

Energy Conservation Law of the People's Republic of China (2007 Revision)

Order of the President of the People's Republic of China

(No.77)

The Energy Conservation Law of the People's Republic of China was revised and adopted at the 30th Session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on October 28, 2007, and the revised Energy Conservation Law of the People's Republic of China is hereby promulgated and shall enter into force as of April 1, 2008.

President of the People's Republic of China Hu Jintao

October 28, 2007

Energy Conservation Law of the People's Republic of China

(Adopted at the 28th Session of the Standing Committee of the Eighth National People's Congress on November 1, 1997, and revised at the 30th Session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on October 28, 2007)

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Chapter I General Provisions

Article 1 This Law is enacted with a view to promoting energy conservation in the whole society, enhancing energy utilization efficiency, protecting and improving environment, and promoting comprehensive, coordinated and sustainable economic and social development.

Article 2 The term "energy" as used in this Law refers to coal, petroleum, natural gas, biomass

energy, electric power, heat power and other resources from which useful energy can be derived directly or through processing or transformation.

Article 3 The term "energy conservation" as used in this Law means the strengthening of energy utilization administration, adoption of measures which are technologically feasible, economically rational and bearable to the environment and society, reduction in energy consumption, losses and waste discharge in all links from energy production to consumption, prevention of waste, and more efficient and rational utilization of energy resources.

Article 4 Energy conservation is a basic national policy of China. The State implements an energy development strategy of giving consideration to conservation and development simultaneously, and placing top priority on conservation.

Article 5 The State Council and the people's governments at and above the county level shall incorporate energy conservation work into national economic and social development plans, annual plans, and organize the formulation and implementation of long and medium-term special plans and annual energy conservation plans.

The State Council and the people's governments at and above the county level shall report energy conservation work to the people's congress or the standing committee thereof at the corresponding levels every year.

Article 6 The State implements the energy conservation target responsibility system and the energy conservation examination system, and takes the completion of energy conservation targets as an item to assess and evaluate the performance of the local people's government and the persons in charge thereof.

The people's government of each province, autonomous region or municipality directly under the Central Government shall report its fulfillment of energy conservation target responsibility to the State Council every year.

Article 7 The State implements industrial policies good for energy conservation and environmental protection, restricts the development of high-energy-consumption and high-pollution industries, and develops energy-saving and environmentally friendly industries.

The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall strengthen energy conservation work, rationally adjust industrial structure, enterprise structure, product structure and energy consumption structure, propel enterprises to reduce energy consumption per unit of output value and energy consumption per unit of product, eliminate backward productive capacity, improve the development, processing, transformation, transmission, storage and supply of energy sources, and enhance energy utilization efficiency.

The State encourages and supports development and utilization of new energy resources and renewable energy resources.

Article 8 The State encourages and supports the research, development, demonstration and popularization of energy conservation science and technology, and promotes technological innovation and progress in energy conservation.

The State carries out publicity and education of energy conservation, incorporates energy conservation knowledge into national education and training system, popularizes scientific knowledge about energy conservation, enhances the awareness of the whole people in energy conservation, and advocates energy-saving consumption patterns.

Article 9 All the entities and individuals shall fulfill the obligation of energy conservation and have the right to report the acts of wasting energy resources.

The news media shall publicize the laws, regulations and policies on energy conservation, and play a role of supervision by public opinion.

Article 10 The energy conservation administrative department under the State Council shall take charge of energy conservation supervision and administration nationwide. The departments concerned under the State Council shall be responsible for energy conservation supervision and administration within the scope of their respective functions, and accept the guidance of the energy conservation administrative department under the State Council.

The energy conservation administrative department under the local people's government at or above the county level shall take charge of energy conservation supervision and administration within its own administrative area. The departments concerned under the local people's government at or above the county level shall be responsible for energy conservation supervision and administration within the scope of their respective functions, and accept the guidance of the energy conservation administrative department at the same level.

Chapter II Administration of Energy Conservation

Article 11 The State Council and the local people's governments at and above the county level shall strengthen their leadership to energy conservation work in disposition, coordination, supervision, inspection and promotion of the energy conservation work.

Article 12 The energy conservation administrative department and other departments concerned under the local people's government at or above the county level shall, within their respective functions, strength supervision and inspection of the implementation of laws, regulations and standards on energy conservation, and investigate and dispose of illegal energy consumption.

No charge may be imposed on the objects of supervision and administration at the time of fulfilling the duty of energy conservation supervision and administration.

Article 13 The standardization administrative department and other departments concerned under the State Council shall organize the formulation and real-time revision of relevant national standards and industrial standards for energy conservation, so as to establish and improve the energy conservation standard system.

The standardization administrative department under the State Council shall, jointly with the energy conservation administrative department and other departments concerned under the State Council, formulate compulsory standards for energy consuming products' and equipment's energy efficiency standards as well as the energy consumption quota per unit of product for the products that consume much energy during the production process.

The State encourages enterprises to set down energy conservation standards stricter than

national standards and industrial standards.

If a province, autonomous region or municipality directly under the Central Government sets down local energy conservation standards stricter than national standards and industrial standards, it shall report them to the State Council for approval, unless it is otherwise stipulated in this Law.

Article 14 National standards and industrial standards for construction energy conservation shall be set down by the construction administrative department under the State Council and be promulgated by following statutory procedures.

The construction administrative department under the people's government of a province, autonomous region or municipality directly under the Central Government may, in light of its local actualities, set down local construction energy conservation standards stricter than national standards or industrial standards, and report them to the standardization administrative department and the construction administrative department under the State Council for archival filing.

Article 15 The State implements the energy conservation evaluation and review system to fixed asset investment projects. With respect to the projects inconsistent with compulsory energy conservation standards, the competent examination and approval department shall not approve or verify the construction thereof, and the construction entity shall not start the construction thereof; and if any of those projects has been completed, it shall not be put into production or use. Specific measures shall be formulated by the energy conservation administrative department under the State Council together with other departments concerned under the State Council.

Article 16 The State implements an elimination system of outmoded highly energy-consuming products, equipment and productive techniques. The catalogue and implementing measures for elimination of highly energy-consuming products, equipment and productive techniques shall be formulated and promulgated by the energy conservation administrative department under the State Council together with other departments concerned under the State Council.

Manufacturers of highly energy consuming products during the production process shall implement the quota for energy consumption per unit product. If a manufacturer consumes energy in excess of the quota for energy consumption per unit product, the energy conservation administrative department shall order it to make rectification within a time limit according to the limit of power as prescribed by the State Council.

With respect to highly energy-consuming special equipment, the energy conservation examination and supervision shall be carried out according to the provisions prescribed by the State Council.

Article 17 It is prohibited to produce, import or sell energy consuming products and equipment that are explicitly eliminated by the State or are inconsistent with compulsory energy efficiency standards; and it is prohibited to use energy consuming equipment or productive techniques that are explicitly eliminated by the State.

Article 18 The State implements the energy efficiency label management to household appliances and other energy consuming products that are widely used and consume much energy. The

catalogue of products to which the energy efficiency label management is implemented and the corresponding implementing measures shall be formulated and promulgated by the energy conservation administrative department under the State Council together with the product quality supervision department under the State Council.

Article 19 Manufacturers and importers shall affix energy efficiency labels to the energy consuming products that have been incorporated into the national catalogue of products to which the energy efficiency label management is implemented, give instructions on the packages or manuals of products, and report them to the institution jointly authorized by the product quality supervision department and the energy conservation administrative department under the State Council for archival filing.

Manufacturers and importers shall be responsible for the energy efficiency labels they affix and the accuracy of relevant information. It is prohibited to sell those products that should be but have not been affixed with energy efficiency labels.

It is prohibited to forge energy efficiency labels, use energy efficiency labels of any other enterprise, or make use of energy efficiency labels for false publicity.

Article 20 Manufacturers and sellers of energy consuming products may, in accordance with the principle of voluntariness and in pursuance of the state provisions on energy conservation product authentication, apply to the energy conservation product authentication agencies acknowledged by the certification and accreditation administration department under the State Council for energy conservation product authentication. The enterprises which have passed the authentication may obtain an energy conservation product authentication certificate and use energy conservation product authentication marks on energy consuming products or their packages.

It is prohibited to use forged energy conservation product authentication marks or use energy conservation product authentication marks of any other enterprise.

Article 21 Statistics offices under the people's governments at and above the county level shall, jointly with the departments concerned at the corresponding level, establish and improve an energy statistical system, improve the system of energy statistical indices, improve and regulate energy statistical methods, and ensure the truthfulness and integrity of energy statistics.

The statistics administrative department shall, jointly with the energy conservation administrative department under the State Council, regularly publicize the energy consumption and energy conservation situations of all provinces, autonomous regions, municipalities directly under the Central Government, and main energy consuming industries.

Article 22 The State encourages the development of energy conservation service agencies, and supports energy conservation service agencies in their provision of consultancy, design, evaluation, detection, audit and authentication and other services.

The State supports energy conservation service agencies in their popularization of energy conservation knowledge and the training of energy conservation technologies, and their provision of energy conservation information, energy conservation demonstration and other energy conservation services for public welfare.

Article 23 The State encourages trade associations in the formulation and implementation of industrial energy conservation plans and standards, popularization of energy conservation technologies, statistics on energy consumption, publicity and training of energy conservation, and information consultancy, etc.

Chapter III Rational Use of Energy and Energy Conservation

Section 1 General Provisions

Article 24 An energy consuming entity shall, in accordance with the principle of rational use of energy, strengthen its management of energy conservation, formulate and implement energy conservation plans and technological measures, and reduce energy consumption.

Article 25 An energy consuming entity shall establish the energy conservation target responsibility system, and give awards to those collectives and individuals having made achievements in energy conservation.

Article 26 An energy consuming entity shall regularly carry out the education of energy conservation and the trainings of energy conservation by posts.

Article 27 An energy consuming entity shall strengthen energy quantitative management, and purchase and use energy quantitative instruments that have passed statutory check according to the provisions.

An energy consuming entity shall establish an analysis system of energy consumption statistics and energy utilization situation, implement classified measurement to and make statistics about the consumption of various types of energy resources, and ensure the truthfulness and integrity of energy consumption statistical data.

Article 28 No energy production or operating entity may provide energy to its staff free of charge. No entity may implement the lump-fee system to energy consumption.

Section 2 Industrial Energy Conservation

Article 29 The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall promote the optimized exploitation, utilization and rational allocation of energy resources, promote industrial structural adjustment good for energy conservation, and optimize energy consuming structure and enterprise layout.

Article 30 The energy conservation administrative department under the State Council shall, jointly with the departments concerned under the State Council, formulate the energy conservation technological policies for electric power, iron and steel, non-ferrous metals, building materials, oil processing, chemical, coal and other main energy consuming industries, and propel enterprises to carry out energy conservation technological transformation.

Article 31 The State encourages industrial enterprises to adopt efficient and energy-saving motors, boilers, kilns, fans, pumps and other equipment as well as the technologies of cogeneration of heat and power, waste heat and pressure generating, clean coal and advanced energy consumption monitoring and control, etc.

Article 32 A grid enterprise shall, according to the relevant provisions on the administration of

energy conservation and power generation dispatching as set down by the department concerned under the State Council, arrange the incorporation of the sets of cogeneration of heat and power that is clean, efficient and complies with provisions, the sets of waste heat and pressure generating as well as other generating sets consistent with comprehensive resource utilization provisions into the grids, and shall follow the state provisions on grid power price.

Article 33 It is prohibited to newly build any coal-burning generating set, fuel-burning generating set or coal-burning thermoelectric generating set inconsistent with state provisions.

Section 3 Construction Energy Conservation

Article 34 The construction administrative department under the State Council shall take charge of the supervision and administration of construction energy conservation nationwide.

The construction administrative department under the local people's government at or above the county level shall take charge of the supervision and administration of construction energy conservation within its own administrative area.

The construction administrative department under the local people's government at or above the county level shall, jointly with the energy conservation administrative department at the same level, formulate the construction energy conservation plan for its own administrative area. The construction energy conservation plan shall include the existing construction energy conservation transformation plan.

Article 35 The construction, designing, building and supervision entities of construction projects shall abide by the standards for construction energy conservation.

With respect to the construction projects inconsistent with the standards for construction energy conservation, the construction administrative department shall not approve to start the construction thereof; and if any of the aforesaid projects has been constructed, the department shall order the entity to suspend construction and make correction within a time limit; and if any of the aforesaid projects has been completed, it shall not be sold or used.

The construction administrative department shall strengthen supervision and inspection of the implementation of construction energy conservation standards by construction projects under way.

Article 36 When a real estate development enterprise sells houses, it shall clearly show warranty periods of energy saving measures and heat preservation works as well as other information about the houses it sells, indicate the said information in house sales contracts, quality warranty books and manuals, and be responsible for the authenticity and accuracy of relevant information.

Article 37 The indoor temperature control system shall be implemented to public buildings using air-conditioning heating and refrigeration. Specific measures shall be formulated by the construction administrative department under the State Council.

Article 38 The State adopts measures to implement the heat supply household metering system and the heat charging system to the constructions with centralized heat supply step by step. Heat supply metering devices, indoor temperature control devices and heat supply system control devices shall be installed according to the provisions in the case of new constructions or energy

conservation transformation of existing buildings. Specific measures shall be formulated by the construction administrative department and the department concerned under the State Council.

Article 39 The relevant department under the local people's government at or above the county level shall strengthen urban power conservation management, and rigidly control the energy consumption by decorative landscape lighting in public facilities and large-scale buildings.

Article 40 The State encourages the use of new wall materials, energy-saving building materials and equipment as well as the installation and use of solar energy and other renewable energy use system in newly-built constructions and energy conservation transformation of existing buildings.

Section 4 Transport Energy Conservation

Article 41 The communications administrative department under the State Council shall take charge of the energy conservation supervision and administration of national transport sectors according to its functions.

The communications administrative department under the State Council shall, jointly with the energy conservation administrative department under the State Council, formulate energy conservation plans for relevant sectors respectively.

Article 42 The State Council and the departments concerned shall guide and promote harmonious development of and effective linkup between various transport means, optimize transport structure, and build an energy-saving comprehensive transport system.

Article 43 The local people's government at or above the county level shall optimize the development of public transport, increase the input into public transport, improve the public transport service system, encourage the use of public transport vehicles for traveling, and encourage the use of non-motorized public vehicles for traveling.

Article 44 The communications administrative department under the State Council shall strengthen the organization and administration of transport, and guide the enterprises of road, water and air transport to enhance the degree of transport systematization, the level of concentration and the efficiency in use of energy resources.

Article 45 The State encourages the development, production and use of energy saving and environmentally friendly cars, motorbikes, railway locomotives, ships and other transport vehicles, and implement the elimination and upgrading system to old transport vehicles.

The State encourages the development, expansion and use of clean fuels and petroleum alternative fuels by transport vehicles.

Article 46 The department concerned under the State Council shall set down fuel consumption quotas for transport vehicles, and any vehicle that does not meet the quota shall not be operated.

The communications administrative department under the State Council shall strengthen supervision and administration of fuel consumption detection of transport vehicles.

Section 5 Energy Conservation by Public Institutions

Article 47 A public institution shall be very frugal, eliminate waste, take the lead in using energy saving products and equipment to enhance energy utilization efficiency.

The term "public institutions" as used in this Law refers to all the state organs, public institutions, groups and organizations that wholly or partly use fiscal funds.

Article 48 The public institutions administrative departments under the State Council and the local people's governments at and above the county level shall, jointly with the departments concerned, formulate and organize the implementation of energy conservation plans for public institutions under their respective jurisdictions. The energy conservation plans for public institutions shall contain the energy conservation transformation plans for existing buildings of public institutions.

Article 49 A public institution shall formulate its annual energy conservation targets and implementing schemes, strengthen energy consumption measuring and monitoring management, and submit energy consumption reports for the previous year to the public institutions administrative department under the people's government at the same level.

The public institutions administrative departments under the State Council and the local people's governments at and above the county level shall, jointly with the departments concerned at the corresponding levels, set down energy consumption quotas for public institutions at the corresponding levels, and the finance administrative department shall set down energy consumption expenditure standards according to the said quotas.

Article 50 A public institution shall strengthen the management of its energy consuming systems, and ensure that the operation of its energy consuming systems comply with relevant national standards.

A public institution shall make energy statistics according to the provisions, and adopt measures for enhancing energy utilization efficiency according to energy statistical results.

Article 51 When a public institution purchases energy consuming products and equipment, it shall purchase those products and equipment that have been incorporated into the government procurement inventory of energy saving products and equipment. It is prohibited to procure energy consuming products and equipment that have been explicitly eliminated by the State.

The government procurement inventory of energy saving products and equipment shall be determined and promulgated by the government procurement supervision and administration department under the people's government at or above the provincial level jointly with the department concerned at the same level.

Section 6 Energy Conservation by Key Energy Consuming Entities

Article 52 The State strengthens energy conservation management of key energy consuming entities:

The following energy consuming entities shall be key energy consuming entities:

1. energy consuming entities having the annual energy consumption of more than 10,000 tons of standard coal; and

2. energy consuming entities having the annual energy consumption between 5,000 and 10,000 tons of standard coal as designated by the department concerned under the State Council or the energy conservation administrative departments under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

The energy conservation administrative measures for key energy consuming entities shall be set down by the energy conservation administrative department and other departments concerned under the State Council.

Article 53 A key energy consuming entity shall submit reports on energy utilization situations for the previous year to the energy conservation administrative department every year. Energy utilization situations include energy consumption situation, energy utilization efficiency, completion of energy conservation targets, analysis of energy conservation benefits, and energy conservation measures, etc.

Article 54 The energy conservation administrative department shall examine the reports on energy utilization situations submitted by key energy consuming entities. With respect to those key energy consuming entities whose energy conservation management rules are not sound, energy conservation measures are not implemented or energy utilization efficiency is low, the energy conservation administrative department shall carry out on-site investigations, organize energy efficiency detection of energy consuming equipment, order to implement energy audit, put forward written rectification requirements, and order them to make rectification within a time limit.

Article 55 A key energy consuming entity shall set up energy management posts, hire energy managerial personnel among those persons who have practical experiences and a medium or higher technical title, and report them to the energy conservation administrative department and the departments concerned for archival filing.

Energy managerial personnel shall be responsible for analyzing and evaluating the entity's energy consumption situations, organize the compilation of the entity's reports on energy utilization situations, put forward measures for improving the entity's energy conservation work, and organize the implementation of these measures.

Energy managerial personnel shall accept trainings on energy conservation.

Chapter IV Technological Progress in Energy Conservation

Article 56 The energy conservation administrative department under the State Council shall, jointly with the science and technology administrative department under the State Council, issue the energy conservation technology and policy outline, and guide the research, development, popularization and application of energy conservation technologies.

Article 57 The people's governments at and above the county level shall take energy conservation technology research and development as a key field of government science and technology investment, support scientific and research entities and enterprises to apply and study energy conservation technologies, set down energy conservation standards, develop common and crucial technologies for energy conservation, and promote innovation and achievement transformation of energy conservation technologies.

Article 58 The energy conservation administrative department under the State Council shall, jointly with the departments concerned under the State Council, formulate and publicize the popularization catalogue of energy conservation technologies and products, and guide energy consuming entities and individuals to adopt advanced technologies and products of energy conservation.

The energy conservation administrative department under the State Council shall, jointly with the departments concerned under the State Council, organize the implementation of major scientific research projects of energy conservation, model projects of energy conservation and key projects of energy conservation.

Article 59 People's government's at or above the county level 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, strengthen the energy conservation work in agriculture and rural areas, and increase the capital investment into popularization and application of energy conservation technologies and products in agriculture and rural areas.

The agriculture, science and technology and other administrative departments shall support and popularize the application of energy conservation technologies and products in agricultural production, processing, storage and transport of agricultural products, and encourage the upgrading and elimination of highly energy consuming agricultural machinery and fishing ships.

The State encourages and supports vigorous development of marsh gas, and popularizes biomass, solar power, wind power and other renewable energy in rural areas, develops small-scale water power generation, popularizes energy saving rural houses and stoves, etc., encourages the use of energy plants grown on non-arable land, and vigorously develops firewood forests and other energy forests according to the principle of scientific planning and orderly development.

Chapter V Incentive Measures

Article 60 The central finance and the provincial local finance shall arrange special energy conservation funds to support the research and development of energy conservation technologies, demonstration and popularization of energy conservation technologies and products, implementation of key energy conservation projects, publicity and training of energy conservation, information service, praises and awards, etc.

Article 61 The State applies preferential taxes and other supportive policies to the energy conservation technologies and products that need support and are listed into the popularization catalogue prescribed in Article 58 of this Law.

The State supports the popularization and use of energy-saving lighting instruments and other energy-saving products through financial subsidies.

Article 62 The State applies tax policies good for conserving energy resources, improves the paid use system of energy and mineral resources, and promotes the conservation of energy resources and the enhancement of exploitation and utilization level.

Article 63 The State uses tax and other policies to encourage the import of advanced energy conservation technologies and equipment and to control the export of highly energy-consuming

and serious-pollution products during the process of production.

Article 64 When the government procurement supervision and administration department formulates the government procurement inventory of energy conservation products and equipment jointly with other departments concerned, they shall first incorporate those products and equipment that have obtained the certificates of energy conservation product authentication.

Article 65 The State guides financial institutions to increase the credit support to energy conservation projects, and offer preferential loans to qualified projects for research and development of energy conservation technologies, production of energy conservation products and transformation of energy conservation technologies, etc.

The State encourages and guides relevant social sectors to increase monetary investment into energy conservation and accelerate technological transformation of energy conservation.

Article 66 The State implements the price policy good for energy conservation, and guides energy consuming entities and individuals to conserve energy.

The State adopts finance, tax, price and other policies to support the popularization of power demand side management, contract energy management, voluntary energy conservation agreement and other energy conservation measures.

The State implements the systems of peak-valley TOU power price, seasonal power price and interruptible load power price, encourages power users to rationally adjust power load; and implements differential power price policies of elimination, restriction, permission and encouragement to the enterprises of iron and steel, non-ferrous metals, building materials, chemicals and other major energy-consuming industries.

Article 67 People's governments at all levels shall praise and award those entities and individuals that have made outstanding achievements in energy conservation management, research, popularization and application of energy conservation science and technology, or have reported the acts of prodigiously wasting energy.

Chapter VI Legal Liabilities

Article 68 If the department that is responsible for examining and approving or verifying fixed asset investment projects violates this Law, and approves or verifies the construction of projects inconsistent with compulsory energy conservation standards, the principals and other persons held to be directly responsible shall be punished.

If the construction entity of a fixed asset investment project starts to build any project inconsistent with compulsory energy conservation standards or puts the said project into production and use, the energy conservation administrative department shall order it to stop construction, production or use, and make reconstruction within a time limit. For a productive project that can not be reconstructed or has not been reconstructed within a time limit, the energy conservation administrative department shall report it to the people's government at the same level for ordering to shut down the said project according to the limit of power as prescribed by the State Council.

Article 69 If any entity produces, imports or sells energy consuming products and equipment that are explicitly eliminated by the State, and uses the forged energy conservation product authentication marks or uses energy conservation product authentication marks of any other entity, it shall be punished according to the Product Quality Law of the People's Republic of China.

Article 70 If any entity produces, imports or sells energy consuming products and equipment inconsistent with compulsory energy efficiency standards, the product quality supervision department shall order it to stop production, importing and sales, confiscate the energy consuming products and equipment that are illegal produced, imported and sold as well as the illegal proceeds, and simultaneously impose a fine of one time up to five times the illegal proceeds; and where the circumstances are serious, the industrial and commercial administrative department shall revoke the business license of that entity.

Article 71 If an entity uses energy consuming equipment or productive techniques that have been explicitly eliminated by the State, the energy conservation administrative department shall order it to stop the use, and confiscate energy consuming equipment that has been explicitly eliminated by the State; where the circumstances are serious, the energy conservation administrative department may put forward opinions and report them to the people's government at the same level for ordering it to stop business for rectification or close down according to the limit of power as prescribed by the State Council.

Article 72 If a production entity consumes energy in excess of the energy consumption quota per unit product, the circumstances are serious, and it fails to make rectification within the time limit or still fails to meet rectification requirements, the energy conservation administrative department may put forward opinions and report them to the people's government at the same level for ordering it to stop business for rectification or close down according to the limit of power as prescribed by the State Council.

Article 73 If an entity violates this Law and fails to indicate energy efficiency marks, the product quality supervision department shall order it to make correction, and impose on it a fine of 30,000 yuan up to 50,000 yuan.

If an entity violates this Law and fails to submit energy efficiency marks for archival filing, or uses energy efficiency marks that do not meet provisions, the product quality supervision department shall order it to make correction within a time limit; and if it fails to make correction within the time limit, it shall be fined 10,000 yuan up to 30,000 yuan.

If an entity forges energy efficiency marks or uses energy efficiency marks of any other entity, or makes use of energy efficiency marks for false publicity, the product quality supervision department shall order it to make correction within a time limit, and impose on it a fine of 50,000 yuan up to 100,000 yuan; and where the circumstances are serious, the industrial and commercial administrative department shall revoke the business license of that entity.

Article 74 If an energy consuming entity fails to purchase or use energy measuring equipment according to provisions, the product quality supervision department shall order it to make correction within a time limit; and if it fails to make correction within the time limit, it shall be fined 10,000 yuan up to 50,000 yuan.

Article 75 If an entity conceals, forges or alters energy statistics or makes up false energy statistics, it shall be punished according to the Statistics Law of the People's Republic of China.

Article 76 If an institution that provides the services of energy conservation consultancy, design, evaluation, detection, audit and authentication, etc. reports false information, the energy conservation administrative department shall order it to make correction, confiscate the illegal proceeds and impose on it a fine of 50,000 yuan up to 100,000 yuan.

Article 77 If an entity violates this Law and provides energy to its staff free of charge or implements the lump-fee system to energy consumption, the energy conservation administrative department shall order it to make correction within a time limit; and if it fails to make correction within the time limit, it shall be fined 50,000 yuan up to 200,000 yuan.

Article 78 If a grid enterprise fails to arrange the incorporation of the sets of cogeneration of heat and power and the sets of waste heat and pressure generating into the grids according to this Law, or fails to follow state provisions on grid power price, the state power supervision department shall order it to make correction; and if it causes economic losses to the power generation enterprise, it shall assume the liability of compensation.

Article 79 If a construction entity violates construction energy conservation standards, the construction administrative department shall order it to make correction, and impose on it a fine of 200,000 yuan up to 500,000 yuan.

If a designing entity, building entity or supervision entity violates the standards for construction energy conservation, the construction administrative department shall order it to make correction, and impose on it a fine of 100,000 yuan up to 500,000 yuan; where the circumstances are serious, the department that issued a qualification certificate to it shall degrade its qualification degree or revoke its qualification certification; and where losses are resulted, it shall assume the liability of compensation.

Article 80 If a real estate development enterprise violates this Law and fails to show warranty periods of energy conservation measures and heat preservation works and other information about the houses it sells to purchasers, the construction administrative department shall order it to make correction within a time limit; if it fails to make correction within the time limit, it shall be fined 30,000 yuan up to 50,000 yuan; if the enterprise makes false publicity of the said information, the construction administrative department shall order it to make correction and impose on it a fine of 50,000 yuan up to 200,000 yuan.

Article 81 If a public institution, when procuring energy consuming products and equipment, fails to procure the products and equipment included in the government procurement inventory of energy conservation products and equipment with priority, or procures the energy consuming products and equipment that have been explicitly eliminated by the State, the government procurement supervision and administration department shall give it a warning, and may concurrently impose a fine on it; and shall impose punishments on the principals and other persons held to be directly responsible, and circulate a notice.

Article 82 If a key energy consuming entity fails to submit the reports on energy utilization

situations according to this Law or submits false reports, the energy conservation administrative department shall order it to make correction within a time limit; and if it refuses to make correction within the time limit, it shall be fined 10,000 yuan up to 50,000 yuan.

Article 83 If a key energy consuming entity refuses to implement rectification requirements stipulated in Article 54 of this Law without any justified reason or its rectification fails to meet requirements, the energy conservation administrative department shall impose on it a fine of 100,000 yuan up to 300,000 yuan.

Article 84 If a key energy consuming entity fails to set up energy management posts or hire energy managerial personnel according to this Law and report relevant particulars to the energy conservation administrative department and other departments concerned for archival filing, the energy conservation administrative department shall order it to make correction; and if it refuses to make correction, it shall be fined 10,000 yuan up to 30,000 yuan.

Article 85 Any entity or individual who violates this Law to such an extent as to constitute a crime shall be subject to criminal liability.

Article 86 Any state functionary who, in the administration of energy conservation, abuses his power, neglects his duty or engages in malpractice for personal gains to such an extent as to constitute a crime shall be subject to criminal liability according to law. If no crime is constituted, he shall be given a sanction.

Chapter VII Supplementary Provisions

Article 87 These Measures shall enter into force as of April 1, 2008.

中华人民共和国主席令

第 七 七 七 号

《中华人民共和国节约能源法》已由中华人民共和国第十届全国人民代表大会常务委员第三十次会议于2007年10月28日修订通过，现将修订后的《中华人民共和国节约能源法》公布，自2008年4月1日起施行。

中华人民共和国主席 胡锦涛

2007年10

月28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第二十八次会议通过 2007年10月28日第十届全国人民代表大会常务委员第三十次会议修订)

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第七章 附 则

第一章 总 则

第一条 为了推动全社会节约能源，提高能源利用效率，保护和改善环境，促进经济社会全面协调可持续发展，制定本法。

第二条 本法所称能源，是指煤炭、石油、天然气、生物质能和电力、热力以及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 本法所称节约能源（以下简称节能），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，从能源生产到消费的各个环节，降低消耗、减少损失和污染物排放、制止浪费，有效、合理地利用能源。

第四条 节约资源是我国的基本国策。国家实施节约与开发并举、把节约放在首位的能源发展战略。

第五条 国务院和县级以上地方各级人民政府应当将节能工作纳入国民经济和社会发展规划、年度计划，并组织编制和实施节能中长期专项规划、年度节能计划。

国务院和县级以上地方各级人民政府每年向本级人民代表大会或者其常务委员会报告节能工作。

第六条 国家实行节能目标责任制和节能考核评价制度，将节能目标完成情况作为对地方人民政府及其负责人考核评价的内容。

省、自治区、直辖市人民政府每年向国务院报告节能目标责任的履行情况。

第七条 国家实行有利于节能和环境保护的产业政策，限制发展高耗能、高污染行业，发展节能环保型产业。

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，推动企业降低单位产值能耗和单位产品能耗，淘汰落后的生产能力，改进能源的开发、加工、转换、输送、储存和供应，提高能源利用效率。

国家鼓励、支持开发和利用新能源、可再生能源。

第八条 国家鼓励、支持节能科学技术的研究、开发、示范和推广，促进节能技术创新与进步。

国家开展节能宣传和教育，将节能知识纳入国民教育和培训体系，普及节能科学知识，增强全民的节能意识，提倡节约型的消费方式。

第九条 任何单位和个人都应当依法履行节能义务，有权检举浪费能源的行为。

新闻媒体应当宣传节能法律、法规和政策，发挥舆论监督作用。

第十条 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，并接受国务院管理节能工作的部门的指导。

县级以上地方各级人民政府管理节能工作的部门负责本行政区域内的节能监督管理工作。县级以上地方各级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，并接受同级管理节能工作的部门的指导。

第二章 节能管理

第十一条 国务院和县级以上地方各级人民政府应当加强对节能工作的领导，部署、协调、监督、检查、推动节能工作。

第十二条 县级以上人民政府管理节能工作的部门和有关部门应当在各自

的职责范围内，加强对节能法律、法规和节能标准执行情况的监督检查，依法查处违法用能行为。

履行节能监督管理职责不得向监督管理对象收取费用。

第十三条 国务院标准化主管部门和国务院有关部门依法组织制定并适时修订有关节能的国家标准、行业标准，建立健全节能标准体系。

国务院标准化主管部门会同国务院管理节能工作的部门和国务院有关部门制定强制性的用能产品、设备能源效率标准和生产过程中耗能高的产品的单位产品能耗限额标准。

国家鼓励企业制定严于国家标准、行业标准的企业节能标准。

省、自治区、直辖市制定严于强制性国家标准、行业标准的地方节能标准，由省、自治区、直辖市人民政府报经国务院批准；本法另有规定的除外。

第十四条 建筑节能的国家标准、行业标准由国务院建设主管部门组织制定，并依照法定程序发布。

省、自治区、直辖市人民政府建设主管部门可以根据本地实际情况，制定严于国家标准或者行业标准的地方建筑节能标准，并报国务院标准化主管部门和国务院建设主管部门备案。

第十五条 国家实行固定资产投资项目节能评估和审查制度。不符合强制性节能标准的项目，依法负责项目审批或者核准的机关不得批准或者核准建设；建设单位不得开工建设；已经建成的，不得投入生产、使用。具体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。

第十六条 国家对落后的耗能过高的用能产品、设备和生产工艺实行淘汰制度。淘汰的用能产品、设备、生产工艺的目录和实施办法，由国务院管理节能工作的部门会同国务院有关部门制定并公布。

生产过程中耗能高的产品的生产单位，应当执行单位产品能耗限额标准。对超过单位产品能耗限额标准用能的生产单位，由管理节能工作的部门按照国务院

规定的权限责令限期治理。

对高耗能的特种设备，按照国务院的规定实行节能审查和监管。

第十七条 禁止生产、进口、销售国家明令淘汰或者不符合强制性能源效率标准的用能产品、设备；禁止使用国家明令淘汰的用能设备、生产工艺。

第十八条 国家对家用电器等使用面广、耗能量大的用能产品，实行能源效率标识管理。实行能源效率标识管理的产品目录和实施办法，由国务院管理节能工作的部门会同国务院产品质量监督部门制定并公布。

第十九条 生产者和进口商应当对列入国家能源效率标识管理产品目录的用能产品标注能源效率标识，在产品包装物上或者说明书中予以说明，并按照规定报国务院产品质量监督部门和国务院管理节能工作的部门共同授权的机构备案。

生产者和进口商应当对其标注的能源效率标识及相关信息的准确性负责。禁止销售应当标注而未标注能源效率标识的产品。

禁止伪造、冒用能源效率标识或者利用能源效率标识进行虚假宣传。

第二十条 用能产品的生产者、销售者，可以根据自愿原则，按照国家有关节能产品认证的规定，向经国务院认证认可监督管理部门认可的从事节能产品认证的机构提出节能产品认证申请；经认证合格后，取得节能产品认证证书，可以在用能产品或者其包装物上使用节能产品认证标志。

禁止使用伪造的节能产品认证标志或者冒用节能产品认证标志。

第二十一条 县级以上各级人民政府统计部门应当会同同级有关部门，建立健全能源统计制度，完善能源统计指标体系，改进和规范能源统计方法，确保能源统计数据真实、完整。

国务院统计部门会同国务院管理节能工作的部门，定期向社会公布各省、自治区、直辖市以及主要耗能行业的能源消费和节能情况等信息。

第二十二条 国家鼓励节能服务机构的发展，支持节能服务机构开展节能咨

询、设计、评估、检测、审计、认证等服务。

国家支持节能服务机构开展节能知识宣传和节能技术培训，提供节能信息、节能示范和其他公益性节能服务。

第二十三条 国家鼓励行业协会在行业节能规划、节能标准的制定和实施、节能技术推广、能源消费统计、节能宣传培训和信息咨询等方面发挥作用。

第三章 合理使用与节约能源

第一节 一般规定

第二十四条 用能单位应当按照合理用能的原则，加强节能管理，制定并实施节能计划和节能技术措施，降低能源消耗。

第二十五条 用能单位应当建立节能目标责任制，对节能工作取得成绩的集体、个人给予奖励。

第二十六条 用能单位应当定期开展节能教育和岗位节能培训。

第二十七条 用能单位应当加强能源计量管理，按照规定配备和使用经依法检定合格的能源计量器具。

用能单位应当建立能源消费统计和能源利用状况分析制度，对各类能源的消费实行分类计量和统计，并确保能源消费统计数据真实、完整。

第二十八条 能源生产经营单位不得向本单位职工无偿提供能源。任何单位不得对能源消费实行包费制。

第二节 工业节能

第二十九条 国务院和省、自治区、直辖市人民政府推进能源资源优化开发利用和合理配置，推进有利于节能的行业结构调整，优化用能结构和企业布局。

第三十条 国务院管理节能工作的部门会同国务院有关部门制定电力、钢

铁、有色金属、建材、石油加工、化工、煤炭等主要耗能行业的节能技术政策，推动企业节能技术改造。

第三十一条 国家鼓励工业企业采用高效、节能的电动机、锅炉、窑炉、风机、泵类等设备，采用热电联产、余热余压利用、洁净煤以及先进的用能监测和控制等技术。

第三十二条 电网企业应当按照国务院有关部门制定的节能发电调度管理的规定，安排清洁、高效和符合规定的热电联产、利用余热余压发电的机组以及其他符合资源综合利用规定的发电机组与电网并网运行，上网电价执行国家有关规定。

第三十三条 禁止新建不符合国家规定的燃煤发电机组、燃油发电机组和燃煤热电机组。

第三节 建筑节能

第三十四条 国务院建设主管部门负责全国建筑节能的监督管理工作。

县级以上地方各级人民政府建设主管部门负责本行政区域内建筑节能的监督管理工作。

县级以上地方各级人民政府建设主管部门会同同级管理节能工作的部门编制本行政区域内的建筑节能规划。建筑节能规划应当包括既有建筑节能改造计划。

第三十五条 建筑工程的建设、设计、施工和监理单位应当遵守建筑节能标准。

不符合建筑节能标准的建筑工程，建设主管部门不得批准开工建设；已经开工建设的，应当责令停止施工、限期改正；已经建成的，不得销售或者使用。

建设主管部门应当加强对在建建筑工程执行建筑节能标准情况的监督检查。

第三十六条 房地产开发企业在销售房屋时，应当向购买人明示所售房屋的

节能措施、保温工程保修期等信息，在房屋买卖合同、质量保证书和使用说明书中载明，并对其真实性、准确性负责。

第三十七条 使用空调采暖、制冷的公共建筑应当实行室内温度控制制度。具体办法由国务院建设主管部门制定。

第三十八条 国家采取措施，对实行集中供热的建筑分步骤实行供热分户计量、按照用热量收费的制度。新建建筑或者对既有建筑进行节能改造，应当按照规定安装用热计量装置、室内温度调控装置和供热系统调控装置。具体办法由国务院建设主管部门会同国务院有关部门制定。

第三十九条 县级以上地方各级人民政府有关部门应当加强城市节约用电管理，严格控制公用设施和大型建筑物装饰性景观照明的能耗。

第四十条 国家鼓励在新建建筑和既有建筑节能改造中使用新型墙体材料等节能建筑材料和节能设备，安装和使用太阳能等可再生能源利用系统。

第四节 交通运输节能

第四十一条 国务院有关交通运输主管部门按照各自的职责负责全国交通运输相关领域的节能监督管理工作。

国务院有关交通运输主管部门会同国务院管理节能工作的部门分别制定相关领域的节能规划。

第四十二条 国务院及其有关部门指导、促进各种交通运输方式协调发展和有效衔接，优化交通运输结构，建设节能型综合交通运输体系。

第四十三条 县级以上地方各级人民政府应当优先发展公共交通，加大对公共交通的投入，完善公共交通服务体系，鼓励利用公共交通工具出行；鼓励使用非机动车工具出行。

第四十四条 国务院有关交通运输主管部门应当加强交通运输组织管理，引导道路、水路、航空运输企业提高运输组织化程度和集约化水平，提高能源利用

效率。

第四十五条 国家鼓励开发、生产、使用节能环保型汽车、摩托车、铁路机车车辆、船舶和其他交通运输工具，实行老旧交通运输工具的报废、更新制度。

国家鼓励开发和推广应用交通运输工具使用的清洁燃料、石油替代燃料。

第四十六条 国务院有关部门制定交通运输营运车船的燃料消耗量限值标准；不符合标准的，不得用于营运。

国务院有关交通运输主管部门应当加强对交通运输营运车船燃料消耗检测的监督管理。

第五节 公共机构节能

第四十七条 公共机构应当厉行节约，杜绝浪费，带头使用节能产品、设备，提高能源利用效率。

本法所称公共机构，是指全部或者部分使用财政性资金的国家机关、事业单位和团体组织。

第四十八条 国务院和县级以上地方各级人民政府管理机关事务工作的机构会同同级有关部门制定和组织实施本级公共机构节能规划。公共机构节能规划应当包括公共机构既有建筑节能改造计划。

第四十九条 公共机构应当制定年度节能目标和实施方案，加强能源消费计量和监测管理，向本级人民政府管理机关事务工作的机构报送上年度的能源消费状况报告。

国务院和县级以上地方各级人民政府管理机关事务工作的机构会同同级有关部门按照管理权限，制定本级公共机构的能源消耗定额，财政部门根据该定额制定能源消耗支出标准。

第五十条 公共机构应当加强本单位用能系统管理，保证用能系统的运行符合国家相关标准。

公共机构应当按照规定进行能源审计，并根据能源审计结果采取提高能源利用效率的措施。

第五十一条 公共机构采购用能产品、设备，应当优先采购列入节能产品、设备政府采购名录中的产品、设备。禁止采购国家明令淘汰的用能产品、设备。

节能产品、设备政府采购名录由省级以上人民政府的政府采购监督管理部门会同同级有关部门制定并公布。

第六节 重点用能单位节能

第五十二条 国家加强对重点用能单位的节能管理。

下列用能单位为重点用能单位：

(一) 年综合能源消费总量一万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五千吨以上不满一万吨标准煤的用能单位。

重点用能单位节能管理办法，由国务院管理节能工作的部门会同国务院有关部门制定。

第五十三条 重点用能单位应当每年向管理节能工作的部门报送上年度的能源利用状况报告。能源利用状况包括能源消费情况、能源利用效率、节能目标完成情况和节能效益分析、节能措施等内容。

第五十四条 管理节能工作的部门应当对重点用能单位报送的能源利用状况报告进行审查。对节能管理制度不健全、节能措施不落实、能源利用效率低的重点用能单位，管理节能工作的部门应当开展现场调查，组织实施用能设备能源效率检测，责令实施能源审计，并提出书面整改要求，限期整改。

第五十五条 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、实际经验以及中级以上技术职称的人员中聘任能源管理负责人，并报管理节能工作的部门和有关部门备案。

能源管理负责人负责组织对本单位用能状况进行分析、评价，组织编写本单位能源利用状况报告，提出本单位节能工作的改进措施并组织实施。

能源管理负责人应当接受节能培训。

第四章 节能技术进步

第五十六条 国务院管理节能工作的部门会同国务院科技主管部门发布节能技术政策大纲，指导节能技术研究、开发和推广应用。

第五十七条 县级以上各级人民政府应当把节能技术研究开发作为政府科技投入的重点领域，支持科研单位和企业开展节能技术应用研究，制定节能标准，开发节能共性和关键技术，促进节能技术创新与成果转化。

第五十八条 国务院管理节能工作的部门会同国务院有关部门制定并公布节能技术、节能产品的推广目录，引导用能单位和个人使用先进的节能技术、节能产品。

国务院管理节能工作的部门会同国务院有关部门组织实施重大节能科研项目、节能示范项目、重点节能工程。

第五十九条 县级以上各级人民政府应当按照因地制宜、多能互补、综合利用、讲求效益的原则，加强农业和农村节能工作，增加对农业和农村节能技术、节能产品推广应用的资金投入。

农业、科技等有关主管部门应当支持、推广在农业生产、农产品加工储运等方面应用节能技术和节能产品，鼓励更新和淘汰高耗能的农业机械和渔业船舶。

国家鼓励、支持在农村大力发展沼气，推广生物质能、太阳能和风能等可再生能源利用技术，按照科学规划、有序开发的原则发展小型水力发电，推广节能型的农村住宅和炉灶等，鼓励利用非耕地种植能源植物，大力发展薪炭林等能源林。

第五章 激励措施

第六十条 中央财政和省级地方财政安排节能专项资金,支持节能技术研究开发、节能技术和产品的示范与推广、重点节能工程的实施、节能宣传培训、信息服务和表彰奖励等。

第六十一条 国家对生产、使用列入本法第五十八条规定的推广目录的需要支持的节能技术、节能产品,实行税收优惠等扶持政策。

国家通过财政补贴支持节能照明器具等节能产品的推广和使用。

第六十二条 国家实行有利于节约能源资源的税收政策,健全能源矿产资源有偿使用制度,促进能源资源的节约及其开采利用水平的提高。

第六十三条 国家运用税收等政策,鼓励先进节能技术、设备的进口,控制在生产过程中耗能高、污染重的产品的出口。

第六十四条 政府采购监督管理部门会同有关部门制定节能产品、设备政府采购名录,应当优先列入取得节能产品认证证书的产品、设备。

第六十五条 国家引导金融机构增加对节能项目的信贷支持,为符合条件的节能技术研究开发、节能产品生产以及节能技术改造等项目提供优惠贷款。

国家推动和引导社会有关方面加大对节能的资金投入,加快节能技术改造。

第六十六条 国家实行有利于节能的价格政策,引导用能单位和个人节能。

国家运用财税、价格等政策,支持推广电力需求侧管理、合同能源管理、节能自愿协议等节能办法。

国家实行峰谷分时电价、季节性电价、可中断负荷电价制度,鼓励电力用户合理调整用电负荷;对钢铁、有色金属、建材、化工和其他主要耗能行业的企业,分淘汰、限制、允许和鼓励类实行差别电价政策。

第六十七条 各级人民政府对在节能管理、节能科学研究和推广应用中有显著成绩以及检举严重浪费能源行为的单位和个人,给予表彰和奖励。

第六章 法律责任

第六十八条 负责审批或者核准固定资产投资项目的机关违反本法规定，对不符合强制性节能标准的项目予以批准或者核准建设的，对直接负责的主管人员和其他直接责任人员依法给予处分。

固定资产投资项目建设单位开工建设不符合强制性节能标准的项目或者将该项目投入生产、使用的，由管理节能工作的部门责令停止建设或者停止生产、使用，限期改造；不能改造或者逾期不改造的生产性项目，由管理节能工作的部门报请本级人民政府按照国务院规定的权限责令关闭。

第六十九条 生产、进口、销售国家明令淘汰的用能产品、设备的，使用伪造的节能产品认证标志或者冒用节能产品认证标志的，依照《中华人民共和国产品质量法》的规定处罚。

第七十条 生产、进口、销售不符合强制性能源效率标准的用能产品、设备的，由产品质量监督部门责令停止生产、进口、销售，没收违法生产、进口、销售的用能产品、设备和违法所得，并处违法所得一倍以上五倍以下罚款；情节严重的，由工商行政管理部门吊销营业执照。

第七十一条 使用国家明令淘汰的用能设备或者生产工艺的，由管理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，可以由管理节能工作的部门提出意见，报请本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。

第七十二条 生产单位超过单位产品能耗限额标准用能，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，可以由管理节能工作的部门提出意见，报请本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。

第七十三条 违反本法规定，应当标注能源效率标识而未标注的，由产品质量监督部门责令改正，处三万元以上五万元以下罚款。

违反本法规定，未办理能源效率标识备案，或者使用的能源效率标识不符合规定的，由产品质量监督部门责令限期改正；逾期不改正的，处一万元以上三万元以下罚款。

伪造、冒用能源效率标识或者利用能源效率标识进行虚假宣传的，由产品质量监督部门责令改正，处五万元以上十万元以下罚款；情节严重的，由工商行政管理部门吊销营业执照。

第七十四条 用能单位未按照规定配备、使用能源计量器具的，由产品质量监督部门责令限期改正；逾期不改正的，处一万元以上五万元以下罚款。

第七十五条 瞒报、伪造、篡改能源统计资料或者编造虚假能源统计数据，依照《中华人民共和国统计法》的规定处罚。

第七十六条 从事节能咨询、设计、评估、检测、审计、认证等服务的机构提供虚假信息的，由管理节能工作的部门责令改正，没收违法所得，并处五万元以上十万元以下罚款。

第七十七条 违反本法规定，无偿向本单位职工提供能源或者对能源消费实行包费制的，由管理节能工作的部门责令限期改正；逾期不改正的，处五万元以上二十万元以下罚款。

第七十八条 电网企业未按照本法规定安排符合规定的热电联产和利用余热余压发电的机组与电网并网运行，或者未执行国家有关上网电价规定的，由国家电力监管机构责令改正；造成发电企业经济损失的，依法承担赔偿责任。

第七十九条 建设单位违反建筑节能标准的，由建设主管部门责令改正，处二十万元以上五十万元以下罚款。

设计单位、施工单位、监理单位违反建筑节能标准的，由建设主管部门责令改正，处十万元以上五十万元以下罚款；情节严重的，由颁发资质证书的部门降低资质等级或者吊销资质证书；造成损失的，依法承担赔偿责任。

第八十条 房地产开发企业违反本法规定，在销售房屋时未向购买人明示所

售房屋的节能措施、保温工程保修期等信息的，由建设主管部门责令限期改正，逾期不改正的，处三万元以上五万元以下罚款；对以上信息作虚假宣传的，由建设主管部门责令改正，处五万元以上二十万元以下罚款。

第八十一条 公共机构采购用能产品、设备，未优先采购列入节能产品、设备政府采购名录中的产品、设备，或者采购国家明令淘汰的用能产品、设备的，由政府采购监督管理部门给予警告，可以并处罚款；对直接负责的主管人员和其他直接责任人员依法给予处分，并予通报。

第八十二条 重点用能单位未按照本法规定报送能源利用状况报告或者报告内容不实的，由管理节能工作的部门责令限期改正；逾期不改正的，处一万元以上五万元以下罚款。

第八十三条 重点用能单位无正当理由拒不落实本法第五十四条规定的整改要求或者整改没有达到要求的，由管理节能工作的部门处十万元以上三十万元以下罚款。

第八十四条 重点用能单位未按照本法规定设立能源管理岗位，聘任能源管理负责人，并报管理节能工作的部门和有关部门备案的，由管理节能工作的部门责令改正；拒不改正的，处一万元以上三万元以下罚款。

第八十五条 违反本法规定，构成犯罪的，依法追究刑事责任。

第八十六条 国家工作人员在节能管理工作中滥用职权、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，依法给予处分。

第七章 附 则

第八十七条 本法自 2008 年 4 月 1 日起施行。