

ELECTRIC POWER LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Adopted at the 17th Meeting of the Standing Committee of the Eighth National People's Congress on December 28, 1995, promulgated by Order No. 60 of the President of the People's Republic of China on December 28, 1995 and effective as of April 1, 1996)

CHAPTER I GENERAL PROVISIONS

Article 1 This Law is enacted to guarantee and promote the development of the electric power industry, to safeguard the lawful rights and interests of those who invest in, manage or consume electric power and to guarantee the safe operation of electric power.

Article 2 This Law shall apply to activities concerning the construction, generation, supply and consumption of electric power within the territory of the People's Republic of China.

Article 3 The electric power industry should meet the needs of the development of the national economy and the society and should therefore develop slightly ahead of the other sectors of the economy. The State encourages and provides guidance to lawful investment in the development of power resources and establishment of power-generating enterprises by economic organizations or individuals at home and abroad.

The principle of "whoever invests, benefits" shall be applied with regard to investment in the power industry.

Article 4 Electric power facilities shall be under the protection of the State.

No unit or individual may endanger the safety of electric power facilities or illegally take possession of or use electric power.

Article 5 In the construction, generation, supply and consumption of electric power, attention shall be paid to protecting the environment according to law and adopting new technology to decrease the discharge of poisonous waste, prevent and control pollution and other public hazards.

The State encourages and supports the generation of electricity through the use of renewable and clean energy resources.

Article 6 The electric power administration department under the State Council shall be responsible for supervision and control of the electric power industry throughout the country. The departments concerned under the State Council shall be responsible for supervision and control of the electric power industry within their own limits of authority.

The department in overall charge of the economy under the local people's government at or above the county level is the electric power administration department of that administrative region and shall be responsible for supervision and control of the electric power industry there. The departments concerned under the local people's government at or above the county level shall be responsible for supervision and control of the electric power industry within their own limits of authority.

Article 7 Enterprises engaged in construction and generation of electric power or operation of power networks shall make their own managerial decisions and be responsible for their own profits and losses in conformity with legal provisions, and they shall subject themselves to supervision by the electric power administration departments.

Article 8 The State assists and supports minority nationality regions, outlying areas and poverty-stricken areas in their efforts to develop their electric power industry.

Article 9 The State encourages adoption of advanced scientific, technical and managerial methods for construction, generation, supply and use of electric power and shall give awards to those units and individuals have achieved remarkable successes in research, development and adoption of advanced scientific, technical and managerial methods.

CHAPTER II CONSTRUCTION OF ELECTRIC POWER

Article 10 Plans for electric power development shall be drawn up in light of the needs of the national economic and social development and shall be included in the plans for national economic and social development.

In the plans for electric power development should be embodied the principles of making rational use of energy resources, coordinating the development of power supply and power networks, increasing economic results and benefiting environmental protection.

Article 11 Plans for the construction and rebuilding of power networks in urban areas shall be included in the overall plans for urban areas. The people's governments in urban areas shall arrange to provide land for transformation facilities, transmission line corridors and cable passages in accordance with the plans.

Illegal occupation by any units or individuals of land for transformation facilities, transmission line corridors or cable passages shall be forbidden.

Article 12 The State adopts relevant policies to support and promote electric power construction.

Local people's governments shall adopt varied measures in light of local conditions to develop power supply and promote power construction on the basis of the electric power development plans.

Article 13 Investors in electric power shall enjoy legal rights and interests with regard to the power generated with the help of their investment. They shall have priority in the use of the power incorporated into the power networks and authority over the control over and use of the power plants for self-supply that are not incorporated in power networks.

Article 14 Power construction projects shall conform to the electric power development plan as well as the State policies regarding the power industry.

No power facilities or technology announced obsolete by formal decree of the State shall be used in power construction projects.

Article 15 Auxiliary projects for power networks, such as transmission and transformation projects, dispatch communication automation projects, and environmental protection projects

shall be designed, constructed, checked, accepted and put into operation simultaneously with the progress of the power-generating projects.

Article 16 Land use for power construction projects shall be handled in accordance with relevant laws and administrative rules and regulations. No requisition of land shall be regarded as legal until land compensation fees and settlement allowances have been paid and necessary arrangements have been made for the residents who moved away.

In power construction the principles of giving practical protection to cultivated land and economizing on land use shall be applied.

Local people's governments shall support and assist legal use of land and migration of residents in the interest of power construction.

Article 17 Local people's governments shall support electric power enterprises in their effort to explore water resources and develop the legal intake or use of water for the construction of power-generating projects. The electric power enterprises shall economize on the use of water.

CHAPTER III GENERATION OF ELECTRIC POWER AND ADMINISTRATION OF POWER NETWORKS

Article 18 Electric power shall be generated and the power networks shall be operated in accordance with the principles of safety, high quality and economy.

The operation of power networks shall be maintained in an uninterrupted and stable way and the reliability of electricity supply shall be guaranteed.

Article 19 Electric power enterprises shall strengthen administration over safe generation, adhere to the principle of putting safety and prevention first, and institute and keep improving the responsibility system of safe generation.

Electric power enterprises shall regularly examine and maintain their power facilities in order to guarantee normal operation.

Article 20 Enterprises engaged in the supply and transportation of power-generating fuels and in power generation shall supply, transport and unload the fuels in accordance with the relevant regulations of the State Council or contractual agreements.

Article 21 Centralized dispatching and level-by-level administration shall be exercised in the operation of power networks. No units or individuals may illegally intervene in the dispatching of power networks.

Article 22 The State encourages the merger of power-generating enterprises with power networks and of networks with networks. Requests by power-generating enterprises in the status of qualified independent legal persons to incorporate the power they generate into a network shall be accepted by the enterprise that operates the network.

Operation of the merged power networks shall meet the standards of the State or of the power industry.

The two parties involved in the merger shall, in accordance with the principles of centralized control, level-by-level administration, equality, mutual benefit and agreement to be reached

through consultation, sign an agreement, in which they shall stipulate the rights and obligations of each party; where the two parties fail to reach an agreement, a decision shall be made by the electric power administration department at or above the provincial level through coordination.

Article 23 Measures for administration of power network dispatching shall be formulated by the State Council on the basis of the provisions of this Law.

CHAPTER IV SUPPLY AND USE OF ELECTRIC POWER

Article 24 The State applies the administrative principles of safe, economical and planned supply and use of electric power.

The measures for supply and use of electric power shall be formulated by the State Council on the basis of the provisions of this Law.

Article 25 Power-supply enterprises shall supply electricity to the consumers within their approved service areas.

In the division of electric power service areas factors such as the structure of power networks and the rationality of power supply shall be taken into account. There shall be only one power-supply enterprise in each electricity service area.

To establish or alter an electricity service area, the power-supply enterprise within the boundaries of a province, autonomous region or municipality directly under the Central Government shall submit an application to the electric power administration department under the people's government of the said province, autonomous region, or municipality, which after examining and approving the application jointly with the relevant departments at the same level, shall issue to the enterprise a Power-supply Permit. Establishment or alteration of an electricity service area spanning different provinces, autonomous regions or municipalities directly under the Central Government shall have to be examined and approved by the electric power administration department under the State Council, which shall issue a Power-supply Permit. Power-supply enterprises shall not begin operation until, by showing the Power-supply Permits, they have applied to and obtained business licenses from the departments in charge of industry and commerce.

Article 26 The power-supply enterprise in any electricity service area shall be obligated to supply electricity to the consumers within its service area in accordance with the regulations of the State. It may not, in violation of State regulations, refuse to supply electricity to any unit or individual within their service area that has applied for power supply.

New electricity users, temporary users, users who wish to have the electric capacity increased, to alter or terminate their use of electricity shall go through the formalities in accordance with stipulated procedures.

The power-supply enterprise shall make known to the consumers in its service area the procedures, regulations and the rate for use of electricity and shall provide the consumers with any other necessary information.

Article 27 The power-supply enterprise and the consumer shall, on the basis of the principles of equality, voluntary participation and agreement reached through consultation, sign a contract in

line with the measures of power supply and consumption drawn up by the State council, in which the rights and obligations of both parties shall be defined.

Article 28 The power-supply enterprise shall guarantee that the quality of the electricity it supplies to the consumers meets the standards stipulated by State. Problems of electricity quality caused by public power-supply facilities shall be solved without delay.

Where consumers raise special requirements concerning electricity quality, the power-supply enterprise shall satisfy the requirements according to necessity and the possible capacity of the power network.

Article 29 The power-supply enterprise shall supply electricity continuously without shut-off under normal operation of the power-generating and supplying systems. When it is necessary to shut off because of overhaul of power-supply facilities, limited supply of electricity according to legal provisions or illegal use of electricity by consumers, the power-supply enterprise shall, in accordance with relevant State regulations, notify the consumers in advance.

Consumers who disagree with a power shut-off by a power-supply enterprise may complain to an electric power administration department; the department that receives the complaint shall handle the case in conformity with legal provisions.

Article 30 In the event of emergency or disaster, the power-supply enterprise shall, as quickly as possible, make arrangements to supply electricity for rescue and relief work. The expenses for power supply engineering and the fees for the use of electricity shall be paid according to the relevant regulations of the State.

Article 31 Power consumers shall install electricity meters. The quantity of electricity consumed shall be calculated according to the records of the electricity meters approved by a measurement appraisal institution in conformity with legal provisions.

The design, installation and operation of current-collecting devices shall meet State standards or the standards of the power industry.

Article 32 Power consumers may not endanger the safety or disturb the order of power supply and consumption.

The power-supply enterprise shall have the authority to stop anyone from endangering the safety or disturbing the order of power supply and consumption.

Article 33 Power-supply enterprises shall calculate and collect electricity fees from the consumers according to the electricity rates that have been examined and approved by the State and the records of the electric meters.

Safety inspectors, meter checkers and fee collectors shall present their identification paper when entering consumers' houses to conduct safety inspection, check meters or collect fees.

Power consumers shall pay electricity fees as scheduled according to the electricity rates approved by the State and the record of electric meters and shall make it convenient for safety inspectors, meter checkers and fee collectors to perform their duties in conformity with legal provisions.

Article 34 Power-supply enterprises and consumers shall both observe the relevant regulations of the State by adopting effective measures to achieve the safe, economical and planned use of power.

CHAPTER V ELECTRICITY RATES AND FEES

Article 35 The electricity rates herein refer to the rates charged to the power-generating enterprises for incorporation into the power network, the rates of mutual supply between different power networks and the sales rates of electricity supplied to consumers.

The rates of electricity shall be based on a centralized policy, fixed in accordance with a unified principle and administered at different levels.

Article 36 Establishment of electricity rates shall be based on the principles of reasonable compensation of cost and reasonable determination of profits, legal incorporation of taxes, fairly shared burdens and promotion of electric power construction.

Article 37 A principle of equal rates for equal quality of electricity supplied by the same power network shall be applied with regard to incorporation into a power network. Specific measures for its application shall be formulated by the State Council.

Where different rates for incorporation into a power network are needed to be fixed for power-generating enterprises under special circumstances, specific measure shall be formulated separately by the State Council.

Article 38 With regard to the rates for incorporation into power networks spanning different provinces, autonomous regions, or municipalities directly under the Central Government, as well as for incorporation into provincial power networks, a plan shall be proposed through consultation by the enterprises engaged in power generation and in power network operation and shall be examined for approval by the department in charge of price control under the State Council.

With regard to the rates for incorporation into independent power networks, a plan shall be proposed through consultation by the enterprises engaged in power generation and in power network operation and shall be examined for approval by the authorized department in charge of price control.

For power generated by locally-funded enterprises that form independent power networks in different areas of a province or that generate power for their own use, the rates shall be under the control of the people's government of the province, autonomous region or municipality directly under the Central Government.

Article 39 With regard to the rates of electricity mutually supplied between the networks spanning different provinces, autonomous regions or municipalities directly under the Central Government and independent power networks, or between provincial networks and independent networks, a plan shall be proposed through consultation by the two parties and shall be examined for approval by the department in charge of price control under the State Council or other department authorized by the said department.

With regard to the rates of electricity mutually supplied between independent power networks, a

plan shall be proposed through consultation by the two parties and shall be examined for approval by the authorized department in charge of price control.

Article 40 With regard to the sales rates of electricity supplied by a power network spanning different provinces, autonomous regions, or municipalities directly under the Central Government, or by a provincial network, a plan shall be proposed by the network operation enterprise and shall be examined for approval by the department in charge of price control under the State Council or other department authorized by the said department.

For the sales rates of electricity supplied by an independent power network, a plan shall be proposed by the network operation enterprise and be examined for approval by the authorized department in charge of price control.

Article 41 The State institutes two systems for fixing electricity rates: one is to set the rates according to different kinds of consumers; the other is to set the rates according to the different period of time that electricity is used. The criterion for classifying the consumers and the method for dividing the period of time shall be determined by the State Council.

The same electricity rates shall be used among the same kind of consumers installed with the same level of voltage in the same power network.

Article 42 The standard rates to be paid by consumers for increased power capacity shall be determined by the department in charge of price control in conjunction with the electric power administration department under the State Council.

Article 43 No units may overstep their authority to set electricity rates. No power-supply enterprises may alter the electricity rates without authorization.

Article 44 No units or individuals may levy a surcharge on the consumers; where it is otherwise provided for in laws or administrative rules and regulations, the provisions there shall be observed.

For surcharges on electricity generated by locally-funded power enterprises, measures for levying surcharges shall be formulated by the people's governments of the provinces, autonomous regions, or municipalities directly under the Central Government in accordance with the relevant regulations of the State Council.

When collecting electricity fees, no power supply enterprises may collect other fees on behalf of others.

Article 45 Measures for control of electricity rates shall be formulated by the State Council in accordance with the provisions of this Law.

CHAPTER VI POWER CONSTRUCTION IN RURAL AREAS AND USE OF ELECTRICITY IN AGRICULTURE

Article 46 The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government should work out plans for electrification in the countryside and include the plans in those for local electric power development and for national economic and social development.

Article 47 The State adopts a preferential policy regarding electrification in the countryside and

provide special support to rural power construction in areas inhabited by minority nationalities, in outlying areas and in poverty-stricken areas.

Article 48 The State encourages development of waterpower resources in rural areas and construction of small and medium-sized hydropower stations, in order to promote rural electrification.

The State encourages and supports power supply in the rural areas through the use of solar energy, wind energy, geothermal energy, biomass energy and other energy resources, with a view to increasing power supply there.

Article 49 The people's government at or above the county level and the department in overall charge of the economy under it shall, when distributing electricity quotas, guarantee proper proportion of electricity for use in agriculture and in the rural areas, giving first priority to rural use of electricity for draining water-logged fields and combating drought as well as for seasonal agricultural production.

Electric power enterprises shall comply with the arrangements made for use of electricity as set forth in the preceding paragraph and may not reduce the quotas allocated for agricultural and rural use of electricity.

Article 50 The rates of electricity used in agriculture shall be set in accordance with the principle of guaranteed principal with a marginal profit.

The same rates of electricity shall gradually be applied to the electricity used by the peasants in everyday life and the electricity used by the local urban inhabitants in everyday life.

Article 51 The State Council shall formulate, in accordance with the provisions of this Law, measures for administration of electricity used in agriculture and in the rural areas.

CHAPTER VII PROTECTION OF POWER FACILITIES

Article 52 No units or individuals may damage power generating equipment, transforming equipment, electric power lines and their relevant auxiliary facilities.

Demolition operations and other operations that might endanger the safety of power facilities shall be conducted only after approval is obtained and definite measures for ensuring the safety of the power facilities are taken, as required by the regulations of the State Council concerning the protection of power facilities.

Article 53 The electric power administration departments shall, according to the State Council's regulations concerning the protection of power facilities, set up markers for the areas of power facilities protection.

No units or individuals may, within the areas that are demarcated according to law as power facilities protection areas, erect buildings or other structures, cultivate plants or pile up things which might endanger the safety of power facilities.

Plants that endanger the safety of power facilities but had been cultivated before the area was demarcated according to law as a power facilities protection area shall be trimmed or cut down.

Article 54 Any units or individuals that need to carry out operations that might endanger the safety of the power facilities in areas that are demarcated according to law as power facilities protection areas may do so only after approval has been obtained from the electric power administration department and safety measures have been taken.

Article 55 If construction, reconstruction or expansion of power facilities clashes with public utilities engineering, afforestation engineering or other projects, it may begin only after the units involved have reached an agreement through consultation in accordance with the relevant regulations of the State.

CHAPTER VIII SUPERVISION AND INSPECTION

Article 56 The electric power administration departments shall supervise and inspect implementation by electric power enterprises and consumers of the laws and administrative rules and regulations on electric power.

Article 57 To meet the need of work, electric power administration departments may be manned with electric power supervisors and inspectors.

Electric power supervisors and inspectors shall be fair-minded and honest, impartial in enforcing law, familiar with the laws and regulations on electric power and versed in related electric power skills.

Article 58 When electric power supervisors and inspectors perform their duties, they shall have the right to inquire of the electric power enterprises and consumers about their implementation of the laws and administrative rules and regulations on electric power, look up relevant documents and conduct on-the-spot inspection.

The electric power enterprises and consumers shall provide convenience to electric power supervisors and inspectors who are performing their duties.

When conducting supervision and inspection, electric power supervisors and inspectors shall produce their identification papers.

CHAPTER IX LEGAL RESPONSIBILITY

Article 59 Electric power enterprises or consumers who break the contract for supply and use of electricity and thereby cause the other party losses shall bear liability for compensation according to law.

Electric power enterprises that, in violation of the provisions of Article 28 or the first paragraph of Article 29 of this law, fail to guarantee the quality of electricity or suspend supply of electricity without notifying the consumers in advance and thus cause the latter losses shall bear liability for compensation according to law.

Article 60 Electric power enterprises that cause consumers or a third party damage because of electric operational accidents shall bear liability for compensation according to law.

Electric power enterprises shall hold no liability for compensation if an electric operational accident is caused by one of the following factors:

(1) force majeure; or

(2) fault on the part of a consumer;

If damage is caused to an electric power enterprise or other consumers because of the fault on the part of a consumer or a third party, the consumer or the third party shall bear liability for compensation according to law.

Article 61 Any units or individuals that, in violation of the provisions of the second paragraph of Article 11 of this Law, illegally occupy land allocated for transformation facilities, transmission line corridors or cable passages shall be ordered by the people's government at or above the county level to set it right within a time limit; if they fail to do so, the obstructions shall be removed by compulsory means.

Article 62 Construction of electric power projects in violation of the provisions of Article 14 of this Law, or not in conformity with the electric power development plan or industrial policy, shall be ordered to stop by the electric power administration departments.

Where, in violation of the provisions of Article 14 of this Law, electric power equipment or technology announced obsolete by formal decree of the State are used in construction of elective power projects, electric power administration departments shall order to stop their use, confiscate the electric power equipment and impose a fine of not more than 50,000 yuan.

Article 63 If any units, in violation of the provisions of Article 25 of this Law, supply electricity or change the service area without permission, the electric power administration departments shall order them to set it right, confiscate their illegal gains and also impose a fine of not more than five times the amount of the illegal gains.

Article 64 If any units, in violation of the provisions of Article 26 or Article 29 of this Law, refuse to supply electricity or suspend power supply, the electric power administration departments shall order them to set it right and give them a disciplinary warning; if the case is serious, an administrative sanction shall be imposed on the involved persons in charge and other persons who bear direct responsibility.

Article 65 If any units or individuals, in violation of provisions of Article 32 of this Law, endanger the safe supply or use of electricity or disrupt the orderly supply or use of electricity, the electric power administration departments shall order them to set it right and give them a disciplinary warning; if the case is serious or if the units or individuals refuse to set it right, the electric power administration departments may shut off the supply of electricity to them and may also impose a fine of not more than 50,000 yuan.

Article 66 If any units or individuals, in violation of the provisions of Article 33, Article 43 or Article 44 of this Law, calculate and collect electricity fees from the consumers not according to the rates examined and approved by the State or the records shown on the electric meters or overstep their authority to set electricity rates or levy surcharges, the department in charge of price control shall give them a disciplinary warning; order them to return all the unlawful charges and may also impose a fine of not more than five times the amount of the unlawful charges. If the case is serious, an administrative sanction shall be imposed on the involved persons in charge and other persons who bear direct responsibility.

Article 67 If electric power enterprises, in violation of the provisions of the second paragraph of Article 49 of this Law, reduce the quotas allocated for agricultural and rural use of electricity, the electric power administration departments shall order them to set it right. If the case is serious, an administrative sanction shall be imposed on the involved persons in charge and other persons who bear direct responsibility. If losses are caused, they shall be ordered to compensate for the losses.

Article 68 If any units or individuals, in violation of the provisions of the second paragraph of Article 52 or Article 54 of this Law and without obtaining approval or adopting safety measures, carry out operations around the power facilities or in an area demarcated according to law as a power facilities protection area-operations that endanger the safety of power facilities, the electric power administration departments shall order them to stop their operations, put the area back into area its original state and compensate for any losses.

Article 69 If any units or individuals, in violation of the provisions of Article 53 of this Law, erect buildings or other structures, cultivate plants or pile up things in an area demarcated according to law as a power facilities protection area, thus endangering the safety of power facilities, the local people's government shall order them to dismantle the constructions, cut down the plants or remove the things.

Article 70 If an individual commits one of the following acts and should therefore be imposed a penalty, the public security organ shall do so according to the Regulations on Administrative Penalties for Public Security. If the case constitutes a crime, criminal responsibility shall be investigated according to law:

- (1) obstructing electric power construction or rush repairs of power facilities to the extent that electric power construction or such repairs of power facilities cannot be normally conducted;
- (2) disrupting the working order of electricity-generating enterprises, power sub-stations, power dispatching stations or power-supply enterprises, thus making production and other work or business impossible;
- (3) beating up or openly insulting safety inspectors, meter checkers or fee collectors; or
- (4) resisting or preventing performance of duties by electric power supervisors and inspectors.

Article 71 If any individuals use electric energy on the sly, the electric power administration departments shall order them to stop the illegal act, pursue payment of electricity fees and impose a fine of not more than five times the amount of the electricity fees that should be paid. If the case constitutes a crime, criminal responsibility shall be investigated according to the provisions of Article 151 or Article 152 of the Criminal Law.

Article 72 Whoever steals electric power facilities or sabotages the facilities by other means shall be investigated for criminal responsibility according the provisions of Article 109 or Article 110 of the Criminal Law.

Article 73 Any member of the personnel of an electric power administration department who

abuses his power, neglects his duty or conducts malpractice for personal gain to such a degree that the act constitutes a crime shall be investigated for criminal responsibility according to law; if it does not constitute a crime, an administrative sanction shall be imposed.

Article 74 Any employee of an electric power enterprise who breaks rules, makes a dispatch in violation of regulations, or disobeys a dispatch and thereby causes grave accidents shall be investigated for criminal responsibility by applying mutatis mutandis the provisions of Article 114 of the Criminal Law.

Any employee of an electric power enterprise who purposefully delays urgent repairs of electric power facilities or delays electricity supply for rescue and relief work and thereby causes serious consequences shall be investigated for criminal responsibility by applying mutatis mutandis the provisions of Article 114 of the Criminal Law.

Administrators, safety inspectors, meter checkers or electric fee collectors of an electric power enterprise who extort money from consumers or abuse their position in the enterprise for personal gain to such a degree that the act constitutes a crime shall be investigated for criminal responsibility according to law; if it does not constitute a crime, an administrative sanction shall be imposed.

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 75 This Law shall come into force as of April 1, 1996.

《中华人民共和国电力法》

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第一章 总则

第一条 为了保障和促进电力事业的发展，维护电力投资者、经营者和使用者的合法权益，保障电力安全运行，制定本法。

第二条 本法适用于中华人民共和国境内的电力建设、生产、供应和使用活动。

第三条 电力事业应当适应国民经济和社会发展的需要，适当超前发展。国家鼓励、引导国内外的经济组织和个人依法投资开发电源，兴办电力生产企业。电力事业投资，实行谁投资、谁收益的原则。

第四条 电力设施受国家保护。禁止任何单位和个人危害电力设施安全或者非法侵占、使用电能。

第五条 电力建设、生产、供应和使用应当依法保护环境，采用新技术，减少有害物质排放，防治污染和其他公害。国家鼓励和支持利用可再生能源和清洁能源发电。

第六条 国务院电力管理部门负责全国电力事业的监督管理。国务院有关部门在各自的职责范围内负责电力事业的监督管理。县级以上地方人民政府经济综合主管部门是本行政区域内的电力管理部门，负责电力事业的监督管理。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电力事业的监督管理。

第七条 电力建设企业、电力生产企业、电网经营企业依法实行自主经营、自负盈亏，并接受电力管理部门的监督。

第八条 国家帮助和扶持少数民族地区、边远地区和贫困地区发展电力事业。

第九条 国家鼓励在电力建设、生产、供应和使用过程中，采用先进的科学技术和管理方法，对在研究、开发、采用先进的科学技术和管理方法等方面作出显著成绩的单位和个人给予奖励。

第二章 电力建设

第十条 电力发展规划应当根据国民经济和社会发展的需要制定，并纳入国民经济和社会发展计划。电力发展规划，应当体现合理利用能源、电源与电网配套发展、提高经济效益和有利于环境保护的原则。

第十一条 城市电网的建设与改造规划，应当纳入城市总体规划。城市人民政府应当按照规划，安排变电设施用地、输电线路走廊和电缆通道。任何单位和个人不得非法占用变电设施用地、输电线路走廊和电缆通道。

第十二条 国家通过制定有关政策，支持、促进电力建设。地方人民政府应当根据电力发展规划，因地制宜，采取多种措施开发电源，发展电力建设。

第十三条 电力投资者对其投资形成的电力，享有法定权益。并网运行的，电力投资者有优先使用权；未并网的自备电厂，电力投资者自行支配使用。

第十四条 电力建设项目应当符合电力发展规划，符合国家电力产业政策。电力建设项目不得使用国家明令淘汰的电力设备和技术。

第十五条 输变电工程、调度通信自动化工程等电网配套工程和环境保护工程，应当与发电工程项目同时设计、同时建设、同时验收、同时投入使用。

第十六条 电力建设项目使用土地，应当依照有关法律、行政法规的规定办理；依法征用土地的，应当依法支付土地补偿费和安置补偿费，做好迁移居民的安置工作。电力建设应当贯彻切实保护耕地、节约利用土地的原则。地方人民政府对电力事业依法使用土地和迁移居民，应当予以支持和协助。

第十七条 地方人民政府应当支持电力企业为发电工程建设勘探水源和依法取水、用水。

电力企业应当节约用水。

第三章 电力生产与电网管理

第十八条 电力生产与电网运行应当遵循安全、优质、经济的原则。电网运行应当连续、稳定，保证供电可靠性。

第十九条 电力企业应当加强安全生产管理，坚持安全第一、预防为主的方针，建立、健全安全生产责任制。电力企业应当对电力设施定期进行检修和维护，保证其正常运行。

第二十条 发电燃料供应企业、运输企业和电力生产企业应当依照国务院有关规定或者合同约定供应、运输和接卸燃料。

第二十一条 电网运行实行统一调度、分级管理。任何单位和个人不得非法干预电网调度。

第二十二条 国家提倡电力生产企业与电网、电网与电网并网运行。具有独立法人资格的电力生产企业要求将生产的电力并网运行的，电网经营企业应当接受。并网运行必须符合国家标准或者电力行业标准。并网双方应当按照统一调度、分级管理和平等互利、协商一致的原则，签订并网协议，确定双方的权利和义务；并网双方达不成协议的，由省级以上电力管理部门协调决定。

第二十三条 电网调度管理办法，由国务院依照本法的规定制定。

第四章 电力供应与使用

第二十四条 国家对电力供应和使用，实行安全用电、节约用电、计划用电的管理原则。电力供应与使用办法由国务院依照本法的规定制定。

第二十五条 供电企业在批准的供电营业区内向用户供电。供电营业区的划分，应当考虑电网的结构和供电合理性等因素。一个供电营业区内只设立一个供电营业机构。省、自治区、直辖市范围内的供电营业区的设立、变更，由供电企业提出申请，经省、自治区、直辖市人民政府电力管理部门会同同级有关部门审查批准后，由省、自治区、直辖市人民政府电力管理部门发给《供电营业许可证》。跨省、自治区、直辖市的供电营业区的设立、变更，

由国务院电力管理部门审查批准并发给《供电营业许可证》。供电营业机构持《供电营业许可证》向工商行政管理部门申请领取营业执照，方可营业。

第二十六条 供电营业区内的供电营业机构，对本营业区内的用户有按照国家规定供电的义务；不得违反国家规定对其营业区内申请用电的单位和個人拒绝供电。申请新装用电、临时用电、增加用电容量、变更用电和终止用电，应当依照规定的程序办理手续。供电企业应当在其营业场所公告用电的程序、制度和收费标准，并提供用户须知资料。

第二十七条 电力供应与使用双方应当根据平等自愿、协商一致的原则，按照国务院制定的电力供应与使用办法签订供用电合同，确定双方的权利和义务。

第二十八条 供电企业应当保证供给用户的供电质量符合国家标准。对公用供电设施引起的供电质量问题，应当及时处理。用户对供电质量有特殊要求的，供电企业应当根据其必要性和电网的可能，提供相应的电力。

第二十九条 供电企业在发电、供电系统正常的情况下，应当连续向用户供电，不得中断。因供电设施检修、依法限电或者用户违法用电等原因，需要中断供电时，供电企业应当按照国家有关规定事先通知用户。用户对供电企业中断供电有异议的，可以向电力管理部门投诉；受理投诉的电力管理部门应当依法处理。

第三十条 因抢险救灾需要紧急供电时，供电企业必须尽速安排供电，所需供电工程费用和应付电费依照国家有关规定执行。

第三十一条 用户应当安装用电计量装置。用户使用的电力电量，以计量检定机构依法认可的用电计量装置的记录为准。用户受电装置的设计、施工安装和运行管理，应当符合国家标准或者电力行业标准。

第三十二条 用户用电不得危害供电、用电安全和扰乱供电、用电秩序。对危害供电、用电安全和扰乱供电、用电秩序的，供电企业有权制止。

第三十三条 供电企业应当按照国家核准的电价和用电计量装置的记录，向用户计收电费。供电企业查电人员和抄表收费人员进入用户，进行用电安全检查或者抄表收费时，应当出示有关证件。用户应当按照国家核准的电价和用电计量装置的记录，按时交纳电费；对供电企业查电人员和抄表收费人员依法履行职责，应当提供方便。

第三十四条 供电企业和用户应当遵守国家有关规定，采取有效措施，做好安全用电、节约用电和计划用电工作。

第五章 电价与电费

第三十五条 本法所称电价，是指电力生产企业的上网电价、电网间的互供电价、电网销售电价。电价实行统一政策，统一价原则，分级管理。

第三十六条 制定电价，应当合理补偿成本，合理确定收益，依法计入税金，坚持公平负担，促进电力建设。

第三十七条 上网电价实行同网同质同价。具体办法和实施步骤由国务院规定。电力生产企业有特殊情况需另行制定上网电价的，具体办法由国务院规定。

第三十八条 跨省、自治区、直辖市电网和省级电网内的上网电价，由电力生产企业和电网经营企业协商提出方案，报国务院物价行政主管部门核准。独立电网内的上网电价，由电力生产企业和电网经营企业协商提出方案，报有管理权的物价行政主管部门核准。地方投资的电力生产企业所生产的电力，属于在省内各地区形成独立电网的或者自发自用的，其电价可以由省、自治区、直辖市人民政府管理。

第三十九条 跨省、自治区、直辖市电网和独立电网之间、省级电网和独立电网之间的互供电价，由双方协商提出方案，报国务院物价行政主管部门或者其授权的部门核准。独立电网与独立电网之间的互供电价，由双方协商提出方案，报有管理权的物价行政主管部门核准。

第四十条 跨省、自治区、直辖市电网和省级电网的销售电价，由电网经营企业提出方案，报国务院物价行政主管部门或者其授权的部门核准。独立电网的销售电价，由电网经营企业提出方案，报有管理权的物价行政主管部门核准。

第四十一条 国家实行分类电价和分时电价。分类标准和分时办法由国务院确定。对同一电网内的同一电压等级、同一用电类别的用户，执行相同的电价标准。

第四十二条 用户用电增容收费标准，由国务院物价行政主管部门会同国务院电力管理部门制定。

第四十三条 任何单位不得超越电价管理权限制定电价。供电企业不得擅自变更电价。

第四十四条 禁止任何单位和个人在电费中加收其他费用；但是，法律、行政法规另有规定的，按照规定执行。地方集资办电在电费中加收费用的，由省、自治区、直辖市人民政府依照国务院有关规定制定办法。禁止供电企业在收取电费时，代收其他费用。

第四十五条 电价的管理办法，由国务院依照本法的规定制定。

第六章 农村电力建设和农业用电

第四十六条 省、自治区、直辖市人民政府应当制定农村电气化发展规划，并将其纳入当地电力发展规划及国民经济和社会发展规划。

第四十七条 国家对农村电气化实行优惠政策，对少数民族地区、边远地区和贫困地区的农村电力建设给予重点扶持。

第四十八条 国家提倡农村开发水能资源，建设中、小型水电站，促进农村电气化。国家鼓励和支持农村利用太阳能、风能、地热能、生物质能和其他能源进行农村电源建设，增加农村电力供应。

第四十九条 县级以上地方人民政府及其经济综合主管部门在安排用电指标时，应当保证农业和农村用电的适当比例，优先保证农村排涝、抗旱和农业季节性生产用电。电力企业应当执行前款用电安排，不得减少农业和农村用电指标。

第五十条 农业用电价格按照保本、微利的原则确定。农民生活用电与当地城镇居民生活用电应当逐步实行相同的电价。

第五十一条 农业和农村用电管理办法，由国务院依照本法的规定制定。

第七章 电力设施保护

第五十二条 任何单位和个人不得危害发电设施、变电设施和电力线路设施及其有关辅助设施。在电力设施周围进行爆破及其他可能危及电力设施安全的作业的，应当按照国务

院有关电力设施保护的规定，经批准并采取确保电力设施安全的措施后，方可进行作业。

第五十三条 电力管理部门应当按照国务院有关电力设施保护的规定，对电力设施保护区设立标志。任何单位和个人不得在依法划定的电力设施保护区内修建可能危及电力设施安全的建筑物、构筑物，不得种植可能危及电力设施安全的植物，不得堆放可能危及电力设施安全的物品。在依法划定电力设施保护区前已经种植的植物妨碍电力设施安全的，应当修剪或者砍伐。

第五十四条 任何单位和个人需要在依法划定的电力设施保护区内进行可能危及电力设施安全的作业时，应当经电力管理部门批准并采取安全措施后，方可进行作业。

第五十五条 电力设施与公用工程、绿化工程和其他工程在新建、改建或者扩建中相互妨碍时，有关单位应当按照国家有关规定协商，达成协议后方可施工。

第八章 监督检查

第五十六条 电力管理部门依法对电力企业和用户执行电力法律、行政法规的情况进行监督检查。

第五十七条 电力管理部门根据工作需要，可以配备电力监督检查人员。电力监督检查人员应当公正廉洁，秉公执法，熟悉电力法律、法规，掌握有关电力专业技术。

第五十八条 电力监督检查人员进行监督检查时，有权向电力企业或者用户了解有关执行电力法律、行政法规的情况，查阅有关资料，并有权进入现场进行检查。电力企业和用户对执行监督检查任务的电力监督检查人员应当提供方便。电力监督检查人员进行监督检查时，应当出示证件。

第九章 法律责任

第五十九条 电力企业或者用户违反供用电合同，给对方造成损失的，应当依法承担赔偿责任。电力企业违反本法第二十八条、第二十九条第一款的规定，未保证供电质量或者未事先通知用户中断供电，给用户造成损失的，应当依法承担赔偿责任。

第六十条 因电力运行事故给用户或者第三人造成损害的，电力企业应当依法承担赔偿责任。

责任。电力运行事故由下列原因之一造成的，电力企业不承担赔偿责任：

(一) 不可抗力；

(二) 用户自身的过错。

因用户或者第三人的过错给电力企业或者其他用户造成损害的，该用户或者第三人应当依法承担赔偿责任。

第六十一条 违反本法第十一条第二款的规定，非法占用变电设施用地、输电线路走廊或者电缆通道的，由县级以上地方人民政府责令限期改正；逾期不改正的，强制清除障碍。

第六十二条 违反本法第十四条规定，电力建设项目不符合电力发展规划、产业政策的，由电力管理部门责令停止建设。违反本法第十四条规定，电力建设项目使用国家明令淘汰的电力设备和技术，由电力管理部门责令停止使用，没收国家明令淘汰的电力设备，并处五万元以下的罚款。

第六十三条 违反本法第二十五条规定，未经许可，从事供电或者变更供电营业区的，由电力管理部门责令改正，没收违法所得，可以并处违法所得五倍以下的罚款。

第六十四条 违反本法第二十六条、第二十九条规定，拒绝供电或者中断供电的，由电力管理部门责令改正，给予警告；情节严重的，对有关主管人员和直接责任人员给予行政处分。

第六十五条 违反本法第三十二条规定，危害供电、用电安全或者扰乱供电、用电秩序的，由电力管理部门责令改正，给予警告；情节严重或者拒绝改正的，可以中止供电，可以并处五万元以下的罚款。

第六十六条 违反本法第三十三条、第四十三条、第四十四条规定，未按照国家核准的电价和用电计量装置的记录向用户计收电费、超越权限制定电价或者在电费中加收其他费用的，由物价行政主管部门给予警告，责令退还违法收取的费用，可以并处违法收取费用五倍以下的罚款；情节严重的，对有关主管人员和直接责任人员给予行政处分。

第六十七条 违反本法第四十九条第二款规定，减少农业和农村用电指标的，由电力管

理部门责令改正；情节严重的，对有关主管人员和直接责任人员给予行政处分；造成损失的，责令赔偿损失。

第六十八条 违反本法第五十二条第二款和第五十四条规定，未经批准或者未采取安全措施在电力设施周围或者在依法划定的电力设施保护区内进行作业，危及电力设施安全的，由电力管理部门责令停止作业、恢复原状并赔偿损失。

第六十九条 违反本法第五十三条规定，在依法划定的电力设施保护区内修建建筑物、构筑物或者种植植物、堆放物品，危及电力设施安全的，由当地人民政府责令强制拆除、砍伐或者清除。

第七十条 有下列行为之一，应当给予治安管理处罚的，由公安机关依照治安管理处罚条例的有关规定予以处罚；构成犯罪的，依法追究刑事责任：

(一) 阻碍电力建设或者电力设施抢修，致使电力建设或者电力设施抢修不能正常进行的；

(二) 扰乱电力生产企业、变电所、电力调度机构和供电企业的秩序，致使生产、工作和营业不能正常进行的；

(三) 殴打、公然侮辱履行职务的查电人员或者抄表收费人员的；

(四) 拒绝、阻碍电力监督检查人员依法执行职务的。

第七十一条 盗窃电能的，由电力管理部门责令停止违法行为，追缴电费并处以电费五倍以下的罚款；构成犯罪的，依照刑法第一百五十一条或者第一百五十二条的规定追究刑事责任。

第七十二条 盗窃电力设施或者以其他方法破坏电力设施，危害公共安全的，依照刑法第一百零九条或者第一百一十条的规定追究刑事责任。

第七十三条 电力管理部门的工作人员滥用职权、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，依法给予行政处分。

第七十四条 电力企业职工违反规章制度、违章调度或者不服从调度指令，造成重大事故的，比照刑法第一百一十四条的规定追究刑事责任。

电力企业职工故意延误电力设施抢修或者抢险救灾供电，造成严重后果的，比照刑法第一百一十四条的规定追究刑事责任。

电力企业的管理人员和查电人员、抄表收费人员勒索用户、以电谋私，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第十章 附则

第七十五条 本法自1996年4月1日起施行。

附：

刑法有关条款

第一百零九条 破坏电力、煤气或者其他易燃易爆设备，危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十条 破坏交通工具、交通设备、电力煤气设备、易燃易爆设备造成严重后果的，处十年以上有期徒刑、无期徒刑或者死刑。过失犯前款罪的，处七年以下有期徒刑或者拘役。

第一百一十四条 工厂、矿山、林场、建筑企业或者其他企业、事业单位的职工，由于不服管理、违反规章制度，或者强令工人违章冒险作业，因而发生重大伤亡事故，造成严重后果的，处三年以下有期徒刑或者拘役；情节特别恶劣的，处三年以上七年以下有期徒刑。

第一百五十一条 盗窃、诈骗、抢夺公私财物数额较大的，处五年以下有期徒刑、拘役或者管制。

第一百五十二条 惯窃、惯骗或者盗窃、诈骗、抢夺公私财物数额巨大的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑，可以并处没收财产。

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