

## 新节能法实施建议

### The Key Issues In Implementing the Revised *Energy Conservation Law*



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## 实施新节能法的建议

### The key issues in implementing the revised *Energy Conservation Law*

- 中华人民共和国节约能源法修正案已于2007年10月28日经第十届全国人大常委会第30次会议通过。
- 修订后的节能法可以称作是一部“新节能法”。不仅条款由老法的50条增加到87条，新增了一章六节，而且建立了一系列新的节能法律制度。
- The revised *Energy Conservation Law* adopted at the 30th Meeting of the Standing Committee of the Tenth NPC on Oct, 2007.
- It can be called “a new Law”, with one new chapter added and total articles increased from 50 to 87, and several institutional systems of energy conservation established.

## 新节能法的颁布是一个新的起点

### The promulgation of the new Law is a start point

实现“十一五”节能减排目标正处于攻坚阶段。新节能法的出台将为这项工作提供更有力的法律保障，但需要有关部门抓紧落实法律规定的制度和措施。在明年4月1日法律付诸实施之前，在大量准备工作需要完成。

- The next three years will be critical for realization of energy saving targets of “11th 5-year Plan”. The new Law will provide stronger supports, but will need increased efforts in implementing regulatory measures in the Law.

## 实施新节能法迫切需要开展的十方面工作

### The ten key conservation policies and measures that urgently needed to be launched

- 一、健全能效标准。特别是强制性的能源效率标准、高耗能产品单位能耗限额标准、交通运输营运车船的燃料消耗量限值标准等。这是开展投资项目节能评估和审查、对落后的高耗能产品设备工艺等的实行禁止生产销售、限期治理和淘汰的重要依据。
- 1. Establish mandatory energy efficiency standards for products, facilities, buildings and transportation, as well as energy-intensity limits for producing high energy-consuming products. They are basic for all policies and measures.

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- 一、健全能效标准。要抓紧制定空缺的标准，修改落后的标准。这既包括中央有关部门，也包括各省、区市。因为新节能法允许地方按照一定程序制定更严的地方标准，特别是在建筑领域。
- 1. Many existing standards need to be updated. Provincial governments should play a bigger role because the new law authorizes them to set up local standards, especially in building sector.

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- 一、健全能效标准。在健全标准的基础上，开展家用电器的能效标识管理和节能产品认证工作。
- 1. Based on energy efficiency standards, the energy efficiency labeling regulation will apply to majority of the household energy-consuming electronic products gradually.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 二、尽快建立固定资产投资节能评估和审查制度。要与投资体制改革相衔接，有许多基础性的工作要完成。
- 2. An evaluation system for energy consumption by large-scale investment projects should be established. The specific administrative measures shall be formulated by the administrative department for energy conservation under the State Council.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 三、尽快落实电网节能调度。节能法要求国务院有关部门制定具体办法。现在《节能发电调度办法（试行）》已经国务院批准，实施细则和试点工作方案已经编制完成，应当尽快开展试点，特别要抓紧落实对余热余压利用、热电联产的上网政策。
- 3. Power grid shall provide priority in grid-connection service to the efficient power plants and the plants that generate power by using residual heat and pressure.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key Conservation policies and measures**

- 四、尽快颁布和实施《民用建筑节能条例》。建筑节能是非常重要的领域，新节能法专设一节对建筑节能作了规定，提出了若干重要的节能制度。国务院为制定好条例也做了大量工作。
- 4. *Energy Conservation in Civil Building Code* should be promulgated by the State Council as soon as possible.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 四、特别要抓好各地区建筑节能规划的制定，节能标准和设计规范的制定，新建项目的审查和建设过程中的检查，进一步实施公共建筑室内温度控制制度等。
- 4. Several important systems in the building industry should be established and implemented, especially the energy conservation supervision for buildings under construction, and a system for indoor temperature control in public buildings with air-conditioners. The administrative department for construction under the State Council shall formulate the relevant administrative measures, and be responsible for supervision over this implementation.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 四、逐步落实供热分户计量、按用热量计量收费制度，建立房屋销售的节能信息明示制度等。
- 4. A system should be adopted to measure household heat consumption and charge based on consumption. The developers of real estate should be responsible for disclosure of the energy conservation information for the buildings.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 五、从预算管理入手，抓好政府等公共机构的节能。新节能法第49条规定，各级政府要制定本级公共机构的能源消耗定额，财政部门根据该定额制定能源消耗支出标准。这是一项非常重要的制度，但也有大量的工作需要做。此外，要进一步完善节能政府采购制度。
- 5. Strengthen energy conservation in public entities through budget control. The finance department shall, along with the relevant departments decides on the quota of energy consumption and the expenditure standard for the public entities that are at the same level.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 六、强化对重点用能单位的监督检查。新节能法建立了对重点用能单位能源利用状况的审查制度。
- 6. Enhance administration of major energy-using units with respect to energy conservation. A major energy-using unit shall, in accordance with the relevant State regulations, submit an annual report on its last year's utilization of energy to the department for energy conservation .

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 六、强化对重点用能单位的监督检查。新节能法授权政府部门对制度不健全、节能措施不落实和能效低的单位进行现场调查、设备检测，责令能源审计，限期整改。
- 6. If a major energy-using unit does not comply with the regulation requirements, the department can take further actions, e.g. mandatory energy audits.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 七、尽快制定和公布节能技术、节能产品的推广目录，并根据第六十一条的规定，对列入目录的技术和产品，实行税收优惠等扶持政策。还要运用财政补贴等措施，支持节能照明器具的推广和使用。
- 7. In accordance with Article 61 of this Law, a catalogue for popularizing energy conservation technologies and products should be formulated and published by the State and favorable tax policies should be applied. Further financial subsidies should be used to promote energy efficient lighting appliances.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 八、进一步健全财政节能专项资金，加大投入力度。今年中央财政带了头，年初安排了50亿元，后根据中央财政超收较多的情况，又追加了70亿元。根据第59条的要求，省级财政也应当加大投入力度。
- 8. Both central and local governments should devote more money to the special funds for energy conservation to finance the research and development in energy conservation technology, as well as the related technical demonstration, product popularization and major project construction.

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**The ten key conservation policies and measures**

- 八、进一步健全财政节能专项资金，加大投入力度。今年中央财政带了头，年初安排了50亿元，后根据中央财政超收较多的情况，又追加了70亿元。根据第60条的要求，省级财政也应当加大投入力度。
- 8. This year the central government allocated 5 billion Yuan in the budget and added more 7 billion Yuan in the second half of the year.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and measures**

- 九、实行有利于节能的价格政策，包括通过实行峰谷电价、差别电价促进节能。当前一个突出问题是部分能源产品特别是成品油、天然气价格市场化程度不高，不利于节能。
- 9. Price policies should favor energy conservation. Reform and adjustment are needed in petrol and natural gas pricing system.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and**

**measures**

- 要通过财政税收政策和价格形成机制的调整，让节能环保变成有利可图的事情，成为企业的主动选择。据建设部测算，仅建筑节能一项，中国就有2000多亿美元的投资潜力。有专家预测，未来5年，全球30%的节能环保设备订单将来自中国，达3000亿美元。
- An effective incentive mechanism, with fiscal, tax and price policies will make energy conservation become a big market. In the next 5 years, 30% of orders for equipment for energy conservation and environmental protection will come from China, which will be about 300 billion US dollars.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and**

**measures**

- 十、实施新节能法，必须强化对节能工作的监督检查。新法强化了法律责任，加大了对违法行为的处罚力度。此外，还要加大对各级政府的监督。
- 10. Improve regulations for legal accountability, and strengthen the authority and constraining power of the *Energy Conservation Law*. Strengthen punishments, to clarify, specify, and enhance legal responsibilities of government agencies, enterprises, and private bodies.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and**

**measures**

- 十、新节能法规定，要将节能目标完成情况作为地方人民政府及其负责人考核评价的内容。据了解，这项工作已经开展，但还没有完全落实。法律的出台，使这一制度刚性化了，必须落到实处。
- 10. The State Council shall set an energy conservation goal for the provincial governments. Achieving these goals should be one of the criteria for evaluation of local governments.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and**

**measures**

- 十、新节能法规定，国务院和县级以上地方各级政府编制节能中长期规划和年度节能计划，并组织实施，同时，每年向同级人民代表大会或者其常委会报告节能工作。近两年的情况说明，这是一种有效的监督手段。
- 10. The State Council and local governments at or above the county level shall draw up and implement a long- and medium-term program, and annual plans specifically for energy conservation. The governments should report energy conservation achievements to NPC or its Standing Committee at the same level.

**实施新节能法迫切需要开展的十方面工作**  
**The ten key conservation policies and**

**measures**

- 十、十届全国人大财经委一直把督促政府做好节能减排作为工作重点，通过听取工作汇报、执法检查、修订法律、增加相关预算支出安排、推动财税改革和价格改革等方式加强监督和支持力度。
- 10. Energy Conservation is one of the focuses of the works of the Financial & Economic Committee of the 10<sup>th</sup> NPC.

谢谢! Thank you!

