

Electric Power Supervision Regulation

2005-05-01 Source : 国家可再生能源中心

Regulation on Electric Power Supervision

Chapter I General Provisions

Article 1 With a view to strengthening electric power supervision, regulating the supervision of electric power, and improving the electric power supervisory system, the present Regulation is formulated.

Article 2 The tasks of electric power supervision are to maintain the order of the electric power market, to protect the legal rights and interests of those who invest in, manage or consume the electric power and the public interests, to guarantee the safe and stable operation of the electric power system and to promote the sound development of the electric power industry.

Article 3 Electric power supervision shall be conducted in accordance with the law and in compliance with the principles of openness, justness and efficiency.

Article 4 The electric power supervisory organ of the State Council shall perform the functions of electric power supervision and administrative law enforcement pursuant to the present Regulation and the relevant provisions of the State Council. The relevant departments of the State Council shall perform relevant supervisory functions and administrative law enforcement functions in accordance with the laws, administrative regulations and the relevant provisions of the State Council.

Article 5 Any entity or individual shall have the right to inform the electric power supervisory organ and the relevant government department of an offense that violates the present Regulation and the state provisions on electric power supervision, and the electric power supervisory organ and other relevant government departments shall handle it without delay, and shall grant a reward to the person who makes contributions to such information.

Chapter II Supervisory Organ

Article 6 The electric power supervisory organ of the State Council may, according to the needs for performing functions, set up representative offices upon the approval of the State Council, and exercise unified leadership and administration on the offices.

The representative offices of the electric power supervisory organ of the State Council shall perform their supervisory functions within the scope as authorized by the electric power supervisory organ of the State Council.

Article 7 A functionary of the electric power supervisory organ engaged in supervisory work shall have the professional knowledge and experiences suitable for electric power supervision.

1/5Article 8 The functionaries of the electric power supervisory organ engaged in supervisory work shall perform their duties faithfully, handle affairs according to law, be impartial and clean, and may not seek improper interests by taking advantages of their posts or hold posts concurrently in the electric power enterprise or the trading institution for dispatching electric power.

Article 9 The electric power supervisory organ shall establish a supervision responsibility system and a supervision information disclosure system.

Article 10 When an electric power supervisory organ or any of its supervisory functionaries performs electric power supervisory functions, the departments and persons concerned shall support and cooperate with them.

Article 11 The electric power supervisory organ shall be subject to the supervision of the financial, supervisory and auditing departments of the State Council.

Chapter III Supervisory Duties

Article 12 The electric power supervisory organ of the State Council shall, within the scope of its official duties, formulate and promulgate rules and regulations on electric power supervision in accordance with the laws, administrative regulations and the present Regulation.

Article 13 The electric power supervisory organ shall issue and administer the electric power business license in accordance with the relevant laws and the relevant provisions of the State Council.

Article 14 The electric power supervisory organ shall, pursuant to the relevant state provisions, exercise supervision over the market share of power generation enterprise in each electric power market.

Article 15 The electric power supervisory organ shall exercise supervision over the implementation of relevant rules and regulations during the course of incorporating power plants into the power grid, the interconnection between grids and the coordinated cooperation between power plants and power grids.

Article 16 The electric power supervisory organ shall exercise supervision over the fair and non-discriminatory opening of the electric power market to the subjects that engages in electric power transactions, and the electric power transmission enterprises' fair opening of its grids.

Article 17 The electric power supervisory organ shall exercise supervision over the implementation of the operation rules on the electric power market by

electric power enterprises and the trading institution for dispatching electric power, and the conditions on the implementation of rules on dispatching electric power by the trading institution for dispatching electric power.

Article 18 The electric power supervisory organ shall exercise supervision over the supply of electric power by power supply enterprises to consumers in light of the quality and service of power supply as provided for by the State.

Article 19 The electric power supervisory organ shall be specifically responsible for the supervision and administration of electric power safety.

The electric power supervisory organ of the State Council shall, in collaboration with the development and reform department and the administrative department of work safety of the State Council, work out prepared plans for handling serious safety accidents of electric power generation and establish a system for emergency treatment in serious safety accidents of electric power generation.

Article 20 The competent department of price and the electric power supervisory organ of the State Council shall exercise supervision over electricity prices in accordance with the laws, administrative regulations and the provisions of the 2/5State Council.

Chapter IV Supervisory Measures

Article 21 The electric power supervisory organ pursuant to its supervisory duties shall have the power to demand electric power enterprises and the trading institutions for dispatching electric power to submit documents and materials relating to the supervision.

The electric power enterprise and the trading institutions for dispatching electric power shall faithfully submit relevant documents and materials.

Article 22 The electric power supervisory organ of the State Council shall establish an electric power supervision information system.

The electric power enterprises and the trading institutions for dispatching electric power shall, in accordance with the rules as prescribed by the electric power supervisory organ of the State Council, connect supervision-related information systems with the electric power supervision information system.

Article 23 The electric power supervisory organ shall have the right to order electric power enterprises and the trading institutions for dispatching electric power to faithfully disclose relevant information in accordance with the regulations and rules on electric power supervision as prescribed by the State.

Article 24 When the electric power supervisory organ performs its duties according to law, it may take the following measures to conduct spot inspection:

- (1) Conducting inspection by entering into an electric power enterprise or a trading institution for dispatching electric power;
- (2) Inquiring the working personnel of an electric power enterprise or a trading institution for dispatching electric power, and ask them to explain the relevant matters being inspected;
- (3) Examining and copying the documents and materials relating to the matters being inspected, and sealing up for keeping the documents and materials that may be displaced, hidden or destroyed; or
- (4) Correcting on the spot or requesting for making corrections within a prescribed time limit if there is any violation found during the course of inspection.

Article 25 A functionary engages in electric power supervision shall produce his legitimate certificate when conducting a spot inspection; if he fails to do so, any electric power enterprise or any trading institution for dispatching electric power shall be entitled to refuse the inspection.

Article 26 Where an electric power plant is incorporated into the power grid or the power grids are interconnected, and both parties to the said incorporation or to the said interconnection fail to reach an agreement and thus affecting the normal electric power transaction, the electric power supervisory organ shall carry out mediation between the parties; if the mediation fails, the electric power supervisory organ shall find a verdict.

Article 27 In case a generation safety accident occurs to an electric power enterprise, the enterprise shall immediately take measures to prevent the accident from deterioration and report to the electric power supervisory organ and other relevant departments. The electric power supervisory organ, after receiving the report on the accident, shall take treatment measures in light of the prepared plans for great electric power generation safety accidents.

The electric power supervisory organ shall organize or participate in the investigation and handling of electric power generation safety accidents in accordance with the relevant state provisions.

Article 28 In case an electric power enterprise or a trading institution for dispatching electric power violates any of the laws or administrative regulations on electric power supervision or the rules on electric power supervision, or has any act harmful to public interests, the electric power supervisory organ may make public the said violation or act as well as the treatment thereof.

Chapter V Legal Liabilities

Article 29 Any functionary of an electric power supervisory organ who engages in supervisory work and is found to be under any of the following circumstances shall be given an administrative punishment; if a crime is constituted, he shall be prosecuted for criminal liabilities according to law:

- (1) Issuing electric power business license by violating the relevant laws and provisions of the State Council;
 - (2) Failing to deal with any found act of illegal operation of electric power businesses according to law;
 - (3) Failing to timely deal with any found violation or exposure of violation;
- or
- (4) Seeking improper interests by taking advantage of his post.

In case a functionary of an electric power supervisory organ engaged in supervision holds a post concurrently in an electric power enterprise or a trading institution for dispatching electric power, the electric power supervisory organ shall order him to make corrections, confiscate his incomes from the concurrent job. If he refuses to make corrections, he shall be removed or dismissed.

Article 30 In the case of illegal operation of electric power businesses without a license, the electric power supervisory organ shall order it to make corrections and confiscate its illegal gains and may impose on it a fine of less than five times of its illegal gains; if a crime is constituted, it shall be prosecuted for criminal liabilities according to law.

Article 31 An electric power enterprise that violates the present Regulation and is found to be under any of the following circumstances shall be ordered to make corrections by the electric power supervisory organ. If it refuses to do so, it shall be imposed on a fine of more than 100,000 Yuan but less than 1,000,000 Yuan, and the principal and other directly responsible personnel shall be punished according to law; where the circumstances are serious, its electric power business license may be revoked:

- (1) Failing to observe the operation rules on the electric power market;
- (2) Failing to abide by any of the rules and regulations when the power plants are incorporated into power grid or the power grids are interconnected; or
- (3) Failing to fairly and non-discriminatorily open the electric power market to the subjects engaged in electric power transactions, or failing to fairly open the power grid in accordance with the provisions.

Article 32 An electric power supply enterprise that fails to provide electric power supply services in accordance with the prescribed quality and service

standards of power supply shall be ordered to make corrections and given a warning. Where the circumstances are serious, the principal and other directly responsible personnel shall be punished according to law.

Article 33 Where a trading institution for dispatching electric power violates the present Regulation by failing to organize transactions according to the operation rules on the electric power market, it shall be ordered to make corrections by the electric power supervisory organ. If it refuses to do so, it shall be imposed a fine of more than 100,000 Yuan but less than 1,000,000 Yuan, and the principal and other directly responsible personnel shall be punished according to law.

A functionary of a trading institution for dispatching electric power who reveals any inside information on electric power transactions shall be ordered to make corrections by the electric power supervisory organ and given a punishment according to law.

Article 34 Where any electric power enterprise or trading institution for dispatching electric power is found to be under any of the following circumstances, it shall be ordered to make corrections. If it refuses to do so, it shall be imposed a fine of more than 50,000 Yuan but less than 500,000 Yuan, and the principal and directly responsible personnel shall be punished according to law. If a crime is constituted, they shall be prosecuted for criminal liabilities according to law:

- (1) Refusing or obstructing the electric power supervisory organ or its functionaries from performing its or his duties;
- (2) Offering false documents and materials or intentionally concealing documents and materials with important facts; or
- (3) Failing to disclose relevant information in accordance with the regulations and rules of the State on electric power supervision.

Article 35 The confiscate illegal gains and fines as prescribe by the present Regulation shall be turned over to the state treasury in accordance with the relevant state provisions.

Chapter VI Supplementary Provisions

Article 36 Electric power enterprises shall pay electric power supervision fees pursuant to the relevant rules as provided for by the administrative departments of price and finance of the State Council.

Article 37 The present Regulation shall go into effect as of May 1, 2005.