Preliminary Ideas about Amending EC Law

(二) 需把握的几个问题

- 政府宏观管理要与发挥市场机制作用相结合
- 依法管理要与政策激励相结合
- 注重源头控制
- 强化法律责任
- 制度设计要有可操作性

(2) Principles:

- Combine government macro-control with market mechanisms
- Combine management with incentive policies
- Attach importance to the control in the beginning
- Strengthen enforcement of the EC Law and punitive measures for infractions
- Put system design into operation

三、修订《节约能源法》的初步思考

Preliminary Ideas about Amending EC Law

(三) 修订《节约能源法》需调整的重点

- 确立节能的重要地位
- 强化法律规范的范围
- 完善节能管理制度
- 强化节能激励政策
- 明确节能法的执法主体
- 支持节能新机制的推广
- 鼓励发达地区实施更严格的能效标准和市场准入制度

(3) Key Issues to be Considered:

- *Clearly state that energy conservation is a high national priority*
- *Expand the scope of energy conservation*
- *Improve energy conservation administration mechanisms*
- *Strengthen energy conservation incentives*
- *Designate an agency to be responsible for execution of EC Law.*
- *Support the extensive use of new energy conservation measures*
- *Encourage the adoption of more stringent energy-efficiency standards and market-access mechanisms in developed regions*

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Thanks!