

Notice of the National Energy Administration and the State Oceanic Administration on issuance of the

2010-01-22 Source : 国家可再生能源中心

Notice of the National Energy Administration and the State Oceanic Administration on issuance of the Interim Measures for Management of the Development and Construction of Off-Shore Wind Power

(No. 29 [2010] of the National Energy Administration)

The Development and Reform Commissions (Energy Bureaus) and Oceanic Departments (Bureaus) of Liaoning Province, Hebei Province, Shandong Province, Jiangsu Province, Zhejiang Province, Fujian Province, Guangdong Province, Guangxi Autonomous Region, Hainan Province, Shanghai Municipality, Tianjin Municipality; the State Grid Corporation of China, China Southern Power Grid Co., Ltd., and Water Resources and Hydropower Planning and Design General Institute:

To standardize management of the development and construction of off-shore wind power projects, promote off-shore wind power's sound and orderly development, the Interim Measures for Management of the Development and Construction of Off-Shore Wind Power have been formulated and are hereby issued, and compliance and implementation is requested.

National Energy Administration
State Oceanic Administration

January 22, 2010

Interim Measures for Management of the Development and Construction of Off-Shore Wind Power.

Article 1 To standardize management of the development and construction of off-shore wind power projects, promote off-shore wind power's orderly development, standardized construction and sustainable development, these Measures are specially formulated under the Administrative License Law of the People's Republic of China, the Law of the People's Republic of China on the Administration of Sea Areas, and the Interim Measures for Examining and Approving Enterprises' Investment Projects.

Chapter 1 General Provisions

Art. 1 In order to standardize the management of the development and construction of off-shore wind power projects, promote the orderly development of off-shore wind power, and standardize construction and sustainable development, and on the basis of the Administrative Licensing Law, Sea-Use Management Law, and Interim Measure for Examination and Approval of Enterprise Investment Projects, this Measure is hereby established.

Interim Measure for the Management of the Development and Construction of Off-Shore Wind Power (effect. 1/22/10)

Art. 2 term “off-shore wind power project” in this Measure refers to wind power projects in sea-areas below the multi-year average for the coastal high-tide line, and include wind power projects on uninhabited islands within corresponding sea-area development.

Art. 3 The management of development and construction of off-shore wind power includes off-shore wind power development planning, project grants, project examination and approval, sea-use and marine environmental protection, construction examination and approval during and after construction completion, management of operating information, and other segments of organized administrative management and technology quality management.

Art. 4 State energy authorities are responsible for nationwide management of off-shore wind power development and construction. Energy authorities of coastal provinces (regions, municipalities), under the guidance of State energy authorities, are responsible for local management in the development and construction of off-shore wind power. Responsibility for management of off-shore wind power construction technology is entrusted to the centralized management work unit for national wind power technology.

Art. 5 State marine administration authorities are responsible for the management and supervision of sea-use and environmental protection for off-shore wind power development and construction. 第二章 Chapter 2 规划 Planning

Art. 6 Off-shore wind power planning includes national off-shore wind power plans and off-shore wind power plans by coastal provinces (regions, municipalities). National off-shore wind power plans and off-shore wind power plans by coastal provinces (regions, municipalities) shall be coordinated with respective national renewable energy development plans, national and coastal province (regions, municipalities) marine-function zoning, and marine economic development plans. Off-shore wind power plans by coastal provinces (regions, municipalities) shall conform to national off-shore wind power plans.

Art. 7 State energy authorities uniformly organize preparation and management of national off-shore wind power development planning, and together with State marine administration authorities, review and set off-shore wind power plans by coastal provinces (regions, municipalities). Energy authorities of coastal provinces (regions, municipalities), based on the State energy authorities’ unified plan, are responsible for organizing preparation and management of off-shore wind power development plans in their administrative areas.

Art. 8 Energy authorities of coastal provinces (regions, municipalities) organize work units that have the highest-grade national design qualifications and, according to standardized requirements, establish offshore wind power plans within their own provincial administrative areas; marine administration authorities at the same level propose preliminary opinions on sea areas to be used and preliminary opinions on environment impact assessments; centralized management units for technology are responsible for conducting examination and inspection of technology for off-shore wind power development plans.

Art. 9 State energy authorities organize off-shore wind power technology management departments and, on the basis of off-shore wind power development plans by coastal provinces (regions, municipalities), establish national off-shore wind power development plans; and organize coastal province (regions, municipalities) energy authorities and power-grid enterprises to establish supporting power-grid project plans for off-shore wind power projects, and implement power-grid access plans and plans for addressable market capacity.

Art. 10 State marine administration authorities organize the marine authorities of coastal provinces (regions, municipalities), and on the basis of coastal province (regions, municipalities) marine-function zoning plans and marine economic development plans, work to complete preliminary review of the sea-area to be used in wind power development plans as well as preliminary review and inspection of environmental impact assessments.

Interim Measure for the Management of the Development and Construction of Off-Shore Wind Power (effect. 1/22/10)

Chapter 3

Project Grants

Art. 11 State energy authorities are responsible for granting development rights for off-shore wind power projects. Energy authorities of coastal provinces (regions, municipalities), in accordance with off-shore wind power development plans reviewed and put into place by State energy authorities, organize the commencement by enterprises of offshore wind surveys, geological surveys, hydrographic surveys and other preliminary work. Without permits, enterprises shall not begin construction of wind farm projects.

Art. 12 Energy authorities of coastal provinces (regions, municipalities), on the basis of preliminary work, propose development plans for off-shore wind power construction projects, and transmit project development applications to State energy authorities. State energy authorities organize technology review and inspection and, after demonstrations of project-construction conditions, determine whether development is approved.

Art. 13 Project development application reports shall mainly include the below items: 1. Wind resources surveys and assessments, marine hydrological surveys and assessments, marine chart measurements for wind power farm, project geological surveys and project construction requirements; 2. Project development tasks, construction scope, construction plan and power-grid access plan; 3. Preliminary review and inspection of sea-area used for construction, and preliminary assessment of marine environment impacts; 4. Preliminary analysis and assessment of economic and social benefits.

Art. 14 Off-shore wind power construction projects prioritize adoption of tendering methods to select enterprises for development investment, with tendering considerations to include grid-connected price, project plan, technical capacity and business performance. Development investment enterprises are to be Chinese-funded enterprises or Chinese-foreign enterprises where the Chinese party has a controlling

stock interest (over 50 percent of stock ownership). For the expansion of off-shore wind power projects, the original project work unit may submit related applications and, after approval by State energy authorities, obtain project expansion development rights. Enterprises that obtain wind power project development rights shall, according to tendering contracts or requirements in authorization documents, commence work; without the consent of State energy authorities, transfer of development rights is prohibited. The work of off-shore wind power project tendering is uniformly organized by State energy authorities; the tenderer is the provincial-level (region, municipality) energy authority where the project is located. For enterprises which have commenced preliminary work for off-shore projects but which ultimately do not win tenders, enterprises making successful tenders, according to expenditure standards for preliminary work determined by provincial-level energy authorities, provide financial compensation to enterprises which have undertaken preliminary work.

Chapter 4

Art. 16 Investment enterprises selected through tendering or development enterprises approved for project expansion, according to the relevant preliminary work requirements of the off-shore wind power project, carry out the conditions of project plan and construction, draft the project application report, handle examination and approval of all needed technical-related project documentation, execute concession agreements with the bid solicitation work unit, and execute agreements with local provincial-level power-grid enterprises for grid-connection and power purchases. Provincial-level energy authorities where projects are located, for project application reports they have preliminarily reviewed, submit such reports to State energy authorities for examination and approval. Shanghai Municipality, Tianjin Municipality; the State Grid Corporation of China, China Southern Power Grid Co., Ltd., and Water Resources and Hydropower Planning and Design General Institute:

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