

The Renewable Energy Law of the People's Republic of China

中华人民共和国可再生能源法

Temporary Administrative Measures on Publication of Food Security Supervision Information

食品安全监管信息发布暂行管理办法

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Chapter I General Provisions

Article 1 In order to promote the development and utilization of renewable energy, improve the energy structure, diversify energy supplies, safeguard energy security, protect the environment, and realize the sustainable development of the economy and society, this Law is hereby prepared.

Article 2 Renewable energy in this Law refers to non-fossil energy of wind energy, solar energy, water energy, biomass energy, geothermal energy, and ocean energy, etc.

Application of this Law in hydropower shall be regulated by energy authorities of the State Council and approved by the State Council.

This Law does not apply to the direct burning of straw, firewood and dejecta, etc. on low-efficiency stove.

Article 3 This Law applies to territory and other sea area of the People's Republic of China.

Article 4 The government lists the development and utilization of renewable energy as the preferential area for energy development and promotes the establishment and development of the renewable energy market by setting total volume for the development of renewable energy and taking corresponding measures.

The government encourages economic entities of all ownerships to participate in the development and utilization of renewable energy and protects legal rights and interests of the developers and users of renewable energy on the basis of law.

Article 5 Energy authorities of the State Council implement management for the development and utilization of renewable energy at the national level. Relevant departments of the State Council are responsible for the management of relevant development and utilization of renewable energy within their authorities.

第一章 总则

第一条 为了促进可再生能源的开发利用, 增加能源供应, 改善能源结构, 保障能源安全, 保护环境, 实现经济社会的可持续发展, 制定本法。

第二条 本法所称可再生能源, 是指风能、太阳能、水能、生物质能、地热能、海洋能等非化石能源。

水力发电对本法的适用, 由国务院能源主管部门规定, 报国务院批准。

通过低效率炉灶直接燃烧方式利用秸秆、薪柴、粪便等, 不适用本法。

第三条 本法适用于中华人民共和国领域和管辖的其他海域。

第四条 国家将可再生能源的开发利用列为能源发展的优先领域, 通过制定可再生能源开发利用总量目标和采取相应措施, 推动可再生能源市场的建立和发展。

国家鼓励各种所有制经济主体参与可再生能源的开发利用, 依法保护可再生能源开发利用者的合法权益。

第五条 国务院能源主管部门对全国可再生能源的开发利用实施统一管理。国务院有关部门

Energy authorities of local people's governments above the county level are responsible for the management of the development and utilization of renewable energy within their own jurisdiction. Relevant departments of local people's governments above the county level are responsible for the management of relevant development and utilization of renewable energy within their authorities.

Chapter II Resource Survey and Development Plan

Article 6 Energy authorities of the State Council are responsible for organizing and coordinating national surveys and management of renewable energy resources, and work with related departments to establish technical regulations for resource surveys.

Relevant departments of the State Council, within their respective authorities, are responsible for related renewable energy resource surveys. The survey results will be summarized by the energy authorities of the State Council.

The result of the survey of renewable energy shall be released to the public, with the exception of confidential contents as stipulated by the government.

Article 7 Energy authorities of the State Council sets medium- and long-term target of the total volume for the development and utilization of renewable energy at the national level according to national demand of energy and actual situation of renewable energy resources, which shall be implemented and released to the public after being approved by the State Council.

Energy authorities of the State Council shall, on the basis of the target of total volume in the previous paragraph, as well as the economic development and actual situation of renewable energy resources of all provinces, autonomous regions and municipalities, cooperate with people's governments of provinces, autonomous regions and municipalities in establishing medium- and long-term target and release it to the public.

Article 8 Energy authorities of the State Council shall, on the basis of the medium- and long-term total volume target of renewable energy throughout the country, prepare national renewable energy development and utilization plan, which is to be implemented after being approved by the State Council.

Energy authorities of the people's governments at the level of province, autonomous region and municipality shall, on the basis of the medium- and long-term target for the development and utilization of renewable energy, cooperate with relevant authorities of the people's governments at their own level in preparing local renewable energy development and utilization plan for their own administrative regions, which shall be implemented after being approved by people's governments at their own level.

The approved plan shall be released to the public, with the exception of confidential content as stipulated by the government.

In case that the approved plan needs to be modified, approval of the original approving authorities shall be obtained.

Article 9 In preparing the plan for the development and

in their respective responsibilities responsible for the management of the development and utilization of renewable energy within their authorities.

县级以上地方人民政府管理能源工作的部门负责本行政区域内可再生能源开发利用的管理工作。县级以上地方人民政府有关部门在各自的职责范围内负责有关的可再生能源开发利用管理工作。

第二章 资源调查与发展规划

第六条 国务院能源主管部门负责组织和协调全国可再生能源资源的调查,并会同国务院有关部门组织制定资源调查的技术规范。

国务院有关部门在各自的职责范围内负责相关可再生能源资源的调查,调查结果报国务院能源主管部门汇总。

可再生能源资源的调查结果应当公布;但是,国家规定需要保密的内容除外。

第七条 国务院能源主管部门根据全国能源需求与可再生能源资源实际状况,制定全国可再生能源开发利用中长期总量目标,报国务院批准后执行,并予公布。

国务院能源主管部门根据前款规定的总量目标和省、自治区、直辖市经济发展与可再生能源资源实际状况,会同省、自治区、直辖市人民政府确定各行政区域可再生能源开发利用中长期目标,并予公布。

第八条 国务院能源主管部门根据全国可再生能源开发利用中长期总量目标,会同国务院有关部门,编制全国可再生能源开发利用规划,报国务院批准后实施。

省、自治区、直辖市人民政府管理能源工作的部门根据本行政区域可再生能源开发利用中长期目标,会同本级人民政府有关部门编制本行政区域可再生能源开发利用规划,报本级人民政府批准后实施。

经批准的规划应当公布;但是,国家规定需要保密的内容除外。

经批准的规划需要修改的,须经原批准机关批准。

第九条 编制可再生能源开发利用规划,应当征求有关单位、专家和公众的意见,进行科学论证。

utilization of renewable energy, opinions of relevant units, experts and the public shall be solicited and the scientific reasoning shall be done.

Chapter III Industry Guidance and Technology Support

Article 10 Energy authorities of the State Council shall, in accordance with the national renewable energy development and utilization plan, prepare and promulgate development guidance catalogues for renewable energy industries.

Article 11 Standardization authorities of the State Council shall set and publicize technical standard for renewable energy electric power and the technical standards for relevant renewable technology and products for which technical requirements need to be standardized at the national level.

For those technical requirements not dealt with in the national standard in the previous paragraph, relevant authorities of the State Council may establish relevant industrial standard, which shall be reported to the standardization authorities of the State Council for filing.

Article 12 The government lists scientific and technical research in the development and utilization of, and the industrialized development of, renewable energy, as the preferential area for sci-tech development and hi-tech industrial development in the national program, and allocates funding for the scientific and technical research, application demonstration and industrialized development of the development and utilization of renewable energy so as to promote technical advancement in the development and utilization of renewable energy, reduce the production cost of renewable energy products and improve the quality of products.

Education authorities of the State Council shall incorporate the knowledge and technology on renewable energy into general and occupational education curricula.

Chapter IV Promotion and Application

Article 13 The government encourages and supports various types of grid-connected renewable power generation.

For the construction of renewable energy power generation projects, administrative permits shall be obtained or filing shall be made in accordance with the law and regulations of the State Council.

In the construction of renewable power generation projects, if there is more than one applicant for project license, the licensee shall be determined through a tender.

Article 14 Grid enterprises shall enter into grid connection agreements with renewable power generation enterprises that have legally obtained administrative license or for which filing has been made, and buy all the grid-connected power produced with renewable energy within the coverage of their power grid, and provide grid-connection service for the generation of power with renewable energy.

Article 15 The government supports the construction of independent renewable power systems in areas not covered by the power grid to provide power service for local production and living.

第三章 产业指导与技术支持

第十条 国务院能源主管部门根据全国可再生能源开发利用规划,制定、公布可再生能源产业发展指导目录。

第十一条 国务院标准化行政主管部门应当制定、公布国家可再生能源电力的并网技术标准和其他需要在全国范围内统一技术要求的有关可再生能源技术和产品的国家标准。

对前款规定的国家标准中未作规定的技术要求,国务院有关部门可以制定相关的行业标准,并报国务院标准化行政主管部门备案。

第十二条 国家将可再生能源开发利用的科学研究和产业化发展列为科技发展与高技术产业发展的优先领域,纳入国家科技发展规划和高技术产业发展规划,并安排资金支持可再生能源开发利用的科学研究、应用示范和产业化发展,促进可再生能源开发利用的技术进步,降低可再生能源产品的生产成本,提高产品质量。

国务院教育行政部门应当将可再生能源知识和技术纳入普通教育、职业教育课程。

第四章 推广与应用

第十三条 国家鼓励和支持可再生能源并网发电。

建设可再生能源并网发电项目,应当依照法律和国务院的规定取得行政许可或者报送备案。

建设应当取得行政许可的可再生能源并网发电项目,有多人申请同一项目许可的,应当依法通过招标确定被许可人。

第十四条 电网企业应当与依法取得行政许可或者报送备案的可再生能源发电企业签订并网协议,全额收购其电网覆盖范围内可再生能源并网发电项目的上网电量,并为可再生能源发电提供上网服务。

第十五条 国家扶持在电网未覆盖的地区建设可再生能源独立电力系统,为当地生产和生活提供电力服务。

第十六条 国家鼓励清洁、高效地开发利用生物质燃料,鼓励发展能源作物。

利用生物质资源生产的燃气和热力,符合城市燃气管网、热力管网的入网技术标准的,经营

Article 16 The government encourages clean and efficient development and utilization of biological fuel and encourages the development of energy crops.

If the gas and heat produced with biological resources conform to urban fuel gas pipeline networks and heat pipeline networks, enterprises operating gas pipeline networks and heat pipeline networks shall accept them into the networks.

The government encourages the production and utilization of biological liquid fuel. Gas-selling enterprises shall, on the basis of the regulations of energy authorities of the State Council or people's government at the provincial level, include biological liquid fuel conforming to the national standard into its fuel-selling system.

Article 17 The government encourages workplaces and individuals in the installation and use of solar energy utilization systems of solar energy water-heating system, solar energy heating and cooling system and solar photovoltaic system, etc.

Construction authorities of the State Council shall cooperate with relevant authorities of the State Council in establishing technical economic policies and technical standards with regard to the combination of solar energy utilization system and construction.

Real estate development enterprises shall, on the basis of the technical standards in the previous paragraph, provide necessary conditions for the utilization of solar energy in the design and construction of buildings.

For buildings already built, residents may, on the condition that its quality and safety is not affected, install solar energy utilization system that conforms to technical standards and product standards, unless agreement has been otherwise reached between relevant parties.

Article 18 The government encourages and supports the development and utilization of renewable energy in rural areas.

Energy authorities of local people's governments above the county level shall, on the basis of local economic and social development, ecological protection and health need, etc., prepare renewable energy development plan for the rural area and promote conversion of biomass energy like the marsh gas, household solar energy, small-scale wind energy and small-scale hydraulic energy, etc.

People's governments above the county level shall provide financial support for the renewable energy utilization projects in the rural areas.

Chapter V Price Management and Fee Sharing

Article 19 Grid power price of renewable energy power generation projects shall be determined by the price authorities of the State Council in the principle of being beneficial to the development and utilization of renewable energy and being economical and reasonable, where timely adjustment shall be made on the basis of the development of technology for the development and utilization of renewable energy. The price for grid-connected power shall be publicized.

For the price of grid-connected power of renewable power generation projects determined through tender as

燃气管网、热力管网的企业应当接收其入网。

国家鼓励生产和利用生物液体燃料。石油销售企业应当按照国务院能源主管部门或者省级人民政府的规定,将符合国家标准生物液体燃料纳入其燃料销售体系。

第十七条 国家鼓励单位和个人安装和使用太阳能热水系统、太阳能供热采暖和制冷系统、太阳能光伏发电系统等太阳能利用系统。

国务院建设行政主管部门会同国务院有关部门制定太阳能利用系统与建筑结合的技术经济政策和技术规范。

房地产开发企业应当根据前款规定的技术规范,在建筑物的设计和施工中,为太阳能利用提供必备条件。

对已建成的建筑物,住户可以在不影响其质量与安全的前提下安装符合技术规范和产品标准的太阳能利用系统;但是,当事人另有约定的除外。

第十八条 国家鼓励和支持农村地区的可再生能源开发利用。

县级以上地方人民政府管理能源工作的部门会同有关部门,根据当地经济社会发展、生态保护和卫生综合治理需要等实际情况,制定农村地区可再生能源发展规划,因地制宜地推广应用沼气等生物质资源转化、户用太阳能、小型风能、小型水能等技术。

县级以上人民政府应当对农村地区的可再生能源利用项目提供财政支持。

第五章 价格管理与费用分摊

第十九条 可再生能源发电项目的上网电价,由国务院价格主管部门根据不同类型可再生能源发电的特点和不同地区的情况,按照有利于促进可再生能源开发利用和经济合理的原则确定,并根据可再生能源开发利用技术的发展适时调整。上网电价应当公布。

依照本法第十三条第三款规定实行招标的可再生能源发电项目的上网电价,按照中标确定的价格执行;但是,不得高于依照前款规定确定的同类可再生能源发电项目的上网电价水平。

第二十条 电网企业依照本法第十九条规定确定的上网电价收购可再生能源电量所发生的费

stipulated in paragraph 3 of Article 13 hereof, the bid-winning price shall be implemented; however, such a price shall not exceed the level of grid-connected power of similar renewable power generation projects.

Article 20 The excess between the expenses that power grid enterprises purchase renewable power on the basis of the price determined in Article 19 hereof and the expenses incurred in the purchase of average power price generated with conventional energy shall be shared in the selling price. Price authorities of the State Council shall prepare specific methods.

Article 21 Grid connection expenses paid by grid enterprises for the purchase of renewable power and other reasonable expenses may be included into the power transmission cost of grid enterprises and retrieved from the selling price.

Article 22 For the selling price of power generated from independent renewable energy power system invested or subsidized by the government, classified selling price of the same area shall be adopted, and the excess between its reasonable operation and management expenses, and the selling price shall be shared on the basis of the method as specified in Article 20 hereof.

Article 23 The price of renewable heat and natural gas that enters the urban pipeline networks shall be determined on the basis of price management authorities in the principle of being beneficial to the development and utilization of renewable energy and being economical and reasonable.

Chapter VI Economic Incentives and Supervisory Measures

Article 24 The government budget establishes renewable energy development fund to support the following:

(1) Scientific and technological research, standard establishment and pilot projects for the development and utilization of renewable energy;

(2) Construction of renewable energy projects for domestic use in rural and pasturing areas;

(3) Construction of independent renewable power systems in remote areas and islands;

(4) Surveys and assessments of renewable energy resources, and the establishment of relevant information systems; and

(5) Localized production of the equipment for the development and utilization of renewable energy.

Article 25 Financial institutions may offer preferential loans with financial interest subsidy to renewable energy development and utilization projects that are listed in the national renewable energy industrial development guidance catalogue and conform to the conditions for granting loans.

Article 26 The government grants tax benefits to projects listed in the renewable energy industrial development guidance catalogue, and specific methods are to be prepared by the State Council.

Article 27 Power enterprises shall authentically and completely record and store relevant materials of renewable energy power generation, and shall accept the inspection and supervision of power supervisory institutions.

Power supervisory institutions shall do the inspection in accordance with stipulated procedures, and shall keep busi-

用, 高于按照常规能源发电平均上网电价计算所发生费用之间的差额, 附加在销售电价中分摊。具体办法由国务院价格主管部门制定。

第二十一条 电网企业为收购可再生能源电量而支付的合理的接网费用以及其他合理的相关费用, 可以计入电网企业输电成本, 并从销售电价中回收。

第二十二条 国家投资或者补贴建设的公共可再生能源独立电力系统的销售电价, 执行同一地区分类销售电价, 其合理的运行和管理费用超出销售电价的部分, 依照本法第二十条规定的办法分摊。

第二十三条 进入城市管网的可再生能源热力和燃气的价格, 按照有利于促进可再生能源开发利用和经济合理的原则, 根据价格管理权限确定。

第六章 经济激励与监督措施

第二十四条 国家财政设立可再生能源发展专项资金, 用于支持以下活动:

(一) 可再生能源开发利用的科学技术研究、标准制定和示范工程;

(二) 农村、牧区生活用能的可再生能源利用项目;

(三) 偏远地区 and 海岛可再生能源独立电力系统建设;

(四) 可再生能源的资源勘查、评价和相关信息系统建设;

(五) 促进可再生能源开发利用设备的本地化生产。

第二十五条 对列入国家可再生能源产业发展指导目录、符合信贷条件的可再生能源开发利用项目, 金融机构可以提供有财政贴息的优惠贷款。

第二十六条 国家对列入可再生能源产业发展指导目录的项目给予税收优惠。具体办法由国务院规定。

第二十七条 电力企业应当真实、完整地记载和保存可再生能源发电的有关资料, 并接受电力监管机构的检查和监督。

电力监管机构进行检查时, 应当依照规定的程序进行, 并为被检查单位保守商业秘密和其他

ness secrets and other secret for inspected units.

Chapter VII Legal Responsibilities

Article 28 If energy authorities of the State Council and the people's governments above the county level as well as other relevant authorities breach this Law and have one of the following behaviors, people's government of their own level or relevant authorities of the superior people's governments may order them to make correction, and impose administrative penalty for competent personnel that are liable and other personnel directly liable; in case that such breaches constitute a crime, criminal liabilities shall be legally pursued.

(1) Failure to make administrative licensing decision in accordance with law;

(2) Failure to make an investigation when illegal activities are discovered;

(3) Other acts of not legally performing supervision and management responsibilities.

Article 29 If the power grid enterprises breach Article 14 hereof and fail to purchase renewable power in full, which results in economic loss to the renewable power generation enterprises, such power grid enterprises shall be liable for compensation, and the national power supervisory institutions shall order them to make correction within a stipulated period of time; in case of refusal to make correction, a fine of less than the economic loss of the renewable power generation enterprises shall be imposed.

Article 30 In case that enterprises of natural gas pipeline network and heat pipeline networks breach paragraph 2 of Article 16 hereof and do not permit the connection of natural gas and heat that conform to the grid connection technical standard into the networks, which results in economic loss to the gas and heat production enterprises, relevant enterprises shall be liable for compensation, and energy authorities of the people's government at the provincial level shall order them to make correction within a stipulated period of time; in case of refusal to make correction, a fine of less than said economic loss shall be imposed against them.

Article 31 If gas-selling enterprises breach paragraph 3 of Article 16 hereof and fail to include biological liquid fuel that conforms to the national standard into its fuel-selling system, which results in economic loss to the biological liquid fuel production enterprises, relevant enterprises shall be liable for compensation, and energy authorities of the State Council or people's government at the provincial level shall order them to make correction within a stipulated period of time; in case of refusal to make correction, a fine of less than said economic loss shall be imposed against them.

Chapter VIII Supplementary Provisions

Article 32 Terms used herein shall have the following meanings:

(1) Biomass energy: means energy converted from natural plants, rejecta as well as urban and rural organic waste;

(2) Renewable energy independent power system: means independent renewable power system not connected to the power grid;

秘密。

第七章 法律责任

第二十八条 国务院能源主管部门和县级以上地方人民政府管理能源工作的部门和其他有关部门在可再生能源开发利用监督管理工作中,违反本法规定,有下列行为之一的,由本级人民政府或者上级人民政府有关部门责令改正,对负有责任的主管人员和其他直接责任人员依法给予行政处分;构成犯罪的,依法追究刑事责任:

(一)不依法作出行政许可决定的;

(二)发现违法行为不予查处的;

(三)有不依法履行监督管理职责的其他行为的。

第二十九条 违反本法第十四条规定,电网企业未全额收购可再生能源电量,造成可再生能源发电企业经济损失的,应当承担赔偿责任,并由国家电力监管机构责令限期改正,拒不改正的,处以可再生能源发电企业经济损失额一倍以下的罚款。

第三十条 违反本法第十六条第二款规定,经营燃气管网、热力管网的企业不准许符合入网技术标准的燃气、热力入网,造成燃气、热力生产企业经济损失的,应当承担赔偿责任,并由省级人民政府管理能源工作的部门责令限期改正,拒不改正的,处以燃气、热力生产企业经济损失额一倍以下的罚款。

第三十一条 违反本法第十六条第三款规定,石油销售企业未按照规定将符合国家标准生物液体燃料纳入其燃料销售体系,造成生物液体燃料生产企业经济损失的,应当承担赔偿责任,并由国务院能源主管部门或者省级人民政府管理能源工作的部门责令限期改正,拒不改正的,处以生物液体燃料生产企业经济损失额一倍以下的罚款。

第八章 附则

第三十二条 本法中下列用语的含义:

(一)生物质能,是指利用自然界的植物、粪便以及城乡有机废物转化成的能源。

(二)可再生能源独立电力系统,是指不与电网连接的单独运行的可再生能源电力系统。

(3) Energy crop: means herbage and wood plants specially planted and used as raw materials of energy; and

(4) Biological liquid fuels: means methanol, ethanol, bio-diesel and other liquid fuels derived from biomass resources.

Article 33 This Law shall become effective on January 1, 2006. ■

(三)能源作物，是指经专门种植，用以提供能源原料的草本和木本植物。

(四)生物液体燃料，是指利用生物质资源生产的甲醇、乙醇和生物柴油等液体燃料。

第三十三条 本法自2006年1月1日起施行。■