

高级政策顾问委员会第十次会议 TENTH SENIOR POLICY ADVISORY COUNCIL MEETING

— 再接再厉，贯彻实施20%节能目标

ENHANCING IMPLEMENTATION OF CHINA'S 2010 20-PERCENT ENERGY EFFICIENCY TARGET

发言材料 Presentation Handouts

2007年11月16日
November 16, 2007

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大卫与露茜尔 • 派克德基金会
威廉与佛洛拉 • 休利特基金会 合盟
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*The David and Lucile Packard Foundation, The William and Flora Hewlett Foundation,
in partnership with the Energy Foundation*

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**CHINA SUSTAINABLE ENERGY PROGRAM
10TH SENIOR POLICY ADVISORY COUNCIL (PAC) MEETING**

**ENHANCING IMPLEMENTATION OF CHINA'S 2010 20-PERCENT
ENERGY EFFICIENCY TARGET**

NOVEMBER 16, 2007

TIANJIN, P.R. CHINA

AGENDA

1:45 pm

WELCOME REMARKS

Colburn S. WILBUR, Chair, Senior Policy Advisory Council; Trustee, The David and Lucile Packard Foundation

Introduction: New Senior Policy Advisory Council Members

WANG Junmin, Vice Governor of Shandong Province

Introduction: Funding Partners and New CSEP Director (introduced by Eric HEITZ, President, The Energy Foundation)

Andrew BOWMAN, Director, Climate Change Program, Doris Duke Charitable Foundation

Paul BREST, President, William and Flora Hewlett Foundation

Walt REID, Conservation and Science Program Director, David and Lucile Packard Foundation

LIN Jiang, Director, China Sustainable Energy Program

SESSION ONE

**LOCAL IMPLEMENTATION OF THE 20-PERCENT ENERGY EFFICIENCY
TARGET: EXPERIENCES AND BARRIERS**

2:10 pm

SHANDONG'S EXPERIENCES IN IMPLEMENTING THE 20-PERCENT ENERGY EFFICIENCY TARGET

WANG Junmin, Vice Governor, Shandong Province

2:40 pm

IMPLEMENTING THE 20-PERCENT ENERGY EFFICIENCY TARGET IN THE TOP-1,000 INDUSTRIAL ENTERPRISES

DAI Yande, Deputy Director, Energy Research Institute, National Development and Reform Commission

3:00 pm **POLICY RECOMMENDATIONS FOR ACHIEVING THE 20-
PERCENT ENERGY EFFICIENCY TARGET**
FENG Fei, Director, Industrial Economics Department, Development Research
Center of the State Council

3:20 pm **DISCUSSION**

3:50 pm **BREAK**

SESSION TWO

NEW LAWS FOR STRENGTHENING THE IMPLEMENTATION OF THE 20- PERCENT ENERGY EFFICIENCY TARGET

4:05 pm **DRAFTING THE ENERGY LAW**
YE Rongsi, Deputy Head, Expert Team for Drafting the Energy Law; President,
Energy Law Academy, China Law Association

4:25 pm **ENFORCEMENT OF THE NEW ENERGY CONSERVATION LAW**
LI Mingzhi, Director, Economic Affairs Office, Financial & Economic
Committee, National Peoples' Congress

4:45 pm **AMENDMENT OF THE ELECTRICITY LAW TO IMPROVE ENERGY
EFFICIENCY AND ENVIRONMENTAL PROTECTION**
WANG Yonggan, Chairman, China Electricity Council

5:05 pm **DISCUSSION**

SESSION THREE

GUIDANCE AND ADVICE FOR THE CHINA SUSTAINABLE ENERGY PROGRAM

5:25 pm **CSEP FOCUSES IN 2008**
Fuqiang YANG, Chief Representative, The Energy Foundation Beijing Office

5:40 pm **DISCUSSION**

6:40 pm **CLOSING REMARKS**
Colburn S. WILBUR, Chair, Senior Policy Advisory Council

6:50 pm **ADJOURN**

中国可持续能源项目

第十次高级政策顾问委员会会议

—再接再厉，贯彻实施20%节能目标

2007年11月16日

中国·天津

议 程

1:45 pm	欢迎致辞 <ul style="list-style-type: none">— 柯尔布恩 S. 威尔伯(Colburn S. Wilbur) , 高级政策顾问委员会主席, 大卫与露茜尔·派克德基金会董事会理事— 介绍新高级政策顾问委员会委员 王军民, 山东省副省长— 能源基金会主席艾瑞克(Eric Heitz)介绍中国可持续能源项目资助伙伴和新任项目主任 安德烈·伯曼 (Andrew BOWAN) , 桃瑞斯·杜克慈善基金会 保罗·布雷斯特 (Paul Brest) , 威廉与弗洛拉·休利特基金会主席 沃尔特·里德 (Walt Reid) , 大卫与露茜尔·派克德基金会 保护与科学项目主任 林江, 能源基金会中国可持续发展能源项目主任
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第一节：地区实施20%目标实践：经验和障碍

2:10 pm	或山东省地区实施节能20%目标实践经验 <ul style="list-style-type: none">— 山东省副省长王军民
2:40 pm	千家企业20%节能目标实施经验 <ul style="list-style-type: none">— 戴彦德, 国家发展和改革委员会能源研究所副所长
3:00 pm	实现20%节能目标的政策建议 <ul style="list-style-type: none">— 冯飞, 国务院发展研究中心产业经济部部长

3:20 pm 讨论

3:50 pm 休息

第二节：实现20%节能目标的法律保障

4:05 pm 中国能源法立法进展介绍

— 叶荣泗，中国法律学会能源法律分会会长，能源法起草专家组副组长

4:25 pm 新节能法实施建议

— 李命志，全国人大财经委经济室主任

4:45 pm 重新启动电力法修改建议，促进节能和环保目标的实现

— 王永干，中国电力企业联合会秘书长（待定）

5:05 pm 讨论

第三节：对中国可持续能源项目发展的指导和建议

5:25 pm 2008年中国可持续能源项目重点工作领域

— 杨富强，能源基金会副主席, 北京办公室首席代表

5:40 讨论

6:40 pm 会议总结

— 柯尔布恩 S. 威尔伯(Colburn S. Wilbur)，高级政策顾问委员会主席，
大卫与露茜尔·派克德基金会董事会理事

6:50 pm 休会

7:00 pm 晚宴

在中国可持续能源项目 第十次高级政策顾问委员会会议上的发言

The 10th Senior Policy Advisory Council Meeting of the China Sustainable Energy Program

山东省委常委、副省长 王军民

Member of the Standing Committee of The Communist Party Shandong
Province

Vice Governor
Wang Junmin

2007年11月16日
November 16, 2007

山东省节能减排的基本情况

Energy Conservation and Pollution Reduction in Shandong Province

- 山东陆地面积**15.72**万平方公里，海岸线长**3024**公里，人口**9309**万，辖**17**个市、**140**个县(市、区)。
- **2006**年全省实现生产总值**22077**亿元，人均**23715**元；能源消耗折合标准煤**2.6**亿吨，万元GDP能耗**1.23**吨标准煤。
- **157,200** square km of land; **3,024** km coastline, **930.9** million people; **17** cities; and **140** counties (cities, districts).
- In **2006**, Shandong's GDP reached **2.2077** trillion RMB; **23,715** RMB/capita; **260** million tce in energy consumption, and **1.23** tce/10K RMB GDP energy consumption.

山东省节能减排的基本情况

Energy Conservation and Pollution Reduction in Shandong Province

- 2006年，全省万元GDP能耗比2005年降低**3.46%**，省重点考核的千户企业节能**334万吨标准煤**。
- 今年上半年，全省万元GDP能耗比2006年上半年同比降低了**4.7%**，省重点考核的千户企业节能**222.83万吨标准煤**。
- In 2006, the energy consumption/10K RMB decreased 3.46% compared to 2005 levels; 1,000 key energy intensive enterprises saved 3.34 million tce of energy.
- In the 1st half of 2007, energy consumption/10K RMB decreased 4.7% compared to 2006 levels; 1,000 key energy intensive enterprises saved 2.2283 million tce of energy.

山东省节能减排主要做法

Shandong's Energy Conservation and Pollution Reduction Activities

- 加强组织领导，完善节能减排保障机制。
- 从源头上严格控制“两高”行业的项目和投资。
- 加大自主创新，优化经济结构，着力构建节约型、环保型产业体系。
- Increased management capacity to improve energy saving and CO2 emission reduction systems.
- Limited new investments in energy intensive and highly polluting industries.
- Increased innovation, optimized economic structures, and established economic and environmentally-friendly industries.

山东省节能减排主要做法

Shandong's Energy Conservation and Pollution Reduction Activities

- 运用市场手段和法律手段加快淘汰落后生产能力。
- 突出抓好重点企业和重点领域节能减排。
- 加快推进节能减排技术进步。
- 大力发展循环经济。
- Eliminated throughput with policies and market mechanisms.
- Managed energy saving and CO2 emissions reduction.
- Promoted the development of energy saving technologies.
- Promoted the development of a recycling economy.

节能自愿协议在山东省的实践情况

Implementation of Shandong's Voluntary Energy Efficiency Agreements

- **2003年4月**，省经贸委代表政府与济钢、莱钢签订了第一期节能自愿协议，这也是我国第一个节能自愿协议。
- In April 2003, the Shandong government and two steel enterprises, Jigang and Laigang, signed voluntary energy efficiency agreements. These were the first voluntary agreements in China.
- 已分三期在**11个市51家企业**实施了节能协议。
- Now there are 51 enterprises from 11 cities participating in the Energy Efficiency Agreement Program (Phase I, II, III)

节能自愿协议在山东省的实践情况

Implementation of Shandong's Voluntary Energy Efficiency Agreements

- 山东省节能自愿协议主要是建立四个体系：
 - 在政府和企业分别建立节能自愿协议组织领导与监督管理体系
 - 在试点企业设立节能环保考核评价指标体系
 - 建立节能环保目标体系
 - 建立节能自愿协议政策支持体系。
- Shandong's EEA program establishes 4 important systems:
 - EEA management system with government and enterprises.
 - Evaluation system for energy saving and environmental protection in enterprises.
 - Target system for energy saving and environmental protection.
 - Support system for the establishment of voluntary agreement policies.

节能自愿协议在山东省的实践情况

Implementation of Shandong's Voluntary Energy Efficiency Agreements

- 国家发改委组织国内权威专家组成评估组，对我省试点工作进行了评估。认为：
 - 实现了我国节能工作机制上的创新；
 - 改变了以行政号召为主的节能工作方式，初步建立了适应市场经济要求的节能工作机制；
 - 试点达到了预期的目标，产生了积极的影响，促进了政府的节能工作，为完善我国节能市场机制提供了宝贵经验，奠定了良好的基础；
 - 具有重要的推广价值。
- National Development and Reform Commission evaluation results:
 - Innovative energy saving management mechanism
 - New market-driven energy-saving management system
 - Successful EEA pilot project
 - Should be expanded throughout China.

下一步工作

Next Steps

- 扩大范围，推广深化试点。
- 完善专家咨询组织。
- 加强与能源基金会的合作。
- 加大政策扶持力度。
- Expand implementation of EEA projects.
- Improve development of consulting organizations.
- Enhance cooperation with the Energy Foundation.
- Strengthen government policy support.

谢谢！

Thank You.

千家企业节能行动实施进展及 下一步工作

Implementation Progress of Top-1000 Enterprises Energy Conservation Action Plan and Next Steps

国家发展和改革委员会
能源研究所
戴彦德

Energy Research Institute
of NDRC
DAI Yande

Energy Research Institute

国家发展和改革委员会能源研究所

主要内容

Content

- | | |
|-----------------|--|
| • 千家企业节能行动的目标 | • Target of Top-1000 Action |
| • 千家企业节能行动实施进展 | • Implementation progress of Top-1000 Action |
| • 千家企业节能行动存在的问题 | • Problems in Top-1000 Action |
| • 千家企业行动下一步工作取向 | • Next step work plan |

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千家企业节能行动目标 Target of Top-1000 Action

• 背景

- 工业能耗占全国能源消费总量的70%左右。
- 千家高耗能企业（年能耗18万吨标煤及以上）能耗占全国能耗33%，占工业能耗47%。



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• Background

- Energy consumed by industries accounts for approximately 70% of the total in our country
- Energy consumed by Top-1000 enterprises (annual energy consumption of 180,000 tons standard coal and above) account for approximately 33% of our total, or 47% of total consumption of industries

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千家企业节能行动目标 Target of Top-1000 Action

• 2006年4月启动

- 目的:大幅度提高千家企业的能源利用效率，使主要产品单位能耗达到国内同行业先进水平，部分企业达到国际先进水平或行业领先水平，并带动行业的节能行动
- 节能量:5年节能1亿吨标准煤左右。

• Initiated in April 2006

- Mission: improving the energy efficiency of the 1000 enterprises, making the energy consumption per unit of main products reach the advanced level in their respective industries, some of them to reach the advanced level in the world.
- Energy Saving Target: 100 million tons coal equivalent in 5 years.

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千家企业节能行动实施进展

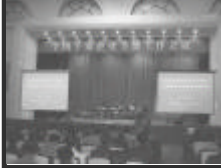
---全面部署千家企业节能行动

- 提出指导思想和主要目标
- 明确了工作要求和保障措施
- 公布了千家企业名单
- 召开千家企业节能工作会议
- 分别进行了能源统计等方面的培训

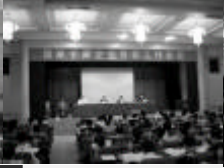
Top-1000 Action Progress

--- Comprehensive Deployment

- Set out guiding principles and major goals
- Specified the work requirements and safeguard measures
- Published a list of Top-1000 enterprises by name
- Top-1000 action work meetings hold in five regions
- Series of energy statistic trainings



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千家企业节能行动实施进展

---实行节能目标评价考核制度

- 按国务院要求，国家发改委把“十一五”万元GDP能耗降低指标分解到各省（区、市）；
- 国家发改委与30个省（区、市）、新疆生产建设兵团和14家中央企业签定了千家企业节能目标责任书；
- 各省（区、市）政府分别与本地所属千家企业签订了节能目标责任书。

Top-1000 Action Progress

--- Examination and Evaluation system on energy conservation targets.

- As required by the State Council, NDRC has decomposed the reduction targets of energy consumption and allocated them to each province
- NDRC has signed responsibility documents on Top-1000 enterprises' energy conservation targets with the 30 provincial level governments and 14 central enterprises
- Local governments have respectively signed responsibility documents on energy conservation targets with Top-1000 enterprises in their own areas

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千家企业节能行动实施进展
---强化千家企业节能管理

- 政府部门加大企业节能管理的跟踪、检查和指导；
- 加强对千家企业用能的监督检查和抽查；
- 加强了能源管理制度建设；
- 建立专门的能源管理机构，配备了相关能源管理人员。

Top-1000 Action Progress

--- Reinforcement of administration of the 1000 enterprises.

- Governments in different level have enhanced their works on tracing, examining, and directing the 1000 enterprises in their respective areas
- Governments strengthen the examination and spot checking energy use of 1000 enterprises
- Strengthen the energy administrative system buildings
- To establish special energy management institutions and energy managers

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千家企业节能行动实施进展

---开展企业能源审计和编制节能规划

- 从2006年第四季度开始，在千家企业中开展了能源审计及编制节能规划工作；
- 2007年上半年，千家企业基本完成了能源审计和编制节能规划的工作；各省级节能主管部门组织专家对能源审计报告集中进行审核。
- 截至8月31日止，已收到30个省、市、自治区提交的能源审计报告967份。

Top-1000 Action Progress

- Energy Auditing & Energy Conservation Plan

- Energy auditing and formulation of energy conservation plan have been developed with the 1000 enterprises since the fourth quarter of 2006.
- In the first half of 2007, the 1000 enterprises basically have completed their works. Each respective department of provincial level has organized experts to examine the reports.
- Up to August 31, 967 copies of energy audit reports and 836 copies of energy conservation plans have been received from the 30 provincial level government.

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千家企业节能行动实施进展

---开展企业能源审计和编制节能规划

Top-1000 Action Progress

- Energy Auditing & Energy Conservation Plan

- 通过开展能源审计达到了如下目的：
 - 一是摸清了家底。
 - 二是培养和锻炼了队伍
 - 三是发挥了示范带头作用。
- The results of the energy audit:
 - The first is to develop a clear idea about the fundamental conditions of the enterprises.
 - The second is to cultivate and train teams.
 - The third is to serve as a leading role.

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千家企业节能行动实施进展

Top-1000 Action Progress

- Active promotion of the technology reformation of the 1000 enterprises on energy conservation.

- 积极推进千家企业的节能技术改造
- 国家和各地政府加大了对千家企业节能技术改造项目的支持力度，促进了企业生产工艺的优化和产品结构的升级。
- 千家企业节能行动带动重点耗能企业节能管理
- Active promotion of the technology reformation of the 1000 enterprises on energy conservation
- Central and local governments have increased support of technology reformation projects of the 1000 enterprises, which actively promote technology reformation
- Promoting the administration of key energy consuming enterprises on energy conservation

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千家企业节能行动实施进展
---千家企业节能行动已经取得的成效

Top-1000 Action Progress
---Achievement of Top-1000 action

与2005年相比，2006年千家企业主要产品单位能耗指标均有不同程度的下降，其中：

- 水泥、平板玻璃、原油加工等单位产品能耗指标接近国际先进水平；
- 火电、电解铝、合成氨、电石、烧碱、纯碱等产品单位综合能耗指标好于国内平均水平。

Compared with that of 2005, the levels of energy consumption per unit of the main products of the 1000 enterprises all went down to by a different extent:

- The levels of energy consumption per unit of cement, plane glass, and crude oil have neared the advanced levels in the world
- The levels of energy consumption per unit of thermal power, electrolytic aluminum, synthesis ammonia, calcium carbide, caustic soda, and calcined soda have been better than domestic average levels

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千家企业节能行动实施进展
---千家企业节能行动已经取得的成效

Top-1000 Action Progress
---Achievement of Top-1000 action

- 国家统计局数据: 2006年千家企业节能量共约2000万吨标准煤。
- 其中，钢铁、化工、电力、石油石化四个行业的节能量占总节能量的92%。

- Report from NBSC: Top-1000 program saved about 20 million tons of coal equivalent in 2006.
- 92% of the savings came from steel, chemistry, power and oil & petrochemical sectors.

Energy Research Institute

国家发展和改革委员会能源研究所

千家企业节能行动存在的问题 Problems in Top-1000 Action

- 部分企业认识还不够到位。
- 一些企业仍在使用应淘汰的落后工艺和设备。
- 能源计量、统计等基础工作滞后。
- 激励政策和监督机制不完善。
- Insufficient recognition exists with some enterprises.
- Enterprises are still using backward technologies and equipments that deserve to be eliminated.
- Energy accounting and measurement lag behind
- Incentive policies and supervision mechanisms are imperfect.

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千家企业节能行动下一步的工作取向

- 一是进一步提高开展千家企业节能行动重要意义的认识。
- 二是强化企业主体责任
 - 《节能目标责任评价考核实施方案》，把节能目标完成情况作为考核省级人民政府领导班子政绩和重点耗能企业负责人业绩的重要依据。
- I. Increase awareness for the significance of carrying out Top-1000 action.
- II. Strengthening the accountability of the enterprises.
 - Plan for Implementing Examination and Evaluation of Energy Conservation Target Responsibility sets the implementing status of energy conservation targets as the important basis for evaluating the administrative achievements either of the leading staff of each government at provincial level, or of the head of each key energy consuming enterprise.

Top-1000 Action next step work plan

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千家企业节能行动下一步的工作取向

- 三是采取综合措施坚决遏制高耗能、高排放行业过快增长
 - 对重点地区和重点行业实行更加严格的市场准入条件
 - 调整《外商投资产业指导目录》，严格控制高耗能、高排放、低水平行业项目进入
 - 落实限制高耗能、高排放产品出口的各项政策
 - 陆续公布淘汰落后产能的企业名单

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Top-1000 Action next step work plan

- III. Slow consumption and pollution discharge from heavy energy consuming industries by comprehensive measures.
 - Stricter conditions for entering markets for energy conservation and environmental protection.
 - Adjust the Catalogue for the Guidance of Foreign Investment Industries to prevent high energy consuming, heavy pollution discharge and/or low level enterprises from entering China.
 - Implement policies for restricting export of heavy energy consuming and/or heavy pollution discharge products.
 - Publish the list of enterprises with obsolete production capacity that ought to be eliminated.

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千家企业节能行动下一步的工作取向

- 四是开展重点耗能企业能效水平对标活动
 - 国家发改委已经印发了《重点耗能企业能效水平对标活动实施方案》
 - 启动了重点企业与国际国内同行业能耗先进水平对标活动。

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Top-1000 Action next step work plan

- IV. Carrying out energy efficiency benchmarking for key enterprises.
 - Implementation plan of energy efficiency benchmarking for key enterprise has been published by NDRC
 - Key enterprises have began the benchmark for energy efficiency levels with both domestic and international best practice

国家发展和改革委员会能源研究所

千家企业节能行动下一步的工作取向

- 五是加大企业节能技术改造力度
 - 财政部、国家发改委提供财政支持实施十大节能工程。
 - 中央财政新增70亿元，用于支持重点节能工程。

Top-1000 Action next step work plan

- V. Enhancing the technology reformation of the enterprises' energy conservation.
 - MOF, NDRC will provide financial support to 10 key large energy conservation projects.
 - 7 Billion RMB Yuan has been allocated this year.

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千家企业节能行动下一步的工作取向

- 六是强化节能管理
 - 企业内设立或明确专门的节能管理机构/人员，健全制度，实行节能目标责任制；
 - 建立和完善企业节能数据的网上直报系统。
 - 逐步实行重点用能单位的能源管理师制度。

Top-1000 Action next step work plan

- VI. Strengthening the administration of energy conservation
 - ◆ Each of Top-1000 enterprises should establish or specify its special administrative institution, identify special person, and improve energy conservation target accountability system.
 - ◆ Establish and improve a direct online data report system based on nationwide network.
 - ◆ An energy manager system for key energy consuming enterprises will gradually be put into practice.

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实现“十一 五”节能 目标 的政策建议

冯 飞

国务院发展研究中心
产业经济研究部

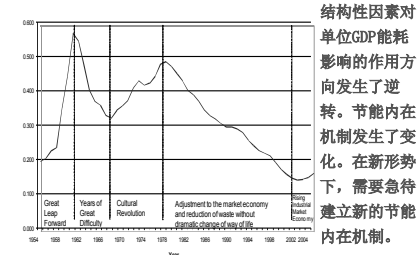
Policy Proposals for Realization of Energy Conservation Targets in the 11th Five-Year Plan period

Feng Fei

Department of Industrial Economic
Research of the Development Research
Center of the
State Council

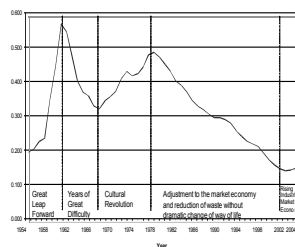
应充分认识实现 “十一五”节能目标 的艰巨性和问题的 本质

★ 驱动节能的主导因素
发生了逆转。



To fully understand the difficulties and essences of energy conservation targets in the 11th Five-Year Plan period

★ The driving factors for
energy conservation have
reversely changed.



★ 在节能管理、政策、法律等诸多方面存在着系统性缺陷。

在利用财税、价格等政策激励节能的手段不足；
法律、法规、标准等或者缺失或者不适应新形势的需要；
包括节能在内的能源管理体制不顺；
体制转型中的市场机制仍不成熟、不健全。

★ Systematic deficiencies exist in various aspects, such as energy conservation management, policy and law.

These deficiencies include, an absence of laws, rules and regulations that can adapt to new situations; an unsmooth energy management system which, includes energy conservation; and an obviously weakened ability for management of energy. The market mechanism under system transformation is still immature and incomplete.

★ 当前的经济发展速度远高于节能目标设定时的前提条件，加大了实现节能目标的难度。

2010年实现6.4亿吨标准煤的节能量（按GDP增速7.5%测算），GDP增速比规划目标每增加一个百分点，目标节能量将增加约4.7%。如果GDP增速分别达到8.5%和9.5%，目标节能量将达到6.7亿吨和7.0亿吨标准煤。

★ Energy conservation targets are more difficult to achieve, because the current economic growth is much faster than the conditions were when the targets were set.

- It is expected, under the current growth rate, that the total energy conservation amount needed to (in absolute value) realize targets by 2010 is 640 million tons of standard coal.
- For each percentage point of economic growth higher than the planned target, the energy conservation needed will grow by about 4.7%. If GDP increases at a speed of 8.5% or 9.5%, the aimed energy conservation amount should be 670 or 700 million tons of standard coal, respectively.

必须着眼于建立长效的节能新机制

“三高三低”：中央政府关注程度高、地方政府关注程度低，能源短缺或供应紧张时期关注程度高、能源供应相对充足时期关注程度低，能源约束较强的地区关注程度高、能源资源相对富裕的地区关注程度低。

“三多三少”：政府动员多、企业和消费者行动少，号召多、具体措施少，行政性手段多、经济与法律手段少等的问题。

It is imperative to establish a new and long-term energy conservation mechanism

“Three-high and three-low”: high attention from the central government and low attention from local governments; high attention paid during energy shortage or strain in supply, and low attention paid during comparatively affluent energy supply; and high attention paid to areas which are relatively poor in energy resources and strongly energy-restrained areas, and low attention paid to areas which are relatively abundant in energy resources.

“Three-more and three-less”: More in government mobilization, less in actions by enterprises and consumers; more in calls, less in specific measures; and more in administrative means, less in economic and legal means.

推进节能工作的四个原则

★ 采取综合措施，强调经济激励。

对象	经济手段	法律手段	行政手段
政府		有效	有效
国有企业等	基本有效	有效	部分有效
非国有企业	有效	有效	效果有限
公众、消费者	有效	有效	效果有限

Four principles for promoting energy conservation

★ Comprehensive measures should be adopted and economic incentives stressed

Objects	Economic means	Legal means	Administrative means
Governments		Effective	Effective
State-owned enterprises, etc.	Basically effective	Effective	Partially effective
Non-state owned enterprises	Effective	Effective	Limited effect
Publics and consumers	Effective	Effective	Limited effect

★ 中央与地方联动，落实各自责任。

建立起比较科学的节能指标分解办法，建立科学的监督机制、考核评价制度以及准确及时的统计体系。

落实到中央政府相关部门，明确中央政府各部门的责任，切忌将节能责任简单下移。

★ 标本兼治，重在控制源头。

三个源头：消费方式；

能源密集型产业的新增投资；

能源密集型产品的出口。

★ The central government and local governments should work together to improve their accountability

• To create a more scientific method to disaggregate energy conservation tasks, to establish a supervision mechanism and evaluation system, and to build a database system.

• Tasks should be assigned to the relevant departments of the central government; energy conservation responsibilities of various departments of the central government should be clarified; and the cases of simply transferring responsibilities to a lower level should not be allowed.

★ Both temporary and permanent solutions should be developed, with focus on control of sources

Three sources: consumption modes;

new investment in energy-intensive industry; and export of energy-intensive products.

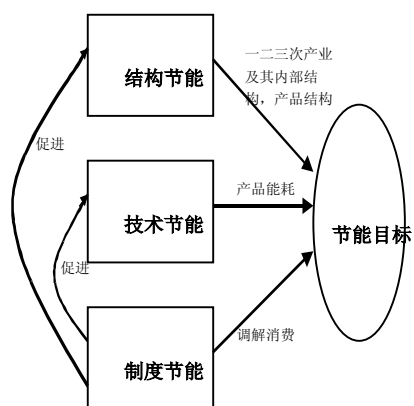
★ 长短结合，重在建立长效机制。

对象	经济手段	法律手段	行政手段
政府		有效	有效
国有企业等	基本有效	有效	部分有效
非国有企业	有效	有效	效果有限
公众、消费者	有效	有效	效果有限

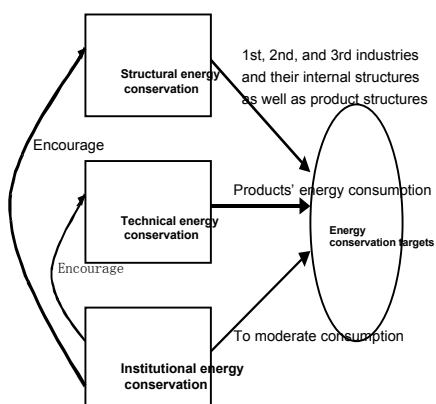
★ Short- and long-term measures should be created simultaneously, with a focus on establishing a long-term mechanism

Objects	Economic means	Legal means	Administrative means
Governments		Effective	Effective
State-owned enterprises, etc.	Basically effective	Effective	Partially effective
Non-State-owned enterprises	Effective	Effective	Limited effect
Publics and consumers	Effective	Effective	Limited effect

节能的三个途径

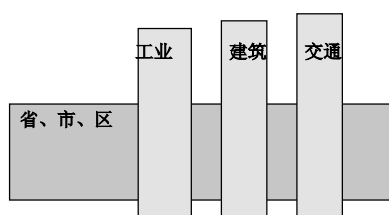


Three approaches to energy conservation



节能目标的两维度分解

单位GDP能耗下降20%的总体目标

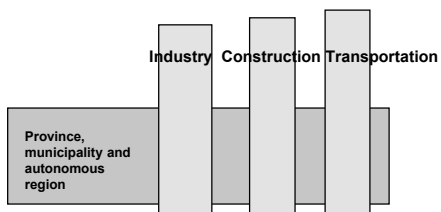


行业
重点企业

而不是单维度分解。

Two-dimension break-down of energy conservation targets

An overall target of 20% reduction in unit GDP energy consumption



Industry
Key enterprises

Not uni-dimension break-down.

高、中、低不同经济增长情形下实现节能目标的可能性				Possibilities for achieving energy conservation targets for high, middle and low economy growth scenarios			
GDP	9.5%	8.5%	7.5%	GDP	9.5%	8.5%	7.5%
产业结构	10.0:46.8:43.2	10.4:45.8:43.8	10.7:45.0:44.3	Industry structure	10.0:46.8:43.2	10.4:45.8:43.8	10.7:45.0:44.3
一:二:三	2004年为11.9:48.0:40.1			1st: 2nd: 3rd	11.9:48.0:40.1 (in 2004)		
在考虑结构变化以及弱技术进步的节能状况	11.6%	13.3%	15.9%	Energy conservation after consideration of structure change and weak technical progress	11.6%	13.3%	15.9%
<p>如不采取进一步的节能措施根本无法实现节能目标。</p> <p>GDP增速对实现节能目标有着决定性作用。</p> <p>结构节能是实现节能目标的关键。结构节能对实现节能目标的贡献率为60-70%，技术节能的贡献约30-40%。</p> <p>加快技术进步和提高能源价格是实现节能目标的两个关键性措施。</p>				<p>It is totally impossible to accomplish the energy conservation targets without further energy conservation measures.</p> <p>GDP growth rate has a decisive role in the realization of energy conservation targets.</p> <p>Structural energy conservation is the key to achieving energy conservation targets. Structural energy conservation will have a contribution rate of 60-70% for realizing energy conservation targets, and technical energy conservation will have about 30-40%.</p> <p>Quickening technical progress and raising energy prices are two critical measures for realizing energy conservation targets.</p>			

技术节能潜力大，但“十一五”期间只能部分实现					Technical energy conservation has great potential, but targets can only be partially achieved in the 11th Five-Year Plan				
	单位	2000年	2005年	国际先进水平	period.	Unit	2000	2005	Advanced international level
火电供电煤耗	克标准煤/千瓦时	392	370	312	Coal consumption by coal or gas electricity-generation	g standard coal/KWH	392	370	312
吨钢可比能耗	千克标准煤/吨	784	714	610	Comparable energy consumption by each ton of steel	kg standard coal/ton	784	714	610
电解铝交流电耗	千瓦时/吨	15480	14622	14100	AC consumption by electrolyzing aluminum	KWH/ton	15480	14622	14100
铜冶炼综合能耗	千克标准煤/吨	1277	780	500	Comprehensive energy consumption by copper metallurgy	kg standard coal/ton	1277	780	500
炼油综合能耗	千克标准煤/吨	118	104	73	Comprehensive energy consumption by oil refinery	kg standard coal/ton	118	104	73
乙烯综合能耗	千克标准煤/吨	1125	986	629	Comprehensive energy consumption by ethene	kg standard coal/ton	1125	986	629
大型合成氨综合能耗	千克标准煤/吨	1327	1314	1000	Comprehensive energy consumption by large-scale synthesis ammonia	kg standard coal/ton	1327	1314	1000
烧碱（隔膜法）综合能耗	千克标准煤/吨	1553	1503	1283	Comprehensive energy consumption by alkali (septum method)	kg standard coal/ton	1553	1503	1283
水泥综合能耗	千克标准煤/吨	181	153	127	Comprehensive energy consumption by cement	kg standard coal/ton	181	153	127
平板玻璃综合能耗	千克标准煤/重量箱	25	22	17	Comprehensive energy consumption by flat glass	kg standard coal/weight box	25	22	17
建筑陶瓷综合能耗	千克标准煤/平方米	10.04	9.9	6.7	Comprehensive energy consumption by construction ceramic	kg standard coal/m sq.	10.04	9.9	6.7

抓好新增投资节能是实现技术节能的关键措施之一。

加快淘汰落后生产能力对实现技术节能同样关键。2005年，全国中小企业能源消费占工业部门的50%左右，产品单耗比大企业高30%-60%。

抓好新增投资节能、淘汰落后生产能力和实施节能改造是实现技术节能的三个途径

New investment in technical energy conservation is a key measure for achieving conservation targets.

Quickly eliminating backward production capacity is also critical for achieving technical energy conservation as well. In 2005, energy consumption by SME in China accounted for about 50% of the entire industry, and energy consumption per unit product by SME was 30%-60% higher than that by large-scale enterprises.

Three approaches to technical energy conservation are: new investments in energy conservation, elimination of backward production capacity and reformation for energy conservation.

需要科学制定和落实地区的节能目标。

各地经济发展目标之和远大于国家目标，各地的能源消耗量之和也大于国家目标，值得关注。

从目前的情况看，单位GDP能耗低的地区往往是经济发达地区，考虑到地区节能目标的确定还需要与地区经济社会发展政策统筹起来，必须要建立科学的节能目标分解方法，能源统计、监察、考核体制的建立与完善是落实地区节能目标的关键。

还要进一步明确中央与地方的各自责任，中央政府要着眼解决全局性的政策问题，尽快解决目前地方政府政策手段不足的问题。

Regional energy conservation targets should be made and implemented in a scientific way.

It is noteworthy that the sum of all provinces' economic development targets largely surpass the nation's targets as a whole, as well as the sum of all provinces' energy consumption.

Currently, the regions with low energy consumption per unit GDP tend to be developed regions. In view of the need to align a region's energy conservation target with its economic and social development policies, it is necessary to create a scientific method to break down energy conservation targets. The establishment and improvement of energy statistics, supervision and appraisal systems are the key to meeting regional energy conservation targets.

The individual responsibilities of the central and provincial governments should be further defined. The central government should focus on the full-scale policies, and address the deficiency of local governments' policy measures.

近期可采取的政策建议

★ 充分调动一切行政资源，加强节能管理

一是在中央政府层面，建议组建综合性能源管理机构，尽快落实国家节能中心的组建工作，落实中央政府有关部门的各自职责。

二是建立科学的监督机制和考核评价制度，将节能环保目标的落实情况作为干部绩效考核的重要内容。

三是建议将节能目标进行行业分解。制定针对性的节能政策，包括能效准入条件、产品能效标准标识、行业技术政策、落后生产能力退出等政策措施。四是强化节能监管。加强节能标准执行的监管，改变在建筑等领域“有标准、不执行”的现状。加强重点用能单位监管，加强能源审计队伍和审计能力建设。

五是总结节能目标地方分解工作中的经验和教训，研究比较科学的指标分解方法，为今后此项工作的完善奠定基础。

Suggestions that can be adopted in the near future

★ To mobilize administrative resources to strengthen energy conservation management.

- First, we recommend that the central government create a comprehensive energy management agency to carry out the establishment of a national energy conservation center.
- Second, we recommend the formation of scientific supervision mechanisms and evaluation systems, so government officials are evaluated based on their achievement of conservation goals.
- Third, we recommend disaggregating energy conservation targets for different industries. Then specific energy conservation policy should be made targeting the issues in each industry.
- Fourth, regulation of energy conservation should be improved. In addition, energy audit teams and their capabilities should be strengthened.
- And fifth, to summarize lessons in disaggregating energy conservation targets into local governments to lay a solid foundation for future improvement of this task.

★ 建立有效的财税激励政策

一是必须尽快改变当前节能投资规模以及在能源工业投资中比例“双低”的局面，大幅增加节能投资。“十一五”时期节能总投资需求为1万亿元左右，节能投资占能源工业总投资的比例可达15%左右。

二是实施所得税优惠政策。

三是扩大消费税征收范围。

四是尽快开征燃油税。

五是深化资源税改革。

六是研究开征能源税。

七是完善出口退税和关税政策。

★ To make an effective fiscal and tax incentive policy

- First, it is urgent to significantly increase investments in energy conservation. Total energy conservation investment in the 11th Five-Year Plan period will be about 1 trillion yuan, and energy conservation investment's proportion in total energy industry investment will reach up to 15%.
- Second, to enforce income tax preferential policies for income tax.
- Third, to enlarge the levying scope of consumption tax.
- Fourth, to levy the fuel tax as soon as possible.
- Fifth, to deepen the reform of resource tax.
- Sixth, to study the feasibility of levying energy tax.
- And seventh, to improve policies on export tax rebate and tariff policies.

★ 加快推进能源价格形成机制改革

★ To push forward the reform of energy price formation mechanism

	上游	中游	下游
电力	发电	输电、配电	售电
	市场主导定价	政府调控	市场主导定价
煤炭	勘探、开采	运输	批发零售
	市场主导定价	市场主导定价	市场主导定价
石油	勘探、开采	成品油	批发零售
	市场主导定价	市场主导定价	市场主导定价
天然气	勘探、开采	管道运输	批发零售
	市场主导定价	政府调控	市场主导定价

	Upstream	Mid-stream	Downstream
Electricity	Power Generation	Transmission and distribution	Sales
	Market-led pricing	Governmental modulation	Market-led pricing
Coal	Survey and exploitation	Transportation	Wholesales and retails
	Market-led pricing	Market-led pricing	Market-led pricing
Oil	Survey and exploitation	Finished oil	Wholesales and retails
	Market-led pricing	Market-led pricing	Market-led pricing
Natural gas	Survey and exploitation	Pipeline transportation	Wholesales and retails
	Market-led pricing	Governmental modulation	Market-led pricing

★ 建立能效准入制度和落后产能退出机制

★ To create the energy-efficiency entry approval system and the backward production capacity exit mechanism

投资准入：针对能源密集型产业制定能效准入条件，大幅度提高这些行业的能效准入标准，建立起能效、环保、安全三个要求的新的市场准入制度。

产品准入：显著改善产品的能效标准标识制度。如果在“十一五”时期新增16项终端用能产品能效标准以及修订6项标准，将实现节能量超过2000万吨标准煤。

建立落后产能的退出机制。其一是通过财政等手段建立落后产能的退出援助机制。其二是要更多地利用经济手段，通过提高能源产品价格，使得落后生产能力不仅能效水平落后，而且经济效益也落后，避免出现以往“淘汰、复燃，再淘汰、再复燃”循环往复的不良局面。还可引入在发达国家较多采用的诸如发电权交易等市场化手段，通过市场解决落后生产能力淘汰后的出路。

• Investment entry approval: Energy-efficiency entry approval conditions should be specified and raised for energy-intensive industries, to form a new market entry approval system based on energy-efficiency, environmental protection, and security.

• Product entry approval: To significantly improve a product energy-efficiency identification system for high energy consumption products. During the 11th Five-Year Plan period, if 16 energy-efficiency standards for energy-using products are created and 6 ones are revised, energy conservation will be equivalent to more than 20 million tons of standard coal.

To create an backward production capacity's exit mechanism. First, fiscal measures should be used to build an assistance mechanism for backward production capacity's exit. And second, more economic measures should be applied. By raising energy products' prices, we can make the backward production capacity backward not only in terms of energy efficiency, but also in economic benefits. When the production capacity that is backward in all aspects is eliminated by the market, the previous unfavorable circle of "elimination, reemergence, re-elimination, and reemergence again" can be avoided. Such market means as generation rights trade often adopted in the developed countries can also be introduced to address, via market, the post-elimination development of backward production capacity.

★ 加强环境监管，实现节能与环保双赢

敏感性分析的重要指标

指标	敏感性分析	SO2 (10000 tons)	COD (10000 tons)
国内生产总值(GDP)	增加1 %年平均 增长速度	77.1	67.5
能源消耗每 单位国内生 产总值	少1 %，在实现	20.7	-

★ To strengthen environmental supervision for win-win of energy conservation and environmental protection

Sensitivity Analysis of Important Indicator

Indicator	Sensitivity Analysis	SO2 (10000 tons)	COD (10000 tons)
GDP	1% increase in average growth rate	77.1	67.5
Energy Consumption per Unit GDP	1% less in realization	20.7	-

一是要改变当前环境监管被动、后置（主要在末端治理）的状况，在源头强化环境监管，真正将环境保护作用经济发展的内生决策变量。

二是加强过程监管，形成政府监管、公众参与、企业负责的多层次环境保护体系，完善、严格排污收费，加大对环境违法的惩罚力度，明显增大违法成本。

三是在总结经验的基础上，强化环境保护垂直管理的力度，避免地方保护主义干扰环境监管工作。

四是研究建立排污交易制度，以最小化的经济成本获得最大化的环境效益。

五是增加环境保护投入，加强环保队伍和能力建设。

• First, in order to change the current passive environmental enforcement, it is necessary to strengthen environmental supervision to truly make environmental protection the endogenous decision-making variable of economic development.

• Second, to strengthen supervision China must form a multi-layer environmental protection system with government's regulation, public's participation and enterprise's commitment, in order to regulate sewage discharge, to punish environmental offences, and to increase the costs of violation.

• Third, to strengthen vertical management of environmental protection.

• Fourth, to research and build emission-trading system to maximize environmental benefits and minimize economic costs.

• And fifth, to increase investment in environmental protection, and to strengthen environment protecting teams and their capabilities.

中国《能源法》起草的新进展

New Progress in Research and
Drafting of the Energy Law in China

叶荣泗

Ye Rongsi

中国法学会能源法研究会 会长
《能源法》起草专家组 副组长

President of Energy Law Academy,
China Law Society
and Deputy Chief of the expert team
for the drafting of the Energy Law

2007.11.16 天津

2007.11.16 Tianjin

主要内容

Agenda

- 《能源法》的研究起草进程
- 《能源法》的定位和设计思路
- 《能源法》（征求意见稿）的
框架和主要内容

- Progress in the research and
drafting of the Energy Law
- The positioning and design idea
of the Energy Law
- The framework and major
contents of the Energy Law
(draft for soliciting opinions)

《能源法》的研究起草进（1）

Progress in the research and drafting of the Energy Law (1)

- 《能源法》的立法研究开始于20世纪80年代初期。
- 2005年初开展“中国能源法律体系研究”课题，提出尽快起草综合性能源法的建议，做了铺垫和准备。
- 2005年9月，国务院主要领导批示立即研究起草能源法。
- 2005年12月初国务院同意国家能源办、国家发展改革委、国务院法制办上报的《能源法》起草工作方案。

- The Legislation research for China's comprehensive Energy Law Began in early 1980s.
- At the beginning of 2005, "China Energy Law system Research" was conducted, and a proposal to draft a comprehensive Energy Law as soon as possible was put forward.
- In Sep. 2005, main leaders of the State Council indicated to conduct the research and drafting of Energy Law as soon as possible.
- In early Dec. 2005, the State Council ratified the Energy Law drafting plan submitted by National Energy Office together with the National Development and Reform Commission as well as Legislative Affairs Office of the State Council.

《能源法》的研究起草进（2）

Progress in the research and drafting of the Energy Law (2)

- 2006年1月24日，由全国人大、国务院有关部门和中央编办等15部委组成的《能源法》起草工作组成立。同年3月《能源法》起草专家组成立。
- 2006年11月初，完成工作稿（大纲）。
- 2007年7月初，完成工作稿。
- 2007年10月初，完成讨论稿。
- 2007年10月中旬，完成征求意见稿。
- 预计2008初可以向国务院报出送审稿。

- On Jan. 24, 2006, the Energy Law's drafting team was formed, which is composed of 15 ministries, commissions and offices, including NPC, relevant departments of the State Council, and the Central Organization Establishing Committee Office.
- From March 2006 to mid-Oct. 2007, the expert drafting team for the Energy Law was founded, a working draft was finished, and a draft of the Energy Law for soliciting opinions was formed.
- It is expected that a reviewing version will be submitted to the State Council in early 2008.

《能源法》的研究起草进（3）

--坚持民主立法科学立法

- 在起草过程中，十分注意发扬民主，研究吸收各方面有益建议和意见，保障各界和人民群众通过多种途径参与能源法立法过程。数以千计专家参加各种讨论。
- 2006年上半年，通过互联网征集到公众2000多人反映的1000多条建议和意见。
- 2007年4月27日在北京举办中国能源法国际研讨会。
- 2007年7-9月，工作稿形成后先后召开4次有各省市综合经济部门及部分能源企业参加的征求意见会。马凯主任亲自参加了第一次会议并作重要讲话。加上能源办领导主持召开的三次起草专家讨论会，共有近200位领导和专家参加该稿的研讨和修改。
- 10月中旬形成的《能源法》（征求意见稿），已发各地、各有关单位，正准备通过媒体公布全文，供社会各界和广大公民讨论和提出修改意见，同时欢迎国际社会提出意见和建议。

Progress in the research and drafting of the Energy Law (3)

-- democratic and scientific legislation ideas are followed

- During review, public opinions were studied and adopted, thus guaranteeing public participation in Energy Law legislation. Almost 1000 experts attended various discussion meetings.
- In early 2006, 1000 proposals from the public were submitted via Internet.
- On April 27, 2007, the International Workshop on China's Energy Law was held in Beijing.
- From July to Sep. 2007, 4 meetings for soliciting opinions were held. Nearly 200 leaders and experts participated in discussion and modification, including Director Ma Kai, energy companies, and econ depts from all provinces and cities.
- In October, a draft of the Energy Law was distributed to local govts and relevant orgs. Relevant agencies are preparing to publish the draft of the Energy Law.

《能源法》定位与设计思路

（1）

--《能源法》的定位

- 共识--能源领域的基础性法律。
- 温总理要求以《能源法》为龙头完善能源法律体系。
- 《能源法》所设计的制度和规范要能体现对能源单行立法起到统领作用。
- “占位子”与“留口子”：
 - 能源领域的重大问题、全局性问题、综合性问题、战略性问题，以及单行法没有规定而且解决不了的问题，由《能源法》来调整；
 - 其他的一些问题由单行法来调整。

The positioning and design idea of the Energy Law (1)

--The positioning of “Energy Law”

- Common recognition -- a basic law in energy field.
- PM Wen Jiabao required to perfect the Energy Law system around the Energy Law.
- The system designed by the Energy Law should reflect its leadership for separate energy legislations.
- “Take seats” while “leave spaces”:
 - The Energy Law should settle critical issues, such as overall significance, comprehensive issues, and strategic issues in the energy field. It should also solve issues that are not and can't be regulated by separate laws;
 - Other issues will be settled by separate laws.

《能源法》定位与设计思路 (2)

--《能源法》核心理念

- 保障能源安全;
 - 提高能源效率;
 - 注重能源环保。
-
- 基点是:
 - 贯彻落实科学发展观;
 - 立足中国实际;
 - 借鉴国际经验;
 - 坚持改革开放;
 - 反映能源自身规律;
 - 设计合适的法律制度。

The positioning and design idea of the Energy Law (2)

--The core idea of “Energy Law”

- Secure energy safety;
 - Improve energy efficiency;
 - Focus on energy environmental protection.
-
- Basic points:
 - to follow scientific development view;
 - to be based on China’s realistic situation;
 - to learn from international experiences;
 - to hold on reform and opening-up;
 - to honor energy’s own rules;
 - to design a suitable legal system.

《能源法》定位与设计思路 (3)

--设计思路

- “全面涵盖” 能源领域一切行为与活动
 - 所有能源种类;
 - 能源全流程活动与管理;
 - 发展与改革。
- “突出重点”
 - 以综合制度为主, 结合能源开发利用流程;
 - 以解决整个能源领域的重点问题为主;
 - 重要法律制度以突出需要进入《能源法》的重点制度为主。
- “注重协调”
 - 协调单行能源立法, 加强能源各行业之间的法律政策协调
 - 注意与有关资源法、环境法、财税法、科技进步法、物权法、反垄断法、突发事件应对法等诸多法律的衔接协调, 不冲突、不替代, 基本不重复, 力求在围绕解决能源领域重大问题上有所创新。

The positioning and design idea of “Energy Law” (3) -- The design idea

- “Full coverage” of all actions and activities in energy field
 - All energy types;
 - Total processes of energy activity and management.
 - Development and reform
- “Highlight of key points”
 - A comprehensive system, in combination with energy exploitation and utilization process;
 - Addressing energy field’s key issues;
 - Stress key sub-systems necessary to enter the Energy Law.
- “Focus on coordination”
 - Coordinate single energy legislation to enhance law and policy coordination between all sectors of energy field
 - Coordinate with related laws, in order to ensure no duplication and to achieve innovation in addressing the energy field’s critical issues.

《能源法》（征求意见稿）
框架和内容（1）
--章节设置

- 《能源法》（征求意见稿）共设15章132条。
 - 包括总则、能源管理、能源战略与规划、能源开发与加工转换、能源供应与服务、能源节约、能源储备、能源应急、农村能源、财税激励与约束、能源科技、能源国际合作、监督检查、法律责任和附则等。

The framework and major contents
of the Energy Law (draft for
soliciting opinions) (1)
-- chapters and sections

- “Energy Law (draft for soliciting opinions)” has 132 articles in 15 chapters.
 - Including: general principles, energy management, energy strategy, energy exploitation, energy supply and service, energy conservation, energy reserve, energy emergency response, rural energy, finance and tax restraint, energy science and technology, international energy cooperation, supervision and inspection, legal responsibility and supplementary articles.

《能源法》（征求意见稿）
框架和内容（2）
--总则

- 主要规定立法目的、适用范围和8项重大法律原则，包括节约优先、能源与生态环境协调、保障能源安全、市场配置资源、普遍服务、科技创新、能源国际合作以及能源统一管理原则等。

The framework and major
contents of the Energy Law (draft
for soliciting opinions) (2)
-- general principles

- It mainly sets forth the legislation purpose, application scope and 8 critical law principles, including: priority of conservation, coordination between energy and ecological environment, security of energy safety, resource allocation by the market, widespread service, science and technology innovation, international energy cooperation and unified energy management.

《能源法》（征求意见稿）
框架和内容（3）

--能源管理

- 主要规定各级政府及其能源主管部门和协管部门职责及其协调机制、能源监管机构职责、能源行业协会作用以及公众参与能源决策等内容，并着重规定了投资产权、价格机制、进出口管理、信息统计、标准化管理等综合性重大管理制度。

The framework and major contents of the Energy Law (draft for soliciting opinions) (3)
-- Energy management.

- It mainly sets forth the responsibilities of, and the coordination mechanism between, governments at all levels, including their energy departments; departments responsible for supervising energy organizations; roles of energy industry associations; and the general public's participation in energy decision-making. It especially sets forth the property rights of investment, import and export management, price mechanism, energy statistics, alarms and forecasts, standardization management as well as other comprehensive critical management systems.

《能源法》（征求意见稿）
框架和内容（4）
--能源战略与规划

- 主要规定“国家能源战略是筹划和指导国家能源发展，保障能源安全的总体方略”，“能源规划是实施国家能源战略的行动方案”。同时规定了能源战略与规划的指导思想、制定依据、内涵、协调衔接、法律效力和编修程序、实施与监督等。

The framework and major contents of the Energy Law (draft for soliciting opinions) (4)
-- Energy strategic and planning

- It mainly sets forth that “National energy strategy is the overall strategy that plans and directs national energy development and secures energy safety” and that “energy planning is the action plan that implements national energy strategy”. Meanwhile, it sets forth the guiding principles, on which the law was created, such as, the legal structure, drafting and modifying procedures, enforcement and supervision for energy strategy and planning.

《能源法》（征求意见稿）
框架和内容（5）
--能源开发与加工转换

- 主要规定能源开发与加工转换原则、能源资源所有权、资源开发项目和加工转换业务准入、能源资源保护、清洁能源和替代能源开发、民用核能开发与厂址保护、能源基地建设、企业安全环保义务、生态补偿和核废物处理等内容。

The framework and major contents of the Energy Law (draft for soliciting opinions) (5)
-- Energy development and processing for conversion

- Sets forth the principles for energy exploitation, processing for conversion, ownership of energy resources, entry into resource exploitation projects, and processing for conversion business, the development and utilization of nuclear energy for civil use, and the processing of nuclear waste disposal among others.

《能源法》（征求意见稿）
框架和内容（6）
--能源供应与服务

- 主要规定能源供应原则、供应市场主体、供应业务准入、供应基础设施建设与保护、输送管网开放、能源普遍服务、能源用户义务等。

The framework and major contents of the Energy Law (draft for soliciting opinions) (6)
-- Energy supply and service.

- Sets forth the principle for energy supply, the main body of supply market, the entry into supply business, the construction and protection of supply infrastructure, the opening-up of transportation pipes and networks, universal service of energy, and the obligations of energy users.

《能源法》（征求意见稿）
框架和内容（7）
--能源节约

- 主要规定节约优先国策的实施、优化产业结构和消费结构节能、技术节能、管理节能、重点领域节能、节能保障措施和节能市场机制等。

The framework and major contents of the Energy Law (draft for soliciting opinions) (7)
-- Energy conservation

- Sets forth energy conservation by optimizing industry structure and consumption structure, energy conservation by technology, the management of energy conservation, energy conservation in key fields, the market mechanisms for energy conservation, and the safeguard measures for energy conservation.

《能源法》（征求意见稿）
框架和内容（8）
--能源储备

- 主要规定能源储备管理、储备分类、产品储备、石油储备建设与管理、资源储备、储备动用以及地方能源产品储备等。

The framework and major contents of the Energy Law (draft for soliciting opinions) (8)
-- Energy reservation

- Sets forth the energy reserve management, the reserve types, the product reserve, the resource reserve, the reserve utilization, and local energy product reserve.

《能源法》（征求意见稿）
框架和内容（9）
--能源应急

**The framework and major
contents of the Energy Law (draft
for soliciting opinions) (9)
-- Energy emergency response**

- 主要规定应急范围、应急事件分级与认定、应急预案、应急启动、应急处置原则、应急措施授权条件与约束、应急保障重点、相关主体义务、应急善后等。

- Sets forth the scope of emergency responses: event classification, pre-planning, execution, guiding principles, conditions and restraints, key security areas, and post-handling.

《能源法》（征求意见稿）
框架和内容（10）
--农村能源

**The framework and major
contents of the Energy Law (draft
for soliciting opinions) (10)
-- Rural energy**

- 主要规定农村能源发展原则、农村能源规划实施、农村能源保障、农村能源消费结构优化、边远农村电力扶持、农村生物质能源发展、农村节能、农村能源科技服务体系建设等。

- Sets forth principles regarding the development, planning, and enforcement of rural energy.
- Additionally outlines the consumption structure, the electricity support for remote rural areas, and the development of rural biomass energy.

《能源法》（征求意见稿）
框架和内容（11）
--财税激励与约束

- 主要规定能源支出预算制度及预算支出范围、政府投资范围、能源发展专项资金、能源税收激励与约束、能源资源税费、能源消费税以及税收政策的适用等。

The framework and major contents of the Energy Law (draft for soliciting opinions) (11)
-- Encouragement and restraint in finance and tax

- Sets forth the energy expense budget system, the special funds for energy development, the government purchase of energy conservation, and taxation policy application.

《能源法》（征求意见稿）
框架和内容（12）
--能源科技

- 主要规定能源科技发展方针、能源科技投入、能源科技创新体系、能源科技重点领域、能源科技成果推广应用、能源科技奖励、能源教育与人才培养、能源科普等。

The framework and major contents of the Energy Law (draft for soliciting opinions) (12)
-- Energy science and technology

- Sets forth guidelines for developing energy science and technology, the investment in energy science and technology, the innovation system for energy science and technology, and the key fields of energy science and technology.

《能源法》（征求意见稿）

框架和内容（13）

--能源国际合作

- 主要规定能源合作方式、境外和境内能源合作、能源贸易合作和运输合作、能源科技教育合作、能源安全合作等。

**The framework and major contents
of the Energy Law (draft for
soliciting opinions) (13)
-- International energy cooperation**

- It mainly sets forth energy cooperation methods, energy cooperation at home and abroad, cooperation in energy trade and transportation, cooperation in energy science and technology education, cooperation in energy safety, and etc.

《能源法》（征求意见稿）

框架和内容（14）

--监督检查

- 主要规定人大监督、行政层级监督、社会监督、主管部门和监管机构的现场检查权和获取资料权、必要的行政强制措施、高耗能企业信息强制公开等。

**The framework and major contents
of the Energy Law (draft for
soliciting opinions) (14)
-- Supervision and inspection**

- Sets forth the NPC supervision, the administrative supervision, the social supervision
- Proposes the authority of competent departments and supervisory organizations in the on-site inspection and material acquiring
- Outlines the necessary administration measurements and mandatory disclosure of information on high energy consumption enterprises.

《能源法》（征求意见稿）
框架和内容（15）
--法律责任

- 主要规定政府责任、特殊能源企业责任、一般能源企业责任、能源用户责任、非法行为处罚、刑事责任、国家赔偿与民事责任、行政救济等。

The framework and major contents of the Energy Law (draft for soliciting opinions) (15)
-- Legal responsibility

- It mainly sets forth the responsibilities regarding governments, special energy companies, common energy companies, energy users, punishment for illegal behavior, state compensation and administrative remedy.

《能源法》（征求意见稿）
框架和内容（16）
--附则

- 主要规定法律冲突处理、术语解释和法律生效时间。

The framework and major contents of the Energy Law (draft for soliciting opinions) (16)
-- Supplementary articles

- Sets forth methods to handle law conflicts, term explanations, and effective dates of the law.

《能源法》（征求意见稿）
框架和内容（16）
—附则

- 将“鼓励发展新能源和可再生能源，支持清洁、低碳能源开发利用，推进能源替代，控制污染物和温室气体排放，促进能源与生态环境协调发展”列入总则。
- 规定改善能源结构，提高能源效率，“鼓励发展水电、核能、天然气、风电、太阳能、地热能、生物质能等清洁能源，逐步提高清洁能源在能源结构中的比例”
- 规定大力推进“以新能源替代传统能源，以可再生能源替代化石能源，以低碳能源替代高碳能源”“先开发应用替代石油、天然气的新型燃料”；

The framework and major contents of the Energy Law (draft for soliciting opinions) (16)
-- Supplementary articles

- Addresses the development of new energy resource and renewable energy, support of R&D in low-carbon alternative energy, and reducing pollutants and GHG emission.
- Seeks to optimize energy mix by improving energy efficiency and supporting the development of clean energy in order to increase the percentage of clean energy in the energy consumption mix.
- Addresses efforts to promote the transfer from conventional energy to new energy, and prioritizes the R&D of new energy resources substituting oil and nature gas.

《能源法》（征求意见稿）
框架和内容（16）
—附则

- 规定将“能源清洁、综合利用技术”和“节能减排技术”等列为财政重点支持和科技重点推广的领域；
- 规定“国家根据所缔结或加入的国际条约行使相关权利，履行相关义务”。
- 能源节约章和其他章中不少规定与此密切相关。

The framework and major contents of the Energy Law (draft for soliciting opinions) (16)
-- Supplementary articles

- Includes clean energy, comprehensive energy utilization technology and energy saving, and pollutants reduction technologies.
- China will respond to its responsibility regulated by international agreements, China signed.
- There are more related regulations in this chapter of energy saving and others.

新节能法实施建议

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



全国人大财经委经济室 李命志

Li Mingzhi, Economic Office,
Financial and Economic Committee of
National People's Congress

实施新节能法的建议

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

- 一、节约能源法
- 实施的情况和成效
- 二、现行法律存在的主要缺陷和修订的必要性
- 三、修订工作进展情况
- 四、节能法修订的初步设想和涉及的几个主要问题
- 五、第一章主要条款
- Status and results of enforcing the Energy Conservation Law
- Major problems in the current laws
- Progress on amending the Energy Conservation Law
- Primary conceptual approach and major issues
- The first chapter

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订案已于2007年10月28日经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.

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

- 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.

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

- 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项目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.

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 10th NPC.

关于加快《电力法》修改的几点想法 Primary Thoughts on Accelerating Amendments to the Electricity Law

2007年11月16日 · 天津

Tianjin, Nov. 16, 2007

于云方 YU Yunfang

主 要 内 容

Outline

- 为什么要修改电力法
- 电力法修改有关情况
- 修订《电力法》应当坚持正确的指导思想和原则
- 修改电力法要确立的几个基本制度
- 对下一步工作的建议

Why?

Relevant Conditions to Revision

Guiding Principles

Basic Requirements

Suggestions for the next step

序言

现行电力法颁布于1995年12月28日，1996年4月1日正式实施，结束了我国电力工业在此前无法可依的历史，使电力工业进入了依法办电、依法管电、依法用电的新时期。

修订电力法的客观原因和时代要求：现行电力法法律基础已经发生了较大变化，有关法律条款已经不能适用新情况、新形势的需要，新的社会关系的出现需要立法来调整。

Preface

The existing electricity law was issued in 1995, 12/28, the first law on the electricity industry.

Reasons and necessity of amending the electricity law:

Changing the legal basis, the existing legal items are unable to meet present problems, different market conditions, and sector relationships.

为什么要修改电力法

Why?

- 我国电力工业发展迅速。截至到今年9月底，全国发电装机总量已达6.47亿千瓦，全国绝大部分地区电力供需总体基本平衡，结束了电力供应紧张的状况。
- 几次改革执法主体几经变化
 - 国务院：电力工业部---国家经贸委--国家电力监管委员会，其它有关部门
 - 地方政府：电力局---经济综合主管部门，电监会派出机构，其它有关部门
 - 政企合一---政企分开
- 现行电力法制定时处于电力管理体制政企合一时期，一些权利义务设定不平衡，法律责任条款不完备。

Electricity shortages have been less serious compared to past years.

Major regulators and players have changed:

State Council: Ministry of Electricity, State Economic and Trade Commission, State Electricity Regulatory Commission, others.

Local government: Bureau of Electricity, Economic Administrative Departments, SERC agencies, others.

Government enterprise → separation of government and enterprise

Existing law was drafted and approved when government was intertwined with enterprise.

电力法修改有关情况

- 《电力法》修改列入2003年的立法计划。
- 组织了由有关部门和企业领导、专家组成的工作班子开始工作。
- 主要是体制性的、机制性的几个问题难以达成共识。2003年没有完成立法计划，应当认识清楚进展缓慢的原因。
 - 对确立什么样的监管体制没有清晰的框架
 - 电力市场如何建立也没有结论
 - 关于普遍服务监管没有形成共识
 - 工作机制有问题

Relevant Conditions

Amending the Electricity Law was included in the lawmaking plans for 2003

Due to difficulties, the work was not completed in 2003. The following were not sufficiently established/specified:

Regulatory framework/structure

How to structure the electricity market

How to standardize services/management

Operational mechanisms

修订《电力法》应当坚持正确的指导思想和原则

- 修订《电力法》，必须体现政府机构改革、电力体制改革已经取得的重要成果，使立法进程与改革进程相适应。
- 应当坚持电力市场化改革的方向。十七大提出要“深化垄断行业改革，引入竞争机制，加强政府监管和社会监督”。在修改中应当坚持现实性和前瞻性相结合的原则，将符合电力发展和改革的客观要求的有关内容，以法律的形式确定下来。

Guidelines and Principles

- The amendment should reflect the key achievements of institutional reform and electricity mechanism reform
- We need to stick to a market driven electricity reform

修订《电力法》应当坚持 正确的指导思想和原则

Guidance and Principles

- 应当体现社会主义市场经济体制下政府管电方式的转变。必须依法、合理地划分宏观经济管理部门和电力监管机构的职责。
- 应当体现几年来电力体制改革的新成果。实行厂网分开竞价上网，初步形成了区域电力市场的基本框架，电力投资体制改革、电价改革、输配分开、主辅分开等都取得积极进展。
- The amendment should reflect changes of government management about the electricity sector under social marketing economy system.
- The amendment should reflect new achievements of the electricity mechanism reform in recent years.

修订《电力法》应当坚持 正确的指导思想和原则

Guidelines and Principles

- 应当理顺与节能法、能源法、电力监管条例等法律、法规的关系，形成完备的电力法规体系，减少法律冲突。

Should be harmonized with the Energy Conservation law, Energy Law, Electricity Regulations and Laws, to reduce conflicts.
- 《电力监管条例》已经于2005年5月颁布实施。

The Electricity Regulatory Rules were promulgated in May 2005.
- 今年上个月刚刚颁布的修改后的《节能法》。

The Energy Conservation Law was just approved.
- 2006年6月开始起草《能源法》，征求意见稿目前也开始向有关征求意见。现在又在酝酿下一轮政府机构改革，实行大部制。

Drafting of the Energy Law has been taking place since 2006. It relates to energy administrative structure institutional reform.
- 其它有关法律法规。

Other laws and regulations.

修订《电力法》应当坚持 正确的指导思想和原则 Guidelines and Principles

应当把电力监管体制的建立纳入整个行政管理体制改革统筹考虑。

- 电力监管体制的建立和职能的配置不是单单电力行业本身的事情，涉及到整个政府的行政体制改革。

- 必须作出统筹的系统的制度安排，形成适应市场经济的新的政府管制机制，不能形成新的职能交叉、扯皮。

- 建议把电力管理体制改革作为行政职能“三分制”改革进行试验，横向上按照政策、执行来界定有关部门的职能。

Electricity regulatory system reform should not be separate from general government institutional reform.

The reforms should be a systematic regulatory arrangement, meeting the requirements of the government administrative responsibilities for a market economy.

We recommend taking the electricity regulatory system as a pilot of the “Three Divisions” reform, to distribute the responsibilities of government agencies horizontally.

修订《电力法》应当坚持 正确的指导思想和原则 Guidelines and Principles

- 对法律责任做出更加细化的规定，做到主体的责、权、利相一致。

结合现实中出现的规划责任无法追究、义务主体不履行法定义务情形，与已经设立的法定义务相对应，对法律责任做出更加细化的规定，防止出现违反法定义务没法追究责任的情况出现。

Regarding increasing the specificity of legal responsibilities, get the responsibility benefits in line

In reality there are entities that do not meet obligations and planning responsibilities. We need to make more specific regulations, to prevent disobedience of the law.

修改电力法要确立的几个基本制度

- 理顺现行政府管理电力的体制
 - 特别需要明确发展改革部门宏观调控职能和电力监管机构实施监管的关系。
 - 应淡化“主管部门”，按照各自的职责实施监督管理。

Mechanisms to be Established for Electricity Law Revision

- Improve Mechanisms of Utility Sectors Management
 - Relationships between the reform sector and supervision agencies should especially be adjusted
 - We can take responsibility for achieve effective supervision and management

修改电力法要确立的几个基本制度

- 明确电力市场框架

我国应该建立什么样的电力市场，应该充分借鉴国外的成功经验，与我国的国情和几年来进行电力市场试点、建设的实践结合起来。既要强调国情，同时也要承认电力系统的共有属性。必须对电力市场的建设作出系统的、深入的研究，不能停留在大的原则、基本概念上。

Mechanisms to be Established for Electricity Law Revision

- Framework of Electricity Market

Combining international experience with China's conditions, we can figure out what kind of electricity market should be established in China through electricity market reform pilot programs.

修改电力法要确立的几个基本制度

- 建立关于电力普遍服务机制
 - 电力行业是提供基础产品和服务的产业。这个特点决定了国家应当提供普遍服务。
 - 如何设计电力普遍服务机制，必须在电力法起草中明确，体现出社会进步。

Mechanisms to be Established for Electricity Law Revision

- Broad Services in the Utility Sector
 - Utility sector is for basic production and the service of society.
 - We need to make it clear in the electricity law how to design the mechanisms.

修改电力法要确立的几个基本制度

- 要明确电价形成机制
- 《电价改革方案》：
- 发电上网价格由买卖双方根据市场需求自主确定；
- 终端销售电价随着市场发育逐步放开；
- 输配电价由监管机构根据政府价格主管部门制定的电价政策和电价核定原则，进行审核并严格监管。

Mechanisms to be Established for Electricity Law Revision

To work out the mechanics of electricity pricing

- Plan of electricity pricing reform
- Electricity grid price should be decided by the market
- Electricity price for end users will not be controlled as the market develops
- Transfer utility prices will be decided by the supervision agencies

修改电力法要确立的几个基本制度

- 要明确电力安全监督管理体制
- 国务院授权电监会具体负责电力安全监督管理，安全监管局负责综合管理。

Mechanisms to be Established for Electricity Law Revision

- Supervision and management mechanisms for electricity safety
- Authorized by the state council, the state electricity regulatory commission will be responsible for management of electricity utility's safety, the safety supervision bureau responsible for comprehensive management

修改电力法要确立的几个基本制度

- 对电力行业协会的地位、作用作出相应的规定
- 国务院《全面推进依法行政实施纲要》提出“凡是公民法人和其他组织能够自主解决的，市场竞争机制能够调节的，行业组织或者中介机构通过自律能够解决的事项，除法律另有规定的外，行政机关不要通过行政管理去解决”。

Mechanisms to be Established for Electricity Law Revision

- Positions and rules of the electricity industry association
- Key points of administrative promotion based on the law: we need to rely on citizens and organizations to solve the problems

对下一步工作的 建议

- 推动符合电力市场化改革方向的修订稿尽快出台，反对不符合改革方向的修订稿。
- 加强研究，形成对《电力法》有关问题的统一认识。坚持速度服从质量。

Suggestions on Next Steps

- Promote the publishing of a revised draft in line with utility marketing reform
- To form a common concept of the electricity law and related issues

对下一步工作的 建议

- 改变修订组织工作
- 为了防止在电力法修改中体现部门利益，阻碍改革的推进，建议由全国人大或国务院法制办组织班子进行修改。
- 梳理《电力法》完善补充的重点内容
- 按照电力体制改革的总体目标和电力工业发展的长远要求，以及当前新要求、新问题基础上，调整补充增加一些内容，删除一些过时的规定。

Suggestions on Next Steps

- Change organizing system of electricity law revision
- The Office of Legal Affairs and NPC or the State Council can take this responsibility
- Go through the major contents of amendment to the electricity law
- According to the general target of electricity regulatory system reform and electricity industry development, the law should be amended.

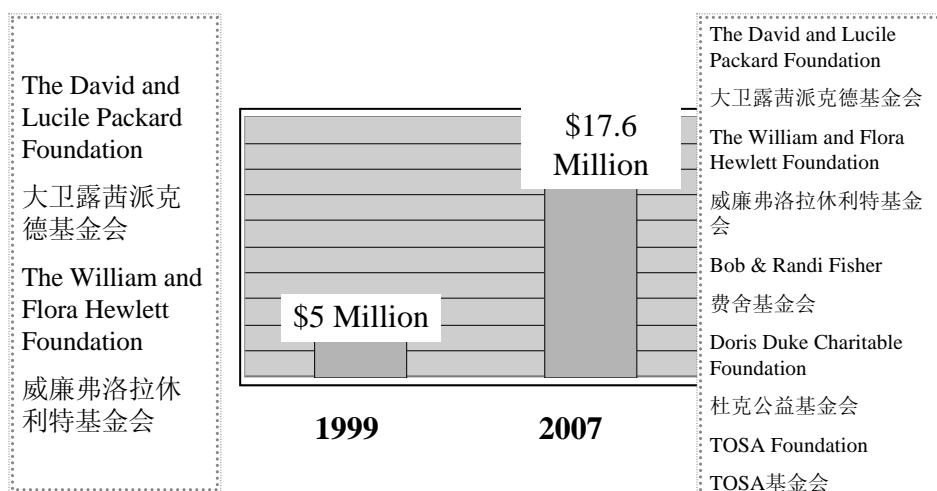
再接再厉，贯彻实施20%节能目标 Successfully Implementing China's 20% Energy Efficiency Target

2007年11月16日
杨富强

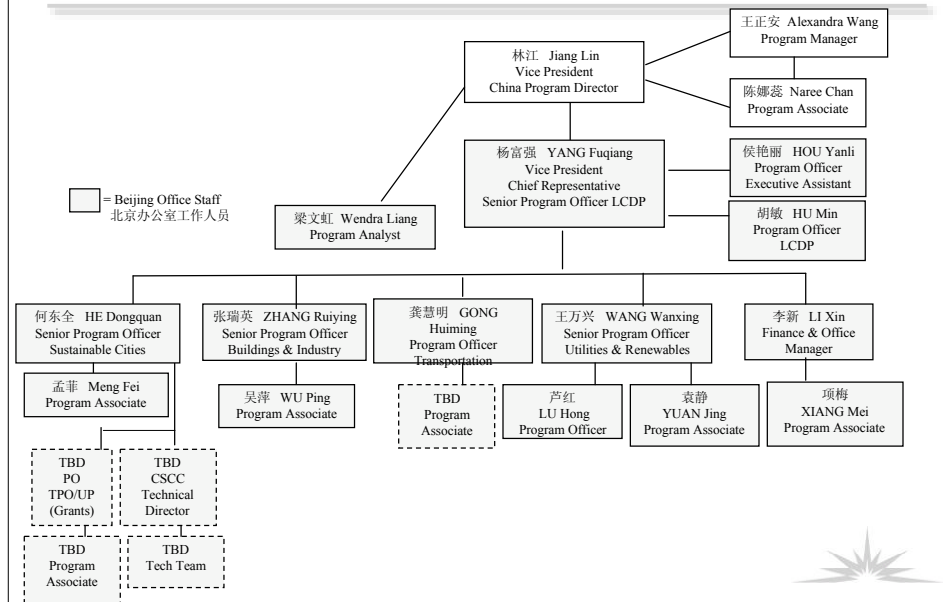
November 16, 2007
Fuqiang YANG

中国可持续能源项目
The China Sustainable Energy Program

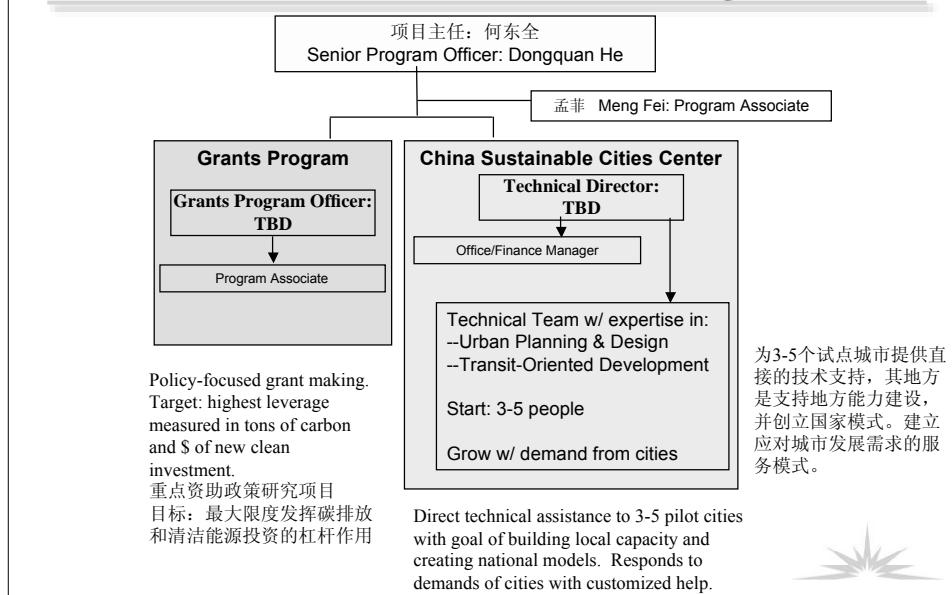
中国可持续能源项目资金资助 CSEP Funding



中国可持续能源项目 China Sustainable Energy Program



中国可持续城市项目 China Sustainable Cities Program



2007年主要工作 Main Achievements in 2007

- **Transportation** ▶
- **Industry** ▶
- **Electric Utilities** ▶
- **Renewable Energy** ▶
- **China Sustainable Cities Planning** ▶
- **Buildings and Appliances** ▶
- **Low-Carbon Development Paths** ▶

- 交通
- 工业
- 电力
- 可再生能源
- 中国可持续城市发展
- 建筑
- 低碳发展



长期挑战仍在继续 Long-Term Challenges

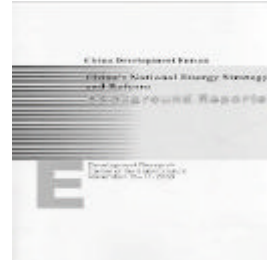
- 快速城市化，年城市化率1.5%
- 工业化，高能耗产业扩张
- 市场化，市场机制转换和失灵
- 全球化，世界制造中心

- **Rapid urbanization with 1.5% annual growth rate**
- **Expanded industrialization with high growth in the intensive energy sectors**
- **Market transition and failure**
- **China as the world's factory floor and globalization**



20% 节能目标实施所面临的新的挑战 New Challenges for the 20% Target

- 能源和环境监管体制改革
- 能源和环境执法体制改革
- 20% 节能目标的地方实施
- 20% 节能目标的部门分解
- 能源价格改革，激励政策和金融改革
- Reform of energy and environmental protection supervision system
- Reform of energy and environmental protection laws' implementation system
- Local implementation of 20% target
- Sectoral disaggregation of 20% target
- Energy pricing reform, incentive policies, and financial reform for 20% target



地方20%节能目标的实施 Local Implementation of 20% Target

- 过去两年实施中存在的问题：
 - 地区间经济发展、工业分布状况存在差异
 - 地区间技术水平和开放程度不同
 - 一些省份所定节能目标有失公平
 - 地方层面缺乏技术人员、专业知识及技术信息等
- Implementation problems:
 - Economic development gap among provinces, and different industrial structures in different provinces
 - Different levels of technical development and openness
 - Provincial energy efficiency targets: even versus differentiated?
 - Lack of skilled persons, professional knowledge, and technical information at the local level



20%节能目标的部门分解 Sector Disaggregation of 20% Target

部门	2005		2010				对节能 20%的贡 献率 Contributi on Rate to 20% Target
	能源消费量	强度	能源消费量	强度	下降率	节能量	
	Energy Consumption	Energy Intensity	Energy Consumption	Energy Intensity	Declining Rate	Energy Saving	
	百万吨标煤 Mtc	吨标煤/ 万元 Tce/10K	百万吨标煤 Mtc	吨标煤/ 万元 Tce/10K	%	百万吨 标煤 Mtc	%
第一产业 Primary Industry	46.59	0.21	51.63	0.18	13.2%	7.84	1.5%
第二产业 Secondary Industry	1063.72	1.23	1394.18	0.99	19.8%	344.26	60.6%
工业 Industry	1050.49	1.38	1372.27	1.10	20.1%	345.25	60.7%
第三产业 Tertiary Industry	67.62	0.09	93.57	0.08	13.3%	14.34	2.7%
交通 Transportation	265.07	265.07	384.17	244.03	7.9%	33.12	7.8%
居民生活 Residence Living	149.77	149.77	207.70	131.93	11.9%	28.07	6.6%
加工转换 Process and Transfer	734.25	17.73	1021.72	15.96	10.0%	113.20	28.5%

机 遇 Opportunities

- 能源价格系统改革
- 财政激励政策
- 金融产业与可持续发展责任
- 资本市场融资
- 风险投资与绿色技术

- Energy pricing system reform
- Financial incentive policies
- Financing industry and sustainable development
- Capital market financing
- Venture investment and green technology

欧盟经验：欧盟节能行动 EU Experience: Action Plan

《提高能源效率行动计划》：
2020年前实现将能源效率提高20%的目标

- 家庭能源使用效率提高27%
- 工商企业提高30%
- 交通行业提高26%
- 制造业提高25%

Action plan to improve energy efficiency: By 2020, increasing energy efficiency by **20%**

- **27% improvement by household appliances**
- **30% improvement by enterprises**
- **26% improvement by the transportation sector**
- **25% improvement by manufacturing**



气候变化 Climate Change

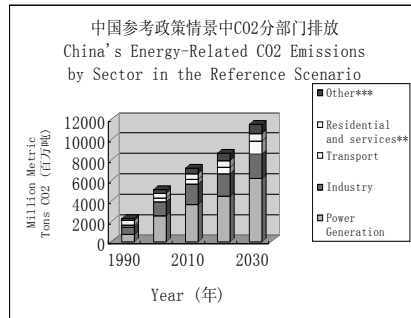
- 公众意识
- 新的气候变化国家战略和政策研究
- 不同层面政府的意识统一

- **Increase public awareness**
- **New studies for national strategy and policy on climate change**
- **Build consensus at different government levels**



中国对煤炭的依赖 China: Coal Dependence

- 2006年，中国的能源消费为24.6亿吨标准煤
- 每年的煤炭消耗高于美国、俄罗斯和印度的总和。



- China consumed 2.46 billion tons of coal in 2005
- More coal per year than the U.S., Russia, and India combined

*Average annual growth rate

Source: IEA's WEO 2007

**Includes agriculture sector

资料来源: IEA “世界能源展望2007”

*** Includes other transformation and non-energy use.



公众健康影响 Health Impacts

- 大气污染水平超出WHO标准
- 全球污染最严重的 20 个城市中，中国占到 16 个。

每年:

- 500,000 早夭
- 75,155,000 哮喘病例



- Air pollution levels exceed WHO standards
- China has 16 of the 20 most air polluted cities globally

Every year:

- 500,000 premature deaths
- 75,155,000 asthma attacks

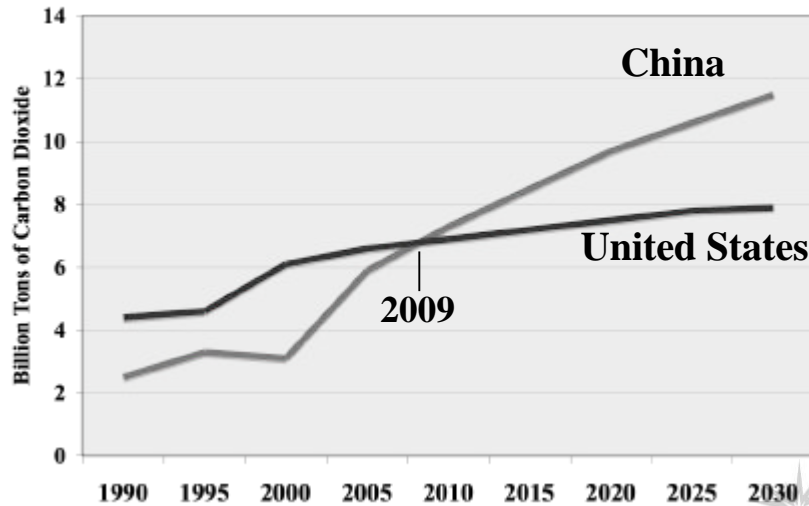


Source: World Health Organization



全球变暖 Global Warming

Carbon Dioxide Emission Projections



Source: International Energy Agency, 2007

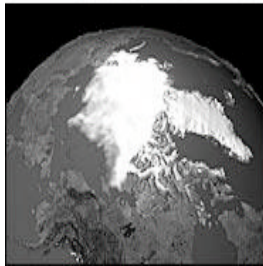
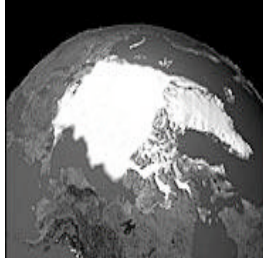
挑战：中国可持续城市项目如何开展？

Challenge: How to Develop China Sustainable Cities Program?

1. 帮助地方政府采用相关政策激励优秀的城市规划、绿色建筑以及可持续交通系统的发展，以期实现能源消耗带来的最低污染。
 2. 在试点城市提供专家服务，并将其经验在全国推广（通过与高层的接触）
 3. 制定可持续城市建筑发展与设计指南等材料
 4. 什么是开展项目的最佳方法？
1. Help local governments adopt policies encouraging smart urban planning, green buildings, and sustainable transportation systems, with a goal of minimizing pollution from energy consumption.
 2. Provide detailed expert assistance in select pilot cities to be spread nationwide (through leveraging access to top leaders).
 3. Develop guidelines and design materials for building sustainable cities.
 4. What is best approach to proceed?

CSEP的发展：挑战和机会

CSEP Development: Challenge and Opportunities



NASA photograph

新观点

- 通过交流政策建议取得PAC/DP成员的指导
- 如何改进PAC会议?
- 新一届政府成立后, 新的PAC成员的邀请?
- 成立地方办公室的可能性?
- 新的环境管理项目?
- 清洁煤领域开展新的工作?

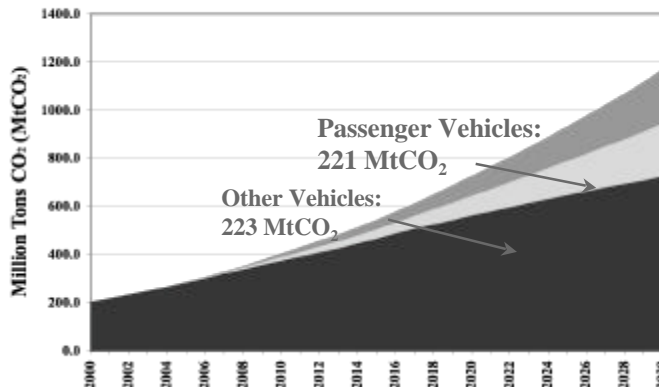
New ideas:

- Guidance from PAC and DP members on communicating policy recommendations
- How can PAC meeting be improved?
- New PAC members from the new administration?
- Potential local offices?
- New Environmental Management Program?
- New work on Clean Coal?



燃油经济性标准 Fuel Economy Standards

Carbon Dioxide Savings in Vehicle Fleet



2030年总节约量:

- CO₂ 减排444 Mt
- 减少石油应用10.04 亿桶

Total Savings in 2030:

- 444 MtCO₂
- 1.04 billion barrels of oil



千家企业能效项目 Top-1000 Enterprises Program

2010年目标

- 节约1亿吨标煤
- 减排CO₂ 2.42亿吨

Target by 2010:

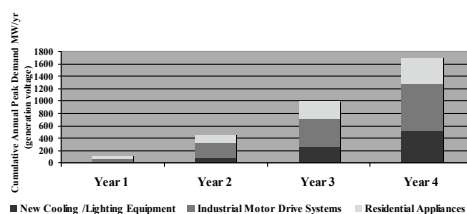
- Save 100 million tons of coal
- Reduce 242 million tons of CO₂



能效电厂 Energy Efficiency Power Plants



Jiangsu EPP Electricity Savings



Jiangsu 江苏

- Saves 17,000 MW in 10 yrs
- 1/4 the average cost of a coal-fired power plant (average cost: US 1.6 cents/kWh)
- Net benefit to consumers: US \$21.2 billion

Shanghai 上海

- Saves 198 MW in 2 yrs
- Saves US \$69 million
- Average cost: US 1.6 cents/kWh

Guangzhou 广州

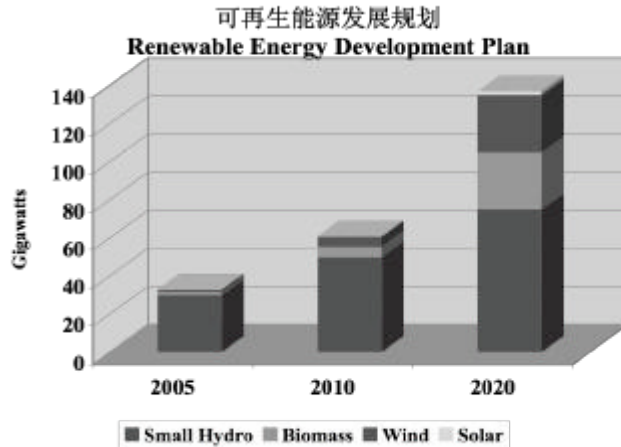
- Asian Development Bank: US \$120 million for a 350 MW EPP



Source: Asian Development Bank

可再生能源法 Renewable Energy Law

2020年，中国的可再生能源将占能源总量的15%
Renewables To Be 15% of All Energy In 2020



Source: National Development and Reform Commission, Medium and Long-term RE Targets

中国可持续城市项目 China Sustainable City Program

通过应用绿色建筑、清洁多样的交通系统，促进综合的可持续的城市规划实践，在新建和既有城市中建立可持续的城市和交通

- 综合规划
- 快速城市公交
- 以交通为导向的发展

Support sustainable urbanization and transportation in new and existing Chinese cities by promoting integrated, sustainable urban planning practices through green buildings and clean, multi-modal transportation systems that save energy, reduce carbon missions, and enhance the quality of life.

- Mixed-used Planning
- BRT
- TOD

Shanghai Urban Planning Museum



TOD: Curitiba, Brazil



绿色建筑 Green Buildings

- 国家绿色建筑节能标准
- 绿色建筑发展战略
- 绿色建筑技术指南
- 绿色建筑最佳设计示范
- 绿色建筑白皮书
- 试点城市
- National Design Standards for Green Buildings
- Green Building Development Strategy
- Green Building Technology Guideline
- Best Design for Demonstration Buildings
- White Paper For Green Buildings
- Pilot Cities



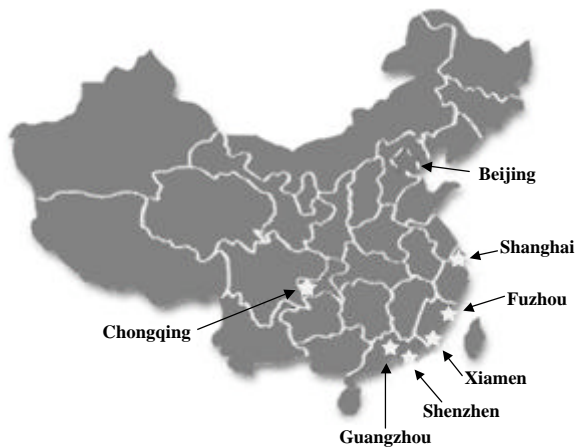
Tiger Apartments, Shenzhen



建筑节能标准的实施 Building Codes Implementation

在上个世纪80年代的基础上将能效提高50%

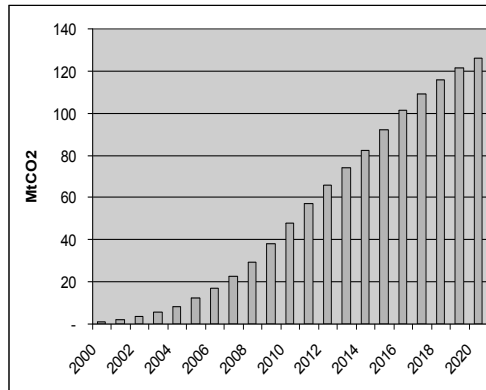
50-Percent Energy Efficiency Improvement Over 1980s Levels



- 国家商用建筑能效标准
- 国家民用建筑能效标准
- 6个试点城市
- National Commercial Codes
- National Residential Codes
- Compliance Pilots in 6 Cities

标准与标识 Standards & Labels

利用家用电器能效标准可实现的节能量
Savings from Appliance Efficiency Standards



Low-Carbon Development Path

Scenarios & National Energy Policies:

- China's National Energy Law
- China's 2050 Energy and Climate Scenario Research
- Post-Kyoto Climate Policy Response

Fiscal and Tax Policies:

- Reserve Tax
- Environmental Retreat Fund
- Fuel Tax/Energy Tax
- Ecological Tax
- Carbon Tax



山东的试点项目 Pilots in Shandong Province

- 山东节能自愿协议项目
- 山东对标项目



- Voluntary Energy Efficiency Program in Shandong
- Benchmarking Project in Shandong



江苏的试点项目 Pilots in Jiangsu Province

- 江苏对标项目
- 江苏能效电厂项目



- Voluntary Energy Efficiency Program in Jiangsu
- Benchmarking Project in Jiangsu

