



# Notice of the State Council on Further Strengthening the Elimination of Backward Production Capacity

Guo Fa [2010] No. 7

People's governments of all provinces, autonomous regions and municipalities directly under the Central Government, ministries and commissions of the State Council, and agencies directly under the State Council:

In order to thoroughly implement the scientific concept of development, accelerate the transformation of economic development mode, promote industrial structure adjustment, optimization and upgrading, and promote energy conservation and emission reduction, the notice on further strengthening the elimination of backward production capacity is as follows:

1. Deeply understand the importance of eliminating backward production capacity

Accelerating the elimination of backward production capacity is a major measure to change the mode of economic development, adjust the economic structure, improve the quality and efficiency of economic growth, accelerate energy conservation and emission reduction, and actively respond to global climate change. In recent years, with the implementation of policies and measures to accelerate the restructuring of overcapacity industries, curb duplicate construction, and promote energy conservation and emission reduction, the elimination of backward production capacity has achieved remarkable results in some areas. However, due to the prominent structural contradictions accumulated for a long time, the policies and measures for the withdrawal of backward production capacity are not perfect, the incentive and restraint effect is not strong enough, and there are deviation our country s in the understanding of eliminating backward production capacity in some regions, and the responsibility is not fully implemented. We must give full play to the role of the market, take more effective measures, and comprehensively use legal, economic, technical and necessary administrative means to further establish and improve a long-term mechanism for eliminating backward production capacity to ensure that the goals of eliminating backward production capacity are

achieved on schedule. All regions and departments should earnestly regard the elimination of backward production capacity as an important task to fully implement the scientific concept of development, respond to the impact of the international financial crisis, and maintain stable and rapid economic development, further enhance the sense of responsibility and urgency, fully mobilize all positive factors, grasp key links, break through key and difficult points, accelerate the elimination of backward production capacity, and vigorously promote industrial restructuring, optimization and upgrading.

## **2. Overall requirements and objectives and tasks**

### **(1) General requirements.**

1. Play the role of the market. Give full play to the basic role of the market in allocating resources, adjust and straighten out the price formation mechanism of resource products, strengthen tax leverage adjustment, and strive to create a market environment conducive to the exit of backward production capacity.

2. Adhere to administration according to law. Give full play to the binding role of laws and regulations and the threshold role of technical standards, strictly implement laws, regulations and technical standards in environmental protection, energy conservation, clean production, safety production, product quality, occupational health, etc.,

and eliminate backward production capacity in accordance with the law.

3. Implement target responsibilities. Decompose the goals and tasks of eliminating backward production capacity, clarify the responsibilities of relevant departments of the State Council, local people's governments at all levels and enterprises, strengthen guidance, supervision and inspection, and ensure that the work is implemented.

4. Optimize the policy environment. Strengthen policy constraints and policy incentives, coordinate the relationship between eliminating backward production capacity and industrial upgrading, economic development, and social stability, and establish and improve a policy system to promote the withdrawal of backward production capacity.

5. Strengthen coordination and cooperation. Establish a working mechanism led by the competent departments, with relevant departments taking their own responsibilities, closely cooperating, and acting jointly, strengthen organizational leadership, coordination and cooperation, and form a joint force.

## **(2) Goals and tasks.**

Focusing on industries such as electric power, coal, steel, cement, non-ferrous metals, coke, papermaking, tanning, printing and dyeing, in accordance with the

Decision of the State Council on Issuing and Implementing the Interim Provisions on Promoting Industrial Structure Adjustment (Guo Fa [2005] No. 40), the Notice of the State Council on Printing and Distributing the Comprehensive Work Plan for Energy Conservation and Emission Reduction (Guo Fa [2007] No. 15), and the Notice of the State Council on Several Opinions of the Development and Reform Commission and Other Departments on Suppressing Overcapacity and Duplicate Construction in Some Industries to Guide the Healthy Development of Industries (Guo Fa [2009] No. 38), the "Industrial Structure Adjustment Guidance Catalogue" and the State Council formulated the iron and steel, non-ferrous metals, light industry, textile and other industrial adjustment and revitalization plans and other documents stipulated in the scope and requirements of eliminating backward production capacity, and eliminate backward production capacity on schedule. Each region can formulate targets and tasks for eliminating backward production capacity with a wider scope and higher standards according to the actual development of local industries.

The specific goals and tasks of eliminating backward production capacity in key industries in the near future are:

Power industry: By the end of 2010, more than 50 million kilowatts of small thermal power units will be eliminated.

Coal industry: By the end of 2010, 8,000 small coal mines that do not meet the conditions for safe production, do not comply with industrial policies, waste resources and pollute the environment will be closed, and 200 million tons of production capacity will be eliminated.

Coke industry: By the end of 2010, small machine coke with a height of less than 4.3 meters in the carbonization chamber (except for tamping coke ovens of 3.2 meters and above) will be eliminated.

Ferroalloy industry: Eliminate mineral heat furnaces below 6,300 kVA by the end of 2010.

Calcium carbide industry: Eliminate mineral heat furnaces below 6300 kVA by the end of 2010.

Iron and steel industry: By the end of 2011, ironmaking blast furnaces of 400 cubic meters and below, and steelmaking converters and electric furnaces of 30 tons and below will be eliminated.

Non-ferrous metal industry: By the end of 2011, eliminate small pre-baked tanks of electrolytic aluminum of 100 kiloamperes and below; Eliminate the copper smelting process and equipment of closed blast furnaces, electric furnaces and reverberatory furnaces; Eliminate the backward method of lead smelting processes and equipment

such as sintering pots, sintering plates, and simple blast furnaces, and eliminate the lead smelting process of sintering machines that do not support the construction of acid production and exhaust gas absorption systems. Eliminate the production process and equipment that use muffle furnaces, manger furnaces, horizontal tanks, small vertical tanks (with a single tank output of less than 8 tons per day) for roasting, and use simple condensing facilities for dust collection and other backward methods such as zinc smelting or zinc oxide products.

Building materials industry: By the end of 2012, the cement mechanized vertical kiln production line with a kiln diameter of less than 3.0 meters, the cement dry hollow kiln with a kiln diameter of less than 2.5 meters (except for the production of high alumina cement), the cement wet kiln production line (mainly used to treat sludge, calcium carbide slag, etc.), the cement mill with a diameter of less than 3.0 meters (except for the production of special cement), and the backward cement production capacity of cement soil (egg) kiln and ordinary vertical kiln. Eliminate backward flat glass production capacity such as flat glass production lines (including grid method) in the flat drawing process.

Light industry: By the end of 2011, eliminate grass pulp production equipment with an annual output of less than

34,000 tons and chemical pulping production lines with an annual output of less than 17,000 tons, and eliminate papermaking production lines with an annual output of less than 10,000 tons using waste paper as raw materials. Eliminate backward alcohol production processes and alcohol production enterprises with an annual output of less than 30,000 tons (except for waste molasses to make alcohol); Eliminate monosodium glutamate production equipment with an annual output of less than 30,000 tons; eliminating citric acid production equipment that does not meet environmental protection standards; Eliminate tanning production lines with an annual processing of less than 30,000 bids.

Textile industry: by the end of 2011, eliminate 74 dyeing and finishing production lines, pre-treatment equipment with a service life of more than 15 years, batch dyeing equipment with a bath ratio greater than 1:10, eliminate backward printing machines, hot melt dyeing machines, hot air cloth drawing machines, and shaping machines, and eliminate backward production process equipment with high energy consumption and high water consumption; Eliminate the backward chemical fiber production capacity of R531 acid old-fashioned viscose spinning machine, viscose production line with an annual output of less than 20,000 tons, wet and DMF solvent spandex production process, DMF

solvent acrylic production process, semi-automatic winding equipment with a polyester filament spindle length of less than 900 mm, and batch polyester equipment.

### 3. Decompose and implement target responsibilities

(1) The Ministry of Industry and Information Technology and the Energy Bureau should discuss the annual targets and tasks of eliminating backward production capacity in accordance with the current and future economic development situation and the phased goals and tasks determined by the State Council, combined with the requirements of industrial upgrading and the actual situation of each region, and decompose and implement the annual goals and tasks to all provinces, autonomous regions and municipalities directly under the Central Government. All relevant departments should give full play to their functions, pay close attention to formulating supporting policies and measures to restrict the production of backward production capacity enterprises, encourage the withdrawal of backward production capacity, and promote the transformation of backward production capacity, and guide and urge all regions to conscientiously implement them.

(二) 各省、自治区、直辖市人民政府要根据工业和信息化部、能源局下达的淘汰落后产能目标任务,认真制定实施方案,将目标任务分解到市、县,落实到具体企业,及时将计划淘汰落后产

能企业名单报工业和信息化部、能源局。要切实担负起本行政区域内淘汰落后产能工作的职责，严格执行相关法律、法规和各项政策措施，组织督促企业按要求淘汰落后产能、拆除落后设施装置，防止落后产能转移；对未按要求淘汰落后产能的企业，要依据有关法律法规责令停产或予以关闭。

（三）企业要切实承担起淘汰落后产能的主体责任，严格遵守安全、环保、节能、质量等法律法规，认真贯彻国家产业政策，积极履行社会责任，主动淘汰落后产能。

（四）各相关行业协会要充分发挥政府和企业间的桥梁纽带作用，认真宣传贯彻国家方针政策，加强行业自律，维护市场秩序，协助有关部门做好淘汰落后产能工作。

#### 四、强化政策约束机制

（一）严格市场准入。强化安全、环保、能耗、物耗、质量、土地等指标的约束作用，尽快修订《产业结构调整指导目录》，制定和完善相关行业准入条件和落后产能界定标准，提高准入门槛，鼓励发展低消耗、低污染的先进产能。加强投资项目审核管理，尽快修订《政府核准的投资项目目录》，对产能过剩行业坚持新增产能与淘汰产能“等量置换”或“减量置换”的原则，严格环评、土地和安全生产审批，遏制低水平重复建设，防止新增落后产能。改善土地利用计划调控，严禁向落后产能和产能严重过剩行业建设项目提供土地。支持优势企业通过兼并、收购、重组落后产能企业，淘汰落后产能。

（二）强化经济和法律手段。充分发挥差别电价、资源性产品价格改革等价格机制在淘汰落后产能中的作用，落实和完善资源及环境保护税费制度，强化税收对节能减排的调控功能。加强环境保

护监督性监测、减排核查和执法检查，加强对企业执行产品质量标准、能耗限额标准和安全生产规定的监督检查，提高落后产能企业和项目使用能源、资源、环境、土地的成本。采取综合性调控措施，抑制高消耗、高排放产品的市场需求。

（三）加大执法处罚力度。对未按期完成淘汰落后产能任务的地区，严格控制国家安排的投资项目，实行项目“区域限批”，暂停对该地区项目的环评、核准和审批。对未按规定期限淘汰落后产能的企业吊销排污许可证，银行业金融机构不得提供任何形式的新增授信支持，投资管理部门不予审批和核准新的投资项目，国土资源管理部门不予批准新增用地，相关管理部门不予办理生产许可，已颁发生产许可证、安全生产许可证的要依法撤回。对未按规定淘汰落后产能、被地方政府责令关闭或撤销的企业，限期办理工商注销登记，或者依法吊销工商营业执照。必要时，政府相关部门可要求电力供应企业依法对落后产能企业停止供电。

## 五、完善政策激励机制

（一）加强财政资金引导。中央财政利用现有资金渠道，统筹支持各地区开展淘汰落后产能工作。资金安排使用与各地区淘汰落后产能任务相衔接，重点支持解决淘汰落后产能有关职工安置、企业转产等问题。对经济欠发达地区淘汰落后产能工作，通过增加转移支付加大支持和奖励力度。各地区也要积极安排资金，支持企业淘汰落后产能。在资金申报、安排、使用中，要充分发挥工业、能源等行业主管部门的作用，加强协调配合，确保资金安排对淘汰落后产能产生实效。

（二）做好职工安置工作。妥善处理淘汰落后产能与职工就业的关系，认真落实和完善企业职工安置政策，依照相关法律法规和

规定妥善安置职工，做好职工社会保险关系转移与接续工作，避免大规模集中失业，防止发生群体性事件。

（三）支持企业升级改造。充分发挥科技对产业升级的支撑作用，统筹安排技术改造资金，落实并完善相关税收优惠和金融支持政策，支持符合国家产业政策和规划布局的企业，运用高新技术和先进适用技术，以质量品种、节能降耗、环境保护、改善装备、安全生产等为重点，对落后产能进行改造。提高生产、技术、安全、能耗、环保、质量等国家标准和行业标准水平，做好标准间的衔接，加强标准贯彻，引导企业技术升级。对淘汰落后产能任务较重且完成较好的地区和企业，在安排技术改造资金、节能减排资金、投资项目核准备案、土地开发利用、融资支持等方面给予倾斜。对积极淘汰落后产能企业的土地开发利用，在符合国家土地管理政策的前提下，优先予以支持。

## 六、健全监督检查机制

（一）加强舆论和社会监督。各地区每年向社会公告本地区年度淘汰落后产能的企业名单、落后工艺设备和淘汰时限。工业和信息化部、能源局每年向社会公告淘汰落后产能企业名单、落后工艺设备、淘汰时限及总体进展情况。加强各地区、各行业淘汰落后产能工作交流，总结推广、广泛宣传淘汰落后产能工作先进地区和先进企业的有效做法，营造有利于淘汰落后产能的舆论氛围。

（二）加强监督检查。各省、自治区、直辖市人民政府有关部门要及时了解、掌握淘汰落后产能工作进展和职工安置情况，并定期向国家有关部门报告。工业和信息化部、发展改革委、财政部、能源局要组织有关部门定期对各地区淘汰落后产能工作情况进行监

督查，切实加强对重点地区淘汰落后产能工作的指导，并将进展情况报告国务院。

（三）实行问责制。将淘汰落后产能目标完成情况纳入地方政府绩效考核体系，参照《国务院批转节能减排统计监测及考核实施方案和办法的通知》（国发〔2007〕36号）对淘汰落后产能任务完成情况进行考核，提高淘汰落后产能任务完成情况的考核比重。对未按要求完成淘汰落后产能任务的地区进行通报，限期整改。对瞒报、谎报淘汰落后产能进展情况或整改不到位的地区，要依法依规追究该地区有关责任人员的责任。

## 七、切实加强组织领导

建立淘汰落后产能工作组织协调机制，加强对淘汰落后产能工作的领导。成立由工业和信息化部牵头，发展改革委、监察部、财政部、人力资源社会保障部、国土资源部、环境保护部、农业部、商务部、人民银行、国资委、税务总局、工商总局、质检总局、安全监管总局、银监会、电监会、能源局等部门参加的淘汰落后产能工作部际协调小组，统筹协调淘汰落后产能工作，研究解决淘汰落后产能工作中的重大问题，根据“十二五”规划研究提出下一步淘汰落后产能目标并做好任务分解和组织落实工作。有关部门要认真履行职责，积极贯彻落实各项政策措施，加强沟通配合，共同做好淘汰落后产能的各项工作。地方各级人民政府要健全领导机制，明确职责分工，做到责任到位、措施到位、监管到位，确保淘汰落后产能工作取得明显成效。

附件：淘汰落后产能重点工作分工表

国务院

二〇一〇年二月六日

附件：

## 淘汰落后产能重点工作分工表

序号	工作任务	负责单位	参加单位
1	提出分行业的淘汰落后产能年度目标任务和实施方案，并分解落实到各省（区、市）	工业和信息化部、能源局分别负责	发展改革委、国土资源部、环境保护部、商务部、安全监管总局等相关部门
2	根据国家下达的淘汰落后产能目标任务，制定实施方案，将目标任务分解到市、县，落实到具体企业；将拟淘汰落后产能企业名单报工业和信息化部、能源局	各省、自治区、直辖市人民政府	
3	制定和完善落后产能界定标准	工业和信息化部、能源局分别负责	环境保护部、安全监管总局等相关部门
4	加强投资项目审核管理，严格环评、土地和安全生产审批，防止新增落后产能	发展改革委、工业和信息化部、国土资源部、环境保护部、安全监管总局、能源局分别负责	
5	支持优势企业通过兼并、收购、重组落后产能企业淘汰落后产能	工业和信息化部	发展改革委、国资委、能源局
6	完善差别电价政策，加大对落后产能执行差别电价的力度	发展改革委	工业和信息化部、财政部、电监会、能源局
7	推进资源性产品价格改革	发展改革委	工业和信息化部、财政部、能源局
8	落实和完善资源及环境保护税费制度，强化税收对节能减排的调控功能	财政部	发展改革委、工业和信息化部、国土资源部、

			环境保护部、税务总局、能源局
9	加强环境保护监督性监测、减排核查和执法检查	环境保护部	工业和信息化部、能源局
10	加强对企业执行产品质量标准情况的监督检查	质检总局	工业和信息化部
11	加强对企业执行产品能耗限额标准情况的监督检查	工业和信息化部、发展改革委、能源局	
12	加强对企业安全生产情况的监督检查	安全监管总局	
13	提高落后产能企业和项目的土地使用成本	国土资源部	
14	采取综合性调控措施，抑制高消耗、高排放产品的市场需求	发展改革委、商务部、财政部	工业和信息化部、能源局等相关部门
15	对未按期完成淘汰落后产能任务的地区严格控制国家安排的投资项目，实行项目“区域限批”	发展改革委、工业和信息化部、环境保护部、能源局等分别负责	
16	对未按规定期限淘汰落后产能的企业吊销排污许可证，银行业金融机构不得提供任何形式的新增授信支持，投资管理部门不予审批和核准新的投资项目，国土资源管理部门不予批准新增用地，相关管理部门不予办理生产许可，撤回已颁发的生产许可证、安全生产许可证	发展改革委、工业和信息化部、国土资源部、环境保护部、人民银行、质检总局、安全监管总局、银监会、能源局分别负责	
17	对未按规定淘汰落后产能、被地方政府责令关闭或撤销的企业，限期办理工商注销登记，或者依法吊销工商营业执照	工商总局	
18	统筹支持各地区开展淘汰落后产能工作，加大对经济欠发达地区	财政部	工业和信息化部、能源局

	的支持和奖励力度		
19	指导、督促地方和企业做好职工安置工作	人力资源社会 保障部、发展 改革委、财政 部	工业和信息化部、能源 局
20	提高生产、技术、安全、能耗、 环保、质量等国家标准和行业标准 水平，做好标准间的衔接，加强 标准贯彻	质检总局、国 家标准委、工 业和信息化 部、环境保 护部、安全 监管总局、 能源局等 分别负责	
21	统筹安排技术改造资金，落实完 善相关税收优惠和金融支持政 策，支持对落后产能进行技术改 造；对淘汰落后产能任务较重且 完成较好的地区和企业，在安排 技术改造资金、节能减排资金、 投资项目核准备案、土地开发利 用、融资支持等方面给予倾斜	发展改革委、 工业和信息 化部、财政 部、国土资 源部、人民 银行、税务 总局、安全 监管总局、 银监会、能 源局分别 负责	
22	支持积极淘汰落后产能企业的土 地开发利用	国土资源部	
23	向社会公告本地区年度淘汰落后 产能的企业名单、落后工艺设备 和淘汰时限，定期向国务院有关 部门报告工作进展情况	各省、自治 区、直辖市 人民政府	
24	向社会公告淘汰落后产能企业名 单、落后工艺设备、淘汰时限及 总体进展情况	工业和信息 化部、能源 局分别负责	
25	加强工作交流，宣传、推广淘汰 落后产能工作先进地区和先进企 业的有效做法	工业和信息 化部、能源 局分别负责	相关部门
26	对各地区淘汰落后产能工作情况 进行监督检查，对任务完成情况 进行考核，并将情况报告国务院	工业和信息 化部、发展 改革委、财 政部、 能源局	监察部、国土 资源部、环 境保护部、 商务部、人 民银行、工 商总局、

			质检总局、安全监管总局、银监会、电监会
27	对瞒报、谎报淘汰落后产能进展情况或整改不到位的地区，依法追究该地区有关责任人员的责任	监察部	
28	建立淘汰落后产能工作部际协调机制	工业和信息化部	发展改革委、监察部、财政部、人力资源社会保障部、国土资源部、环境保护部、农业部、商务部、人民银行、国资委、税务总局、工商总局、质检总局、安全监管总局、银监会、电监会、能源局
29	根据“十二五”规划研究提出下一步淘汰落后产能的目标	工业和信息化部、能源局分别负责	相关部门

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