

# 关于节约能源法修订的进展报告

## Progress of the *Energy Conservation Law Amendments*



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Amending the *Energy Conservation Law*

### 1. 《节约能源法》实施的情况和成效

#### Status and results of enforcing the *Energy Conservation Law*

- 现行《节约能源法》是1997年11月经八届全国人大常委会第28次会议审议通过，于1998年1月1日起施行的。
- 节能法的颁布和实施，标志着我国节能工作迈上了法制化的轨道。
- **Current *Energy Conservation Law*:**
  - Adopted at the 28th session of the National People's Congress Standing Committee, November 1997.
  - Implemented January 1, 1998.
- **Promulgation and Implementation:**
  - Focus on legal trajectories in energy conservation.

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- 开展了宣传教育。每年举办一次全国节能宣传周活动。2005年举办了全国首次建设节约型社会展览会，组织了“全民节约、共同行动”大型主题宣传活动。
- **Annual one-week campaign for national energy conservation:**
  - 2005: first national exhibition on “building an economical community”.
  - 2005: large-scale activity on “Nationwide Energy Saving and Joint Action”.
- 出台了相关法规。《重点用能单位节能管理办法》、《节约用电管理办法》、《民用建筑节能管理规定》、《中国节能产品认证管理办法》等法规规章。全国有20多个省(区、市)颁布了70多项节能地方性法规和政府规章。
- **Over 20 provinces promulgated 70 bylaws and gov't regulations on energy saving:**
  - “Method of Managing Electricity Saving”, “Regulations on Managing Energy Saving of Civil Buildings”, “Methods of Authenticating and Managing China’s Energy-Saving Products”.

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- 推进了节能管理。节能中长期专项规划，确定了工业、建筑等重点节能领域，启动了十大重点节能工程。实施了主要工业设备、家用电器、照明器具等22项强制性国家能效标准。从2005年3月1日起对用能产品实行统一的能源效率标识制度。财政部等部门分别于2004、2005年发布了两批节能产品政府采购清单。建设部确立了2010年全国城镇新建建筑节能50%等目标，目前已初步建立了相应的建筑节能设计标准体系。交通部对近年来的26个港口新建扩建工程，在可行性研究中进行了节能评估。
- **The mid long-term plan:**
  - Scope of energy savings
  - 10 key projects for energy savings
  - Enforcement of 22 mandatory national standards of energy efficiency
- **Labeling system for uniform energy efficiency (since March 1, 2005):**
  - Ministry of Finance: published government purchase lists of energy saving products (2004 and 2005).
  - Ministry of Construction: set up 50% energy savings goal for all newly-built buildings by 2010. The design standard system for building energy conservation established.
  - Ministry of Communications: assessed energy savings for the 26 newly-built and expansion port projects.

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- 推动了技术进步。积极推广热电联产、集中供热、电机节电、汽车电控节油、循环流化床、洁净煤等节能技术，钢铁、有色金属、水泥、煤炭、焦化等高耗能行业的技术水平有所提高。
- **Actively promoted technologies:**
  - co-generation, central heating, motor energy saving, electricity-controlled oil saving for vehicles, circular flow bed, clean coal;
  - some energy-intensive industries have improved their technological levels moderately (iron and steel, nonferrous metal, cement, coal, and coking)

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- 节能法实施8年多来，单位国内生产总值能耗总体下降，由1998年的每万元1.56吨标准煤，下降到2005年的1.43吨标准煤(均为2000年可比价)，主要用能产品单位能耗逐步降低，能源利用率有所提高。
- In over eight years since *Energy Conservation Law* was enforced, the unit energy consumption of GDP has declined from **1.56 tce** per 10 000 RMB in 1998 to **1.43 tce** in 2005 (based on 2000 prices).
- The unit energy consumption of major energy consuming products is decreasing, and energy efficiency has moderately improved.

## 2. 现行法律存在的主要缺陷和修订的必要性 Major problems in the current laws

- 节能管理面临的形势严峻。改革开放后的前22年，我国单位GDP能耗呈现下降明显趋势。但是，进入21世纪之后，我国万元GDP能耗一改过去22年持续下降的走势，呈现先降后升总体上升的趋势。特别是近几年来，能源利用效率出现逆转，单位产值能耗不降反升。按照“十一五”规划纲要，2010年我国万元GDP能耗要比“十五”末期下降20%，今年的目标应该是下降4.4%左右。但是，今年上半年我国万元GDP能耗不但没有下降反而比2005年同期上升了0.8%，继续了“十五”时期的上升趋势。
- **Challenges in energy savings administration:**
  - China's GDP energy intensity declined since reform.
  - In the past few years, energy efficiency has declined, and energy consumption per unit GDP has increased.
  - According to the "11th Five-Year Plan," China's energy consumption per unit GDP should decrease 20% compared to 2005 levels.
  - 2006's goal was a 4.4 % decrease, but the first half of the year saw a 0.8% increase.

## 2. 现行法律存在的主要缺陷和修订的必要性 Major problems in the current laws

- 一是在执行机构上，没有规定明确的执法主体和监督主体，对节能行政主管部门法律地位及其管理责权的规定不够明确，缺乏专门的监管机构，对相关机构开展节能服务工作没有予以规定。
- **Enforcement institutions:**
  - No definite enforcing and supervising bodies.
  - Unclear legal responsibilities for administrative departments.
  - No special regulatory institutions.
  - No regulations for related institutions to carry out energy conservation services.

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- 二是在调整范围上，偏重于规范工业节能，对建筑、交通、政府机构及公用事业等领域节能缺少具体规定或尚未涉及。
- **Scope:**
  - Focus only on standardizing industrial energy conservation
  - Areas not addressed or lacking in specific energy-saving regulations:
    - buildings
    - transportation
    - governmental institutions
    - utilities

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- 三是在管理方式上，一些条款带有明显的计划管理特征，不能适应市场经济条件下政府职能转变和节能管理方式的新变化，对一些市场导向的节能管理新机制未能加以推广，对运用财税、价格、金融、政府采购等调控手段激励和引导能源合理消费、开发推广节能技术和产品缺乏具体规定。实践证明，行政手段不是十分有效的办法，必须通过财政税收、价格机制等手段遏制浪费能源的行为，鼓励节约行为。
- **Administrative approaches:**
  - Some clauses contain elements of central planning, conflicting with market reforms.
  - There is a need for market-oriented management mechanisms and regulations for fiscal tax policy, pricing, finance, and government purchase, to promote energy saving and energy-saving technologies/products
  - Experience indicates that administrative tools are not totally effective; only fiscal tax policy and pricing mechanisms can curb waste and encourage economical utilization of energy

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- 四款特别和浪费法新制能法进推有的法律保障。是在制度设计上，一些强制性措施，操作性不强，对违法行为的处罚力度不够等。四是特别和浪费法新制能法进推有的法律保障。是在制度设计上，一些强制性措施，操作性不强，对违法行为的处罚力度不够等。四是特别和浪费法新制能法进推有的法律保障。是在制度设计上，一些强制性措施，操作性不强，对违法行为的处罚力度不够等。
- **Institutional design:**
  - Some clauses are excessively principle-oriented and lack mandatory punitive/enforcement measures.
  - Adapting management under new conditions is challenging.
  - We must learn from advanced international experiences to provide more legal security, with an eye on current conditions and the future.