

ORDER OF THE PRESIDENT OF THE PEOPLE'S REPUBLIC  
OF CHINA

(No. 90)

The Law of the People's Republic of China on  
Conserving **Energy**, adopted at the 28th Meeting of the  
Standing Committee of the Eighth National People's  
Congress of the People's Republic of China on November  
1, 1997, is hereby promulgated and shall enter into force  
as of January 1, 1998.

President of the People's Republic of China: Jiang Zemin  
November 1, 1997

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON  
CONSERVING **Energy**

(Adopted at the 28th Meeting of the Standing Committee  
of the Eighth National People's Congress on November 1,  
1997)

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CHAPTER I GENERAL PROVISIONS

**Article 1** This Law is formulated in order to  
promote **Energy** conservation by all sectors of the  
society, increase the efficiency in the use of **Energy** and

中华人民共和国主席令  
(第90号)

《中华人民共和国节约能源法》已由中华人民共和国  
第八届全国人民代表大会常务委员会第二十八次会议  
于1997年11月1日通过，现予公布，自199  
8年1月1日起施行。

中华人民共和国主席 江泽民

1997年11月1日

中华人民共和国节约能源法

(1997年11月1日第八届全国人民代表大会  
常务委员会第二十八次会议通过)

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第一章 总则

**第一条** 为了推进全社会节约能源，提高能源利  
用效率和经济效益，保护环境，保障国民经济和社会  
的发展，满足人民生活需要，制定本法。

its economic results, protect the environment, ensure national economic and social development, and meet the people's needs in everyday life.

**Article 2** The term "**Energy**" as used in this Law refers to coal, crude oil, natural gas, power, coke, coal gas, heat, processed oil, liquefied petroleum gas, biomass **Energy** and other resources from which useful **Energy** can be derived directly or through processing or conversion.

**Article 3** The term "**Energy** conservation" as used in this Law means: enhancing management in the use of **Energy**; adopting measures which are technologically feasible, economically rational, and, by reducing loss and waste at every stage from production through to consumption of **Energy**, environmentally and socially acceptable in order to use **Energy** more efficiently and rationally.

**Article 4** **Energy** conservation is a long-term concept of strategy of the State for national economic development. The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall strengthen their efforts in **Energy** conservation; readjust in a rational way the industrial structure, pattern of enterprises, product mix and pattern of **Energy** consumption; facilitate technological progress for **Energy** conservation; reduce **Energy** consumption per unit output value and per unit product; and improve the exploitation, processing, conversion, transmission and supply of **Energy** so as to gradually increase the utilization rate of **Energy** and promote the development of the national economy in an **Energy**-efficient manner. The State encourages the development and utilization of new and renewable resources of **Energy**.

**第二条** 本法所称能源，是指煤炭、原油、天然气、电力、焦炭、煤气、热力、成品油、液化石油气、生物质能和其他直接或者通过加工、转换而取得有用能的各种资源。

**第三条** 本法所称节能，是指加强用能管理，采取技术上可行、经济上合理以及环境和社会可以承受的措施，减少从能源生产到消费各个环节中的损失和浪费，更加有效、合理地利用能源。

**第四条** 节能是国家发展经济的一项长远战略方针。

国务院和省、自治区、直辖市人民政府应当加强节能工作，合理调整产业结构、企业结构、产品结构和能源消费结构，推进节能技术进步，降低单位产值能耗和单位产品能耗，改善能源的开发、加工转换、输送和供应，逐步提高能源利用效率，促进国民经济向节能型发展。

国家鼓励开发、利用新能源和可再生能源。

**Article 5** The State formulates policies and plans for **Energy** conservation, which shall be incorporated into plans for national economic and social development so as to ensure the rational utilization of **Energy** resources and coordinate **Energy** conservation with economic development and environmental protection.

**Article 6** The State encourages and supports research and dissemination of science and technology for **Energy** conservation and makes greater efforts to publicize and educate the people in the importance of **Energy** conservation, spreading scientific knowledge about **Energy** conservation among all the people so as to enhance their awareness of the need.

**Article 7** All organizations and individuals shall fulfill their obligation to conserve **Energy** and have the right to report against any waste of **Energy**. The people's governments at all levels shall give rewards to any organizations or individuals that achieve outstanding successes in **Energy** conservation or in research or dissemination of science and technology for **Energy** conservation.

**Article 8** The administrative department for **Energy** conservation under the State Council shall be in charge of supervision over and administration of the work for **Energy** conservation throughout the country. The relevant departments under the State Council shall exercise supervision and administration in the work within the scope of their functions and responsibilities respectively. The administrative departments for **Energy** conservation under the local people's governments at or above the county level shall be in charge of supervision over and administration of the work for **Energy** conservation in their respective administrative areas. The relevant

**第五条** 国家制定节能政策，编制节能计划，并纳入国民经济和社会发展规划，保障能源的合理利用，并与经济发展、环境保护相协调。

**第六条** 国家鼓励、支持节能科学技术的研究和推广，加强节能宣传和教育，普及节能科学知识，增强全民的节能意识。

**第七条** 任何单位和个人都应当履行节能义务，有权检举浪费能源的行为。各级人民政府对在节能或者节能科学技术研究、推广中有显著成绩的单位和个人给予奖励。

**第八条** 国务院管理节能工作的部门主管全国的节能监督管理工作。国务院有关部门在各自的职责范围内负责节能监督管理工作。县级以上地方人民政府管理节能工作的部门主管本行政区域内的节能监督管理工作。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节能监督管理工作。

departments of the local people's governments at or above the county level shall exercise supervision and administration in the work within the scope of their functions and responsibilities respectively.

## CHAPTER II ADMINISTRATION OF Energy CONSERVATION

**Article 9** The State Council and the local people's governments at all levels shall strengthen leadership in Energy conservation, making plans for, coordinating, supervising, inspecting and promoting the work of Energy conservation every year.

**Article 10** The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, according to the principle of making efforts simultaneously to conserve Energy and exploit it while giving first priority to the former, decide on the optional Energy conservation and exploitation projects for investment and work out plans for such investment on the basis of a comparative demonstration in terms of technology, economy and environment with regard to Energy conservation and exploitation.

**Article 11** The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall allocate funds for Energy conservation in funds for capital construction and technical upgrading to support rational utilization of Energy and exploitation of new and renewable Energy resources.

People's governments at the municipal and county levels shall allocate funds for Energy conservation according to their actual conditions in order to support rational

## 第二章 节能管理

**第九条** 国务院和地方各级人民政府应当加强对节能工作的领导，每年部署、协调、监督、检查、推动节能工作。

**第十条** 国务院和省、自治区、直辖市人民政府应当根据能源节约与能源开发并举，把能源节约放在首位的方针，在对能源节约与能源开发进行技术、经济和环境比较论证的基础上，择优选定能源节约、能源开发投资项目，制定能源投资计划。

**第十一条** 国务院和省、自治区、直辖市人民政府应当在基本建设、技术改造资金中安排节能资金，用于支持能源的合理利用以及新能源和可再生能源的开发。

市、县人民政府根据实际情况安排节能资金，用于支持能源的合理利用以及新能源和可再生能源的开发。

utilization of **Energy** and exploitation of new and renewable **Energy** resources.

**Article 12** Special demonstration of rational use of **Energy** shall be included in the feasibility study reports of fixed assets projects for investment. The fixed assets projects for investment shall be designed and constructed in conformity with the standards for rational use of **Energy** and for **Energy** conservation design. Organs authorized with the power of examining and approving construction projects according to law may not approve the construction of projects which fail to conform to the standards for rational use of **Energy** and for **Energy** conservation design or accept such projects when completed.

**Article 13** It is prohibited to construct new industrial projects that are technically outdated, highly **Energy**-consuming, and prodigiously wasting **Energy**. The administrative department for **Energy** conservation under the State Council shall, together with the other relevant departments under the State Council, prepare a catalogue of highly **Energy**-consuming industrial projects that are prohibited from being constructed and shall formulate specific measures for implementation.

**Article 14** The administrative department for standardization under the State Council shall formulate the national standards for **Energy** conservation. In the absence of the national standards mentioned above, the relevant departments under the State Council may formulate according to law trade standards for **Energy** conservation and submit them to the administrative department for standardization under the State Council for the record. Standards for **Energy** conservation shall be technically

**第十二条** 固定资产投资工程项目的可行性研究报告, 应当包括合理用能的专题论证。

固定资产投资工程项目的设计和建设, 应当遵守合理用能标准和节能设计规范。

达不到合理用能标准和节能规范要求的项目, 依法审批的机关不得批准建设; 项目建成后, 达不到合理用能标准和节能规范要求, 不予验收。

**第十三条** 禁止新建技术落后、耗能过高、严重浪费能源的工业项目。禁止新建的耗能过高的工业项目的名录和具体实施办法, 由国务院管理节能工作的部门会同国务院有关部门制定。

**第十四条** 国务院标准化行政主管部门制定有关节能的国家标准。

对没有前款规定的国家标准的, 国务院有关部门可以依法制定有关节能的行业标准, 并报国务院标准化行政主管部门备案。

制定有关节能的标准应当做到技术上先进, 经济上合理, 并不断加以完善和改进。

advanced and economically rational and be subject to continued improvement.

**Article 15** The administrative department for **Energy** conservation under the State Council shall, together with the relevant departments under the State Council, exercise strict supervision over the trades and professions that turn out widely used **Energy**-using products in large quantities and urge them to adopt **Energy**-conserving measures, make efforts to improve product design and manufacturing technology and gradually reduce **Energy** consumption per unit product in respective trades and professions.

**Article 16** The administrative department for **Energy** conservation of the people's governments at or above the provincial level shall, together with the relevant departments of the corresponding governments, set quotas for **Energy** consumption per unit product for products which consume excessive amounts of **Energy** in the course of production.  
The quota for **Energy** consumption per unit product shall be set in a scientific and rational manner.

**Article 17** The State applies an elimination system for outdated and highly **Energy**-consuming products and equipment.  
A catalogue of highly **Energy**-consuming products and equipment to be eliminated shall be decided on by the administrative department for **Energy** conservation under the State Council together with the relevant departments under the State Council and made known to the public. The said departments shall likewise formulate specific measures for implementation.

**Article 18** Enterprises may, on a voluntary basis and in accordance with the State regulations regarding

**第十五条** 国务院管理节能工作的部门应当会同国务院有关部门对生产量大面广的用能产品的行业加强监督，督促其采取节能措施，努力提高产品的设计和制造技术，逐步降低本行业的单位产品能耗。

**第十六条** 省级以上人民政府管理节能工作的部门，应当会同同级有关部门，对生产过程中耗能较高的产品制定单位产品能耗限额。  
制定单位产品能耗限额应当科学、合理。

**第十七条** 国家对落后的耗能过高的用能产品、设备实行淘汰制度。  
淘汰的耗能过高的用能产品、设备的名录由国务院管理节能工作的部门会同国务院有关部门确定并公布。  
具体实施办法由国务院管理节能工作的部门会同国务院有关部门制定。

**第十八条** 企业可以根据自愿原则，按照国家有关产品质量认证的规定，向国务院产品质量监督管理

certification of product quality, apply to the administrative department for supervision over product quality under the State Council or to the certification agencies confirmed by the organs authorized by the said department under the State Council for certifying the quality of their Energy-using products in terms of Energy conservation. After being proved qualified, the enterprises shall obtain the certificates for the quality of their Energy-using products in terms of Energy conservation and have labels bearing such certificates affixed to their Energy-using products or to the packaging thereof.

**Article 19** The statistics institutions of the people's governments at or above the county level shall, together with the relevant departments of the corresponding governments, compile accurate statistics on Energy consumption and utilization and regularly issue statistics bulletins about Energy consumption per unit product for major Energy-consuming products, etc.

**Article 20** The State shall exercise strict administration of Energy conservation in key Energy-using units. The following are key Energy-using units:

(1) units that consume an annual total of Energy equaling over 10,000 tons of standard coal each; and

(2) units that consume an annual total of Energy equaling between 5,000 and 10,000 tons of standard coal each, as determined by the relevant department under the State Council or the administrative departments for Energy conservation of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

部门或者国务院产品质量监督管理部门授权的部门认可的认证机构提出用能产品节能质量认证申请；经认证合格后，取得节能质量认证证书，在用能产品或者其包装上使用节能质量认证标志。

**第十九条** 县级以上各级人民政府统计机构应当会同同级有关部门，做好能源消费和利用状况的统计工作，并定期发布公报，公布主要耗能产品的单位产品能耗等状况。

**第二十条** 国家对重点用能单位要加强节能管理。  
下列用能单位为重点用能单位：

(一) 年综合能源消费总量 1 万吨标准煤以上的用能单位；

(二) 国务院有关部门或者省、自治区、直辖市人民政府管理节能工作的部门指定的年综合能源消费总量 5 0 0 0 吨以上不满 1 万吨标准煤的用能单位。  
县级以上各级人民政府管理节能工作的部门应当组织有关部门对重点用能单位的能源利用状况进行监督检查，可以委托具有检验检测技术条件的单位依法进行节能的检验检测。

重点用能单位的节能要求、节能措施和管理办法，由

The administrative departments for **Energy** conservation of the governments at or above the county level shall see to it that the relevant departments exercise supervision over and conduct inspection of **Energy** utilization in the key **Energy**-using units, and they may entrust units that are technically qualified with the test and measurement of **Energy** conservation. The administrative department for **Energy** conservation under the State Council shall, together with the relevant departments under the State Council, set the requirements and formulate measures for **Energy** conservation and administration in the key **Energy**-using units.

### CHAPTER III RATIONAL USE OF **Energy**

**Article 21** **Energy**-using units shall, in accordance with the principle of rational use of **Energy**, exercise strict administration of **Energy** conservation, formulate and implement technical measures for **Energy** conservation in respective units so as to reduce **Energy** consumption. **Energy**-using units shall conduct education in **Energy** conservation and train the employees concerned for the purpose. Employees who have not received any education or training in **Energy** conservation shall not be allowed to operate **Energy**-consuming machines.

**Article 22** **Energy**-using units shall improve their quantitative management in respect of **Energy**, and establish a sound system of **Energy** consumption statistics and of **Energy** utilization analysis.

**Article 23** **Energy**-using units shall establish a responsibility system for **Energy** conservation and grant rewards to collectives and individuals that achieve successes in **Energy** conservation.

国务院管理节能工作的部门会同国务院有关部门制定。

### 第三章 合理使用能源

**第二十一条** 用能单位应当按照合理用能的原则，加强节能管理，制定并组织实施本单位的节能技术措施，降低能耗。用能单位应当开展节能教育，组织有关人员参加节能培训。未经节能教育、培训的人员，不得在耗能设备操作岗位上工作。

**第二十二条** 用能单位应当加强能源计量管理，健全能源消费统计和能源利用状况分析制度。

**第二十三条** 用能单位应当建立节能工作责任制，对节能工作取得成绩的集体、个人给予奖励。



**Article 24** Units that manufacture **Energy**-consuming products shall comply with the quota set for **Energy** consumption per unit product according to law.

Units that use **Energy** exceeding the quota for **Energy** consumption per unit product to a serious extent shall be required to solve the problem within a time limit. This shall be determined by the administrative departments for **Energy** conservation of the people's governments at or above the county level within the limits of authority as prescribed by the State Council.

**Article 25** Units or individuals that manufacture or sell **Energy**-using products or use **Energy**-using equipment shall stop producing and selling such products and using such equipment, which the State has formally decided to eliminate, within the time limit set by the administrative department for **Energy** conservation together with the relevant departments under the state Council, and they may not transfer such equipment to any other users.

**Article 26** Units and individuals that manufacture **Energy**-using products shall have the norm for **Energy** consumption clearly indicated on the labels affixed to their products or in the specifications thereof.

**Article 27** Units and individuals that manufacture **Energy**-using products may not use labels bearing forged certificates for the quality of their **Energy**-conserving products or labels bearing the certificates for the quality of another's **Energy**-conserving products.

**Article 28** Key **Energy**-using units shall, in accordance with the relevant regulations of the State, regularly submit reports on their utilization of **Energy**. These reports shall include information

**第二十四条** 生产耗能较高的产品的单位，应当遵守依法制定的单位产品能耗限额。

超过单位产品能耗限额用能，情节严重的，限期治理。限期治理由县级以上人民政府管理节能工作的部门按照国务院规定的权限决定。

**第二十五条** 生产、销售用能产品和使用用能设备的单位和个人，必须在国务院管理节能工作的部门会同国务院有关部门规定的期限内，停止生产、销售国家明令淘汰的用能产品，停止使用国家明令淘汰的用能设备，并不得将淘汰的设备转让给他人使用。

**第二十六条** 生产用能产品的单位和个人，应当在产品说明书和产品标识上如实注明能耗指标。

**第二十七条** 生产用能产品的单位和个人，不得使用伪造的节能质量认证标志或者冒用节能质量认证标志。

**第二十八条** 重点用能单位应当按照国家有关规定定期报送能源利用状况报告。能源利用状况包括能源消费情况、用能效率和节能效益分析、节能措施等内容。

on Energy consumption, Energy efficiency, analysis of the benefits derived from Energy conservation and the measures taken for Energy conservation.

**Article 29** Key Energy-using units shall establish positions for administration of Energy, appoint employees to such positions from among the ones who have the expertise for and practical experience in Energy conservation and who have the technical title at or above the level of engineer, and report the matter to the administrative department for Energy conservation and the relevant departments of the people's government at or above the county level for the record. Energy administrators shall be responsible for supervision over and inspection of their own units' utilization of Energy.

**Article 30** Employees of any units as well as other rural and urban residents who use such Energy as electricity, coal gas, natural gas and coal produced by enterprises shall have the amount used measured and pay for it in accordance with State regulations. Such Energy may not be used without compensation and no payment shall be made at a lump rate.

**Article 31** Units producing and supplying Energy shall provide Energy to Energy-using units in accordance with the provisions of laws, regulations and contracts.

CHAPTER IV BETTERMENT OF Energy CONSERVATION TECHNOLOGY

**Article 32** The State encourages and supports the development of advanced technology for Energy conservation, determines the priority and direction for the endeavor, establishes and keeps

**第二十九条** 重点用能单位应当设立能源管理岗位，在具有节能专业知识、实际经验以及工程师以上技术职称的人员中聘任能源管理人员，并向县级以上人民政府管理节能工作的部门和有关部门备案。能源管理人员负责对本单位的能源利用状况进行监督、检查。

**第三十条** 单位职工和其他城乡居民使用企业生产的电、煤气、天然气、煤等能源应当按照国家规定计量和交费，不得无偿使用或者实行包费制。

**第三十一条** 能源生产经营单位应当依照法律、法规的规定和合同的约定向用能单位提供能源。

第四章 节能技术进步

**第三十二条** 国家鼓励、支持开发先进节能技术，确定开发先进节能技术的重点和方向，建立和完善节能技术服务体系，培育和规范节能技术市场。

improving the service system for such technology, and fosters and standardizes the market for it.

**Article 33** The State coordinates efforts for scientific research of key Energy conservation projects and demonstration projects of Energy conservation and recommends Energy conservation projects for dissemination, providing guidance for enterprises, institutions and individuals to employ advanced techniques, skills, equipment and material for Energy conservation.

The State formulates preferential policies in support of projects for demonstration and dissemination of Energy conservation.

**Article 34** The State encourages the introduction of advanced Energy conservation technology and equipment from abroad and prohibits the introduction of outdated Energy-using technology, equipment or material from abroad.

**Article 35** The funds allocated by the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for scientific research shall include funds for conserving Energy, which shall be used for research in advanced technology for Energy conservation.

**Article 36** People's governments at or above the county level shall coordinate the efforts of the relevant departments to promote, in accordance with the State's industrial policy and policy for Energy conservation technology, scientific and rational specialized production that meets the requirements of Energy conservation.

**Article 37** In designing and constructing buildings, Energy-conserving building structures,

**第三十三条** 国家组织实施重大节能科研项目、节能示范工程, 提出节能推广项目, 引导企业事业单位和个人采用先进的节能工艺、技术、设备和材料。国家制定优惠政策, 对节能示范工程和节能推广项目给予支持。

**第三十四条** 国家鼓励引进境外先进的节能技术和设备, 禁止引进境外落后的用能技术、设备和材料。

**第三十五条** 在国务院和省、自治区、直辖市人民政府安排的科学研究资金中应当安排节能资金, 用于先进节能技术研究。

**第三十六条** 县级以上各级人民政府应当组织有关部门根据国家产业政策和节能技术政策, 推动符合节能要求的科学、合理的专业化生产。

**第三十七条** 建筑物的设计和建造应当依照有关法律、行政法规的规定, 采用节能型的建筑结构、材

materials, appliances and products shall be employed according to the provisions of relevant laws and administrative rules and regulations in order to improve thermal and insulating performance and reduce **Energy** consumption for heating, cooling and lighting purposes.

**Article 38** People's government's at all levels shall, in accordance with the principles of suitability to local conditions, provision of multiple forms of **Energy** to complement each other, comprehensive utilization and stress on benefits, enhance development of **Energy** in rural areas and exploit and utilize methane, solar **Energy**, wind **Energy**, hydro **Energy**, geothermal **Energy**, and other renewable and new **Energy** resources.

**Article 39** The State encourages the development of the following universal **Energy** conservation technologies:

(1) promote the wide use of cogeneration of heat and power and district heating, increase the utilization rate of heat and power units, develop heat-cascading technology, combined heat, power and cooling technology and combined heat, power and coal gas technology, and increase the efficiency of thermal **Energy** application in an all-round way;

(2) gradually achieve more-efficient operation of electric motors, fans, pumping equipment and systems; develop adjustable speed motor drives for **Energy** conservation and electric-electronic power saving technology; develop, produce and disseminate the use of high-quality and low-cost **Energy**-efficient appliances and equipment; and increase the efficiency of electric power;

料、器具和产品，提高保温隔热性能，减少采暖、制冷、照明的能耗。

**第三十八条** 各级人民政府应当按照因地制宜、多能互补、综合利用、讲求效益的方针，加强农村能源建设，开发、利用沼气、太阳能、风能、水能、地热等可再生能源和新能源。

**第三十九条** 国家鼓励发展下列通用节能技术：

（一）推广热电联产、集中供热，提高热发电机组的利用率，发展热能梯级利用技术，热、电、冷联产技术和热、电、煤气三联供技术，提高热能综合利用率；

（二）逐步实现电动机、风机、泵类设备和系统的经济运行，发展电机调速节电和电力电子节电技术，开发、生产、推广质优、价廉的节能器材，提高电能利用效率；

(3) develop and disseminate the use of clean coal technologies, including fluidized bed combustion, smokeless combustion, and gasification and liquefaction, that are suited to domestic coals in order to increase coal utilization efficiency; and

(4) develop and disseminate other universal **Energy**-efficient technologies that are proved mature and yield remarkable benefits.

**Article 40** Each trade and profession shall work out policies for **Energy**-efficient technology for its own trade or profession, develop and disseminate new **Energy**-efficient technologies, techniques, equipment and materials, restrict or eliminate **Energy**-consuming outdated technologies, techniques, equipment and materials.

**Article 41** The administrative department for **Energy** conservation under the State Council shall, together with the relevant departments under the State Council, formulate both general technical norms, requirements and measures for **Energy** conservation and specific ones for different trades and professions, and modify them in keeping with economic growth and progress in **Energy** conservation technology with the aim of increasing **Energy** utilization rate, reducing **Energy** consumption and gradually bringing China's **Energy** utilization up to the advanced international level.

## CHAPTER V LEGAL RESPONSIBILITY

**Article 42** Where a highly **Energy**-consuming industrial project, the construction of which is formally prohibited by the State, is put up in violation of the provisions of Article 13 of this Law, the administrative department

(三) 发展和推广适合国内煤种的流化床燃烧、无烟燃烧和气化、液化等洁净煤技术, 提高煤炭利用效率 ;

(四) 发展和推广其他在节能工作中证明技术成熟、效益显著的通用节能技术。

**第四十条** 各行业应当制定行业节能技术政策, 发展、推广节能新技术、新工艺、新设备和新材料, 限制或者淘汰能耗高的老旧技术、工艺、设备和材料。

**第四十一条** 国务院管理节能工作的部门应当会同国务院有关部门规定通用的和分行业的具体的节能技术指标、要求和措施, 并根据经济和节能技术的发展情况适时修订, 提高能源利用效率, 降低能源消耗, 使我国能源利用状况逐步赶上国际先进水平。

## 第五章 法律责任

**第四十二条** 违反本法第十三条规定, 新建国家明令禁止新建的高耗能工业项目的, 由县级以上人民政府管理节能工作的部门提出意见, 报请同级人民政

for **Energy** conservation of the people's government at or above the county level shall submit its proposal to the people's government to which it belongs that the government shall, in line with the limits of authority as prescribed by the State Council, order suspension of production or use of the project.

**Article 43** Where an enterprise that manufactures **Energy**-consuming products uses **Energy** exceeding the quota set for **Energy** consumption per unit product, in violation of the provisions of Article 24 of this Law and to a serious extent, and fails to solve the problem or meet the requirements within the time limit, the administrative department for **Energy** conservation of the people's government at or above the county level may submit its proposal to the people's government to which it belongs that the government shall, in line with the limits of authority as prescribed by the State Council, order suspension of production for consolidation or closedown.

**Article 44** Where an enterprise that, in violation of the provisions of Article 25 of this Law, produces or sells **Energy**-using products which the State has eliminated by official order, the administrative department for supervision over product quality of the people's government at or above the county level shall order that it stop producing or selling such products, confiscate such products and the illegal gains therefrom and impose a fine of not less than one time but not more than five times the illegal gains; and the administrative department for industry and commerce of the people's government at or above the county level may revoke its business license.

**Article 45** Where an enterprise uses, in violation of the provisions of Article 25 of this Law, **Energy**-using

府按照国务院规定的权限责令停止投入生产或者停止使用。

**第四十三条** 生产耗能较高的产品的单位，违反本法第二十四条规定，超过单位产品能耗限额用能，情节严重，经限期治理逾期不治理或者没有达到治理要求的，可以由县级以上人民政府管理节能工作的部门提出意见，报请同级人民政府按照国务院规定的权限责令停业整顿或者关闭。

**第四十四条** 违反本法第二十五条规定，生产、销售国家明令淘汰的用能产品的，由县级以上人民政府管理产品质量监督工作的部门责令停止生产、销售国家明令淘汰的用能产品，没收违法生产、销售的国家明令淘汰的用能产品和违法所得，并处违法所得一倍以上五倍以下的罚款；可以由县级以上人民政府工商行政管理部门吊销营业执照。

**第四十五条** 违反本法第二十五条规定，使用国家明令淘汰的用能设备的，由县级以上人民政府管理

equipment which the State has eliminated by official order, the administrative department for **Energy** conservation of the people's government at or above the county level shall order that it stop using such equipment and have the equipment confiscated; if the circumstances are serious, the said department may submit its proposal to the people's government to which it belongs that the government shall, in line with the limits of authority as prescribed by the State Council, order suspension of operation for consolidation or close-down.

**Article 46** Where a unit or individual, in violation of the provisions of Article 25 of this Law, transfers eliminated **Energy**-using equipment to another user, the administrative department for supervision over product quality of the people's government at or above the county level shall confiscate its or his illegal gains and impose a fine of not less than one time but not more than five times the illegal gains.

**Article 47** Where a unit or individual, in violation of the provisions of Article 26 of this Law, fails to clearly indicate the norm for **Energy** consumption in its or his product specifications or labels, the administrative department for supervision over product quality of the people's government at or above the county level shall order that it or he make amends within a time limit and may impose a fine of not more than 50,000 yuan. Where a unit or individual, in violation of the provisions of Article 26 of this Law, indicates the norms for **Energy** consumption, in its or his product specifications or labels, that do not conform to the actual conditions of the products, the unit or individual concerned shall, in addition to being punished in accordance with the provisions of the preceding

节能工作的部门责令停止使用，没收国家明令淘汰的用能设备；情节严重的，县级以上人民政府管理节能工作的部门可以提出意见，报请同级人民政府按照国务院规定的权限责令停业整顿或者关闭。

**第四十六条** 违反本法第二十五条规定，将淘汰的用能设备转让给他人使用的，由县级以上人民政府管理产品质量监督工作的部门没收违法所得，并处违法所得一倍以上五倍以下的罚款。

**第四十七条** 违反本法第二十六条规定，未在产品说明书和产品标识上注明能耗指标的，由县级以上人民政府管理产品质量监督工作的部门责令限期改正，可以处5万元以下的罚款。

违反本法第二十六条规定，在产品说明书和产品标识上注明的能耗指标不符合产品的实际情况的，除依照前款规定处罚外，依照有关法律的规定承担民事责任。

paragraph, bear civil liabilities in accordance with the provisions of relevant laws.

**Article 48** Where a unit or individual, in violation of the provisions of Article 27 of this Law, uses labels bearing forged certificates for the quality of their **Energy**-conserving products or labels bearing the certificates for the quality of another's **Energy**-conserving products, the administrative department for supervision over product quality of the people's government at or above the county level shall order that it or he publicly make amends and shall confiscate its or his illegal gains and may also impose a fine of not less than one time but not more than five times the illegal gains.

**Article 49** Any State functionary who, in the work of **Energy** conservation, abuses his power, neglects his duty or engages in malpractices for personal gain to such an extent as to constitute a crime shall be investigated for criminal responsibility according to law. If it does not constitutes a crime, he shall be given administrative sanctions.

CHAPTER VI SUPPLEMENTARY PROVISIONS

**Article 50** This Law shall go into force as of January 1, 1998.

**第四十八条** 违反本法第二十七条规定，使用伪造的节能质量认证标志或者冒用节能质量认证标志的，由县级以上人民政府管理产品质量监督工作的部门责令公开改正，没收违法所得，可以并处违法所得一倍以上五倍以下的罚款。

**第四十九条** 国家工作人员在节能工作中滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，给予行政处分。

第六章 附则

**第五十条** 本法自1998年1月1日起施行。