

Directory Catalogue on Readjustment of Industrial Structure
(2011 Version)

I Catalogue of Encouraged Investment Industries

1. Agriculture and forestry and related industries
2. Irrigation works
3. Coal
4. Power
5. New Energy
6. Nuclear Energy
7. Petroleum and Natural Gas
8. Iron & Steel
 - (1) Exploration of ferrous metal mine alternative resource and technological development of key exploration
 - (2) Advanced technology development and application as to coal moisture control ...and coke oven gas with using high added value
 - (3) Noncoking ironmaking
 - (4) Advanced PWR nuclear power tubeand High corrosion resistance chemical pipe production
 - (5) Technology of high-performance, high quality and upgrade and update steel product development and application, including
 - (6) The technology of on-line heated, controlled and forced cool new TMCP application
 - (7) Development and production of UHP electrode,and graphitization furnace
 - (8) Production technology of economizing, longevity and environmental refractory using in coke oven, blast furnace and hot blast stove; production technology of low or no carbon refractory and efficient, continuous casting and environmental refractory using in purified steel.
 - (9) On-line quality testing technology application in productive process
 - (10) Disposing waste using steel production equipment
 - (11) Multifunction dry removal of desulphurization, denitration and sintering flue gas, and recycling and reusing technology of byproduct
 - (12) Comprehensive utilize advanced productive technology of lean ore and associated ore
 - (13) Comprehensive utilize advanced productive technology of metallurgy solid waste
 - (14) New productive technology of smelting iron alloy from low grade manganese ore, and RKEF productive technology of refining ferronickel from lateritic-nickel-ore
 - (15) Productive technology and equipment of recycling metallurgy waste liquid (including waste water, waste acid, waste oil, etc.)
 - (16) Productive technology of new steel recycling development and application
 - (17) Gas dry degusting of blast furnace and converter
9. Non-ferrous metal
10. Gold
11. Petrochemical and Chemical Industry
12. Building Materials
13. Medicine

14. Machinery
 15. Urban Rail Facilities
 16. Auto
 17. Vessel
 18. Aerospace
 19. Light Industry
 20. Textile
 21. Building
 22. Urban Infrastructure
 23. Railway
 24. Highway and Road Transport
 25. Water Transport
 26. Air Transport
 27. Integrated Transportation
 28. Information Industry
 29. Modern Logistics
 30. Financial Services Industry
 31. Technology Services Industry
 32. Commercial Services Industry
 33. Business & Trade Services Industry
 34. Travel Industry
 35. Post Industry
 36. Education, Culture, Health and Sports Industry
 37. Other service Industry
 38. Environment Protect and Conserving Resources Comprehensive Utilization
 39. Public Security and Emergency Products
 40. Explosion Production
- II Catalogue of Restricted Investment Industries

1. Agriculture and forestry and related industries

2. Coal

3. Power

4. Petrochemical and Chemical Industry

5. Information Industry

6. Iron & Steel

(1) Coking project without dust collector of

(2) 180 m² or less sintering machine

(3)-(5) substandard blast furnace iron making, steel converter and electric furnace

(6)-(8) 1450 mm or less hot rolled strip, 300 thousand tons/year or less hot dip galvanized coil and 200 thousand tons/year or less colour coating plate roll

(9)-(14) Accessory materials, including carbon electrode production lines, graphite electrode production lines, ect.

(15)-(20) ferromanganese blast, ore-smelting electric furnace, etc.

7. Non-ferrous metal

8. Gold

9. Building Materials

10. Medicine

11. Machinery

12. Light Industry

13. Textile

14. Tobacco

15. Fire Protection

16. Explosion Production

17. Other

III Catalogue of Eliminated Investment Industries

Note: the year in the bracket follow the item is time limit of elimination

(I) Backward productive technology equipment

1. Agriculture and forestry and related industries

2. Coal

3. Power

4. Petrochemical and Chemical Industry

5. Steel

(1)-(5) Coke making by indigenous methods, soil sinter and so on
(6)-(10) 400m³ and less blast furnace, 30 tons and less converter, electric furnace, melting iron for steelmaking and so on
(11)-(19) Double duo wire rod mill, hot narrow strip mill, etc.
(20)-(44) Accessory materials, including environmental protection substandard metallurgical furnaces, 100m³ or less ferroalloy ferromanganese blast furnace, lime burning earth kiln and so on

6. Non-ferrous metal

7. Gold

8. Building Materials

9. Medicine

10. Machinery

11. Vessel

12. Light Industry

13. Textile

14. Printing

15. Explosion Production

16. Fire Protection

17. Other

(II) Backward Product

1. Petrochemical and Chemical Industry

2. Railway

3. Steel

(1) Hot-rolled silicon steel

(2) Steel wire and steel strand of ordinary relaxation level

(3) Hot-rolled steel bar: shop sign HRB335, HPB235

4. Non-ferrous metal

5. Building Materials

6. Medicine

7. Machinery

8. Vessel

9. Light Industry

10. Fire Protection

11. Explosion Production

12. Other

ATTACHMENT A43

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 to 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》

【颁布日期】 1995-12-28

【实施日期】 1996-04-01

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规划。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度。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颁发《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，统一定价原则，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的用电安排，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，追缴电费并处交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，处七年以上有期徒刑或者拘役。

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，处三年以上有期徒刑或者拘役；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。

INTERIM REGULATIONS OF THE MINISTRY OF FOREIGN TRADE AND ECONOMIC COOPERATION
ON PUNISHMENT FOR CONDUCT OF EXPORTING AT LOWER-THAN-NORMAL PRICE

(Issued by the Ministry of Foreign Trade and Economic Cooperation on April 4, 1996)

Article 1 These interim regulations are formulated in accordance with the Foreign Trade Law and the Anti-Unfair Competition Law of the People's Republic of China, to ensure orderly development of the country's export trade, safeguard the legitimate rights and interests of the State and enterprises and prevent conduct of exporting at lower-than-normal price.

Article 2 These regulations apply to the conduct of selling export products at lower-than-normal price by export enterprises.

The export enterprises mentioned in these regulations refer to those in the People's Republic of China who engage in foreign trade with approval from the departments in charge of foreign trade and economic cooperation; the export products mentioned refer to the products for export which are produced, manufactured, processed or assembled in the People's Republic of China, and their original is China according to the Rule on the Origin of Export Goods of the People's Republic of China.

Article 3 The Ministry of Foreign Trade and Economic Cooperation of the People's Republic of China (hereinafter referred to as MOFTEC) is the department which is responsible for punishing the conduct of exporting at lower-than-normal price. The work group set up specially for this work in MOFTEC is in charge of investigations related to the punishment of the conduct of exporting at lower-than-normal price, and makes suggestions to MOFTEC on the settlement of any such case.

Article 4 All export enterprises shall make serious market surveys, enhance business accounting, follow the coordination by various chambers of commerce for import and export trade, and set export prices which are suitable in countries to which the goods are exported.

Article 5 A conduct of exporting at lower-than-normal price means that the export price is lower than the necessary price for the product of the enterprise.

The export price shall be calculated based on the amount of foreign

exchange which should be charged on the product of the export enterprise.

The necessary price shall comprise of the cost for the production of the export product in China, the expenses for storage, transport, insurance and management which are needed in foreign trade, and reasonable profit.

Article 6 The MOFTEC shall mete out the following punishments on enterprises which commit conducts of exporting at lower-than-normal price:

1. Circulating a notice of criticism or giving a warning;
2. Export enterprises which cause losses to the state or related enterprises by exporting at lower-than-normal price shall be fined, the fine shall be not less than 60 percent of the actual amount of income from the conduct of exporting at lower-than-normal price;
3. Export enterprises which have repeatedly committed the conduct of exporting at lower-than-normal price and caused serious losses to the state and related enterprises shall be fined in accordance with Section 2 of this Article. If the export enterprise refuses to accept the punishment within 30 days after the fine notice is received, the enterprise's right to applying and bidding for export quotas of the related products or some part of the products shall be suspended or revoked, or its export license for the related products or some part of the products shall be suspended or revoked, or the enterprise's permit to foreign trade shall be suspended or revoked.
4. Apart from the punishments listed in sections 1, 2 and 3, investigations can also be made to affix the administrative or economic responsibility on the legal representative of the enterprise or any person who is directly responsible for the conduct of exporting at lower-than-normal price.

Article 7 Any unit or individual can, on the basis of facts, make a report directly or via a chamber of commerce for import and export trade

or an association of foreign-funded enterprises to the MOFTEC against an export enterprise which has committed the conduct of exporting at lower-than-normal price. The report can include:

1. The name of the product that has been exported at lower-than-normal price;
2. The name of the enterprise which has committed the conduct of exporting at lower-than-normal price;
3. The amount of the exported product and the amount of money involved;
4. relevant documents and materials that can prove the conduct of exporting at lower-than-normal price.

Article 8 The MOFTEC shall, based on a report or any other tips, make a decision on whether to place a case on file for investigation of the export enterprise which has been charged with committing the conduct of exporting at lower-than-normal price. Such a decision shall be made within 30 days after a report is received.

Article 9 After the case is placed on file, the MOFTEC can entrust the related chamber of commerce for import and export trade, association of foreign-funded enterprises or local department in charge of foreign trade and economic cooperation to make an investigation of the export enterprise which has been charged with committing the conduct of exporting at lower-than-normal price. When the case is serious, the MOFTEC can make the investigation itself. The investigation shall cover any such conduct within one year before the date the case is placed on file.

Article 10 The decision on place a case on file for investigation shall be made in written form, which will include the facts that have been known, the name of the enterprise to be investigated and the name of the institution entrusted to carry out the investigation, and the decision shall be made public.

Article 11 The investigation shall normally end within 90 days from the

date the decision is made public.

The unit entrusted to carry out the investigation shall, within 10 days from the conclusion of the investigation, report the results of the investigation to the MOFTEC and also make suggestions on the settlement of the case.

The MOFTEC shall, based on the results of the investigation and the suggestions, make and publicize a decision in written form on the settlement of the case within 40 days from the conclusion of the investigation. The decision shall take effect on the day it is made public.

Article 12 The MOFTEC shall, in accordance with relevant state laws and regulations, keep confidential the report against the conduct of exporting at lower-than-normal price made by any unit or individual.

The MOFTEC shall award and commend any unit or individual who retrieves a loss for the state or enterprise.

Article 13 In case a punished export enterprise, legal representative or person directly responsible for the conduct of exporting at lower-than-normal price disagrees with the punishment decision, the enterprise, representative or person can apply to the Administrative Appeal

Committee of MOFTEC for re-examination of the case in accordance with

the Regulations on Administrative Appeal of the People's Republic of China; in case the party still disagrees with the reexamination

decision, it can take legal proceedings against the decision at a

people's court in accordance with the Administrative Procedure Law of the People's Republic of China. The original punishment decision shall

remain effective during the period of appealing for re-examination or

legal proceedings.

Article 14 These regulations apply to any conduct of exporting at lower- than-normal price that occurs after the regulations go into force.

Article 15 The right to interpret these regulations resides in the MOFTEC.

Article 16 These regulations go into force on the date they are made public.

对外贸易经济合作部关于处罚低价出口行为的暂行规定

1996年3月20日对外贸易经济合作部令第1号发布

第一条 为有序地发展中华人民共和国的出口贸易，维护国家和企业的合法权益，防止低价出口行为，根据《中华人民共和国对外贸易法》和《中华人民共和国反不正当竞争法》，特制定本规定。

第二条 本规定适用于出口企业的低价出口产品行为。

本规定中出口企业指在中华人民共和国境内的获得对外经济贸易主管部门许可的对外贸易经营者；出口产品指在中华人民共和国境内生产、制造或加工、装配，并根据《中华人民共和国出口货物原产地规则》的规定，原产地为中国的出口产品。

第三条 中华人民共和国对外贸易经济合作部（以下简称外经贸部）是处罚低价出口行为的主管部门。

外经贸部处罚低价出口行为立案调查工作小组，依本规定负责调查低价出口行为，并向外经贸部提出处理建议。

第四条 各出口企业应认真做好市场调研，加强经济核算，服从各进出口商会的协调，制定符合进口国市场水平的出口价格。

第五条 出口价格低于本企业该项产品的应售价格的为低价出口行为。

出口价格应以出口企业对该产品应收或实收的外汇金额为基础进行计算。

应售价格应由出口产品的境内生产成本、对外贸易所需的储运、保险、管理费用加上合理利润构成。

第六条 出口企业凡有低价出口行为的，外经贸部视情况给予下列处罚：

一、公开通报批评或警告；

二、因出口企业低价出口行为给国家和有关企业造成经济损失的，处以相应罚款。罚款金额不超过低价出口产品实售金额的60%；

三、出口企业屡次发生低价出口行为并给国家和有关企业造成严重经济损失的，依本条第二款处以罚款，自收到罚款处罚通知之日起30日内拒不执行的，暂停或取消其相关产品或部分产品的出口配额申请权和投标权，暂停或取消其相关产品或部分产品的出口许可，直至暂停或撤销其对外贸易经营许可；

四、除上述一、二、三款规定的处罚外，还可追究或责成有关部门追究该企业法定代表人和直接责任人的行政责任或经济责任。

第七条 任何单位或个人均可依据事实对有低价出口行为的出口企业直接或通过进出

口商会、外商投资企业协会向外经贸部举报。举报内容可包括：

一、低价出口的产品名称；

二、低价出口的企业名称；

三、低价出口的金额和数量；

四、证明低价出口行为的有关单证。

第八条 外经贸部根据举报或其他线索可决定是否对有低价出口行为的出口企业予以立案调查。是否立案调查的决定应在收到举报之日起 30 日内做出。

第九条 立案后，外经贸部可委托有关进出口商会、外商投资企业协会或地方外经贸主管部门负责调查低价出口行为。遇有重大案件时，外经贸部可自行开展调查。调查期间为立案调查之日起前 1 年内的出口行为。

第十条 立案进行调查的决定应以书面形式做出，包括已知的事实、被调查单位名称和受托调查的相关机构名称，并予以公布。

第十一条 调查一般在立案进行调查决定公布之日起的 90 日内结束。

被授权调查的单位应在调查结束后 10 日内向外经贸部报告调查结果并可提出处理建议。

外经贸部应根据调查结果及处理建议在调查结束后 45 日做出书面处理决定，并于公布。决定自公布之日起生效。

第十二条 外经贸部根据国家有关法律、法规的规定对举报单位或个人的举报行为予以保密。

对为国家和企业挽回经济损失的举报单位或个人，外经贸部给予奖励或鼓励。

第十三条 被处罚的出口企业、法定代表人或直接责任人对外经贸部的处罚决定不服的，可依《中华人民共和国行政复议条例》向外经贸部行政复议委员会申请复议；对复议不服的，可依《中华人民共和国行政诉讼法》向人民法院提起诉讼。复议和行政诉讼期间，原处罚决定继续有效。

第十四条 本规定适用于其生效后发生的低价出口行为。

第十五条 本规定由外经贸部负责解释。

第十六条 本规定自公布之日起施行。

ATTACHMENT A34

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会第三十次会议于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会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会第三十次会议修订)

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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发电机组。

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的，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

害房屋的节能措施、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。

Announcement of 2010 enterprises list of elimination of backward production capacities in industry sector

Ministry of Industry and Information Technology Announcement

Gongchanyue [2010] No 111

In accordance with the requirement of *Notice of the State Council on Further Strengthening the Elimination of Backward Production Capacities* (Guofa [2010] No 7), *Circular of the State Council on Further Strengthening Work to Ensure Realization of the "Eleventh Five-year" Goal of Energy Saving and Carbon Emission Reduction* (Guofa [2010] No. 12) and *Notice as to assign 2010 Target Task of Elimination of Backward Production Capacities in Industry Sector* (Gongxin Industry [2010]No.251), until now, all provinces, autonomous region and municipalities already assigned 2010 target task of elimination of backward production capacities in industry sector to enterprises, and announced enterprises list of elimination of backward production capacities on local media. On the basis of enterprises list of elimination of backward production announced by all provinces, autonomous region and municipalities, enterprises list of elimination of backward production capacities in 2010, including puddling, steel-making, coke, ferroalloy, calcium carbide, electrolytic aluminum, copper smelting, lead smelting, zinc smelting, cement, glass, papermaking, ethyl alcohol, monosodium glutamate, citric acid, leather, printing and dyeing, chemical fiber and other industries, are hereby published (see the appendix). The authorities concerned shall make some measures to ensure close backward production of the enterprises in the list before September 2010.

Appendix: 2010 enterprises list of elimination of backward production capacities in industry sector

Ministry of Industry and Information Technology

August 5th, 2010

2010 Enterprises list of Elimination Steel - making Production Capacities

Serial No.	Province	Enterprise Name	Model and Quantity of Elimination Production Line(Equipment)	Production Capacity (million ton)
1	Hebei	Xinji City Aosen Steel Co.,Ltd	30 ton converter*3	108
2	Hebei	Xingtai Delong Steel Co., Ltd	20 ton converter*1	24
3	Hebei	Hegang Group Handan Steel Group Co., Ltd	25 ton converter*3	90
4	Shaanxi	Linfen City Yaodu District Changfeng Special Steel Co., Ltd	18 ton converter*1	20
5	Heilongjiang	Dongbei Tegang Group Beiman Special Steel Co., Ltd	20 ton electric furnace*1	11
6	Heilongjiang	Xilin Steel Group Co., Ltd	30 ton arc furnace*1	35
7	Jiangsu	Nanjing No.2 Steel Factory	20 ton electric furnace*1, 20 ton converter*1	60
8	Zhejiang	Hangzhou Zhongqiang Zhagun Co., Ltd	intermediate frequency furnace	10
9	Zhejiang	Zhenhai Guangxin Special Steel Factory	30 ton intermediate frequency furnace*3	17
10	Zhejiang	Ningbo Guangfa Special Steel Factory	1 ton intermediate frequency furnace*2	0.3
11	Zhejiang	Ningbo Xingfa Special Stainless Co., Ltd	2 ton intermediate frequency furnace*2	0.5
12	Jiangxi	Xinyu Steel Group Co., Ltd	20 ton converter*3	100

Serial No.	Province	Enterprise Name	Model and Quantity of Elimination Production Line(Equipment)	Production Capacity (million ton)
13	Henan	Lankao County Xiansheng Smelting&Casting Factory	2.5 ton electric furnace*2	1
14	Henan	Kaifeng Bianjiang Industry Co., Ltd	25 ton converter	25
15	Henan	Tongbai County Shengda Gold Machinery Manufacture Co., Ltd	electric furnace*3, cupola*1	1.1
16	Henan	Wen County Xinyuan Coal Mine Equipment Co., Ltd	10 ton electric furnace*1, 5 ton electric furnace*1	3.3
17	Hubei	Shiyan Fuyan Steel Co., Ltd	30 ton electric furnace*2	30
18	Hubei	Mangcheng City Xinxiu Jingmi Casting Co., Ltd	intermediate frequency furnace5 ton*3+3 ton*2+2 ton*5	20
19	Hunan	Lianyuan Steel Group Co., Ltd	50 ton converter*1	50
20	Guangdong	Guangdong Shaoguan Steel Group Co., Ltd	15 ton converter*2	75
21	Guangdong	Guangdong Yangchun Steel Group Chungang Co., Ltd	10 ton converter*2	50
			15 ton converter*1	
22	Hainan	Hainan Jianxing Jifei Used Metal Comprehensive Utilization Co., Ltd	intermediate frequency furnace*4	30
23	Sichuan	Chengdu City Sanyi Special Steel Co., Ltd	10 ton electric furnace	5
24	Sichuan	Dujiangyan City Minyu Metal Product Co., Ltd	intermediate frequency furnace*5	7

Serial No.	Province	Enterprise Name	Model and Quantity of Elimination Production Line(Equipment)	Production Capacity (million ton)
25	Chongqing	Chongqing Steel (Group) Co., Ltd	120 ton converter*1	80
26	Yunnan	Heping Liliang Steel Co., Ltd	15 ton converter	15
27	Xinjiang	Bazhou Hongchang Steel Radiator Manufacture Co., Ltd	0.5 ton intermediate frequency furnace*2, 2 ton cupola*1	0.2
28	Xinjiang	Jichang City Changhong Zhagang Factory	1 ton electric furnace	8

**Releasing The Total Volume of Export Quota of Farm Produce and
Manufactured Goods of 2010**

Notice (2009) No.88

According to the Regulation of the People's Republic of China on the Administration of the Import and Export of Goods and Administrative Measures of Export Products Quota, current release the total volume of export quota of farm produce and manufactured goods of 2010. The applicants for quota who meet the requirements can make applications via the administrative authorities of commerce of each province, autonomous regions and municipalities, plan list cities, and Xinjiang Production and Construction Corps or directly apply to Ministry of Commerce. The acceptance period of Ministry is from Nov.1st to Nov.15th, 2009.

Attachment: the total volume of export quota of farm produce and manufactured goods of 2010.

Ministry of Commerce
Oct. 29th, 2009

Attachment:

The Total Volume of Export Quota of Farm Produce and Manufactured Goods of 2010

Category	Product Name	Unit	The Total Volume of Quota
Farm Produce	Converted timber	10 thousand cubic meter	26
	Mat rush and its product	10 thousand kilo	3200
	Large-living pigs	10 thousand head	180
	Including: Hong Kong	10 thousand head	165
	Macau	10 thousand head	15
	Medium-living pigs	10 thousand head	8.24
	Including: Hong Kong	10 thousand	8

Category	Product Name	Unit	The Total Volume of Quota
		head	
	Macau	10 thousand head	0.24
	Live cattle	10 thousand head	5.72
	Including: Hong Kong	10 thousand head	5
	Macau	10 thousand head	0.72
	Live	10 thousand	1340
	Including: Hong Kong	10 thousand	1000
	Macau	10 thousand	340
Manufactured goods	Wolfram and its product (the amount of metal converted to)	10 thousand ton	1.43
	Tin and its product (the amount of metal converted to)	10 thousand ton	2.1
	Antimony and its product (the amount of metal converted to)	10 thousand ton	5.75
	Molybdenum and its products (the amount of metal converted to)	10 thousand ton	2.55
	Indium and its product	ton	233
	Silver	ton	5100
	Rock Phosphate	10 thousand ton	150
	Magnesia unslacked and magnesia dead-burned	10 thousand ton	133
	Talc	10 thousand ton	61
	Alumina	10 thousand ton	93
	Silicon carbide	10 thousand ton	21.6
	Liquorice and its product	ton	6500

商务部公告 2009 年第 88 号 公布 2010 年农产品和工业品出口配额总量

【发布单位】中华人民共和国商务部

【发布文号】公告 2009 年第 88 号

【发布日期】2009-10-29

根据《中华人民共和国货物进出口管理条例》和《出口商品配额管理办法》，现发布 2010 年农产品和工业品出口配额总量。凡符合条件的配额申请者可按相关规定通过各省、自治区、直辖市、计划单列市及新疆生产建设兵团商务主管部门，或者直接向商务部提出申请。商务部受理申请的时间为 2009 年 11 月 1 日至 11 月 15 日。

附件：2010 年农产品和工业品出口配额总量

中华人民共和国商务部

二〇〇九年十月二十九日

附件:

2010年农产品和工业品出口配额总量

类别	商品名称	单位	配额总量
农产品	锯材	万立方米	26
	蔴草及蔴草制品	万公斤	3200
	活大猪	万头	180
	其中: 香港	万头	165
	澳门	万头	15
	活中猪	万头	8.24
	其中: 香港	万头	8
	澳门	万头	0.24
	活牛	万头	5.72
	其中: 香港	万头	5
	澳门	万头	0.72
	活鸡	万只	1340
	其中: 香港	万只	1000
	澳门	万只	340
工业品	钨及钨制品(折合金属量)	万吨	1.43
	锡及锡制品(折合金属量)	万吨	2.1
	锑及锑制品(折合金属量)	万吨	5.75
	钼及钼制品(折合金属量)	万吨	2.55
	铟及铟制品	吨	233
	白银	吨	5100
	磷矿石	万吨	150
	轻重烧镁	万吨	133
	滑石	万吨	61
	矾土	万吨	93
	碳化硅	万吨	21.6
	甘草及制品	吨	6500

ATTACHMENT A30-ENGLISH

**Notice Regarding Passing Down the 2009 Export Quota of manufactured goods
for Foreign Invested Enterprises of Ministry of Commerce****Shangzhihan (2008) No.92**

The administrative authorities of provinces, autonomous regions and municipalities, plan list cities, and Xinjiang Production and Construction Corps:

According to the relevant regulations for Quota Permit administration of Foreign invested Enterprises, current pass down the volume of export quota of quota permit administrative manufactured goods for FIEs (Hereinto, the cook and the rare earth is the first batch of export volume of this year .) Please notify the related enterprises to receive the export permission by this in accordance with stipulations.

Please do a good job to carry out the organization and implementation for local export quota of manufactured goods of FIEs. And the performance shall be feed back to the Ministry (Bureau of Foreign Trade) at any time. The application of FIEs for reduction, increase, or new approval of export scale, please preliminarily review and report to the ministry.

Attachment: the export volume of 2009 for quota permission administrative manufactured goods of FIEs

Ministry of Commerce
January 9th, 2009

Attachment:

Product Name: Coke		Measures: Ton	
Province	Enterprise	Volume	Note
Shanxi	Shanxi Jinchang Coal Gasification Co., Ltd.	40,000	
	Shanxi Jiexiu Antai Coking Co., Ltd.	115,500	
	Shanxi Sanjia Coalification Co., Ltd.	120,000	
	Shanxi Hong'an Coking Science And Technology Co., Ltd.	80,000	
	Shanxi Senrun Foundry Coke Co., Ltd.	60,000	
	Shanxi Loudong Junan Coal Gasification Co., Ltd.	105,000	
	Shanxi Huitongda Coking Coal Co., Ltd.	25,000	
	Shanxi Jiexiu Sansheng Coking Co.,	25,000	

	Ltd.		
	Shanxi Haizi Coking Co., Ltd.	7,500	
Yunnan	Qujing Dawei Coking Co., Ltd.	12,500	
Henan	Panasonic Carbon (Anyang) Co., Ltd.	500	
Total		591,000	

Product: Rare earth

Measures: Ton

Province	Enterprise	Volume	Note
Jiangsu	Jiangyin Jiahua New Material Resource Co., Ltd.	760	Rare earth oxides
	Liyang Rhodia Rare Earth New Material Co., Ltd.	400	Including 150 tons of rare earth oxides, 250 tons of rare earth salts
	Yixing Xinweilicheng Rare Earth Co., Ltd.	770	Rare earth oxides
Guangdong	Pingyuan Sanjia Rare Earth Smelting Co., Ltd.	85	Including 5 tons of rare earth oxides, 30 tons of rare earth metal, 50 tons of rare earth salts
Anhui	Pule(Hefei)Light Technology Co., Ltd.	0.1	Rare earth oxides
Neimeng	Baotou Tianjiao Qingmei Rare Earth Polishing Powder Co., Ltd.	550	Including 200 tons of rare earth oxides, 350 tons of rare earth salts
	Baotou Rhodia Rare Earth Co., Ltd.	1430	Including 770 tons of rare earth oxides, 40 tons of rare earth metal, 620 tons of rare earth salts
	Huhehaote Rongxin Rare Earth New Metal Co., Ltd.	590	Including 240 tons of rare earth oxides, 350 tons of rare earth metal
	Baotou Huaxin Smelting Co., Ltd.	160	Rare earth oxides
	Baotou Sande Battery Material Co., Ltd.	200	Rare earth oxides
Shandong	Zibo Jiahua New Material Resource Co., Ltd.	1740	Including 270 tons of rare earth oxides, 200 tons of rare earth metal, 1270 tons of rare earth salts

Total	6685.1	
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Other products: Omitted.

ATTACHMENT A30-CHINESE

商务部关于下达外商投资企业 2009 年度工业品出口配额数量的通知

【发布单位】中华人民共和国商务部

【发布文号】商资函〔2008〕92 号

【发布日期】2009-01-09

各省、自治区、直辖市、计划单列市及新疆生产建设兵团商务主管部门：

根据外商投资企业配额许可证管理的有关规定，现将 2009 年外商投资企业配额许可证管理工业品出口配额数量下发你们（其中焦炭、稀土为本年度第一批出口数量）。请通知相关企业凭此文按规定申领出口许可证。

请你们认真做好本地区外商投资企业工业品出口配额的组织实施工作，并将执行情况随时反馈我部（外资司）。对于需调减、增加或新核定出口规模的外商投资企业申请，请及时进行初审后上报我部。

附件：2009 年外商投资企业配额许可证管理工业品出口数量

中华人民共和国商务部

二〇〇九年一月九日

中华人民共和国商务部、海关总署公告 2008 年第 100 号《2009 年出口许可证管理货物目录》

根据《中华人民共和国对外贸易法》和《中华人民共和国货物进出口管理条例》，现发布《2009 年出口许可证管理货物目录》（见附件 1），并就有关问题公告如下：

一、2009 年实行出口许可证管理的 50 种货物，分别实行出口配额许可证、出口配额招标和出口许可证管理。

（一）实行出口配额许可证管理的货物是：玉米、大米、小麦、玉米粉、大米粉、小麦粉、棉花、锯材、活牛（对港澳）、活猪（对港澳）、活鸡（对港澳）、煤炭、焦炭、原油、成品油、稀土、铋及铋制品、钨及钨制品、铟矿砂、锡及锡制品、白银、钨及钨制品、钼、磷矿石。

（二）实行出口配额招标的货物是：茴草及茴草制品、碳化硅、氟石块（粉）、滑石块（粉）、轻（重）烧镁、矾土、甘草及甘草制品。

（三）实行出口许可证管理的货物是：活牛（对港澳以外市场）、活猪（对港澳以外市场）、活鸡（对港澳以外市场）、冰鲜牛肉、冻牛肉、冰鲜猪肉、冻猪肉、冰鲜鸡肉、冻鸡肉、消耗臭氧层物质、石蜡、铋及铋合金、部分金属及制品、铂金（以加工贸易方式出口）、汽车（包括成套散件）及其底盘、摩托车（含全地形车）及其发动机和车架、天然砂（含标准砂）、钨制品、柠檬酸、维生素 C、胍素工业盐、硫酸二铋。

二、除对港澳出口的活牛、活猪、活鸡实行全球许可证下的国别（地区）配额许可证管理，其他出口许可证管理货物目录所列出口货物均实行全球出口许可证管理。除对港、澳、台出口天然砂实行出口许可证管理外，其他地区禁止出口；对标准砂实行全球出口许可证管理。

三、对玉米、大米、煤炭、原油、成品油、棉花、铋及铋制品、钨及钨制品、白银实行国营贸易管理。

四、实行出口配额招标的货物，无论何种贸易方式，各授权发证机构均凭商务部下发的中标企业名单及其中标数量和招标办公室出具的《申领配额招标货物出口许可证证明书》签发出口许可证。

五、以加工贸易方式出口下列货物，按以下规定办理：

（一）以加工贸易方式出口属出口配额许可证管理的货物（但本条第（二）、（三）、（四）、（五）款规定的除外），发证机构凭出口配额、《加工贸易业务批准证》及出口合同（正本复印件）核发出口许可证。

（二）进口用于生产铂金的原料加工复出口铂金（铂或白金），发证机构凭经营企业注册地商务主管部门的《加工贸易业务批准证》、海关加工贸易进口报关单、出口合同（正本复印件）核发出口许可证。

（三）进口原油加工复出口石蜡，进口含白银货物（银粉、未锻造银等及银的半制成品

除外)加工复出口白银,以加工贸易方式出口锌及锌基合金,发证机构凭经营企业注册地省级商务主管部门的《加工贸易业务批准证》、海关加工贸易进口报关单、出口合同(正本复印件)核发出口许可证。其中,白银《加工贸易业务批准证》凭商务部批件核发,发证部门加验商务部批件。

(四)以加工贸易方式出口甘草及甘草制品,发证机构凭经营企业注册地省级商务主管部门的《加工贸易业务批准证》、中国医药保健品进出口商会的《申领加工贸易货物出口许可证证明书》、海关加工贸易进口报关单和出口合同(正本复印件)核发出口许可证。

(五)进口原油加工复出口成品油,免领成品油出口许可证。关于加工贸易项下润滑油(脂)、润滑油基础油出口,按2008年商务部、发展改革委、海关总署第30号公告的有关规定执行。

(六)本条第(一)、(二)、(三)、(四)款所述出口许可证的有效期,按《加工贸易业务批准证》核定的出口期限核发,但不得超过当年12月31日。如《加工贸易业务批准证》核定的出口期限超过当年12月31日,经营者应在原出口许可证有效期内向发证机构换发新一年出口许可证,发证机构收回原证,在发证系统中对原证进行注销,扣除已使用的数量后,按《加工贸易业务批准证》核定的出口期限重新签发新一年度出口许可证,并在备注栏中注明原证证号。

六、根据国务院《关于边境贸易有关问题的通知》(国发[1996]2号)精神,边境小额贸易企业凡出口配额招标的货物、消耗臭氧层物质、汽车(包括成套散件)及其底盘、摩托车(含全地形车)及其发动机和车架,仍按现行有关规定,在商务部授权的发证机构办理出口许可证。边境小额贸易企业出口边境小额贸易出口许可证管理货物(附件2第1-28种),由商务部授权的边境省、自治区商务主管部门根据商务部下达的边境小额贸易出口配额签发出口许可证。边境小额贸易企业出口除本条所述以外的其余列入《2009年出口许可证管理货物目录》的货物,一律免领出口许可证。

七、为保证进出口许可证联网核销的实施,对不实行“一批一证”管理的货物,发证机构在签发出口许可证时必须将许可证“备注”栏内填注“非一批一证”。

实行“非一批一证”管理的货物为:

(一)外商投资企业出口货物;

(二)加工贸易方式出口货物;

(三)补偿贸易项下出口货物;

(四)大米、玉米、小麦、活牛、活猪、活鸡、牛肉、猪肉、鸡肉、原油、成品油、煤炭、汽车(包括成套散件)及其底盘。

“非一批一证”的出口许可证,可在同一口岸多次报关,但不得超过十二次。当十二次报关后,出口许可证虽有余额,海关停止接受报关。

八、消耗臭氧层物质的货样广告品须凭出口许可证出口。

九、企业以一般贸易、加工贸易、边境贸易和捐赠贸易方式出口汽车产品须申请出口许可证；企业以工程承包方式出口汽车产品应申领出口许可证，但不受出口资质管理限制。

十、我国政府在对外援助项下提供的本目录产品不纳入配额和许可证管理。

十一、凡列入禁止出口、出口配额许可证、出口许可证管理货物目录的商品，因添加、混合其它成份、或仅简单加工导致商品编号改变的，须按照原海关商品编号的管理方式进行管理。

十二、凡申报出口的商品成份中含有（添加或混合）禁止出口、出口配额许可证、出口许可证管理的商品（贵金属超过2%、其它超过10%）的，须按含有禁止出口、出口配额许可证、出口许可证管理商品的管理方式进行管理。如已有管理规定对此问题进行明确的，仍按相关管理规定执行。

十三、自2009年1月1日起，取消蚕茧和部分蚕丝出口配额许可证管理。

本目录自2009年1月1日起执行。《2008年出口许可证管理货物目录》同时废止。

二〇〇八年十二月十日

Notice "2009 Export Licensing Management Commodities List" (Ministry of Commerce and General Administration of Customs, Notice (2008) No. 100

According to the Foreign Trade Law of People's Republic of China and Regulation of the People's Republic of China on the Administration of the Import and Export of Goods, now send to you the 2009 Export Licensing Management Commodities List and the notice regarding several issues:

I. the 50 kinds of export license goods will be subject to export quota license, export quota bidding and export license.

- (I) Goods subject to export quota: Corn, Rice, Wheat
- (II) Goods subject to export quota bidding:.....Dead-burned magnesia, Light-burned Magnesia
- (III) Goods subject to export license:Ice fresh beef, frozen beef, Ice fresh pork.....

II. Regulation regarding global export license management

III. State-owned trade management

IV. For goods subject to export quota bidding, no matter which kind of trade, all authorized institutes shall sign the export license according to successful winner name list and quantity published by the Ministry of Commerce, and the export license certificate issued by bidding committee.

V. Regulations regarding Processing Trade:

(I) As goods subject to export quota and processing trade, the license issuing institute shall check and sign the export license upon export quota, Processing Trade Approve Certificate and export contract.

- (II) Issues regarding Platinum
- (III) Issues regarding paraffin and silver
- (IV) Issues regarding liquorices and related product
- (V) Issues regarding product oil

(VI) Period of validity in term (I) (II) (III) (IV) of this provision will be according to the period in Processing Trade Export Certificate, but shall not beyond December 31. If the period in Processing Trade Export Certificate beyond December 31, the owner can apply new export license for the next year within valid period of the former license to license issuing institute. The license issuing institute will take former Certificate back; nullify it after withdrawing quota already used; issue new certificate; also identify former certificate number in the new one.

VI. Issues regarding small trade on border.

VII. Issues regarding goods subject to One trade one certificate.

VIII. Issue regarding advertisement sample goods consuming ozone.

IX. Issues regarding vehicles

X. Goods for aid by the government will not be subject to quota and license management, although included in this catalogue.

XI. The commodity number of goods listed in export prohibited, export quota license or export license, changed since the commodity has been added, mixed with other material, or through simply processing. The goods will be subject to former custom code.

XII. Any export commodity with (added or mixed with) material which is prohibited for export or subject to export quota license, export license (noble metal>2%, others >10%) will be under management for those commodities prohibited for export, export quota license or export license. If there has been specific regulations regarding those commodities, the specific regulation is enforced.

XIII. Issues regarding silkworm and silk.

This catalogue will enter into force from January 1, 2009; the 2008 Export Licensing Management Commodities List will be abolished at the same time.

2008.12.10

Magnesia in the catalogue

Product	Tariff Code	Description
Dead-burned Magnesia/ Light-burned Magnesia	2519100000	Natural Magnesium Carbonate (magnetite)
	2519901000	Fused Magnesia
	2519902000	Dead-burned Magnesia
	2519903000	Light burned Magnesia
	2519909910	Others
	2530909911	Bricks of magnesia waste
	2530909991	Mineral Products with 70% or more of magnesia which are not listed in other items

Measures for the Administration of License for the Export of Goods

Chapter I General Provisions

Article 1 The present Measures are formulated in accordance with the Foreign Trade Law of the People's Republic of China and the Regulation of the People's Republic of China on the Administration of Import and Export of Goods for the purpose of rationally allocating the resources, regulating the order of export business, creating a fair and transparent trade environment, performing international conventions and treaties promised by our country, and maintaining the economic interests of the state and national security.

Article 2 The state applies a uniform system of license for the export of goods. The state shall apply export license administration to the export goods under restriction.

Article 3 The Ministry of Commerce shall be the department of centralized administration of export license of the whole country, and shall be responsible for formulating the rules and regulations on the administration of export license, supervising and inspecting the implementation of the measures for the administration of export license and punishing the rule-breaking acts.

The Ministry of Commerce shall, together with the General Administration of Customs, formulate, adjust, and promulgate the annual Catalogue for Goods Subject to the Administration of Export License. The Ministry of Commerce shall be responsible for formulating, adjusting and promulgating the annual Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License.

The Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License shall be promulgated by the Ministry of Commerce by public notice.

Article 4 The Ministry of Commerce shall authorize the Bureau of Quota License (hereinafter referred to as the License Bureau) to be in uniform charge and direct the work for the issuance of export licenses by the license issuing agencies of the whole country. The License Bureau shall be responsible to the Ministry of Commerce.

Article 5 The License Bureau and the local accredited representatives' offices under the Ministry of Commerce (hereinafter referred to as each accredited representatives' office) and the commerce offices or bureaus and the commissions, offices or bureaus of foreign trade and economic

cooperation of all the provinces, autonomous regions, municipalities directly under the Central Government, cities directly under state planning, and other provincial capital cities authorized by the Ministry of Commerce shall be the export license issuing agencies, and shall, under the uniform administration of the License Bureau, be responsible for the work of issuance of licenses within their respective authorized scopes.

Article 6 The export license as mentioned in the present Measures shall include export quota license and export license. For all the goods subject to the administration of export quota license and export license, a foreign trade operator (hereinafter referred to as an operator) shall apply for export license as required to the designated license issuing agency before export. The customs house shall accept the declaration and release on the basis of the export license.

Article 7 No export license may be sold, transferred, altered, forged or changed.

Chapter II Documents To Be Submitted When Applying for Export License

Article 8 An operator shall carefully fill in one application form (the original) for export license according to the facts when applying for export license, and annex a seal to it. In case the application is filed online, he shall carefully fill in the online electronic application form according to the facts and send it to the corresponding license issuing agency.

Article 9 When applying for an export license, an operator shall submit the relevant quota of export goods or other relevant documents of approval to the license issuing agency.

Article 10 When applying for export license, an operator shall submit to the license issuing agency the Form of Archival Filing and Registration of Foreign Trade Operators annexed with the special seal of archival filing and registration of a foreign trade operator or the Qualification Certificate of the Import and Export Enterprises of the People's Republic of China or the certificate of approval for foreign-funded enterprises (photocopy).

Chapter III Basis for Issuance of Export License

Article 11 Each license issuing agency shall issue export licenses in light of the following provisions on the basis of the scope in the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as formulated by the Ministry of Commerce:

1. For the export commodities subject to quota license administration, the export license shall be issued on the basis of the documents on quotas distributed by the Ministry of Commerce or the

commerce offices or bureaus, commissions, offices and bureaus of foreign trade and economic cooperation of all the provinces, autonomous regions, municipalities directly under the Central Government, cities directly under state planning and other provincial capital cities authorized by the Ministry of Commerce (hereinafter referred to as the local competent departments of commerce) and the export contract of the operator (photocopy of the original);

2. For the export of commodities applying quota bidding, the export license shall be issued on the basis of the name list of the bid-winning operators and the quantities of bid-winning promulgated by the Ministry of Commerce, the Certificate for the Application for Export License of Commodities Applying Quota Bidding or the Certificate for the Transfer and Acceptance of Commodities Applying Quota Bidding, and the export contracts (photocopy of the original) of the bid-winning operators.

3. For the exports of chemicals liable to producing drugs, the export license shall be issued on the basis of the Reply of the Ministry of Commerce on Export of Chemicals Liable To Producing Drugs and the export contracts (photocopy of the original) of the export operators.

4. For the export of computers, the export license shall be issued on the basis of the Examination Form of Export Computer Technologies approved by the Ministry of Commerce and the export contracts (photocopy of the original) of the export operators.

5. For the export of chemicals under supervision and control, the export license shall be issued on the basis of the documents of approval of the Office of State Leading Group for the Performance of the Convention on Prohibition of Chemical Weapons and the export contracts (photocopy of the original) of the operators.

6. For the export of ozonosphere-exhausting materials, the export license shall be issued on the basis of the documents of approval distributed by the Office of Import and Export Administration of Ozonosphere-exhausting Materials of the state and the export contracts (photocopy of the original) of the operators. And

7. For other export commodities subject to the export license administration, the export license shall be issued on the basis of the documents of approval of the Ministry of Commerce and the export contract (photocopy of the original) of the operators.

Article 12 For the goods under processing trade that are subject to export license administration, a license issuing agency shall issue the export license in light of the Catalogue for Goods Subject

to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License formulated by the Ministry of Commerce and on the basis of the Certificate of Approval for the Business of Processing Trade issued by the department of examination and approval for processing trade authorized by the Ministry of Commerce and the documents of approval for export (Commodities subject to the administration of export quotas without using the quantity of quotas shall be based on the documents of approval of the Ministry of Commerce) as prescribed in Article 11 of the present Measures, the customs declaration of import in processing trade and the export contract (photocopy of the original) of operators.

For the export of chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions by way of processing trade, the export license shall be issued according to Article 11 of the present Measures.

Article 13 When a foreign-funded enterprise exports goods subject to export license administration, it shall be handled in light of the following provisions:

1. If a foreign-funded enterprise is to export the goods subject to export quota administration, a license issuing agency shall issue the license on the basis of the quantity of export quota for foreign-funded enterprises granted by the Ministry of Commerce; if it is to export the goods subject to export quota bidding administration, the relevant documents of approval as prescribed in Article 11 (2) shall also be attached; And
2. In case the circumstances of Article 11 (3) to (7) and Article 12 are involved, it shall be handled in light of the provisions of the corresponding articles.

Article 14 In case any solely-owned enterprise, joint venture enterprise or contractual joint venture enterprise established overseas and in Hong Kong and Macao by the enterprises of our country needs the supply of domestic goods subject to export license administration, a license issuing agency shall issue the export license in light of Article 11 of the present Measures on the basis of the documents of approval of the Ministry of Commerce and the certificate of approval for overseas enterprises of the Ministry of Commerce or the certificate of approval for processing and assembling enterprises with overseas materials of the Ministry of Commerce.

Article 15 Where any enterprise which has the qualification for managing foreign economic and

technology cooperation upon the approval of the Ministry of Commerce, exports equipment (including a whole set of equipment), materials, construction appliances and life materials for self-use of its personnel, which fall within the scope of goods subject to the export license administration, for the purpose of performing such projects as overseas contracting engineering, labor service cooperation, or design and consultation, etc., the export license shall be issued in accordance with Article 11 of the present Measures.

Article 16 For the commodities subject to export license administration for self-use needing to be transported out of China in the export of complete sets of equipment, the export license shall be issued according to Article 11 of the present Measures.

Article 17 For the commodities subject to export license administration for repayment of foreign loans or under compensation trade projects, a license issuing agency shall issue the export license according to the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License on the basis of the export quotas granted by the Ministry of Commerce for repayment of foreign loans or that of the compensation trade. Any legal person, other organization or individual that fails to go through archival filing and registration and undertakes the business of repayment of foreign loans or compensation trade shall do export business by entrusting an operator as an agent, and the operator shall apply for the export license.

Article 18 When applying for export licenses, an operator shall declare faithfully in light of the present Measures, and may not falsify, or cheat to obtain the export license by means of false contract or fake documents.

Chapter IV Issuance of Export License

Article 19 Each license issuing agency shall issue the export license for the relevant export goods strictly in accordance with the requirements in the annual Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License within 3 workdays from the date of receiving the application conforming to the requirements, no license may be issued in violation of the provisions. An operator shall, when exporting goods in the Catalogue for Goods Subject to the Administration of Export License, apply for export license to the license issuing agency as designated by the Catalogue for Graded License Issuance of Goods Subject to the Administration

of Export License.

Article 20 The License Bureau, all the accredited representatives' offices and local license issuing agencies shall issue export licenses strictly in accordance with the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as promulgated by the Ministry of Commerce. In case online application for export license is implemented, the handling shall be made in light of the relevant procedures and provisions.

1. The scope of licenses to be issued by the License Bureau:

(1) The export licenses within the scope of authorization of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License shall be issued in light of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce. And

(2) The export licenses of enterprises under the Central Government in Beijing.

2. The scope of licenses to be issued by each accredited representatives' office:

(1) Issuing the export licenses to the operators within the contact area, the enterprises under the Central Government within the contact area, and the subsidiaries of the enterprises under the Central Government in Beijing whose quotas are controlled by the local regions on the basis of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce;

(2) Issuing the export license for quota bidding goods of any operator within the contact area on the basis of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce; and

(3) Issuing the export licenses for other goods as prescribed by the Ministry of Commerce.

3. The scope of licenses to be issued by each local license issuing agency:

(1) Issuing export licenses to local operators according to the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce; and

(2) Issuing the export license for other goods as prescribed by the Ministry of Commerce.

4. Goods whose licenses are issued by the designated license issuing agencies:

For all the goods whose licenses are issued by the license issuing agencies as designated by the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License,

an operator shall apply export license to the designated license issuing agency without exceptions.

Article 21 No license issuing agency may issue any export license without quota, exceeding quota, exceeding power or the scope of license issuance. No staff member of any license issuing agency may neglect his duty, seek private gains or misuse authority during performance of duty, and may not seek for the property of other people by taking advantages of conveniences of his post or take the property of other people illegally for seeking interests for others.

Article 22 The administration of export license shall apply the system of "one license for one customs house", "one batch, one license" and "non-one batch, one license". The "one license for one customs house" shall mean that an export license may only be declared at one customs house; and the "one batch, one license" shall mean that an export license may be used for customs declaration for once within the period of validity.

The system of "non-one batch, one license" shall be implemented under the following circumstances, and the "non-one batch, one license" shall be indicated in the note column when issuing the export license:

1. Goods under export license administration of foreign-funded enterprises;
2. Goods under export license administration in compensation trade; and
3. Other goods under export license administration applying the system of "non-one batch, one license" as prescribed by the Catalogue for Goods Subject to the Administration of Export License.

The "non-one batch, one license" shall mean that an export license may be used for customs declaration for many times within the period of validity, but shall not exceed twelve times at most, and the customs house shall indicate in the "endorsement of customs examination and release" column the amount of outbound cargo batch by batch.

Chapter V Handling of Exceptions

Article 23 The overloaded goods shall be large goods in bulk. The amount of overload shall be handled according to the international trade customs, that is, the amount of overload of large goods in bulk exported after customs declaration shall not exceed 5% of the amount of export as listed in the export license. In the case of large goods in bulk which do not apply the system of "one batch, one license", the amount shall be deducted after checking according to the actual export amount when each batch of the goods is exported, and the amount of overload shall be

computed on the basis of the actual surplus export amount of the license and within 5% of the prescribed upper limit of the overload when the final batch of goods is exported.

A license issuing agency shall issue the license for the export of goods in this category strictly in light of the amount of export quotas and the amount checked by the documents of approval, verifying and deducting the amount of quota according to the actual amount of the licenses issued and shall not issue license on the basis of the amount of export quotas or the amount checked by the documents of approval plus the amount of overload allowed by international trade customs

Article 24 Export license shall be exempted for goods subject to export license administration for project of foreign economic aid. The relevant provisions on the release certificate shall be formulated and promulgated by the Ministry of Commerce, the General Administration of Customs and the State Administration for Quality Inspection, Supervision and Quarantine.

Article 25 Provisions on exhibition articles, exhibition articles for sale and small articles for sale that are taken abroad (out of the territory) to participate in or for holding exhibitions are as follows:

1. The export licenses shall be exempted for exhibition articles not for sale under export license administration, which are taken abroad (out of the territory) to participate in or for holding exhibitions, and the customs shall supervise, examine and release these articles after examination on the basis of the documents of approval for the exhibitions by the department of examination and approval and the customs declaration on export goods. The entities participating in the exhibition shall, within 6 months after the end of the exhibition, carry back exactly the amount of the exhibition articles not for sale to be cancelled by the customs after verification. Under special circumstances, the period may be postponed upon the approval of the customs.
2. Where the exhibition articles for sale and the small articles for sale that are taken abroad (out of the territory) for participating in or holding exhibitions are subject to the export license administration, the entities participating in the exhibitions shall apply to the license issuing agencies as prescribed in the Graded License Issuance Catalogue for the export licenses without using the export quotas on the basis of the documents of approval of the department of examination and approval for foreign economic and trade exhibitions and the exhibition participation certificates of the entity organizing enterprises to take part in foreign economic and trade exhibitions, And

3. For the chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions, the export licenses shall be handled as normal export, and the provisions of items (1) and (2) of this Article shall not be applied.

Article 26 Provisions on the samples of export goods and samples of goods under export license administration that need to be provided for cultural exchange and technology exchange are as follows:

1. For the samples of goods subject to the export license administration or samples for experiment use which are shipped abroad (out of the territory) by an operator, if the value of each batch of goods are RMB 30,000 Yuan or less, the export license shall be exempted, the customs shall check and release the goods on the basis of the customs declaration of the export samples filled in by the operator; if the value exceeds RMB 30,000 Yuan, the goods shall be regarded as being exported normally, and the operator may apply for export license as required. The words "samples of goods" shall be indicated in the note column of the export license. And

2. For the chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions, the export licenses shall be handled as normal export, and the provisions of item (1) of this Article shall not be applied.

Article 27 For the donations provided by the Chinese government to foreign countries according to the agreement or temporary decision between the governments of the two countries, or the materials donated by the Chinese government or organization to the government or organization of the opposite country on the basis of friendship, among which there are goods subject to the export license administration, the export license shall be issued on the basis of the relevant agreements or decisions without using export quotas.

For other donations involving export license administration, the export license shall be issued according to Article 11 of the present Measures.

Chapter VI Period of Validity of Export License

Article 28 The period of validity of export quota shall be before or at December 31st of the current year, unless it is specified differently. An operator shall apply for an export license to the license issuing agency within the period of validity of the quota.

Article 29 Each license issuing agency shall issue export licenses of the next year according to the export quotas granted by the Ministry of Commerce or all local competent department of commerce from December 10 of the current year, the period of validity shall start from January 1 of the next year.

Article 30 The longest period of validity of an export license shall not exceed 6 months and the deadline for the period of validity shall not exceed December 31 of the current year.

Where any goods under quota license administration are exported by way of processing trade, the period of validity of the export license shall be determined according to the time limit for the export as checked by the Certificate of Approval for the Business of Processing Trade, but shall not exceed December 31 of the current year. If the time limit for export determined according to the Certificate of Approval for the Business of Processing Trade exceeds December 31 of the current year, an operator shall apply for issuing a new export license by replacing the original one for the new year to the issuing agency within the period of validity of the original export license. The license issuing agency shall take back the original license and write it off in the license issuing system, and reissue the export license for the new year within the time limit for export as determined according to the Certificate of Approval for the Business of Processing Trade after deducting the amount having been used, and indicate in the note column the number of the original certificate.

The Ministry of Commerce may adjust the period of validity and application time of the export licenses of certain goods according to the specific circumstances.

An export license shall be used within the period of validity, and shall be invalidated automatically if it exceeds the time limit, and the customs shall not release the goods.

Article 31 In case an export license fails to be used within the period of validity due to some reason, an operator shall apply for extension to the original license issuing agency within the period of validity of the export license. The license issuing agency shall take back the original license, and reissue an export license after writing off the original license in the license issuing computer management system, and indicate in the note column the extension use and the number of the original license.

In case an export license is not fully used within the period of validity due to some reason, an operator shall apply for extension for the unused part to the original license issuing agency within

the period of validity of the export license. The license issuing agency shall take back the original license and cancel the original license in the license issuing system after verification, and reissue an export license after deducting the amount that has been used, and indicate in the note column the extension use and the number of the original license.

Where an extension for any export license is handled by using the export quotas of the current year, the longest extension period shall not exceed December 31 of the current year.

In case an application for extension fails to be filed within the period of validity of an export license, the export license shall be invalidated automatically after the expiration of the time limit. The license issuing agency shall not handle formalities for extension of the license any longer. And the amount of goods under the export license shall be regarded as being given up by the quota holder automatically.

Article 32 After an export license is issued, no entity or individual may unlawfully alter the face contents of the license. Where there is necessity to alter the face contents of the license, an operator shall return the export license to the original license issuing agency within the period of validity of the export license, and reapply for an export license.

Article 33 In case an export license having been received is lost, an operator shall report in written forms to the customs house at the export port as indicated in the face of the license and the relevant license issuing agency at once, and publish a "Loss Notice" in national economic newspapers and periodicals. A license issuing agency may write off the license after verifying that the license really has not passed through the customs on the basis of the Loss Notice and issue a new license.

Article 34 In case such entities as the customs, industry and commerce, public security, disciplinary inspection or court need to make inquiry about or investigation into any export license to any license issuing agency, it shall show the relevant certificate according to law, and then the license issuing agency may accept the inquiry.

Article 35 Where any license issuing agency is adjusted, the original license issuing agency shall not issue the export license for the goods subject to the export license administration any longer from the date of adjustment, and shall report the application conditions of the operator before the adjustment to the adjusted license issuing agency. The license applied for and received by the

operator before the adjustment shall be effective continuously within the period of validity. If the license is not used or not fully used within the period of validity, an operator shall go through formalities for extension to the adjusted license issuing agency as required.

Chapter VII Inspection and Punishment

Article 36 The Ministry of Commerce shall authorize the License Bureau to make regular inspections on each license issuing agency. The contents of inspection shall be the implementation of the present Measures by the license issuing agency, and the inspection shall focus on whether there are issues of issuing license by exceeding quotas, without quotas or exceeding power or levels in violation of regulations and other issues in violation of the present Measures. The ways of inspection shall apply the method of combining regular or irregular self-inspection by a license issuing agency with the spot check of the License Bureau.

The License Bureau shall report the inspection conditions to the Ministry of Commerce.

Article 37 Each license issuing agency shall transmit in time the license issuing data in light of the provisions of the Ministry of Commerce on online checking of licenses to ensure the smooth declaration of the operators and the checking of the customs. It shall carefully check up the checking data fed back by the customs, and inspect in time the use of the licenses and find out the existing problems. The License Bureau shall report the checking data fed back by the customs being verified to the Ministry of Commerce periodically.

Article 38 In case any license issuing agency issues licenses by exceeding quotas, without quotas or exceeding power or levels in violation of Article 21 of the present Measures, the Ministry of Commerce shall give it warnings, suspend or cancel its right to issue licenses and other punishment according to the circumstances.

Article 39 Any operator who forges, alters or sells and buys export licenses shall be subject to criminal liabilities in accordance with the provisions of the Criminal Law on the crime of illegal management, or the crimes of forging, altering, selling and buying the documents, certificates or seals of the state organs. If it is not serious enough to be subject to criminal liabilities, he/it shall be punished in accordance with the relevant provisions of the customs law and the relevant laws and regulations.

In case any one obtains any export license by cheating or other illegal means, the Ministry of Commerce shall capture its/his export license.

The Ministry of Commerce may prohibit any violator from undertaking the relevant foreign trade business activities within one to three years from the date when the decision on the administrative punishment in the preceding two paragraphs takes effect or from the date when the judgment on criminal punishment takes effect. Within the period of prohibition, the customs shall not handle formalities for customs declaration and release for the operator according to the prohibition decision made by the Ministry of Commerce, and the department of foreign exchange control or foreign exchange designated banks shall not handle the relevant formalities for settlement and sale of foreign exchange.

Article 40 Any license issued by exceeding quotas, without quotas or exceeding power or levels shall be invalidated. For the export licenses involved in Articles 37 and 38, the Ministry of Commerce shall revoke them once discovering the facts after investigation. For the issues concerning the aforesaid licenses discovered by the customs during actual supervision or case handling, the license issuing agency shall give a clear reply.

Article 41 In case any entity that organizes or participates in any exhibition violates the relevant provisions of paragraph one of Article 25, and fails to carry back the exact amount of exhibition articles not for sale subject to the export license administration for the customs to cancel them after verification, the customs shall notify the Ministry of Commerce. The Ministry of Commerce and the department of examination and approval for foreign economic and trade exhibitions shall give warnings to the entity that organizes or participates in the exhibition, suspend the examination and approval for its overseas (out-of-territory) exhibition articles for one to two years according to the circumstances.

Article 42 In case any staff member of any license issuing agency violates Article 21 of the present Measures and constitutes a crime, he shall be subject to criminal liabilities according to the relevant provisions of the Criminal Law of the People's Republic of China. In case any staff member of any license issuing agency violates the present Measures, which is not serious enough to constitute a crime, he shall be transferred from his work post, and be subject to administrative punishment according to Article 55 or 56 of the Civil Servant Law of the People's Republic of China.

Chapter VIII Supplementary Provisions

Article 43 The relevant existing provisions shall be followed for the goods entering the bonded

warehouses, bonded zones and export processing zones in other districts within the customs districts of China. And the existing provisions shall be followed for the export of goods in the export supervision warehouses, bonded zones and export processing zones.

Article 44 The relevant existing provisions shall still be followed for the export license administration under border trade.

Article 45 The present Measures shall not be applicable to the goods governed by the Export License for Sensitive Items and Technology.

Article 46 The power to interpret the present Measures shall remain with the Ministry of Commerce.

Article 47 The present Measures shall come into force on July 1st, 2008. The former Measures for the Administration of License for the Export of Goods (Order No.28 [2004] of the Ministry of Commerce) shall be abolished simultaneously.

货物出口许可证管理办法

第一章 总 则

第一条 为了合理配置资源,规范出口经营秩序,营造公平透明的贸易环境,履行我国加入的国际公约和条约,维护国家经济利益和安全,根据《中华人民共和国对外贸易法》和《中华人民共和国货物进出口管理条例》,制定本办法。

第二条 国家实行统一的货物出口许可证制度。国家对限制出口的货物实行出口许可证管理。

第三条 商务部是全国出口许可证的归口管理部门,负责制定出口许可证管理办法及规章制度,监督、检查出口许可证管理办法的执行情况,处罚违规行为。

商务部会同海关总署制定、调整和发布年度《出口许可证管理货物目录》。商务部负责制定、调整和发布年度《出口许可证管理货物分级发证目录》。

《出口许可证管理货物目录》和《出口许可证管理分级发证目录》由商务部以公告形式发布。

第四条 商务部授权配额许可证事务局(以下简称许可证局)统一管理、指导全国各发证机构的出口许可证签发工作,许可证局对商务部负责。

第五条 许可证局及商务部驻各地特派员办事处(以下简称各特办)和各省、自治区、直辖市、计划单列市以及商务部授权的其他省会城市商务厅(局)、外经贸委(厅、局)(以下简称各地方发证机构)为出口许可证发证机构,在许可证局统一管理下,负责授权范围内的发证工作。

第六条 本办法所称出口许可证包括出口配额许可证和出口许可证。凡实行出口配额许可证管理和出口许可证管理的货物,对外贸易经营者(以下简称经营者)应当在出口前按规定向指定的发证机构申领出口许可证,海关凭出口许可证接受申报和验放。

第七条 出口许可证不得买卖、转让、涂改、伪造和变造。

第二章 申领出口许可证应当提交的文件

第八条 经营者申领出口许可证时，应当认真如实填写出口许可证申请表（正本）1份，并加盖印章。实行网上申领的，应当认真如实地在线填写电子申请表并传送给相应的发证机构。

第九条 经营者申领出口许可证时，应当向发证机构提交有关出口货物配额或者其他有关批准文件。

第十条 经营者申领出口许可证时，应当向发证机构提交加盖对外贸易经营者备案登记专用章的《对外贸易经营者备案登记表》或者《中华人民共和国进出口企业资格证书》或者外商投资企业批准证书（复印件）。

第三章 出口许可证发证依据

第十一条 各发证机构按照商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》范围，依照下列规定签发出出口许可证：

（一）实行配额许可证管理的出口货物，凭商务部或者各省、自治区、直辖市、计划单列市以及商务部授权的其他省会城市商务厅（局）、外经贸委（厅、局）（以下简称各地商务主管部门）下达配额的文件和经营者的出口合同（正本复印件）签发出出口许可证。

（二）实行配额招标的出口货物，凭商务部发布的中标经营者名单、中标数量、《申领配额招标货物出口许可证证明书》或者《配额招标货物转受让证明书》以及中标经营者的出口合同（正本复印件）签发出出口许可证。

（三）易制毒化学品的出口，凭《商务部易制毒化学品出口批复单》和经营者的出口合同（正本复印件）签发出出口许可证。

（四）计算机的出口，凭商务部批准的《出口计算机技术审查表》和经营者的出口合同（正本复印件）签发出出口许可证。

（五）监控化学品的出口，凭国家履行禁止化学武器公约工作领导小组办公室批准文件和经营者的出口合同（正本复印件）签发出出口许可证。

（六）消耗臭氧层物质的出口，凭国家消耗臭氧层物质进出口管理办公室下发的批准文件和经营者的出口合同（正本复印件）签发出出口许可证。

（七）其它实行出口许可证管理的出口货物，凭商务部批准文件及经营者的出口合同（正本复印件）签发出出口许可证。

第十二条 加工贸易项下属于出口许可证管理的货物，发证机构按照商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》，凭商务部授权的加工贸易审批机关签发的《加工贸易业务批准证》及本办法第十一条规定的出口批准文件（属于出口配

额管理但不使用配额数量的商品凭商务部批件)、海关加工贸易进口报关单和经营者的出口合同(正本复印件)签发出口许可证。

以加工贸易方式出口监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管辖的货物,按照本办法第十一条签发出口许可证。

第十三条 外商投资企业出口属于出口许可证管理的货物,应当按以下规定办理:

(一)外商投资企业出口属于出口配额管理的货物,发证机构凭商务部下达的外商投资企业出口配额数量签发许可证;出口配额招标管理的货物,应当附带第十一条第(二)款规定的有关批准文件;

(二)涉及第十一条(三)到(七)款及第十二条之情形的,按照相应条款规定办理。

第十四条 我国企业在国外及香港、澳门投资设立的独资、合资和合作企业,需国内供应属于出口许可证管理的货物,发证机构凭商务部批准文件和商务部境外企业批准证书或者商务部境外带料加工装配企业批准证书,按照本办法第十一条签发出口许可证。

第十五条 经商务部批准具有对外经济技术合作经营资格的企业为履行国(境)外承包工程、劳务合作、设计咨询等项目合同出口的设备(含成套设备)、材料、施工器械及人员自用的生活物资属于出口许可证管理的货物,按照本办法第十一条签发出口许可证。

第十六条 出口成套设备需运出境外项目自用属于出口许可证管理的货物,按照本办法第十一条签发出口许可证。

第十七条 偿还国外贷款或者补偿贸易项下属于出口许可证管理的货物,发证机构按商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》,凭商务部下达的偿还国外贷款或者补偿贸易的出口配额签发出口许可证。未办理备案登记的法人、其他组织或者个人从事偿还国外贷款或者补偿贸易业务时,应当委托经营者代理出口,并由该经营者办理出口许可证。

第十八条 经营者申领出口许可证时,应当按本办法如实申报,不得弄虚作假,严禁以假合同、假文件等手段骗领出口许可证。

第四章 出口许可证的签发

第十九条 各发证机构应当严格按照年度《出口许可证管理货物目录》和《出口许可证

管理分级发证目录》的要求，自收到符合规定的申请之日起3个工作日内签发相关出口货物的出口许可证，不得违反规定发证。经营者出口《出口许可证管理货物目录》中的货物，应当到《出口许可证管理分级发证目录》指定的发证机构申领出口许可证。

第二十条 许可证局、各特办和各地方发证机构应当严格按照商务部发布的《出口许可证管理分级发证目录》签发出口许可证。实行网上申领出口许可证的，按照有关程序和规定办理。

(一) 许可证局发证范围：

1. 按照商务部规定的《出口许可证管理分级发证目录》，签发《出口许可证管理分级发证目录》授权范围内的出口许可证。2. 在京的中央管理企业的出口许可证。

(二) 各特办发证范围：

1. 按照商务部规定的《出口许可证管理分级发证目录》，签发联系地区内经营者、联系地区内中央管理企业及配额由地方管理的在京中央管理企业子公司的出口许可证；

2. 按商务部规定的《出口许可证管理分级发证目录》，签发联系地区内经营者配额招标货物出口许可证；

3. 签发商务部规定的其他货物的出口许可证。

(三) 各地方发证机构发证范围：

1. 按商务部规定的《出口许可证管理分级发证目录》签发本地经营者出口许可证；

2. 签发商务部规定的其他货物的出口许可证。

(四) 指定发证机构发证的货物：

凡属于《出口许可证管理分级发证目录》中指定发证机构发证的货物，经营者一律到指定的发证机构办理出口许可证。

第二十一条 各发证机构不得无配额、超配额、越权或者超发证范围签发出口许可证。发证机构的工作人员在履行职责过程中，不得玩忽职守、徇私舞弊或者滥用职权，不得利用职务上的便利索取他人财物，或者非法收受他人财物为他人谋取利益。

第二十二条 出口许可证管理实行“一证一关”制、“一批一证”制和“非一批一证”制。“一证一关”指出口许可证只能在一个海关报关；“一批一证”指出口许可证在有效期内一次报关使用。

下列情况实行“非一批一证”制，签发出口许可证时应在备注栏内注明“非一批一证”：

(一) 外商投资企业出口许可证管理的货物；

(二) 补偿贸易项下出口许可证管理的货物；

(三) 其它在《出口许可证管理货物目录》中规定实行“非一批一证”的出口许可证管理货物。

“非一批一证”指出口许可证在有效期内可以多次报关使用，但最多不超过12次，由海关在“海关验放签注栏”内逐批签注出运数。

第五章 例外情况的处理

第二十三条 溢装货物应当为大宗、散装货物。溢装数量按照国际贸易惯例办理，即报关出口的大宗、散装货物的溢装数量不得超过出口许可证所列出口数量的5%。不实行“一批一证”制的大宗、散装货物，每批货物出口时，按其实际出口数量进行核扣，最后一批出口货物出口时，其溢装数量按该许可证实际剩余数量并在规定的溢装上限5%内计算。

发证机构在签发此类出口货物许可证时，应当严格按照出口配额数量及批准文件核定的数量签发，并按许可证实际签发数量核扣配额数量，不在出口配额数量或者批准文件核定的数量基础上加上按国际贸易惯例允许的溢装数量签发许可证。

第二十四条 对外经贸项目出口实行出口许可证管理的货物免领出口许可证。有关验放凭证的规定，由商务部、海关总署和国家质检总局另行制定和发布。

第二十五条 赴国（境）外参加或者举办展览会运出境外展品、展卖品、小卖品的规定：

（一）赴国（境）外参加或者举办展览会所带属于出口许可证管理的非卖展品，免领出口许可证，海关凭出国（境）经济贸易展览会审批部门批准办展的文件和出口货物报关单监督验放。参展单位应当在展览会结束后6个月内，将非卖展品如数运回，由海关核销。在特殊情况下，经海关同意，可以延期。

（二）赴国（境）外参加或者举办展览会带出的展卖品、小卖品，属于出口许可证管理的，参展单位凭出国（境）经济贸易展览会审批部门的批准文件及出国（境）经济贸易展览会组展单位提供的参展证明，向《分级发证目录》规定的发证机构申领出口许可证，不占用出口配额。

（三）监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管制的货物，按正常出口办理，不适用本条第（一）、（二）项规定。

第二十六条 出口货物样品和文化交流或者技术交流需对外提供属于出口许可证管理货物的货样的规定：

（一）经营者运出国（境）外属于出口许可证管理货物的货样或者实验用样品，每批货物价值在人民币3万元（含3万元）以下者，免领出口许可证，海关凭经营者填写的出口货样报关单查验放行；超过3万元者，视为正常出口，经营者按规定申领出口许可证。出口许可证备注栏内应当注明“货样”字样。

（二）监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管制的货物对外提供货样，按正常出口办理，不适用本条第（一）项规定。

第二十七条 中国政府根据两国政府间的协议或者临时决定，对外提供捐赠品或者中国政府、组织基于友好关系向对方国家政府、组织赠送的物资，涉及出口许可证管理的货物，凭有关协议或者决定签发出出口许可证，不占用出口配额。

其他捐赠，涉及出口许可证管理的，按本办法第十一条签发出出口许可证。

第六章 出口许可证的有效期限

第二十八条 出口配额的有效期限为当年12月31日前(含12月31日),另有规定者除外,经营者应当在配额有效期内向发证机构申领出口许可证。

第二十九条 各发证机构可自当年12月10日起,根据商务部或者各地方商务主管部门下发的下一年度出口配额签发下一年度的出口许可证,有效期自下一年度1月1日起。

第三十条 出口许可证的有效期限最长不得超过6个月,且有效期截止时间不得超过当年12月31日。

以加工贸易方式出口属于配额许可证管理的货物,其出口许可证有效期按《加工贸易业务批准证》核定的出口期限核发,但不得超过当年12月31日。如《加工贸易业务批准证》核定的出口期限超过当年12月31日,经营者应在原出口许可证有效期内向发证机构提出换发新一年度出口许可证。发证机构收回原证,在发证系统中对原证进行核销,扣除已使用的数量后,按《加工贸易业务批准证》核定的出口期限重新签发新一年度出口许可证,并在备注栏中注明原证证号。

商务部可视具体情况,调整某些货物出口许可证的有效期和申领时间。

出口许可证应当在有效期内使用,逾期自行失效,海关不予放行。

第三十一条 出口许可证因故在有效期内未使用,经营者应当在出口许可证有效期内向原发证机构提出延期申请,发证机构收回原证,在发证计算机管理系统中注销原证后,重新签发出口许可证,并在备注栏中注明延期使用和原证证号。

出口许可证因故在有效期内未使用完,经营者应当在出口许可证有效期内向原发证机构提出未使用部分的延期申请,发证机构收回原证,在发证系统中对原证进行核销,扣除已使用的数量后,重新签发出口许可证,并在备注栏中注明延期使用和原证证号。

使用当年出口配额领取的出口许可证办理延期,其延期最长不得超过当年12月31日。

未在出口许可证有效期内提出延期申请,出口许可证逾期自行失效,发证机构不再办理延证手续,该出口许可证货物数量视为配额持有者自动放弃。

第三十二条 出口许可证签发后,任何单位和个人不得擅自更改证面内容;如需要对证面内容进行更改,经营者应当在出口许可证有效期内将出口许可证退回原发证机构,重新申领出口许可证。

第三十三条 已领取的出口许可证如遗失,经营者应当立即向许可证证面注明的出口口岸地海关及相关发证机构书面报告,并在全国家经济类报刊中登载“遗失声明”,发证机构凭遗失声明,并经核实该证确实未通关后,可注销该证,并核发新证。

第三十四条 海关、工商、公安、纪检、法院等单位需要向发证机构查询或者调查出口许可证，应当依法出示有关证件，发证机关方可接受查询。

第三十五条 出口许可证管理货物在发证机构调整时，自调整之日起，原发证机构不得再签发该货物的出口许可证，并将经营者在调整前的申领情况报调整后的发证机构。经营者在调整前申领的许可证在有效期内继续有效，有效期内未使用或者未完全使用的许可证按规定到调整后的发证机构办理延期手续。

第七章 检查和处罚

第三十六条 商务部授权许可证局对各发证机构进行定期检查。检查的内容为发证机构执行本办法的情况，重点是检查是否有超配额、无配额或者越权越级违章发证以及其他违反本办法的问题。检查的方式，实行各发证机构定期或者不定期自查与许可证局抽查相结合的办法。

许可证局应当将检查的情况向商务部报告。

第三十七条 各发证机构应当按照商务部许可证联网核查的规定及时传送发证数据，以保证经营者顺利报关和海关核查；对海关反馈的核查数据应当认真核对，及时检查许可证的使用情况并找出存在的问题。许可证局应当定期将核对后的海关反馈核查数据报商务部。

第三十八条 对违反本办法第二十一条，超配额，无配额和越权越级发证的发证机构，商务部将视情节轻重给予其警告、暂停或者取消发证权等处分。

第三十九条 对伪造、变造或者买卖出口许可证的经营者，依照刑法关于非法经营罪或者伪造、变造、买卖国家机关公文、证件、印章罪的规定，依法追究刑事责任；尚不够刑事处罚的，依照海关法等相关法律法规的有关规定处罚。

对以欺骗或者其他不正当手段获取出口许可证的，商务部依法收缴其出口许可证。

商务部可以禁止违法行为人自前两款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起一年以上三年以下的期限内从事有关的对外贸易经营活动。在禁止期限内，海关根据商务部依法作出的禁止决定，对该经营者的有关出口货物不予办理报关验放手续，外汇管理部门或者外汇指定银行不予办理有关结汇、售汇手续。

第四十条 超配额，无配额和越权越级发放的许可证无效。对第三十七条、第三十八条所涉出口许可证，一经查实，商务部予以吊销处理。对海关在实际监管或者案件处理过程中发现的涉及上述许可证的问题，发证部门应当给予明确回复。

第四十一条 对违反第二十五条第（一）款有关规定，未将属于出口许可证管理的非卖展品如数运回由海关核销的，由海关通知商务部，商务部和出国（境）经济贸易展览会审批部门视情节轻重给予该组展单位和参展单位警告、暂停审批其出国（境）展览项目一至两年等处分。

第四十二条 对发证机构工作人员违反本办法第二十一条构成犯罪的，依照《中华人民共和国刑法》的有关规定追究其刑事责任。对发证机构工作人员违反本办法尚不构成犯罪的，应当调离工作岗位，并根据《中华人民共和国公务员法》第五十五、第五十六条给予行政处分。

第八章 附 则

第四十三条 中国关境内其他地区货物进入到保税仓库、保税区 and 出口加工区的，按照现行有关规定执行。出口监管仓库、保税区、出口加工区的货物出口到境外，按现行规定执行。

第四十四条 边境贸易项下出口许可证管理仍按照现行有关规定执行。

第四十五条 《敏感物项和技术出口许可证》管辖货物不适用本办法。

第四十六条 本办法由商务部负责解释。

第四十七条 本办法自 2008 年 7 月 1 日起施行。原《货物出口许可证管理办法》（商务部令 2004 年第 28 号）同时废止。

国务院关于印发节能减排综合性工作方案的通知

各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

国务院同意发展改革委同有关部门制定的《节能减排综合性工作方案》（以下简称《方案》），现印发给你们，请结合本地区、本部门实际，认真贯彻执行。

一、充分认识节能减排工作的重要性和紧迫性

《中华人民共和国国民经济和社会发展第十一个五年规划纲要》提出了“十一五”期间单位国内生产总值能耗降低20%左右，主要污染物排放总量减少10%的约束性指标。这是贯彻落实科学发展观，构建社会主义和谐社会的重大举措；是建设资源节约型、环境友好型社会的必然选择；是推进经济结构调整，转变增长方式的必由之路；是提高人民生活质量，维护中华民族长远利益的必然要求。

当前，实现节能减排目标面临的形势十分严峻。去年以来，全国上下加强了节能减排工作，国务院发布了加强节能工作的决定，制定了促进节能减排的一系列政策措施，各地区、各部门相继做出了工作部署，节能减排工作取得了积极进展。但是，去年全国没有实现年初确定的节能降耗和污染减排的目标，加大了“十一五”后四年节能减排工作的难度。更为严峻的是，今年一季度，工业特别是高耗能、高污染行业增长过快，占全国工业能耗和二氧化硫排放近70%的电力、钢铁、有色、建材、石油加工、化工等六大行业增长20.6%，同比加快6.6个百分点。与此同时，各方面工作仍存在认识不到位、责任不明确、措施不配套、政策不完善、投入不落实、协调不得力等问题。这种状况如不及时扭转，不仅今年节能减排工作难以取得明显进展，“十一五”节能减排的总体目标也将难以实现。

我国经济快速增长，各项建设取得巨大成就，但也付出了巨大的资源和环境代价，经济发展与资源环境的矛盾日趋尖锐，群众对环境污染问题反应强烈。这

种状况与经济结构不合理、增长方式粗放直接相关。不加快调整经济结构、转变增长方式，资源支撑不住，环境容纳不下，社会承受不起，经济发展难以为继。只有坚持节约发展、清洁发展、安全发展，才能实现经济又好又快发展。同时，温室气体排放引起全球气候变暖，备受国际社会广泛关注。进一步加强节能减排工作，也是应对全球气候变化的迫切需要，是我们应该承担的责任。

各地区、各部门要充分认识节能减排的重要性和紧迫性，真正把思想和行动统一到中央关于节能减排的决策和部署上来。要把节能减排任务完成情况作为检验科学发展观是否落实的重要标准，作为检验经济发展是否“好”的重要标准，正确处理经济增长速度与节能减排的关系，真正把节能减排作为硬任务，使经济增长建立在节约能源资源和保护环境的基础上。要采取果断措施，集中力量，迎难而上，扎扎实实地开展工作，力争通过今明两年的努力，实现节能减排任务完成进度与“十一五”规划实施进度保持同步，为实现“十一五”节能减排目标打下坚实基础。

二、狠抓节能减排责任落实和执法监管

发挥政府主导作用。各级人民政府要充分认识节能减排约束性指标是强化政府责任的指标，实现这个目标是政府对人民的庄严承诺，必须通过合理配置公共资源，有效运用经济、法律和行政手段，确保实现。当务之急，是要建立健全节能减排工作责任制和问责制，一级抓一级，层层抓落实，形成强有力的工作格局。地方各级人民政府对本行政区域节能减排负总责，政府主要领导是第一责任人。要在科学测算的基础上，把节能减排各项工作目标和任务逐级分解到各市（地）、县和重点企业。要强化政策措施的执行力，加强对节能减排工作进展情况的考核和监督，国务院有关部门定期公布各地节能减排指标完成情况，进行统一考核。要把节能减排作为当前宏观调控重点，作为调整经济结构，转变增长方式的突破口和重要抓手，坚决遏制高耗能、高污染产业过快增长，坚决压缩城市形象工程和党政机关办公楼等楼宇建设规模，切实保证节能减排、保障民生。

等工作所需资金投入。要把节能减排指标完成情况纳入各地经济社会发展综合评价体系，作为政府领导干部综合考核评价和企业负责人业绩考核的重要内容，实行“一票否决”制。要加大执法和处罚力度，公开严肃查处一批严重违法国家节能管理和环境保护法律法规的典型案件，依法追究有关人员和领导者的责任，起到警醒教育作用，形成强大声势。省级人民政府每年要向国务院报告节能减排目标责任的履行情况。国务院每年向全国人民代表大会报告节能减排的进展情况，在“十一五”期末报告五年两个指标的总体完成情况。地方各级人民政府每年也要向同级人民代表大会报告节能减排工作，自觉接受监督。

强化企业主体责任。企业必须严格遵守节能和环保法律法规及标准，落实目标责任，强化管理措施，自觉节能减排。对重点用能单位加强经常监督，凡与政府有关部门签订节能减排目标责任书的企业，必须确保完成目标；对没有完成节能减排任务的企业，强制实行能源审计和清洁生产审核。坚持“谁污染、谁治理”，对未按规定建设和运行污染减排设施的企业和单位，公开通报，限期整改，对恶意排污的行为实行重罚，追究领导和直接责任人员的责任，构成犯罪的依法移送司法机关。同时，要加强机关单位、公民等各类社会主体的责任，促使公民自觉履行节能和环保义务，形成以政府为主导、企业为主体、全社会共同推进的节能减排工作格局。

三、建立强有力的节能减排领导协调机制

为加强对节能减排工作的组织领导，国务院成立节能减排工作领导小组。领导小组的主要任务是，部署节能减排工作，协调解决工作中的重大问题。领导小组办公室设在发展改革委，负责承担领导小组的日常工作，其中有关污染减排方面的工作由环保总局负责。地方各级人民政府也要切实加强对本地区节能减排工作的组织领导。

国务院有关部门要切实履行职责，密切协调配合，尽快制定相关配套政策措施和落实意见。各省级人民政府要立即部署本地区推进节能减排的工作，明确相

关部门的责任、分工和进度要求。各地区、各部门和中央企业要在2007年6月30日前,提出本地区、本部门和本企业贯彻落实的具体方案报领导小组办公室汇总后报国务院。领导小组办公室要会同有关部门加强对节能减排工作的指导和监督检查,重大情况及时向国务院报告。

节能减排综合性工作方案

一、进一步明确实现节能减排的目标任务和总体要求

(一)主要目标。到2010年,万元国内生产总值能耗由2005年的1.22吨标准煤下降到1吨标准煤以下,降低20%左右;单位工业增加值用水量降低30%。“十一五”期间,主要污染物排放总量减少10%,到2010年,二氧化硫排放量由2005年的2549万吨减少到2295万吨,化学需氧量(COD)由1414万吨减少到1273万吨;全国设城市污水处理率不低于70%,工业固体废物综合利用率达到60%以上。

(二)总体要求。以邓小平理论和“三个代表”重要思想为指导,全面贯彻落实科学发展观,加快建设资源节约型、环境友好型社会,把节能减排作为调整经济结构、转变增长方式的突破口和重要抓手,作为宏观调控的重要目标,综合运用经济、法律和必要的行政手段,控制增量、调整存量,依靠科技、加大投入,健全法制、完善政策,落实责任、强化监管,加强宣传、提高意识,突出重点、强力推进,动员全社会力量,扎实做好节能降耗和污染减排工作,确保实现节能减排约束性指标,推动经济社会又好又快发展。

二、控制增量,调整和优化结构

(三)控制高耗能、高污染行业过快增长。严格控制新建高耗能、高污染项目。严把土地、信贷两个闸门,提高节能环保市场准入门槛。抓紧建立新开工项目管理的部门联动机制和项目审批问责制,严格执行项目开工建设“六项必要条

件”（必须符合产业政策和市场准入标准、项目审批核准或备案程序、用地预审、环境影响评价审批、节能评估审查以及信贷、安全和城市规划等规定和要求）。实行新开工项目报告和公开制度。建立高耗能、高污染行业新上项目与地方节能减排指标完成进度挂钩、与淘汰落后产能相结合的机制。落实限制高耗能、高污染产品出口的各项政策。继续运用调整出口退税、加征出口关税、削减出口配额、将部分产品列入加工贸易禁止类目录等措施，控制高耗能、高污染产品出口。加大差别电价实施力度，提高高耗能、高污染产品差别电价标准。组织对高耗能、高污染行业节能减排工作专项检查，清理和纠正各地在电价、地价、税费等方面对高耗能、高污染行业的优惠政策。

（四）加快淘汰落后生产能力。加大淘汰电力、钢铁、建材、电解铝、铁合金、电石、焦炭、煤炭、平板玻璃等行业落后产能的力度。“十一五”期间实现节能1.18亿吨标准煤，减排二氧化硫240万吨；今年实现节能3150万吨标准煤，减排二氧化硫40万吨。加大造纸、酒精、味精、柠檬酸等行业落后生产能力淘汰力度，“十一五”期间实现减排化学需氧量（COD）138万吨，今年实现减排COD62万吨（详见附件）。制订淘汰落后产能分地区、分年度的具体工作方案，并认真组织实施。对不按期淘汰的企业，地方各级人民政府要依法予以关停，有关部门依法吊销生产许可证和排污许可证并予以公布，电力供应企业依法停止供电。对没有完成淘汰落后产能任务的地区，严格控制国家安排投资的项目，实行项目“区域限批”。国务院有关部门每年向社会公告淘汰落后产能的企业名单和各地执行情况。建立落后产能退出机制，有条件的地方要安排资金支持淘汰落后产能，中央财政通过增加转移支付，对经济欠发达地区给予适当补助和奖励。

（五）完善促进产业结构调整的政策措施。进一步落实促进产业结构调整暂行规定。修订《产业结构调整指导目录》，鼓励发展低能耗、低污染的先进生产能力。根据不同行业情况，适当提高建设项目在土地、环保、节能、技术、安全

等方面的准入标准。尽快修订颁布《外商投资产业指导目录》，鼓励外商投资节能环保领域，严格限制高耗能、高污染外资项目，促进外商投资产业结构升级。调整《加工贸易禁止类商品目录》，提高加工贸易准入门槛，促进加工贸易转型升级。

(六) 积极推进能源结构调整。大力发展可再生能源，抓紧制订出台可再生能源中长期规划，推进风能、太阳能、地热能、水电、沼气、生物质能利用以及可再生能源与建筑一体化的科研、开发和建设，加强资源调查评价。稳步发展替代能源，制订发展替代能源中长期规划，组织实施生物燃料乙醇及车用乙醇汽油发展专项规划，启动非粮生物燃料乙醇试点项目。实施生物化工、生物质能固体成型燃料等一批具有突破性带动作用的示范项目。抓紧开展生物柴油基础性研究和前期准备工作。推进煤炭直接和间接液化、煤基醇醚和烯烃代油大型台套示范工程和技术储备。大力推进煤炭洗选加工等清洁高效利用。

(七) 促进服务业和高技术产业加快发展。落实《国务院关于加快发展服务业的若干意见》，抓紧制定实施配套政策措施，分解落实任务，完善组织协调机制。着力做强高技术产业，落实高技术产业发展“十一五”规划，完善促进高技术产业发展的政策措施。提高服务业和高技术产业在国民经济中的比重和水平。

三、加大投入，全面实施重点工程

(八) 加快实施十大重点节能工程。着力抓好十大重点节能工程，“十一五”期间形成2.4亿吨标准煤的节能能力。今年形成5000万吨标准煤节能能力，重点是：实施钢铁、有色、石油石化、化工、建材等重点耗能行业余热余压利用、节约和替代石油、电机系统节能、能量系统优化，以及工业锅炉（窑炉）改造项目共745个；加快核准建设和改造采暖供热为主的热电联产和工业热电联产机组1630万千瓦；组织实施低能耗、绿色建筑示范项目30个，推动北方采暖区既有居住建筑供热计量及节能改造1.5亿平方米，开展大型公共建筑节能运行管理与改造示范，启动200个可再生能源在建筑中规模化应用示范推广项

目：推广高效照明产品5000万支，中央国家机关率先更换节能灯。

(九) 加快水污染治理工程建设。“十一五”期间新增城市污水日处理能力4500万吨、再生水日利用能力680万吨，形成COD削减能力300万吨；今年设市城市新增污水日处理能力1200万吨，再生水日利用能力100万吨，形成COD削减能力60万吨。加大工业废水治理力度，“十一五”形成COD削减能力140万吨。加快城市污水处理配套管网建设和改造。严格饮用水水源保护，加大污染防治力度。

(十) 推动燃煤电厂二氧化硫治理。“十一五”期间投运脱硫机组3.55亿千瓦。其中，新建燃煤电厂同步投运脱硫机组1.88亿千瓦；现有燃煤电厂投运脱硫机组1.67亿千瓦，形成削减二氧化硫能力590万吨。今年现有燃煤电厂投运脱硫设施3500万千瓦，形成削减二氧化硫能力123万吨。

(十一) 多渠道筹措节能减排资金。十大重点节能工程所需资金主要靠企业自筹、金融机构贷款和社会资金投入，各级人民政府安排必要的引导资金予以支持。城市污水处理设施和配套管网建设的责任主体是地方政府，在实行城市污水处理费最低收费标准的前提下，国家对重点建设项目给予必要的支持。按照“谁污染、谁治理，谁投资、谁受益”的原则，促使企业承担污染治理责任，各级人民政府对重点流域内的工业废水治理项目给予必要的支持。

四、创新模式，加快发展循环经济

(十二) 深化循环经济试点。认真总结循环经济第一批试点经验，启动第二批试点，支持一批重点项目建设。深入推进浙江、青岛等地废旧家电回收处理试点。继续推进汽车零部件和机械设备再制造试点。推动重点矿山和矿业城市资源节约和循环利用。组织编制钢铁、有色、煤炭、电力、化工、建材、制糖等重点行业循环经济推进计划。加快制订循环经济评价指标体系。

(十三) 实施水资源节约利用。加快实施重点行业节水改造及矿井水利用重点项目。“十一五”期间实现重点行业节水31亿立方米，新增海水淡化能力9

0 万立方米 / 日, 新增矿井水利用量 2.6 亿立方米; 今年实现重点行业节水 1.0 亿立方米, 新增海水淡化能力 7 万立方米 / 日, 新增矿井水利用量 5 亿立方米。在城市强制推广使用节水器具。

(十四) 推进资源综合利用。落实《“十一五”资源综合利用指导意见》, 推进共伴生矿产资源综合开发利用和煤层气、煤矸石、大宗工业废弃物、秸秆等农业废弃物综合利用。“十一五”期间建设煤矸石综合利用电厂 2000 万千瓦, 今年开工建设 500 万千瓦。推进再生资源回收体系建设试点。加强资源综合利用认定。推动新型墙体材料和利废建材产业化示范。修订发布新型墙体材料目录和专项基金管理办法。推进第二批城市禁止使用实心粘土砖, 确保 2008 年底前 256 个城市完成“禁实”目标。

(十五) 促进垃圾资源化利用。县级以上城市(含县城)要建立健全垃圾收集系统, 全面推进城市生活垃圾分类体系建设, 充分回收垃圾中的废旧资源, 鼓励垃圾焚烧发电和供热、填埋气体发电, 积极推进城乡垃圾无害化处理, 实现垃圾减量化、资源化和无害化。

(十六) 全面推进清洁生产。组织编制《工业清洁生产审核指南编制通则》, 制订和发布重点行业清洁生产标准和评价指标体系。加大实施清洁生产审核力度。合理使用农药、肥料, 减少农村面源污染。

五、依靠科技, 加快技术开发和推广

(十七) 加快节能减排技术研发。在国家重点基础研究发展计划、国家科技支撑计划和国家高技术发展计划等科技专项计划中, 安排一批节能减排重大技术项目, 攻克一批节能减排关键和共性技术。加快节能减排技术支撑平台建设, 组建一批国家工程实验室和国家重点实验室。优化节能减排技术创新与转化的政策环境, 加强资源环境高技术领域创新团队和研发基地建设, 推动建立以企业为主体、产学研相结合的节能减排技术创新与成果转化体系。

(十八) 加快节能减排技术产业化示范和推广。实施一批节能减排重点行业

共性、关键技术及重大技术装备产业化示范项目和循环经济高技术产业化重大专项。落实节能、节水技术政策大纲，在钢铁、有色、煤炭、电力、石油石化、化工、建材、纺织、造纸、建筑等重点行业，推广一批潜力大、应用面广的重大节能减排技术。加强节电、节油农业机械和农产品加工设备及农业节水、节肥、节药技术推广。鼓励企业加大节能减排技术改造和技术创新投入，增强自主创新能力。

(十九) 加快建立节能技术服务体系。制订出台《关于加快发展节能服务产业的指导意见》，促进节能服务产业发展。培育节能服务市场，加快推行合同能源管理，重点支持专业化节能服务公司为企业以及党政机关办公楼、公共设施和学校实施节能改造提供诊断、设计、融资、改造、运行管理一条龙服务。

(二十) 推进环保产业健康发展。制订出台《加快环保产业发展的意见》，积极推进环境服务产业发展。研究提出推进污染治理市场化的政策措施，鼓励排污单位委托专业化公司承担污染治理或设施运营。

(二十一) 加强国际交流合作。广泛开展节能减排国际科技合作，与有关国际组织和国家建立节能环保合作机制，积极引进国外先进节能环保技术和管理经验，不断拓宽节能环保国际合作的领域和范围。

六、强化责任，加强节能减排管理

(二十二) 建立政府节能减排工作问责制。将节能减排指标完成情况纳入各地经济社会发展综合评价体系，作为政府领导干部综合考核评价和企业负责人业绩考核的重要内容，实行问责制和“一票否决”制。有关部门要抓紧制订具体的评价考核实施办法。

(二十三) 建立和完善节能减排指标体系、监测体系和考核体系。对全部耗能单位和污染源进行调查摸底。建立健全涵盖全社会的能源生产、流通、消费、区域间流入流出及利用效率的统计指标体系和调查体系，实施全国和地区单位GDP能耗指标季度核算制度。建立并完善年耗能万吨标准煤以上企业能耗统计数

据网上直报系统。加强能源统计巡查,对能源统计数据进行监测。制订并实施主要污染物排放统计和监测办法,改进统计方法,完善统计和监测制度。建立并完善污染物排放数据网上直报系统和减排措施调度制度,对国家监控重点污染源实施联网在线自动监控,构建污染物排放三级立体监测体系,向社会公告重点监控企业年度污染物排放数据。继续做好单位GDP能耗、主要污染物排放量和工业增加值用水量指标公报工作。

(二十四)建立健全项目节能评估审查和环境影响评价制度。加快建立项目节能评估和审查制度,组织编制《固定资产投资项目节能评估和审查指南》,加强对地方开展“能评”工作的指导和监督。把总量指标作为环评审批的前置性条件。上收部分高耗能、高污染行业环评审批权限。对超过总量指标、重点项目未达到目标责任要求的地区,暂停环评审批新增污染物排放的建设项目。强化环评审批向上级备案制度和向社会公布制度。加强“三同时”管理,严把项目验收关。对建设项目未经验收擅自投运、久拖不验、超期试生产等违法行为,严格依法进行处罚。

(二十五)强化重点企业节能减排管理。“十一五”期间全国千家重点耗能企业实现节能1亿吨标准煤,今年实现节能2000万吨标准煤。加强对重点企业节能减排工作的检查和指导,进一步落实目标责任,完善节能减排计量和统计,组织开展节能减排设备检测,编制节能减排规划。重点耗能企业建立能源管理师制度,实行重点耗能企业能源审计和能源利用状况报告及公告制度,对未完成节能目标责任任务的企业,强制实行能源审计。今年要启动重点企业与国际国内同行业能耗先进水平对标活动,推动企业加大结构调整和技术改造力度,提高节能管理水平。中央企业全面推进创建资源节约型企业活动,推广典型经验和做法。

(二十六)加强节能环保发电调度和电力需求侧管理。制定并尽快实施有利于节能减排的发电调度办法,优先安排清洁、高效机组和资源综合利用发电,限制能耗高、污染重的低效机组发电。今年上半年启动试点,取得成效后向全国推

广，力争节能2000万吨标准煤，“十一五”期间形成6000万吨标准煤的节能能力。研究推行发电权交易，逐年削减小火电机组发电上网小时数，实行按边际成本上网竞价。抓紧制定电力需求侧管理办法，规范有序用电，开展能效电厂试点，研究制定配套政策，建立长效机制。

(二十七) 严格建筑节能管理。大力推广节能省地环保型建筑。强化新建建筑执行能耗限额标准全过程监督管理，实施建筑能效专项测评，对达不到标准的建筑，不得办理开工和竣工验收备案手续，不准销售使用；从2008年起，所有新建商品房销售时在买卖合同等文件中要载明耗能量、节能措施等信息，建立并完善大型公共建筑节能运行监管体系。深化供热体制改革，实行供热计量收费。今年着力抓好新建建筑施工阶段执行能耗限额标准的监管工作，北方地区地级以上城市完成采暖费补贴“暗补”变“明补”改革，在25个示范省市建立大型公共建筑能耗统计、能源审计、能效公示、能耗定额制度，实现节能1250万吨标准煤。

(二十八) 强化交通运输节能减排管理。优先发展城市公共交通，加快城市快速公交和轨道交通建设。控制高耗油、高污染机动车发展，严格执行乘用车、轻型商用车燃料消耗量限值标准，建立汽车产品燃料消耗量申报和公示制度；严格实施国家第三阶段机动车污染物排放标准和船舶污染物排放标准，有条件的地方要适当提高排放标准，继续实行财政补贴政策，加快老旧汽车报废更新。公布实施新能源汽车生产准入管理规则，推进替代能源汽车产业化。运用先进科技手段提高运输组织管理水平，促进各种运输方式的协调和有效衔接。

(二十九) 加大实施能效标识和节能节水产品认证管理力度。加快实施强制性能效标识制度，扩大能效标识应用范围，今年发布《实行能效标识产品目录(第三批)》。加强对能效标识的监督管理，强化社会监督、举报和投诉处理机制，开展专项市场监督检查和抽查，严厉查处违法违规行为。推动节能、节水和环境标志产品认证，规范认证行为，扩展认证范围，在家用电器、照明等产品领域建

立有效的国际协调互认制度。

(三十) 加强节能环保管理能力建设。建立健全节能监管监察体制,整合现有资源,加快建立地方各级节能监察中心,抓紧组建国家节能中心。建立健全国家监察、地方监管、单位负责的污染减排监管体制。积极研究完善环保管理体制机制问题。加快各级环境监测和监察机构标准化、信息化体系建设。扩大国家重点监控污染企业实行环境监督员制度试点。加强节能监察、节能技术服务中心及环境监测站、环保监察机构、城市排水监测站的条件建设,适时更新监测设备和仪器,开展人员培训。加强节能减排统计能力建设,充实统计力量,适当加大投入。充分发挥行业协会、学会在节能减排工作中的作用。

七、健全法制,加大监督检查执法力度

(三十一) 健全法律法规。加快完善节能减排法律法规体系,提高处罚标准,切实解决“违法成本低、守法成本高”的问题。积极推动节约能源法、循环经济法、水污染防治法、大气污染防治法等法律的制定及修订工作。加快民用建筑节能、废旧家用电器回收处理管理、固定资产投资项目节能评估和审查管理、环保设施运营监督管理、排污许可、畜禽养殖污染防治、城市排水和污水管理、电网调度管理等方面行政法规的制定及修订工作。抓紧完成节能监察管理、重点用能单位节能管理、节约用电管理、二氧化硫排污交易管理等方面行政规章的制定及修订工作。积极开展节约用水、废旧轮胎回收利用、包装物回收利用和汽车零部件再制造等方面立法准备工作。

(三十二) 完善节能和环保标准。研究制定高耗能产品能耗限额强制性国家标准,各地区抓紧研究制定本地区主要耗能产品和大型公共建筑能耗限额标准。今年要组织制订粗钢、水泥、烧碱、火电、铝等 2 项高耗能产品能耗限额强制性国家标准(包括高耗电产品电耗限额标准)以及轻型商用车等 5 项交通工具燃料消耗量限值标准,制(修)订 3 6 项节水、节材、废弃产品回收与再利用等标准。组织制(修)订电力变压器、静电复印机、变频空调、商用冰柜、家用电冰

箱等终端用能产品（设备）能效标准。制订重点耗能企业节能标准体系编制通则，指导和规范企业节能工作。

（三十三）加强烟气脱硫设施运行监管。燃煤电厂必须安装在线自动监控装置，建立脱硫设施运行台帐，加强设施日常运行监管。2007年底前，所有燃煤脱硫机组要与省级电网公司完成在线自动监控系统联网。对未按规定和要求运行脱硫设施的电厂要扣减脱硫电价，加大执法监管和处罚力度，并向社会公布。完善烟气脱硫技术规范，开展烟气脱硫工程后评估。组织开展烟气脱硫特许经营试点。

（三十四）强化城市污水处理厂和垃圾处理设施运行管理和监督。实行城市污水处理厂运行评估制度，将评估结果作为核拨污水处理费的重要依据。对列入国家重点环境监控的城市污水处理厂的运行情况及污染物排放信息实行向环保、建设和水行政主管部门季报制度，限期安装在线自动监控系统，并与环保和建设部门联网。对未按规定和要求运行污水处理厂和垃圾处理设施的城市公开通报，限期整改。对城市污水处理设施建设严重滞后、不落实收费政策、污水处理厂建成后一年内实际处理水量达不到设计能力60%的，以及已建成污水处理设施但无故不运行的地区，暂缓审批该地区项目环评，暂缓下达有关项目的国家建设资金。

（三十五）严格节能减排执法检查。国务院有关部门和地方人民政府每年都要组织开展节能减排专项检查和监察行动，严肃查处各类违法违规行为。加强对重点耗能企业和污染源的日常监督检查，对违反节能环保法律法规的单位公开曝光，依法查处，对重点案件挂牌督办。强化上市公司节能环保核查工作。开设节能环保违法行为和事件举报电话和网站，充分发挥社会公众监督作用。建立节能环保执法责任追究制度，对行政不作为、执法不力、徇私枉法、权钱交易等行为，依法追究有关主管部门和执法机构负责人的责任。

八、完善政策，形成激励和约束机制

(三十六)积极稳妥推进资源性产品价格改革。理顺煤炭价格成本构成机制。推进成品油、天然气价格改革。完善电力峰谷分时电价办法，降低小火电价格，实施有利于烟气脱硫的电价政策。鼓励可再生能源发电以及利用余热余压、煤矿石和城市垃圾发电，实行相应的电价政策。合理调整各类用水价格，加快推行阶梯式水价、超计划超定额用水加价制度，对国家产业政策明确的限制类、淘汰类高耗水企业实施惩罚性水价。制定支持再生水、海水淡化水、微咸水、矿井水、雨水开发利用的价格政策，加大水资源费征收力度。按照补偿治理成本原则，提高排污单位排污费征收标准，将二氧化硫排污费由目前的每公斤0.63元分三年提高到每公斤1.26元；各地根据实际情况提高COD排污费标准，国务院有关部门批准后实施。加强排污费征收管理，杜绝“协议收费”和“定额收费”。全面开征城市污水处理费并提高收费标准，吨水平均收费标准原则上不低于0.8元。提高垃圾处理收费标准，改进征收方式。

(三十七)完善促进节能减排的财政政策。各级人民政府在财政预算中安排一定资金，采用补助、奖励等方式，支持节能减排重点工程、高效节能产品和节能新机制推广、节能管理能力建设及污染减排监管体系建设等。进一步加大财政基本建设投资向节能环保项目的倾斜力度。健全矿产资源有偿使用制度，改进和完善资源开发生态补偿机制。开展跨流域生态补偿试点工作。继续加强和改进新型墙体材料专项基金和散装水泥专项资金征收管理。研究建立高能耗农业机械和渔船更新报废经济补偿制度。

(三十八)制定和完善鼓励节能减排的税收政策。抓紧制定节能、节水、资源综合利用和环保产品（设备、技术）目录及相应税收优惠政策。实行节能环保项目减免企业所得税及节能环保专用设备投资抵免企业所得税政策。对节能减排设备投资给予增值税进项税抵扣。完善对废旧物资、资源综合利用产品增值税优惠政策；对企业综合利用资源，生产符合国家产业政策规定的产品取得的收入，在计征企业所得税时实行减计收入的政策。实施鼓励节能环保型车船、节能省地

环保型建筑和既有建筑节能改造的税收优惠政策。抓紧出台资源税改革方案，改进计征方式，提高税负水平。适时出台燃油税。研究开征环境税。研究促进新能源发展的税收政策。实行鼓励先进节能环保技术设备进口的税收优惠政策。

(三十九) 加强节能环保领域金融服务。鼓励和引导金融机构加大对循环经济、环境保护及节能减排技术改造项目的信贷支持，优先为符合条件的节能减排项目、循环经济项目提供直接融资服务。研究建立环境污染责任保险制度。在国际金融组织和外国政府优惠贷款安排中进一步突出对节能减排项目的支持。环保部门与金融部门建立环境信息通报制度，将企业环境违法信息纳入人民银行企业征信系统。

九、加强宣传，提高全民节约意识

(四十) 将节能减排宣传纳入重大主题宣传活动。每年制订节能减排宣传方案，主要新闻媒体在重要版面、重要时段进行系列报道，刊播节能减排公益性广告，广泛宣传节能减排的重要性、紧迫性以及国家采取的政策措施，宣传节能减排取得的阶段性成效，大力弘扬“节约光荣，浪费可耻”的社会风尚，提高全社会的节约环保意识。加强对外宣传，让国际社会了解中国在节能降耗、污染减排和应对全球气候变化等方面采取的重大举措及取得的成效，营造良好的国际舆论氛围。

(四十一) 广泛深入持久开展节能减排宣传。组织好每年一度的全国节能宣传周、全国城市节水宣传周及世界环境日、地球日、水日宣传活动。组织企事业单位、机关、学校、社区等开展经常性的节能环保宣传，广泛开展节能环保科普宣传活动，把节约资源和保护环境观念渗透在各级各类学校的教育教学中，从小培养儿童的节约和环保意识。选择若干节能先进企业、机关、商厦、社区等，作为节能宣传教育基地，面向全社会开放。

(四十二) 表彰奖励一批节能减排先进单位和个人。各级人民政府对在节能降耗和污染减排工作中做出突出贡献的单位和个人予以表彰和奖励。组织媒体宣

传节能先进典型，揭露和曝光浪费能源资源、严重污染环境的反面典型。

十、政府带头，发挥节能表率作用

（四十三）政府机构率先垂范。建设崇尚节约、厉行节约、合理消费的机关文化。建立科学的政府机构节能目标责任和评价考核制度，制订并实施政府机构能耗定额标准，积极推进能源计量和监测，实施能耗公布制度，实行节奖超罚。教育、科学、文化、卫生、体育等系统，制订和实施适应本系统特点的节约能源资源工作方案。

（四十四）抓好政府机构办公设施和设备节能。各级政府机构分期分批完成政府办公楼空调系统低成本改造；开展办公区和住宅区供热节能技术改造和供热计量改造；全面开展食堂燃气灶具改造，“十一五”时期实现食堂节气20%；凡新建或改造的办公建筑必须采用节能材料及围护结构；及时淘汰高耗能设备，合理配置并高效利用办公设施、设备。在中央国家机关开展政府机构办公区和住宅区节能改造示范项目。推动公务车节油，推广实行一车一卡定点加油制度。

（四十五）加强政府机构节能和绿色采购。认真落实《节能产品政府采购实施意见》和《环境标志产品政府采购实施意见》，进一步完善政府采购节能和环境标志产品清单制度，不断扩大节能和环境标志产品政府采购范围。对空调机、计算机、打印机、显示器、复印机等办公设备和照明产品、用水器具，由同等优先采购改为强制采购高效节能、节水、环境标志产品。建立节能和环境标志产品政府采购评审体系和监督制度，保证节能和绿色采购工作落到实处。

附：

“十一五”时期淘汰落后生产能力一览表

行业	内容	单位	"十一·五"时期	2007年
电力	实施"上大压小"关停小火电机组	万千瓦	5 0 0 0	1 0 0 0
炼铁	300 立方米以下高炉	万吨	1 0 0 0 0	3 0 0 0
炼钢	年产 20 万吨及以下的小转炉、小电炉	万吨	5 5 0 0	3 5 0 0
电解铝	小型预焙槽	万吨	6 5	1 0
铁合金	6300 千伏安以下矿热炉	万吨	4 0 0	1 2 0
电石	6300 千伏安以下炉型电石产能	万吨	2 0 0	5 0
焦炭	炭化室高度 4.3 米以下的小机焦	万吨	6 0 0 0	1 0 0 0
水泥	等量替代机立窑水泥熟料	万吨	2 5 0 0 0	5 0 0 0
玻璃	落后平板玻璃	万重量箱	3 0 0 0	6 0 0
造纸	年产 3.4 万吨以下草浆生产装置、 年产 1.7 万吨以下化学制浆生产线、 排放不达标年产 1 万吨以下以废纸为原料的纸厂	万吨	6 5 0	2 3 0
酒精	落后酒精生产工艺及年产 3 万吨以下企业（废糖蜜制酒精除外）	万吨	1 6 0	4 0
味精	年产 3 万吨以下味精生产企业	万吨	2 0	5
柠檬酸	环保不达标柠檬酸生产企业	万吨	8	2

Notice of the State Council on Printing and Issuing General Work Plan for Energy Conservation and Pollutant Discharge Reduction

Guo Fa [2007] No. 15

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

The State Council has agreed upon "General Work Plan for Energy Conservation and Pollutant Discharge Reduction" (hereinafter "Plan") jointly formulated by Development and Reform Commission and relevant departments, and hereby prints it and issues it. Please seriously implement it, with considering and combining with the reality of your own regions and our own departments.

I. Fully understand the importance and urgency of energy conservation and pollutant discharge reduction.

The Guidelines of the 11th Five-Year Plan of the People's Republic of China for the National Economic and Social Development has set forth the binding targets that energy consumption per unit of GDP shall be reduced by about 20% during the period of 11th Five-Year Plan and total discharge of main pollutants shall be reduced by 10%.

At present, the work of achieving targets of energy conservation and pollutant discharge reduction has face severe situation. Since last year, the entire country has strengthened the work of energy conservation and pollutant discharge reduction: the State Council issued the decision of strengthening energy conservation work and formulated a series of policy measures for promoting energy conservation and pollutant discharge reduction: all regions and all departments have made work plans one after another. In sum, the work of energy conservation and pollutant discharge reduction has made positive progress. However, last year, the entire country has failed to achieve the objectives of energy conservation and pollutant discharge reduction that set forth in the beginning of the year, which increased the difficulty of work of energy conservation and pollutant discharge reduction for the last four years of 11th Five-Year Plan.

Moreover, to achieve the fast and good development of economy, we must adhere to conservation development, clean development and safe development. Besides, further strengthen the work of energy conservation and pollutant discharge reduction is also the pressing need to cope with global climate exchange and the responsibility we must shoulder.

All regions and all departments shall fully understand the importance and urgency of energy conservation and pollutant discharge reduction and consolidate the thoughts and actions to the central decision-making and arrangement.

II. Strongly ensure the responsibility implementation and supervision of enforcement with respect of energy conservation and pollutant discharge reduction.

The government shall play a leading role. The governments of all levels shall fully understand that the binding targets of energy conservation and pollutant discharge reduction is the index of strengthening the government responsibility. The governments must ensure the achievement of this objective through reasonable resource allocation and by effectively use economic, legal and administrative methods. The top priority now is to establish sound responsibility system and accountability system with respect to work of energy conservation and pollutant discharge reduction.

Furthermore, the enterprises shall strengthen their responsibility as main players. The enterprises shall strictly conform to regulations and standards on energy reservation and environment protection, implement target responsibility, strengthen management measures, reserve energy and reduce pollutant discharge conscientious.

Relevant departments under the State Council shall faithfully perform the responsibility, closely coordinate and promptly formulate relevant supporting measures and implementation opinions. All provincial governments shall promptly arrange work of advancing energy conservation and pollutant discharge reduction of their own regions and clearly identify the responsibilities, work division and progress requirement of relevant departments.

General Work Plan for Energy Conservation and Pollutant Discharge Reduction

1. Further identify target tasks and general requirements of achieving energy conservation and pollutant discharge reduction.

1. Main objectives

Till 2010, energy consumption per unit of GDP shall be reduced by roughly 20%, from 1.2 ton coal in 2005 to below 1 ton coal; water consumption per unit of value added of industry shall be reduced by 30%. During the period of 11th Five-Year Plan, total discharge of main pollutants shall be reduced by 10%; till 2010, the discharge of SO₂ shall be reduced from 25.49 million ton in 2005 to 22.95 million ton and COD shall be reduced from 14.14 million ton to 12.73 million ton; the sewage treatment rate in cities where municipalities are set forth shall not be less than 70% and comprehensive utilization rate of industrial solid waste shall reach more than 60%.

2. General requirements

II. Control increase amount, adjust and optimize structure

3. Control the over rapid increase of high-energy, high-polluting industries. Strictly control new establishment of high-energy, high-polluting projects. Organize specific inspections on energy conservation and pollutant discharge reduction work of high-energy, high-polluting industries, examine and revise preferential policies on electricity price, land price, taxes and fees for

high-energy, high-polluting industries.

4. Speed up eliminating of the backward production capacity. Strengthen the eliminating of the backward production capacity of electricity industry, steel industry, construction material industry, electrolytic aluminum industry, ferroalloy industry, calcium carbide industry, coke industry, coal industry, plate glass industry etc. During the period of 11th Five-Year Plan, achieve reservation of 0.118 billion ton standard coal and SO₂ discharge reduction of 2.4 million ton; this year achieve reservation of 31.5 million ton standard coal and SO₂ discharge reduction of 400000 ton.

5. Perfect policies on and measures for promoting adjustment of industrial structure. Further implement interim provisions on promoting adjustment of industrial structure. Revise guiding catalogue of adjustment of industrial structure; encourage development of low-energy, low-polluting advanced production capacity.

6. Actively promote adjustment of energy structure. Strongly develop renewable energy; promptly formulate and promulgate mid-term and long-term plan on renewable energy; promote utilization of wind energy, solar energy, geothermal energy, water electricity, marsh gas and biomass energy and integrated scientific research, development and construction of renewable energy and architecture.

7. Promote accelerating development of service industry and high-tech industry. Implement "Several opinions of the State Council on accelerating development of service industry"; promptly formulate supporting policies and measures; breakdown and complete tasks; perfect organizing and coordinating mechanism.

III. Increase input, fully implement key projects

8. Accelerate implementation of the ten key energy reservation projects. Strongly focus on implementing the ten key energy reservation projects; during the period of 11th Five-Year Plan, achieve reservation of 0.24 billion ton standard coal.

9. Accelerate project construction of water pollution treatment. During the period of 11th Five-Year Plan, increase daily disposal capacity of urban sewage by 45 million ton and increase daily utilization capacity of renewable water by 6.8 million ton; achieve COD reduction capacity of 1.4 million ton.

10. Push forward SO₂ disposal of coal-fired power plants. During the period of 11th Five-Year Plan, put desulfurization units of 0.355 billion KW into operation.

11. Raise funds of energy conservation and pollutant discharge reduction through multiple channels. The funds required by the ten key energy reservation projects shall mainly mobilized by enterprises through loans from financial institutions and funds from public sources. The governments of all levels arrange necessary guiding funds to support.

IV. Innovate methods, accelerate development of recycling economy

12. Deepen pilots of recycling economy. Summarize the experience of the 1st round of pilots of recycling economy and start the 2nd round of pilots; support construction of the 1st set of key projects.

13. Carry out conservation-oriented utilization of water. Accelerate implementing re-structure of water conservation and key projects of utilization of mine water in key industries.

14. Push forward comprehensive utilization of resources. Implementation of "Guiding opinions on comprehensive utilization of resources during the period of 11th Five-Year Plan"; promote comprehensive development and utilization of associated minerals, comprehensive utilization of coal bed gas, coal gangue, Major industrial waste and agricultural waste such as straw.

15. Promote resource utilization of wastes. Cities of county level or above shall establish sound waste collection system, comprehensively push forward construction of urban garbage classification system, and fully recycle wasted or old resources among wastes...

16. Comprehensively push forward cleaning production.

V. Relying on technology, accelerate technology development and promotion

17. Accelerate technology R&D of energy conservation and pollutant discharge reduction. Among scientific technology specific plans such as state key and fundamental R&D plan, state technology supporting plan and state high-tech technology development plan, arrange a serial of key technology projects of energy conservation and pollutant discharge reduction and conquer a serial of key and common technologies of energy conservation and pollutant discharge reduction.

18. Accelerate demonstration and promotion of industrializing technology of energy conservation and pollutant discharge reduction. Encourage enterprise to increase input in technology reform and technology innovation with respect of energy conservation and pollutant discharge reduction and to increase autonomous innovation capacity.

19. Accelerate establishment of service system of energy conservation. Formulate and promulgate "Guiding opinions on accelerating development of service system of energy conservation", and promote development of energy conservation service industries.

20. Promote healthy development of environmental industries. Formulate and promulgate "Opinions on accelerating development of environmental industries", and actively promote development of environmental service industries.

21. Strengthen international exchange and cooperation.

VI. Strengthen responsibilities and management of energy conservation and pollutant discharge reduction.

22. Establish accountability system of energy conservation and pollutant discharge reduction work of governments. Incorporate performance of completing targets of energy conservation and pollutant discharge reduction into comprehensive economic and social development assessment system of each region, as important part of comprehensive assessment of government officials and performance assessment of executive officials of enterprises.

23. Establish and perfect index system, supervision system and assessment system of energy conservation and pollutant discharge reduction. Examine all energy-consuming entities and pollutant sources to get a deeper understanding the situation.

24. Establish and perfect evaluation and review system of project energy reservation and

assessment system of environmental influence. Accelerate establishment of evaluation and review system of project energy reservation, organize compiling of "Guidance on evaluation and review of fixed-asset investment projects"...

25. Strengthen administration of energy conservation and pollutant discharge reduction for key enterprises. Achieve conservation of 0.1 ton standard coal by thousands of key high energy-consuming enterprises during the period of 11th Five-Year Plan" and achieve conservation of 10 million ton standard coal this year.

26. Strengthen administration of environmental electricity generation dispatch and administration of electricity demands. Formulate measures for electricity generation dispatch that is advantageous to energy conservation and pollutant discharge reduction; give priority to clean, high-efficiency units and resources in electricity generation, while restrict high energy-consuming, high-polluting, low-efficiency units in that.

27. Strictly administrate energy conservation of architecture. Strongly promote energy-saving, land-saving environmental architecture. Strengthen supervision and administration of the whole process of implementing restriction standards on energy consuming by newly established construction. Implement specific assessment on energy efficiency of architecture. For those failing to meet the standards, file procedures of commencement and completion acceptance cannot be conducted and constructions cannot be sold or used.

28. Strengthen administration of transportation energy conservation and pollutant discharge reduction. Give priority to development of urban public transportation; accelerate construction of urban rapid bus system and rail transit.

29. Strengthen the enforcement of energy rating labeling and certificate administration of energy-saving and water-saving products. Accelerating enforcement of statutory energy rating labeling system; expand application scope of energy rating labeling; "Catalogue of products that energy rating labeling applied to" (the 3rd serial).

30. Strengthen administration capacity construction of energy conservation and environment protection. Establish and perfect supervision system of energy conservation; integrate current resources; accelerate establishing supervision centers of all regional levels; promptly establish state energy conservation center.

VII. Perfect rule of law, strengthen legal enforcement of supervision and examination.

31. Perfect laws and regulations. Accelerate perfecting law and regulation system concerning energy conservation and pollutant discharge reduction; raise punishment standards; address "low cost of law-breaking and high cost of law-abiding". Actively promote law-making and revision work of energy conservation law, recycling economy law, water pollution control law, air pollution control law and other laws.

32. Perfect energy conservation and environment protection standards. Do research on and formulate statutory state standards on energy-consuming quota of high energy-consuming products. All regions shall promptly do research on standards on energy-consuming quota of main energy-consuming products and large public construction of their own regions.

33. Strengthen supervision of operation of flue gas desulfurization facilities. Coal-fired power plants must install on-line automatic supervision system; establish Operation parameter of flue gas desulfurization facilities; strengthen daily operation supervision of facilities.

34. Strengthen operation administration and supervision of urban sewage disposal plants and wastes disposal facilities. Implement assessment system of urban sewage disposal plants, the assessment outcome of which shall be the important basis in examination and allocation sewage disposal fees.

35. Strictly supervise and examine legal enforcement of energy conservation and pollutant discharge reduction. Relevant departments of the State Council and local governments shall organize activities of specific examination and supervision on energy conservation and pollutant discharge reduction and severely investigate and prosecute law-breaking conducts.

VIII. Perfect policies, form incentive and binding system.

36. Actively and prudently push forward price reform on resource products. Straighten out cost formation system of coal price. Push forward price reform on product oil and natural gas.

37. Perfect financial policies on promoting energy conservation and pollutant discharge reduction. The governments of all levels arrange a certain amount of funds in financial budgets, through grants, prizes or other measures, to support key projects of energy conservation and pollutant discharge reduction, promotion of high-efficiency and energy-saving products and energy-saving systems, capacity construction of energy conservation administration and supervision system construction of pollutant discharge reduction etc.

38. Formulate and perfect tax policies on encouraging energy conservation and pollutant discharge reduction. Promptly formulate catalogue of energy-saving, water-saving, resource comprehensive utilization and environmental products (facilities, technology) and corresponding preferential tax policies.

39. Strengthen financial service in areas of energy conservation and environment protection. Encourage and guide financial institutions to increase loan support to recycling economy projects, environment protection projects and technology reform projects concerning energy conservation and pollutant discharge reduction.

IX. Strengthen propaganda, raising all people's awareness of energy conservation.

40. Incorporate propaganda on energy conservation and pollutant discharge reduction into Major theme propaganda activities.

41. Conduct propaganda on energy conservation and pollutant discharge reduction in broad, deep and lasting manner.

42. Rewarding the advanced units and individuals with respect to energy conservation and pollutant discharge reduction.

X. The governments take the leadership and play a model role in energy conservation and pollutant discharge reduction.

43. The governments take the lead to play a model role. Form department culture of advocating

saving, conducting saving and reasonable consumption.

44. Strongly enforce energy conservation of office facilities and equipments in government departments.

45. Strengthen green purchase and energy conservation in government departments. Prudently implement "Implementation opinions on government purchase of energy-saving products" and "Implementation opinions on government purchase of environmental labeling products"; further perfect listing system of government purchase of energy-saving products and environmental labeling products; further expand the scope of government purchase of energy-saving products and environmental labeling products.

Appendix: Table of eliminating the backward production capacity during the period of 11th Five-Year Plan

* Only the part related to iron and steel is translated.

Industry	Content	Unit	the period of 11 th Five-Year Plan	Year of 2007
Iron-making	Blast furnace with volume less than 300 m ³	10000 ton	10000	3000
Steel-making	Small converter and small electric furnace with annual production of 200000 ton or below	10000 ton	5500	3500
Iron alloy	ore furnace with heat size below 300 KVA	10000 ton	400	120

Order of the Ministry of Commerce

(No.11 [2008])

The amended Measures for the Administration of License for the Export of Goods, which were adopted at the 6th executive meeting of the Ministry of Commerce on May 7th, 2008, are hereby promulgated and shall come into force on July 1st, 2008.

Minister Chen Deming

June 7, 2008

Measures for the Administration of License for the Export of Goods

Chapter I General Provisions

Article 1 The present Measures are formulated in accordance with the Foreign Trade Law of the People's Republic of China and the Regulation of the People's Republic of China on the Administration of Import and Export of Goods for the purpose of rationally allocating the resources, regulating the order of export business, creating a fair and transparent trade environment, performing international conventions and treaties promised by our country, and maintaining the economic interests of the state and national security.

Article 2 The state applies a uniform system of license for the export of goods. The state shall apply export license administration to the export goods under restriction.

Article 3 The Ministry of Commerce shall be the department of centralized administration of export license of the whole country, and shall be responsible for formulating the rules and regulations on the administration of export license, supervising and inspecting the implementation of the measures for the administration of export license and punishing the rule-breaking acts.

The Ministry of Commerce shall, together with the General Administration of Customs, formulate, adjust, and promulgate the annual Catalogue for Goods Subject to the Administration of Export License. The Ministry of Commerce shall be responsible for formulating, adjusting and promulgating the annual Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License.

The Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License shall be promulgated by the Ministry of Commerce by public notice.

Article 4 The Ministry of Commerce shall authorize the Bureau of Quota License (hereinafter referred to as the License Bureau) to be in uniform charge and direct the work for the issuance of export licenses by the license issuing agencies of the whole country. The License Bureau shall be responsible to the Ministry of Commerce.

Article 5 The License Bureau and the local accredited representatives' offices under the Ministry of Commerce (hereinafter referred to as each accredited representatives' office)

and the commerce offices or bureaus and the commissions, offices or bureaus of foreign trade and economic cooperation of all the provinces, autonomous regions, municipalities directly under the Central Government, cities directly under state planning, and other provincial capital cities authorized by the Ministry of Commerce shall be the export license issuing agencies, and shall, under the uniform administration of the License Bureau, be responsible for the work of issuance of licenses within their respective authorized scopes.

Article 6 The export license as mentioned in the present Measures shall include export quota license and export license. For all the goods subject to the administration of export quota license and export license, a foreign trade operator (hereinafter referred to as an operator) shall apply for export license as required to the designated license issuing agency before export. The customs house shall accept the declaration and release on the basis of the export license.

Article 7 No export license may be sold, transferred, altered, forged or changed.

Chapter II Documents To Be Submitted When Applying for Export License

Article 8 An operator shall carefully fill in one application form (the original) for export license according to the facts when applying for export license, and annex a seal to it. In case the application is filed online, he shall carefully fill in the online electronic application form according to the facts and send it to the corresponding license issuing agency.

Article 9 When applying for an export license, an operator shall submit the relevant quota of export goods or other relevant documents of approval to the license issuing agency.

Article 10 When applying for export license, an operator shall submit to the license issuing agency the Form of Archival Filing and Registration of Foreign Trade Operators annexed with the special seal of archival filing and registration of a foreign trade operator or the Qualification Certificate of the Import and Export Enterprises of the People's Republic of China or the certificate of approval for foreign-funded enterprises (photocopy).

Chapter III Basis for Issuance of Export License

Article 11 Each license issuing agency shall issue export licenses in light of the following provisions on the basis of the scope in the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as formulated by the Ministry of Commerce:

1. For the export commodities subject to quota license administration, the export license shall be issued on the basis of the documents on quotas distributed by the Ministry of Commerce or the commerce offices or bureaus, commissions, offices and bureaus of foreign trade and economic cooperation of all the provinces, autonomous regions, municipalities directly under the Central Government, cities directly under state planning and other provincial capital cities authorized by the Ministry of Commerce (hereinafter referred to as the local competent departments of commerce) and the export contract of the operator (photocopy of the original);

2. For the export of commodities applying quota bidding, the export license shall be issued on the basis of the name list of the bid-winning operators and the quantities of bid-winning promulgated by the Ministry of Commerce, the Certificate for the Application for Export License of Commodities Applying Quota Bidding or the Certificate for the Transfer and Acceptance of Commodities Applying Quota Bidding, and the export contracts (photocopy of the original) of the bid-winning operators.
3. For the exports of chemicals liable to producing drugs, the export license shall be issued on the basis of the Reply of the Ministry of Commerce on Export of Chemicals Liable To Producing Drugs and the export contracts (photocopy of the original) of the export operators.
4. For the export of computers, the export license shall be issued on the basis of the Examination Form of Export Computer Technologies approved by the Ministry of Commerce and the export contracts (photocopy of the original) of the export operators.
5. For the export of chemicals under supervision and control, the export license shall be issued on the basis of the documents of approval of the Office of State Leading Group for the Performance of the Convention on Prohibition of Chemical Weapons and the export contracts (photocopy of the original) of the operators.
6. For the export of ozonosphere-exhausting materials, the export license shall be issued on the basis of the documents of approval distributed by the Office of Import and Export Administration of Ozonosphere-exhausting Materials of the state and the export contracts (photocopy of the original) of the operators. And
7. For other export commodities subject to the export license administration, the export license shall be issued on the basis of the documents of approval of the Ministry of Commerce and the export contract (photocopy of the original) of the operators.

Article 12 For the goods under processing trade that are subject to export license administration, a license issuing agency shall issue the export license in light of the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License formulated by the Ministry of Commerce and on the basis of the Certificate of Approval for the Business of Processing Trade issued by the department of examination and approval for processing trade authorized by the Ministry of Commerce and the documents of approval for export (Commodities subject to the administration of export quotas without using the quantity of quotas shall be based on the documents of approval of the Ministry of Commerce) as prescribed in Article 11 of the present Measures, the customs declaration of import in processing trade and the export contract (photocopy of the original) of operators.

For the export of chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions by way of processing trade, the export license shall be issued according to Article 11 of the present Measures.

Article 13 When a foreign-funded enterprise exports goods subject to export license administration, it shall be handled in light of the following provisions:

1. If a foreign-funded enterprise is to export the goods subject to export quota administration, a license issuing agency shall issue the license on the basis of the quantity of export quota for foreign-funded enterprises granted by the Ministry of Commerce; if it is to export the goods subject to export quota bidding administration, the relevant documents of approval as prescribed in Article 11 (2) shall also be attached; And
2. In case the circumstances of Article 11 (3) to (7) and Article 12 are involved, it shall be handled in light of the provisions of the corresponding articles.

Article 14 In case any solely-owned enterprise, joint venture enterprise or contractual joint venture enterprise established overseas and in Hong Kong and Macao by the enterprises of our country needs the supply of domestic goods subject to export license administration, a license issuing agency shall issue the export license in light of Article 11 of the present Measures on the basis of the documents of approval of the Ministry of Commerce and the certificate of approval for overseas enterprises of the Ministry of Commerce or the certificate of approval for processing and assembling enterprises with overseas materials of the Ministry of Commerce.

Article 15 Where any enterprise which has the qualification for managing foreign economic and technology cooperation upon the approval of the Ministry of Commerce, exports equipment (including a whole set of equipment), materials, construction appliances and life materials for self-use of its personnel, which fall within the scope of goods subject to the export license administration, for the purpose of performing such projects as overseas contracting engineering, labor service cooperation, or design and consultation, etc., the export license shall be issued in accordance with Article 11 of the present Measures.

Article 16 For the commodities subject to export license administration for self-use needing to be transported out of China in the export of complete sets of equipment, the export license shall be issued according to Article 11 of the present Measures.

Article 17 For the commodities subject to export license administration for repayment of foreign loans or under compensation trade projects, a license issuing agency shall issue the export license according to the Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License on the basis of the export quotas granted by the Ministry of Commerce for repayment of foreign loans or that of the compensation trade. Any legal person, other organization or individual that fails to go through archival filing and registration and undertakes the business of repayment of foreign loans or compensation trade shall do export business by entrusting an operator as an agent, and the operator shall apply for the export license.

Article 18 When applying for export licenses, an operator shall declare faithfully in light of the present Measures, and may not falsify, or cheat to obtain the export license by means of false contract or fake documents.

Chapter IV Issuance of Export License

Article 19 Each license issuing agency shall issue the export license for the relevant export goods strictly in accordance with the requirements in the annual Catalogue for Goods Subject to the Administration of Export License and the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License within 3 workdays from the date of receiving the application conforming to the requirements, no license may be issued in violation of the provisions. An operator shall, when exporting goods in the Catalogue for Goods Subject to the Administration of Export License, apply for export license to the license issuing agency as designated by the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License.

Article 20 The License Bureau, all the accredited representatives' offices and local license issuing agencies shall issue export licenses strictly in accordance with the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as promulgated by the Ministry of Commerce. In case online application for export license is implemented, the handling shall be made in light of the relevant procedures and provisions.

1. The scope of licenses to be issued by the License Bureau:

(1) The export licenses within the scope of authorization of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License shall be issued in light of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce. And

(2) The export licenses of enterprises under the Central Government in Beijing.

2. The scope of licenses to be issued by each accredited representatives' office:

(1) Issuing the export licenses to the operators within the contact area, the enterprises under the Central Government within the contact area, and the subsidiaries of the enterprises under the Central Government in Beijing whose quotas are controlled by the local regions on the basis of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce;

(2) Issuing the export license for quota bidding goods of any operator within the contact area on the basis of the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce; and

(3) Issuing the export licenses for other goods as prescribed by the Ministry of Commerce.

3. The scope of licenses to be issued by each local license issuing agency:

(1) Issuing export licenses to local operators according to the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License as prescribed by the Ministry of Commerce; and

(2) Issuing the export license for other goods as prescribed by the Ministry of Commerce.

4. Goods whose licenses are issued by the designated license issuing agencies:

For all the goods whose licenses are issued by the license issuing agencies as designated by the Catalogue for Graded License Issuance of Goods Subject to the Administration of Export License, an operator shall apply export license to the designated license issuing agency without exceptions.

Article 21 No license issuing agency may issue any export license without quota, exceeding quota, exceeding power or the scope of license issuance. No staff member of any license issuing agency may neglect his duty, seek private gains or misuse authority during performance of duty, and may not seek for the property of other people by taking advantages of conveniences of his post or take the property of other people illegally for seeking interests for others.

Article 22 The administration of export license shall apply the system of "one license for one customs house", "one batch, one license" and "non-one batch, one license". The "one license for one customs house" shall mean that an export license may only be declared at one customs house; and the "one batch, one license" shall mean that an export license may be used for customs declaration for once within the period of validity.

The system of "non-one batch, one license" shall be implemented under the following circumstances, and the "non-one batch, one license" shall be indicated in the note column when issuing the export license:

1. Goods under export license administration of foreign-funded enterprises;
2. Goods under export license administration in compensation trade; and
3. Other goods under export license administration applying the system of "non-one batch, one license" as prescribed by the Catalogue for Goods Subject to the Administration of Export License.

The "non-one batch, one license" shall mean that an export license may be used for customs declaration for many times within the period of validity, but shall not exceed twelve times at most, and the customs house shall indicate in the "endorsement of customs examination and release" column the amount of outbound cargo batch by batch.

Chapter V Handling of Exceptions

Article 23 The overloaded goods shall be large goods in bulk. The amount of overload shall be handled according to the international trade customs, that is, the amount of overload of large goods in bulk exported after customs declaration shall not exceed 5% of the amount of export as listed in the export license. In the case of large goods in bulk which do not apply the system of "one batch, one license", the amount shall be deducted after checking according to the actual export amount when each batch of the goods is exported, and the amount of overload shall be computed on the basis of the actual surplus export amount of the license and within 5% of the prescribed upper limit of the overload when the final batch of goods is exported.

A license issuing agency shall issue the license for the export of goods in this category strictly in light of the amount of export quotas and the amount checked by the documents

of approval, verifying and deducting the amount of quota according to the actual amount of the licenses issued and shall not issue license on the basis of the amount of export quotas or the amount checked by the documents of approval plus the amount of overload allowed by international trade customs

Article 24 Export license shall be exempted for goods subject to export license administration for project of foreign economic aid. The relevant provisions on the release certificate shall be formulated and promulgated by the Ministry of Commerce, the General Administration of Customs and the State Administration for Quality Inspection, Supervision and Quarantine.

Article 25 Provisions on exhibition articles, exhibition articles for sale and small articles for sale that are taken abroad (out of the territory) to participate in or for holding exhibitions are as follows:

1. The export licenses shall be exempted for exhibition articles not for sale under export license administration, which are taken abroad (out of the territory) to participate in or for holding exhibitions, and the customs shall supervise, examine and release these articles after examination on the basis of the documents of approval for the exhibitions by the department of examination and approval and the customs declaration on export goods. The entities participating in the exhibition shall, within 6 months after the end of the exhibition, carry back exactly the amount of the exhibition articles not for sale to be cancelled by the customs after verification. Under special circumstances, the period may be postponed upon the approval of the customs.

2. Where the exhibition articles for sale and the small articles for sale that are taken abroad (out of the territory) for participating in or holding exhibitions are subject to the export license administration, the entities participating in the exhibitions shall apply to the license issuing agencies as prescribed in the Graded License Issuance Catalogue for the export licenses without using the export quotas on the basis of the documents of approval of the department of examination and approval for foreign economic and trade exhibitions and the exhibition participation certificates of the entity organizing enterprises to take part in foreign economic and trade exhibitions, And

3. For the chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions, the export licenses shall be handled as normal export, and the provisions of items (1) and (2) of this Article shall not be applied.

Article 26 Provisions on the samples of export goods and samples of goods under export license administration that need to be provided for cultural exchange and technology exchange are as follows:

1. For the samples of goods subject to the export license administration or samples for experiment use which are shipped abroad (out of the territory) by an operator, if the value of each batch of goods are RMB 30,000 Yuan or less, the export license shall be exempted, the customs shall check and release the goods on the basis of the customs declaration of the export samples filled in by the operator; if the value exceeds RMB

30,000 Yuan, the goods shall be regarded as being exported normally, and the operator may apply for export license as required. The words "samples of goods" shall be indicated in the note column of the export license. And

2. For the chemicals under supervision and control, chemicals liable to producing drugs, ozonosphere-exhausting materials and other goods governed by international conventions, the export licenses shall be handled as normal export, and the provisions of item (1) of this Article shall not be applied.

Article 27 For the donations provided by the Chinese government to foreign countries according to the agreement or temporary decision between the governments of the two countries, or the materials donated by the Chinese government or organization to the government or organization of the opposite country on the basis of friendship, among which there are goods subject to the export license administration, the export license shall be issued on the basis of the relevant agreements or decisions without using export quotas.

For other donations involving export license administration, the export license shall be issued according to Article 11 of the present Measures.

Chapter VI Period of Validity of Export License

Article 28 The period of validity of export quota shall be before or at December 31st of the current year, unless it is specified differently. An operator shall apply for an export license to the license issuing agency within the period of validity of the quota.

Article 29 Each license issuing agency shall issue export licenses of the next year according to the export quotas granted by the Ministry of Commerce or all local competent department of commerce from December 10 of the current year, the period of validity shall start from January 1 of the next year.

Article 30 The longest period of validity of an export license shall not exceed 6 months and the deadline for the period of validity shall not exceed December 31 of the current year.

Where any goods under quota license administration are exported by way of processing trade, the period of validity of the export license shall be determined according to the time limit for the export as checked by the Certificate of Approval for the Business of Processing Trade, but shall not exceed December 31 of the current year. If the time limit for export determined according to the Certificate of Approval for the Business of Processing Trade exceeds December 31 of the current year, an operator shall apply for issuing a new export license by replacing the original one for the new year to the issuing agency within the period of validity of the original export license. The license issuing agency shall take back the original license and write it off in the license issuing system, and reissue the export license for the new year within the time limit for export as determined according to the Certificate of Approval for the Business of Processing Trade after deducting the amount having been used, and indicate in the note column the number of the original certificate.

The Ministry of Commerce may adjust the period of validity and application time of the export licenses of certain goods according to the specific circumstances.

An export license shall be used within the period of validity, and shall be invalidated automatically if it exceeds the time limit, and the customs shall not release the goods.

Article 31 In case an export license fails to be used within the period of validity due to some reason, an operator shall apply for extension to the original license issuing agency within the period of validity of the export license. The license issuing agency shall take back the original license, and reissue an export license after writing off the original license in the license issuing computer management system, and indicate in the note column the extension use and the number of the original license.

In case an export license is not fully used within the period of validity due to some reason, an operator shall apply for extension for the unused part to the original license issuing agency within the period of validity of the export license. The license issuing agency shall take back the original license and cancel the original license in the license issuing system after verification, and reissue an export license after deducting the amount that has been used, and indicate in the note column the extension use and the number of the original license.

Where an extension for any export license is handled by using the export quotas of the current year, the longest extension period shall not exceed December 31 of the current year.

In case an application for extension fails to be filed within the period of validity of an export license, the export license shall be invalidated automatically after the expiration of the time limit. The license issuing agency shall not handle formalities for extension of the license any longer. And the amount of goods under the export license shall be regarded as being given up by the quota holder automatically.

Article 32 After an export license is issued, no entity or individual may unlawfully alter the face contents of the license. Where there is necessity to alter the face contents of the license, an operator shall return the export license to the original license issuing agency within the period of validity of the export license, and reapply for an export license.

Article 33 In case an export license having been received is lost, an operator shall report in written forms to the customs house at the export port as indicated in the face of the license and the relevant license issuing agency at once, and publish a "Loss Notice" in national economic newspapers and periodicals. A license issuing agency may write off the license after verifying that the license really has not passed through the customs on the basis of the Loss Notice and issue a new license.

Article 34 In case such entities as the customs, industry and commerce, public security, disciplinary inspection or court need to make inquiry about or investigation into any export license to any license issuing agency, it shall show the relevant certificate according to law, and then the license issuing agency may accept the inquiry.

Article 35 Where any license issuing agency is adjusted, the original license issuing agency shall not issue the export license for the goods subject to the export license administration any longer from the date of adjustment, and shall report the application conditions of the operator before the adjustment to the adjusted license issuing agency. The license applied for and received by the operator before the adjustment shall be effective continuously within the period of validity. If the license is not used or not fully used within the period of validity, an operator shall go through formalities for extension to the adjusted license issuing agency as required.

Chapter VII Inspection and Punishment

Article 36 The Ministry of Commerce shall authorize the License Bureau to make regular inspections on each license issuing agency. The contents of inspection shall be the implementation of the present Measures by the license issuing agency, and the inspection shall focus on whether there are issues of issuing license by exceeding quotas, without quotas or exceeding power or levels in violation of regulations and other issues in violation of the present Measures. The ways of inspection shall apply the method of combining regular or irregular self-inspection by a license issuing agency with the spot check of the License Bureau.

The License Bureau shall report the inspection conditions to the Ministry of Commerce.

Article 37 Each license issuing agency shall transmit in time the license issuing data in light of the provisions of the Ministry of Commerce on online checking of licenses to ensure the smooth declaration of the operators and the checking of the customs. It shall carefully check up the checking data fed back by the customs, and inspect in time the use of the licenses and find out the existing problems. The License Bureau shall report the checking data fed back by the customs being verified to the Ministry of Commerce periodically.

Article 38 In case any license issuing agency issues licenses by exceeding quotas, without quotas or exceeding power or levels in violation of Article 21 of the present Measures, the Ministry of Commerce shall give it warnings, suspend or cancel its right to issue licenses and other punishment according to the circumstances.

Article 39 Any operator who forges, alters or sells and buys export licenses shall be subject to criminal liabilities in accordance with the provisions of the Criminal Law on the crime of illegal management, or the crimes of forging, altering, selling and buying the documents, certificates or seals of the state organs. If it is not serious enough to be subject to criminal liabilities, he/it shall be punished in accordance with the relevant provisions of the customs law and the relevant laws and regulations.

In case any one obtains any export license by cheating or other illegal means, the Ministry of Commerce shall capture its/his export license.

The Ministry of Commerce may prohibit any violator from undertaking the relevant foreign trade business activities within one to three years from the date when the decision on the administrative punishment in the preceding two paragraphs takes effect or from the date

when the judgment on criminal punishment takes effect. Within the period of prohibition, the customs shall not handle formalities for customs declaration and release for the operator according to the prohibition decision made by the Ministry of Commerce, and the department of foreign exchange control or foreign exchange designated banks shall not handle the relevant formalities for settlement and sale of foreign exchange.

Article 40 Any license issued by exceeding quotas, without quotas or exceeding power or levels shall be invalidated. For the export licenses involved in Articles 37 and 38, the Ministry of Commerce shall revoke them once discovering the facts after investigation. For the issues concerning the aforesaid licenses discovered by the customs during actual supervision or case handling, the license issuing agency shall give a clear reply.

Article 41 In case any entity that organizes or participates in any exhibition violates the relevant provisions of paragraph one of Article 25, and fails to carry back the exact amount of exhibition articles not for sale subject to the export license administration for the customs to cancel them after verification, the customs shall notify the Ministry of Commerce. The Ministry of Commerce and the department of examination and approval for foreign economic and trade exhibitions shall give warnings to the entity that organizes or participates in the exhibition, suspend the examination and approval for its overseas (out-of-territory) exhibition articles for one to two years according to the circumstances.

Article 42 In case any staff member of any license issuing agency violates Article 21 of the present Measures and constitutes a crime, he shall be subject to criminal liabilities according to the relevant provisions of the Criminal Law of the People's Republic of China. In case any staff member of any license issuing agency violates the present Measures, which is not serious enough to constitute a crime, he shall be transferred from his work post, and be subject to administrative punishment according to Article 55 or 56 of the Civil Servant Law of the People's Republic of China.

Chapter VIII Supplementary Provisions

Article 43 The relevant existing provisions shall be followed for the goods entering the bonded warehouses, bonded zones and export processing zones in other districts within the customs districts of China. And the existing provisions shall be followed for the export of goods in the export supervision warehouses, bonded zones and export processing zones.

Article 44 The relevant existing provisions shall still be followed for the export license administration under border trade.

Article 45 The present Measures shall not be applicable to the goods governed by the Export License for Sensitive Items and Technology.

Article 46 The power to interpret the present Measures shall remain with the Ministry of Commerce.

Article 47 The present Measures shall come into force on July 1st, 2008. The former Measures for the Administration of License for the Export of Goods (Order No.28 [2004] of the Ministry of Commerce) shall be abolished simultaneously.

商务部令

(2008 年第 11 号)

修订后的《货物出口许可证管理办法》已由商务部第 6 次部务会议于 2008 年 5 月 7 日通过，现予公布，自 2008 年 7 月 1 日起施行。

部长 陈德铭

二〇〇八年六月七日

货物出口许可证管理办法

第一章 总则

第一条 为了合理配置资源，规范出口经营秩序，营造公平透明的贸易环境，履行我国加入的国际公约和条约，维护国家经济利益和安全，根据《中华人民共和国对外贸易法》和《中华人民共和国货物进出口管理条例》，制定本办法。

第二条 国家实行统一的货物出口许可证制度。国家对限制出口的货物实行出口许可证管理。

第三条 商务部是全国出口许可证的归口管理部门，负责制定出口许可证管理办法及规章制度，监督、检查出口许可证管理办法的执行情况，处罚违规行为。

商务部会同海关总署制定、调整和发布年度《出口许可证管理货物目录》。商务部负责制定、调整和发布年度《出口许可证管理货物分级发证目录》。

《出口许可证管理货物目录》和《出口许可证管理分级发证目录》由商务部以公告形式发布。

第四条 商务部授权配额许可证事务局(以下简称许可证局)统一管理、指导全国各发证机构的出口许可证签发工作,许可证局对商务部负责。

第五条 许可证局及商务部驻各地特派员办事处(以下简称各特办)和各省、自治区、直辖市、计划单列市以及商务部授权的其他省会城市商务厅(局)、外经贸委(厅、局)(以下简称各地方发证机构)为出口许可证发证机构,在许可证局统一管理下,负责授权范围内的发证工作。

第六条 本办法所称出口许可证包括出口配额许可证和出口许可证。凡实行出口配额许可证管理和出口许可证管理的货物,对外贸易经营者(以下简称经营者)应当在出口前按规定向指定的发证机构申领出口许可证,海关凭出口许可证接受申报和验放。

第七条 出口许可证不得买卖、转让、涂改、伪造和变造。

第二章 申领出口许可证应当提交的文件

第八条 经营者申领出口许可证时,应当认真如实填写出口许可证申请表(正本)1份,并加盖印章。实行网上申领的,应当认真如实地在线填写电子申请表并发送给相应的发证机构。

第九条 经营者申领出口许可证时,应当向发证机构提交有关出口货物配额或者其他有关批准文件。

第十条 经营者申领出口许可证时,应当向发证机构提交加盖对外贸易经营者备案登记专用章的《对外贸易经营者备案登记表》或者《中华人民共和国进出口企业资格证书》或者外商投资企业批准证书(复印件)。

第三章 出口许可证发证依据

第十一条 各发证机构按照商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》范围,依照下列规定签发出口许可证:

(一) 实行配额许可证管理的出口货物,凭商务部或者各省、自治区、直辖市、计划单列市以及商务部授权的其他省会城市商务厅(局)、外经贸委(厅、局)(以下简称各地商务主管部门)下达配额的文件和经营者的出口合同(正本复印件)签发出口许可证。

(二) 实行配额招标的出口货物,凭商务部发布的中标经营者名单、中标数量、《申领配额招标货物出口许可证证明书》或者《配额招标货物转受让证明书》以及中标经营者的出口合同(正本复印件)签发出口许可证。

(三) 易制毒化学品的出口, 凭《商务部易制毒化学品出口批复单》和经营者的出口合同(正本复印件)签发出口许可证。

(四) 计算机的出口, 凭商务部批准的《出口计算机技术审查表》和经营者的出口合同(正本复印件)签发出口许可证。

(五) 监控化学品的出口, 凭国家履行禁止化学武器公约工作领导小组办公室批准文件和经营者的出口合同(正本复印件)签发出口许可证。

(六) 消耗臭氧层物质的出口, 凭国家消耗臭氧层物质进出口管理办公室下发的批准文件和经营者的出口合同(正本复印件)签发出口许可证。

(七) 其它实行出口许可证管理的出口货物, 凭商务部批准文件及经营者的出口合同(正本复印件)签发出口许可证。

第十二条 加工贸易项下属于出口许可证管理的货物, 发证机构按照商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》, 凭商务部授权的加工贸易审批机关签发的《加工贸易业务批准证》及本办法第十一条规定的出口批准文件(属于出口配额管理但不使用配额数量的商品凭商务部批件)、海关加工贸易进口报关单和经营者的出口合同(正本复印件)签发出口许可证。

以加工贸易方式出口监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管辖的货物, 按照本办法第十一条签发出口许可证。

第十三条 外商投资企业出口属于出口许可证管理的货物, 应当按以下规定办理:

(一)外商投资企业出口属于出口配额管理的货物,发证机构凭商务部下达的外商投资企业出口配额数量签发许可证;出口配额招标管理的货物,应当附带第十一条第(二)款规定的有关批准文件;

(二)涉及第十一条(三)到(七)款及第十二条之情形的,按照相应条款规定办理。

第十四条 我国企业在国外及香港、澳门投资设立的独资、合资和合作企业,需国内供应属于出口许可证管理的货物,发证机构凭商务部批准文件和商务部境外企业批准证书或者商务部境外带料加工装配企业批准证书,按照本办法第十一条签发出口许可证。

第十五条 经商务部批准具有对外经济技术合作经营资格的企业为履行国(境)外承包工程、劳务合作、设计咨询等项目合同出口的设备(含成套设备)、材料、施工器械及人员自用的生活物资属于出口许可证管理的货物,按照本办法第十一条签发出口许可证。

第十六条 出口成套设备需运出境外项目自用属于出口许可证管理的货物,按照本办法第十一条签发出口许可证。

第十七条 偿还国外贷款或者补偿贸易项下属于出口许可证管理的货物,发证机构按商务部制定的《出口许可证管理货物目录》和《出口许可证管理分级发证目录》,凭商务部下达的偿还国外贷款或者补偿贸易的出口配额签发出口许可证。未办理备案登记的法人、其他组织或者个人从事偿还国外贷款或者补偿贸易业务时,应当委托经营者代理出口,并由该经营者办理出口许可证。

第十八条 经营者申领出口许可证时，应当按本办法如实申报，不得弄虚作假，严禁以假合同、假文件等手段骗领出口许可证。

第四章 出口许可证的签发

第十九条 各发证机构应当严格按照年度《出口许可证管理货物目录》和《出口许可证管理分级发证目录》的要求，自收到符合规定的申请之日起3个工作日内签发相关出口货物的出口许可证，不得违反规定发证。经营者出口《出口许可证管理货物目录》中的货物，应当到《出口许可证管理分级发证目录》指定的发证机构申领出口许可证。

第二十条 许可证局、各特办和各地方发证机构应当严格按照商务部发布的《出口许可证管理分级发证目录》签发出口许可证。实行网上申领出口许可证的，按照有关程序和规定办理。

(一) 许可证局发证范围：

1. 按照商务部规定的《出口许可证管理分级发证目录》，签发《出口许可证管理分级发证目录》授权范围内的出口许可证。
2. 在京的中央管理企业的出口许可证。

(二) 各特办发证范围：

1. 按照商务部规定的《出口许可证管理分级发证目录》，签发联系地区内经营者、联系地区内中央管理企业及配额由地方管理的在京中央管理企业子公司的出口许可证；

2. 按商务部规定的《出口许可证管理分级发证目录》，签发联系地区内经营者配额招标货物出口许可证；

3. 签发商务部规定的其他货物的出口许可证。

(三) 各地方发证机构发证范围：

1. 按商务部规定的《出口许可证管理分级发证目录》签发本地经营者出口许可证；

2. 签发商务部规定的其他货物的出口许可证。

(四) 指定发证机构发证的货物：

凡属于《出口许可证管理分级发证目录》中指定发证机构发证的货物，经营者一律到指定的发证机构办理出口许可证。

第二十一条 各发证机构不得无配额、超配额、越权或者超发证范围签发出口许可证。发证机构的工作人员在履行职责过程中，不得玩忽职守、徇私舞弊或者滥用职权，不得利用职务上的便利索取他人财物，或者非法收受他人财物为他人谋取利益。

第二十二条 出口许可证管理实行“一证一关”制、“一批一证”制和“非一批一证”制。“一证一关”指出口许可证只能在一个海关报关，“一批一证”指出口许可证在有效期内一次报关使用。

下列情况实行“非一批一证”制，签发出口许可证时应在备注栏内注明“非一批一证”：

(一) 外商投资企业出口许可证管理的货物；

(二) 补偿贸易项下出口许可证管理的货物；

(三)其它在《出口许可证管理货物目录》中规定实行“非一批一证”的出口许可证管理货物。

“非一批一证”指出口许可证在有效期内可以多次报关使用，但最多不超过 12 次，由海关在“海关验放签章栏”内逐批签注出运数。

第五章 例外情况的处理

第二十三条 溢装货物应当为大宗、散装货物。溢装数量按照国际贸易惯例办理，即报关出口的大宗、散装货物的溢装数量不得超过出口许可证所列出口数量的 5%。不实行“一批一证”制的大宗、散装货物，每批货物出口时，按其实际出口数量进行核扣，最后一批出口货物出口时，其溢装数量按该许可证实际剩余数量并在规定的溢装上限 5%内计算。

发证机构在签发此类出口货物许可证时，应当严格按照出口配额数量及批准文件核定的数量签发，并按许可证实际签发数量核扣配额数量，不在出口配额数量或者批准文件核定的数量基础上加上按国际贸易惯例允许的溢装数量签发许可证。

第二十四条 对外经贸项目出口实行出口许可证管理的货物免领出口许可证。有关验放凭证的规定，由商务部、海关总署和国家质检总局另行制定和发布。

第二十五条 赴国(境)外参加或者举办展览会运出境外展品、展卖品、小卖品的规定：

(一)赴国(境)外参加或者举办展览会所带属于出口许可证管理的非卖展品，免领出口许可证，海关凭出国(境)经济贸易展览会审批部门批准办展的文件和出口货物报关单监

管验放。参展单位应当在展览会结束后6个月内,将非卖展品如数运回,由海关核销。在特殊情况下,经海关同意,可以延期。

(二)赴国(境)外参加或者举办展览会带出的展卖品、小卖品,属于出口许可证管理的,参展单位凭出国(境)经济贸易展览会审批部门的批准文件及出国(境)经济贸易展览会组展单位提供的参展证明,向《分级发证目录》规定的发证机构申领出口许可证,不占用出口配额。

(三)监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管辖的货物,按正常出口办理,不适用本条第(一)、(二)项规定。

第二十六条 出口货物样品和文化交流或者技术交流需对外提供属于出口许可证管理货物的货样的规定:

(一)经营者运出国(境)外属于出口许可证管理货物的货样或者实验用样品,每批货物价值在人民币3万元(含3万元)以下者,免领出口许可证,海关凭经营者填写的出口货样报关单查验放行;超过3万元者,视为正常出口,经营者按规定申领出口许可证。出口许可证备注栏内应当注明“货样”字样。

(二)监控化学品、易制毒化学品、消耗臭氧层物质以及其他国际公约管辖的货物对外提供货样,按正常出口办理,不适用本条第(一)项规定。

第二十七条 中国政府根据两国政府间的协议或者临时决定,对外提供捐赠品或者中国政府、组织基于友好关系向对方国家政府、组织赠送的物资,涉及出口许可证管理的货物,凭有关协议或者决定签发出口许可证,不占用出口配额。

其他捐赠，涉及出口许可证管理的，按本办法第十一条签发出口许可证。

第六章 出口许可证的有效期

第二十八条 出口配额的有效期为当年 12 月 31 日前(含 12 月 31 日),另有规定者除外,经营者应当在配额有效期内向发证机构申领出口许可证。

第二十九条 各发证机构可自当年 12 月 10 日起,根据商务部或者各地方商务主管部门下发的下一年度出口配额签发下一年度的出口许可证,有效期自下一年度 1 月 1 日起。

第三十条 出口许可证的有效期最长不得超过 6 个月,且有效期截止时间不得超过当年 12 月 31 日。

以加工贸易方式出口属于配额许可证管理的货物,其出口许可证有效期按《加工贸易业务批准证》核定的出口期限核发,但不得超过当年 12 月 31 日。如《加工贸易业务批准证》核定的出口期限超过当年 12 月 31 日,经营者应在原出口许可证有效期内向发证机构提出换发新一年出口许可证。发证机构收回原证,在发证系统中对原证进行核销,扣除已使用的数量后,按《加工贸易业务批准证》核定的出口期限重新签发新一年度出口许可证,并在备注栏中注明原证证号。

商务部可视具体情况,调整某些货物出口许可证的有效期和申领时间。

出口许可证应当在有效期内使用,逾期自行失效,海关不予放行。

第三十一条 出口许可证因放在有效期内未使用,经营者应当在出口许可证有效期内向原发证机构提出延期申请,发证机构收回原证,在发证计算机管理系统中注销原证后,重新签发出口许可证,并在备注栏中注明延期使用和原证证号。

出口许可证因放在有效期内未使用完,经营者应当在出口许可证有效期内向原发证机构提出未使用部分的延期申请,发证机构收回原证,在发证系统中对原证进行核销,扣除已使用的数量后,重新签发出出口许可证,并在备注栏中注明延期使用和原证证号。

使用当年出口配额领取的出口许可证办理延期,其延期最长不得超过当年12月31日。

未在出口许可证有效期内提出延期申请,出口许可证逾期自行失效,发证机构不再办理延证手续,该出口许可证货物数量视为配额持有者自动放弃。

第三十二条 出口许可证签发后,任何单位和个人不得擅自更改证面内容;如需要对证面内容进行更改,经营者应当在出口许可证有效期内将出口许可证退回原发证机构,重新申领出口许可证。

第三十三条 已领取的出口许可证如遗失,经营者应当立即向许可证证面注明的出口口岸地海关及相关发证机构书面报告,并在全国性经济类报刊上登载“遗失声明”,发证机构凭遗失声明,并经核实该证确未遇关后,可注销该证,并核发新证。

第三十四条 海关、工商、公安、纪检、法院等单位需要向发证机构查询或者调查出口许可证,应当依法出示有关证件,发证机关方可接受查询。

第三十五条 出口许可证管理货物在发证机构调整时，自调整之日起，原发证机构不得再签发该货物的出口许可证，并将经营者在调整前的申领情况报调整后的发证机构。经营者在调整前申领的许可证在有效期内继续有效。有效期内未使用或者未完全使用的许可证按规定到调整后的发证机构办理延期手续。

第七章 检查和处罚

第三十六条 商务部授权许可证局对各发证机构进行定期检查。检查的内容为发证机构执行本办法的情况，重点是检查是否有超配额、无配额或者越权越级违章发证以及其他违反本办法的问题。检查的方式，实行各发证机构定期或者不定期自查与许可证局抽查相结合的办法。

许可证局应当将检查的情况向商务部报告。

第三十七条 各发证机构应当按照商务部许可证联网核查的规定及时传送发证数据，以保证经营者顺利报关和海关核查；对海关反馈的核查数据应当认真核对，及时检查许可证的使用情况并找出存在的问题。许可证局应当定期将核对后的海关反馈核查数据报商务部。

第三十八条 对违反本办法第二十一条，超配额，无配额和越权越级发证的发证机构，商务部将视情节轻重给予其警告、暂停或者取消发证权等处分。

第三十九条 对伪造、变造或者买卖出口许可证的经营者，依照刑法关于非法经营罪或者伪造、变造、买卖国家机关公文、证件、印章罪的规定，依法追究刑事责任；尚不够刑事处罚的，依照海关法等相关法律法规的有关规定处罚。

对以欺骗或者其他不正当手段获取出口许可证的，商务部依法收缴其出口许可证。

商务部可以禁止违法行为人自前两款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起一年以上三年以下的期限内从事有关的对外贸易经营活动。在禁止期限内，海关根据商务部依法作出的禁止决定，对该经营者的有关出口货物不予办理报关验放手续，外汇管理部门或者外汇指定银行不予办理有关结汇、售汇手续。

第四十条 超配额，无配额和越权越级发放的许可证无效。对第三十七条、第三十八条所涉出口许可证，一经查实，商务部予以吊销处理。对海关在实际监管或者案件处理过程中发现的涉及上述许可证的问题，发证部门应当给予明确回复。

第四十一条 对违反第二十五条第（一）款有关规定，未将属于出口许可证管理的非卖展品如数运回由海关核销的，由海关通知商务部，商务部和出国（境）经济贸易展览会审批部门视情节轻重给予该组展单位和参展单位警告、暂停审批其出国（境）展览项目一至两年等处分。

第四十二条 对发证机构工作人员违反本办法第二十一条构成犯罪的，依照《中华人民共和国刑法》的有关规定追究其刑事责任。对发证机构工作人员违反本办法尚不构成犯罪的，应当调离工作岗位，并根据《中华人民共和国公务员法》第五十五、第五十六条给予行政处分。

第八章 附则

第四十三条 中国关境内其他地区货物进入到保税仓库、保税区 and 出口加工区的，按照现行有关规定执行。出口监管仓库、保税区、出口加工区的货物出口到境外，按现行规定执行。

第四十四条 边境贸易项下出口许可证管理仍按照现行有关规定执行。

第四十五条 《敏感物项和技术出口许可证》管辖货物不适用本办法。

第四十六条 本办法由商务部负责解释。

第四十七条 本办法自 2008 年 7 月 1 日起施行。原《货物出口许可证管理办法》(商务部令 2004 年第 28 号)同时废止。

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外经贸部、海关总署关于调整出口商品海关审价目录的通知
(外经贸贸发[2002]187号)

海关总署广东分署：天津、上海特派办、各直属海关、各省、自治区、直辖市及计划单列市外经贸委(厅、局)、外经贸部驻各地特派员办事处，各进出口商会

为了适应我国加入世界贸易组织的新形势，维护公平的市场竞争秩序，积极防范国外针对我国出口商品的反倾销，推动行业自律，促进出口健康发展，外经贸部、海关总署决定对2002年出口商品海关审价目录进行调整。现将有关事项通知如下：

一、调整后的出口海关审价商品为30种(目录见附件)，全部实行商会预核签章管理，不再实行海关监审管理。

二、各有关进出口商会和各海关应按照《关于印发出口商品海关审价工作有关规定的通知》([1997]外经贸管综函字第21号)中的《出口商品审价工作联络办法》加强联系配合，及时反映出口审价工作中存在的问题，共同做好出口审价工作，并将年度审价情况分别报外经贸部和海关总署备案。

三、各有关商会务必于2002年4月20日之前，将调整后的各项出口审价商品的同行协议价格资料以软盘(按规定格式)和书面材料形式送达海关总署广州商品价格信息中心办公室；将负责出口商品审价工作的人员名单、通讯地址、电话、传真号报外经贸部外贸司、海关总署关税征管局和广州商品价格信息中心办公室备案。

四、各有关进出口商会应按照《关于印发出口商品海关审价工作有关规定的通知》([1997]外经贸管综函字第21号)中的《关于对出口审价重点商品进行出口价格预核签章的暂行规定》做好预核签章工作。预核签章办法和程序在有利于商会进行价格协调和行业自律的同时，也要尽可能地方便企业出口，做到既能维护良好的出口秩序，又能有效减少企业出口成本；促进行业和企业出口的发展。从2002年起，各有关商会要参照机电商会双简望远销分级预核签章的经验，从本商会审价商品中至少推出一一种商品进行试点。

五、在国际市场急剧变化的情况下，经商会有关商品分会(协调小组)会员大会通过并报外经贸部和海关总署备案后，海关和商会可对有关商品暂停出口审价。

六、调整后的出口商品审价目录自2002年5月1日起执行。外经贸部和海关总署于2002年12月25日联合下发的《关于调整出口商品海关审价目录的通知》([2000]外经贸管发第661号)同时废止。

特此通知

中华人民共和国对外贸易经济合作部
中华人民共和国海关总署
2002年3月29日

Notice for the Adjustment of
The Catalogue of Export Products Subject to Price Review by Customs
(Waijingmaomaofa[2002]187)

Guangdong Sub-administration of China Customs; Tianjin and Shanghai Special Offices; all Customs offices, provinces, municipalities, municipalities directly under the Central Government, and Foreign Economic and Trade Committee; all special offices of Department of Foreign Economic and Trade; all import and export association:

For fair and transparent market competition, the department of foreign economic and trade, the Administration of Customs adjusted the 2002 Catalogue of Export Products Subject to Price Review by Customs, hereby send to you:

I. Export products subject to price review by customs after adjustments will be 30 categories. All will be subject to signature by the association, not by Customs management.

II. All import and export associations should strengthen contact and coordination according to Export Commodities Price Examination Contact Method; reflect the problems in time; and filing annual price examination report at Department of foreign economic and trade and Administration of Customs.

III. All associations shall submit examination price information to Administration of Customs Guangzhou Merchandise Price Information offices in way of floppy disk and written. Submit the name, address, tel and tax list to the Department of Foreign Economic and Trade, Administration of Customs and Guangzhou Merchandise Price Information Center for filing.

IV. All import and export associations should implement pre-examination signature. Details of pre-examination signature can be made by associations themselves. The associations should provide convenient to exporters; keep well export order and low down export cost. From 2002, there should at least one kind of products subject to this mechanism.

V. When during special global market situation, the Customs and Associations can pause the export price examination after reporting to Department of Foreign Economic and Trade, and filing at the Customs.

VI. The notice will be in force from May 1 2002. Catalogue of Export Products Subject to Price Review by Customs issued on December 25 2000 will be abolished.

Hereby noticed

Department of Foreign Economic and Trade of PRC
Administration of Customs of PRC
March 29 2002

ATTACHMENT A22

Customs Law of the People's Republic of China (2000 Revision)

Customs Law of the People's Republic of China

(Adopted at the 19th Meeting of the Standing Committee of the Sixth National People's Congress on January 22, 1987, revised at the 16th Meeting of the Standing Committee of the Ninth National People's Congress on July 8, 2000 according to the Decision on Amending the Customs Law of the People's Republic of China)

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Chapter I General Provisions

Article 1. This Law is formulated for the purpose of safeguarding state sovereignty and interests, strengthening supervision and control by the Customs, promoting exchanges with foreign countries in economic affairs, trade, science, technology and culture, and ensuring socialist modernization.

Article 2. The Customs of the People's Republic of China shall be the state organ responsible for supervision and control over everything entering and leaving the customs territory (hereinafter referred to as inward and outward persons and objects). The Customs shall, in accordance with this Law and other related laws and administrative regulations, exercise supervision and control over the means of transport, goods, travellers' luggage, postal items and other articles entering or leaving the territory (hereinafter referred to as inward and outward means of transport, goods and articles), collect customs duties and other taxes and fees, uncover and suppress smuggling, work out customs statistics and handle other customs operations.

Article 3. The State Council shall set up the General Customs Administration which shall exercise unified administration of the Customs offices throughout the country.

The state shall set up Customs offices at ports open to foreign countries and regions and at places which call for concentrated customs operations of supervision and control. The subordination of one Customs office to another shall not be restricted by administrative divisions.

The Customs offices shall exercise their functions and powers independently in accordance with the law, and shall be responsible to the General Customs Administration.

Article 4. The State shall create a Public Security Department within the General Customs. The department will have its own police officers who will be responsible for the investigation, detention, arrest, and preliminary examination of smuggling.

The public security department of a Customs office responsible for the investigation of the crime of smuggling shall conduct the investigation, detention, arrest and preliminary examination in accordance with the Criminal Procedure law of the People's Republic of China.

The public security department of the Customs may establish branch offices in accordance with relevant State regulations. Each branch office shall transfer the case under its investigation for prosecution to the relevant People's Procuratorate in accordance with law.

The local public security departments shall cooperate with the public security departments of the Customs during smuggling investigations.

Article 5. The State adopts a unified, joint, and comprehensive system for the suppression of the crime of smuggling. The Customs shall be responsible for the organization, coordination, and control of smuggling investigations. The State Council shall formulate relevant regulations.

Cases of smuggling detected by the various administrative law-enforcement departments shall be transferred to the Customs for administrative sanctions. If the case constitutes a crime, it shall be transferred either to the public security department of the Customs or to the local public security department, which will handle the case in accordance with its respective competence and legal procedures.

Article 6. The customs may exercise the following power:

- (1) to check incoming and outgoing transport and examine incoming and outgoing goods and articles; to detain those entering or leaving the territory in violation of this Law or other relevant laws and administrative regulations.
- (2) to examine the papers and identifications of persons entering or leaving the territory; to interrogate those suspected of violating this Law or other relevant laws and administrative regulations and investigate their illegal activities.
- (3) to examine and make copies of contracts, invoices, book accounts, bills, records, documents, business letters and cables, audio and video products and other materials related to incoming and outgoing transport, goods and articles; to detain those items, goods, and articles entering or leaving the territory in violation of this Law or other relevant laws and administrative regulations;
- (4) to search, within a Customs surveillance zone and the specified coastal or border area in the vicinity of a Customs office, relevant means of transport suspected of involvement in smuggling, storage places suspected of concealing smuggled goods and articles, and to search the relevant means of transport and goods and articles of persons suspected of smuggling. Upon the approval of the director of the Customs office with direct jurisdiction, or of the authorized director of the Customs department under it, the means of transport, goods and articles, and suspected smuggler(s) may be detained. Such detention of the suspected smuggler(s) shall not exceed 24

hours and, under special circumstances, may be extended to 48 hours.

In the area outside of the Customs surveillance zone or not in the specified coastal or border area in the vicinity of a Customs office, when investigating smuggling, upon the approval of the director of the Customs office with direct jurisdiction, or of the director of the Customs department under it with the proper authorization, the Customs officials may search the means of transport suspected to be smuggling and places suspected to be hiding smuggled goods and articles. The parties involved shall be present at the search site. In case the parties are not present, the search can also be conducted in the presence of witnesses, and the means of transport, goods, and articles, which can be proved as evidence for smuggling, may be detained.

The scope of the specified coastal or border area in the vicinity of a Customs office shall be defined by the General Customs Administration and the public security department under the State Council in conjunction with the relevant provincial people's governments.

(5) When investigating smuggling, with the approval of the director of the Customs office with direct jurisdiction, or of the director of the Customs department under it with the proper authorization, investigations may be conducted over the deposits or transfers of units or personnel under investigation in the financial institutions or post offices.

(6) Customs officers may chase means of transport or persons defying and escaping from customs supervision and control to places beyond a customs surveillance zone or the specified coastal or border area in the vicinity of a Customs office and bring them back to be properly dealt with; and

(7) A Customs office may be provided with arms for the performance of its duties. Rules governing the carrying and use of arms by customs officers shall be drawn up by the General Customs Administration jointly with the public security department under the State Council and reported to the State Council for approval.

(8) Other powers of the Customs office are stipulated by laws and regulations.

Article 7. Each locality and department shall support the execution of power of the Customs office, and shall not obstruct the law-enforcement of the Customs office in violation of law.

Article 8. All inward and outward means of transport, goods and articles shall enter or leave the territory at a place where there is a Customs office. If, under special circumstances, they have to enter or leave the territory at a place without a Customs office as a matter of contingency, permission shall be obtained from the State Council or an organ authorized by the State Council, and customs formalities shall be duly completed in accordance with this Law.

Article 9. Unless otherwise provided for, all import and export goods must be declared and duties on them paid by their sender or receiver or by representatives entrusted by the sender or receiver and approved by and registered with the Customs.

The customs formalities concerning declaration of inward and outward articles and payment of duties on them may be completed either by the owner or by a person the owner has entrusted to act as his agent.

Article 10. If entrusted by the sender or receiver of the import or export goods, the representative handling the declaration procedure shall present to the Customs office a

document certifying power of attorney and signed by the entrusting party, and shall abide by all provisions of this Law applicable to the entrusting party.

If entrusted by the sender of the exports or the receiver of the imports, but handling the declaration procedure in its own name, the representative shall bear the same legal responsibility as that of the sender or the receiver.

When entrusting the representative to handle the declaration procedure, the entrusting party shall provide the representative with truthful information about the entrusted declaration. When entrusted to handle the declaration procedure, the representative shall make reasonable verification of the facts provided by the entrusting party.

Article 11. The senders or receivers of the goods exported or imported as well as the representative shall register themselves for declaration activities at the Customs office in accordance with law. In addition, those persons declaring shall present proof of qualifications. No enterprises or persons can conduct declaration activities at the Customs office without registration or qualification.

Representation enterprises or persons shall not act as illegal agents of others or conduct declaration activities outside of their business scope.

Article 12. No unit or individual may obstruct the Customs office from performing its duties according to law, and the unit or individual concerned shall cooperate with the Customs office by giving truthful answers to questions asked by the Customs office.

Where a Customs officer meets with forceful resistance while carrying out his duties, the public security department and the relevant People's Armed Police units shall provide assistance.

Article 13. The Customs office shall establish a reporting regime to encourage the exchange of information and report acts in violation of this Law committed in order to escape Customs surveillance and control.

Any unit or individual has the right to inform and report to the Customs office any act in violation of this Law committed in order to escape Customs surveillance and control.

The Customs office shall provide spiritual or material rewards to units or individuals for meritorious service in providing information or assistance which leads to the discovery and seizure of violators of this Law.

The Customs office shall keep the identities of such units or individuals strictly confidential.

Chapter II Inward and Outward Means of Transport

Article 14. When a means of transport arrives at or departs from a place where there is a Customs office, the person in charge of the means of transport shall make a truthful declaration to the Customs, submit the relevant papers for examination and accept customs control and examination.

The inward and outward means of transport staying at a place with a Customs office shall not depart from it without prior permission by the Customs.

Before an inward or outward means of transport moves from one place with a Customs office to another place with a Customs office, it shall comply with the control requirements of the Customs and complete customs formalities; no means of transport shall be allowed to change its course and leave the territory unless it has cleared the Customs.

Article 15. An inward means of transport which has entered the territory but has not made its declaration to the Customs or an outward means of transport which has cleared the Customs but has not left the territory shall move along routes specified by competent communications authorities; in the absence of such specification, the routes shall be designated by the Customs.

Article 16. The Customs shall be notified in advance, either by the person in charge of a means of transport or by the relevant transport and communications department, of such details as when an inward or outward vessel, train or aircraft will arrive and depart, where it will stay, what places it will move to during its stay, and when the loading or unloading of the goods and articles will take place.

Article 17. The inward or outward goods and articles being loaded on or unloaded from a means of transport and the inward and outward passengers boarding or getting off a means of transport shall be subject to customs control.

Upon the completion of such loading or unloading, the person in charge of the means of transport shall submit to the Customs documents and records which reflect the actual situation of the loading and unloading.

Those boarding or getting off an inward or outward means of transport who carry articles with them shall truthfully declare to the Customs and shall be subject to customs examination.

Article 18. When an inward or outward means of transport is being checked by the Customs, the person in charge of the means of transport shall be present and open the holds, cabins, rooms or doors of the vehicles at the request of the Customs; where smuggling is suspected, such person shall also open or dismantle the part of the means of transport which may conceal smuggled goods and articles or remove the goods and materials.

In accordance with work requirements, the Customs may dispatch officers to perform duties on board the means of transport. The person in charge of the means of transport shall provide them with conveniences.

Article 19. An inward means of transport of countries or regions outside the territory or an outward means of transport of units or enterprises inside the territory shall not be transferred or devoted to other uses prior to the completion of customs formalities and payment of customs duties.

Article 20. Where inward or outward vessels and aircraft are concurrently engaged in transportation of goods and passengers within the territory, customs approval shall be obtained and requirements for customs control shall be fulfilled.

Customs formalities shall be completed with the Customs for an inward or outward means of transport to change to transport business within the territory.

Article 21. Coastal transport vessels, fishing boats and ships engaged in special operations at sea

may not carry, obtain on an exchange basis, purchase or transfer inward and outward goods and articles without customs approval.

Article 22. When, owing to force majeure, an inward or outward vessel or aircraft is forced to berth, land or jettison and discharge goods and articles at a place without a Customs office, the person in charge of the means of transport shall report immediately to the Customs office nearby.

Chapter III Inward and Outward Goods

Article 23. All import goods, throughout the period from the time of arrival in the territory to the time of customs clearance; all export goods, throughout the period from the time of declaration to the time of departure from the territory; and all transit, transshipment and through goods, throughout the period from the time of arrival in the territory to the time of departure from the territory, shall be subject to customs control.

Article 24. The receiver of import goods and the sender of export goods shall make an accurate declaration and submit the import or export license and relevant papers to the Customs office for examination. In the absence of an import or export license, goods whose importation or exportation is restricted by the State shall not be released. Specific measures for handling such matters shall be enacted by the State Council.

Declaration of import goods shall be made to the Customs office by the receiver within 14 days of the arrival of the means of transport; declaration of export goods shall be made by the sender after the goods arrive at the Customs surveillance zone and 24 hours prior to loading unless otherwise specially approved by the Customs.

Where the receiver fails to declare the import goods within the time limit described in the preceding paragraph, a fee for the delayed declaration shall be imposed by the Customs.

Article 25. Goods imported or exported at the Customs office shall be declared in writing on paper or electronic declaration forms.

Article 26. The declaration forms and documents as well as their contents shall not be revised or revoked after acceptance by the Customs office. If there is justifiable reason for the revision or revocation, it can be done only with the approval of the Customs.

Article 27. The receiver of the imported goods may check the goods or obtain samples before declaration with the approval of the Customs office. In case quarantine is needed in accordance with law, samples can be obtained only after quarantine.

Article 28. All import and export goods shall be subject to customs examination. While the examination is being carried out, the consignee for the import goods or the consignor for the export goods shall be present and be responsible for moving the goods and opening and restoring the package. The Customs shall be entitled to examine or re-examine the goods or take samples from them without the presence of the consignee or the consignor whenever it considers this necessary.

Import and export goods may be exempted from examination if an application has been made by the consignee or consignor and approved by the General Customs Administration.

Article 29. Unless specially approved by the Customs, import and export goods shall be released upon customs endorsement only after the payment of duties or the provision of a guarantee.

Article 30. Where the receiver fails to declare the import goods to the Customs office within three months of the arrival of the means of transport, the goods shall be confiscated and sold off according to law by the Customs office. After the costs of transport, loading and unloading, storage, and duties and taxes are deducted from the money obtained from the sale, the remaining sum, if any, shall be returned to the receiver provided s/he submits an application to the Customs office within one year of the sale of the goods according to law. If the importation of such goods is under state restriction, the receiver shall provide the appropriate import license; otherwise the money shall not be returned. If no one applies within the time limit, the money shall be turned over to the State Treasury.

Inward goods confirmed by the Customs to be mis-discharged or over-discharged may be returned to the place of consignment or imported upon completion of necessary formalities by the person in charge of the means of transport carrying the goods or the consignee or the consignor for the goods within three months of the discharging. When necessary, an extension of three months may be granted through customs approval. If the formalities are not completed within the time limit, the goods shall be disposed of by the Customs in accordance with the provisions laid down in the preceding paragraph.

Where goods listed in the preceding two paragraphs are not suitable for storage over a long period, the Customs may, according to actual circumstances, dispose of them before the time limit is reached.

Import goods declared to be abandoned by the consignee or the owner shall be taken over and sold off by the Customs. The money thus obtained shall be turned over to the State Treasury after the costs of transport, loading, unloading and storage are deducted.

Article 31. Goods that are temporarily imported or exported with the approval of the Customs shall be re-shipped out of or into the territory within six months. An extension may be granted in special circumstances through customs approval.

Article 32. The storage, processing, assembling, exhibition, transportation and consignment sales of bonded goods and the operation of duty-free shops shall meet the requirements of Customs surveillance and be approved by and registered with the Customs office.

The assignment, transfer, and entry into and exit from the storage locations of bonded goods shall go through requisite procedures at the Customs office and receive the proper surveillance and examination.

Article 33. Enterprises engaged in the processing trade shall file an approval document and a processing contract at the Customs office. The amount of raw materials consumed during the production of the finished products shall be decided by the Customs office.

The finished products of a processing trade shall be re-exported within the stipulated time limit. If the imported raw materials or parts are bonded goods specified by the State, the enterprise shall verify cancellation of the bond at the Customs office. If the Customs duties of the goods are pre-paid, the enterprise may ask for refunds from the Customs office in accordance with the law.

If the imported materials, parts, or finished products are eventually sold domestically, the Customs office shall ensure that the goods have been approved for domestic sale and shall levy Customs duties on the bonded imported materials and parts. If the importation of such goods is restricted, the enterprise shall also provide an importation license to the Customs office.

Article 34. The bonded zones and other zones, which are established in the territory of the People's Republic of China with the approval of the State Council under the special control of Customs, shall be controlled by Customs in accordance with law.

Article 35. Customs formalities for import goods shall be completed by the consignee at the Customs office at the place where the goods enter the territory; those for export goods shall be completed by the consignor at the Customs office where the goods depart from the territory.

If applied for by the consignee or the consignor and approved by the Customs, customs formalities for import goods may be completed at the place of destination where there is a Customs office, and those for export goods at the place of consignment where there is a Customs office. The transport of such goods from one place with a Customs office to another shall comply with the control requirements of the Customs. When necessary, customs officers may escort the goods in transportation.

Where goods enter or leave the territory by electric cables, pipelines or other special means of conveyance, the management units concerned shall report at regular intervals to the designated Customs office and complete customs formalities as required.

Article 36. All transit, transshipment and through goods shall be truthfully declared by the person in charge of the means of transport to the Customs office at the place where the goods enter the territory, and shall be shipped out of the territory within the designated time limit.

The Customs may examine such goods whenever it considers this necessary.

Article 37. Without Customs approval, no unit or individual may open, pick up, deliver, forward, change, repack, mortgage, pledge, or transfer goods under Customs control. Nor may anyone change identification marks on, use for other purposes, or permanently dispose of such goods.

Seals affixed by the Customs may not be opened or broken by any person without Customs authorization.

Upon disposal of goods under Customs control by the judgment or decision of the People's Court and decisions of other administrative enforcement authorities, the parties concerned are required to go through the Customs clearance procedure.

Article 38. Enterprises operating warehouses and places where goods under Customs control are kept shall be registered at Customs and shall complete procedures for the receipt and delivery of goods in accordance with Customs regulations.

The storage of goods under Customs control at a place outside a Customs surveillance zone must be approved by the Customs and shall be subject to Customs control.

Should there be any violation of the above two clauses or any damages or misplacement of the goods under Customs control while they are in the care of another enterprise, the person or legal

entity responsible for keeping the goods shall pay the applicable Customs duties and bear legal responsibility except in the case of force majeure.

Article 39. The General Customs Administration shall draw up, independently or jointly with the relevant departments under the State Council, rules for control over inward and outward containers; rules for control over the salvage of inward and outward goods and sunken ships; rules for control over inward and outward goods involved in small volumes of border transactions and other inward and outward goods not specified in this Law.

Article 40. If there are state regulations on the restriction or prohibition of imported or exported goods and articles, Customs shall carry out control measures in accordance with laws, administrative regulations, stipulations of the State Council, or authorization by other departments of the State Council. The specific control measures shall be formulated by the General Customs Authority.

Article 41. The place of origin of imported or exported goods shall be decided in accordance with State rules on place of origin.

Article 42. The classification of imported or exported goods shall be decided in accordance with State rules on merchandise classification.

Customs may require the sender or receiver of the exported or imported goods to provide necessary documents for deciding their classification. If necessary, the Customs may organize a laboratory test or examine lab results which shall be used as the basis for deciding the classification.

Article 43. At the written request of a unit conducting foreign trade, Customs may provide an administrative decision in advance concerning the classification of certain imported or exported goods.

The imported or exported goods shall be classified according to the administrative decision over the same goods.

The Customs shall publish all administrative decisions about the classification of goods.

Article 44. The Customs shall protect the intellectual property rights related to imported or exported goods in accordance with law and administrative regulations.

If requested, the sender or the receiver of exported or imported goods shall make truthful declarations about the intellectual property rights of the goods to Customs and shall provide the necessary legal documents as stipulated by the law.

Article 45. The Customs may examine accounting books, accounting certificates, declaration documents and other documents of the enterprises or persons directly involved in the importation or exportation of standard goods, bonded goods or goods under tax reduction or exemption; the Customs may make its examination within three years after clearance of the goods at the Customs or within the Customs control period. The detailed regulations for the examination shall be formulated by the State Council.

Chapter IV Inward and Outward Articles

Article 46. Inward and outward luggage carried by individuals and inward and outward articles sent by post shall be limited to reasonable quantities for personal use and shall be subject to customs control.

Article 47. All inward and outward articles shall be accurately declared to the Customs by the owner and shall be subject to customs examination.

Seals affixed by the Customs may not be opened or broken by any person without authorization.

Article 48. The loading, unloading, transshipment and transit of inward and outward mail bags shall be subject to customs control, and a covering waybill shall be submitted to the Customs by the postal enterprise concerned.

The postal enterprise shall inform the Customs in advance of the schedule for the opening and sealing of international mail bags. The Customs shall promptly dispatch officers to supervise checking and examination on the spot.

Article 49. Inward and outward articles sent by post shall be posted or delivered by managing units only after they have been examined and released by the Customs.

Article 50. Articles registered with and approved by the Customs for temporarily entering or leaving the territory duty-free, shall be taken out or brought into the territory again by the owner.

Persons passing through the territory may not leave in the territory, without customs approval, the articles they carry with them.

Article 51. In accordance with Article 21 of this Law, the Customs shall dispose of inward and outward articles declared to be abandoned by the owner; articles to which no one makes a claim or for which customs formalities are not completed within the time limit set by the Customs; and inward postal items which can neither be delivered nor be returned.

Article 52. Imported and exported articles intended for official or personal use by foreign missions or personnel enjoying diplomatic privileges and immunities shall be dealt with in accordance with the relevant law and administrative regulations.

Chapter V Customs Duties

Article 53. Customs duties shall be levied by the Customs according to law.

Article 54. The consignee of import goods, the consignor of export goods and the owner of inward and outward articles shall be the obligatory customs duty payer.

Article 55. The duty-paying value of an export item shall be decided by the Customs on the basis of its transaction price. If the transaction price cannot be determined, the Customs shall assess the duty-paying value in accordance with law.

The duty-paying value of an import item consists of its price, transportation fees and corresponding expenses, and insurance fees before unloading after the arrival at a point of entry into the territory of the People's Republic of China. The duty-paying value of an export item consists of its price, transportation fees and corresponding expenses, and insurance fees before loading after the arrival at a point of departure from the territory of the People's Republic of

China. The Customs duties shall be deducted from the duty-paying value.

The duty-paying value of an imported or exported article shall be fixed by Customs in accordance with law.

Article 56. Duty reduction or exemption shall be granted for import or export goods and inward or outward articles listed below:

- (1) advertising items and trade samples of no commercial value;
- (2) materials presented free of charge by foreign governments or international organizations;
- (3) goods to which damage or loss has occurred prior to customs release;
- (4) articles of a quantity or value within the fixed limit;
- (5) other goods and articles specified by law as items for duty reduction or exemption; and
- (6) goods and articles specified as items for duty reduction or exemption by international treaties to which the People's Republic of China is either a contracting or an acceding party.

Article 57. Customs duties for import or export goods in special areas, for special enterprises and for special purposes may be reduced or exempted. The State Council shall formulate detailed regulations about the scope and method of the reduction or exemption.

All import goods for which duty reduction or exemption is granted in accordance with the preceding Clause shall be used only in specified areas and enterprises or for specific purposes. They shall not be utilized otherwise unless Customs approval is obtained and duties duly paid.

Article 58. The State Council shall decide the temporary reduction or exemption of Customs duties which fall under Articles 56 and 57(1) of this Law.

Article 59. Temporary duty exemption shall be granted for goods approved by the Customs as temporarily imported or exported items and for bonded goods imported by special permission after the consignee or the consignor of the goods submits to the Customs a guarantee or a deposit of an amount equal to the duties.

Article 60. Customs duty fees levied on imports or exports shall be paid within 15 days following the date of issuance of the duty memorandum. If this deadline is not met, a fee for late payment shall be imposed by the Customs on the person or entity responsible for paying the fees, or on its guarantor. If the Customs duties are not paid after three months, the Customs, with the approval of the director of the Customs office with direct jurisdiction or the director of the Customs department under it with its authorization, may carry out the following enforcement measures:

- (1) Send a written request to banks or other financial institutions to deduct the amount of duties due from the entity's deposits;
- (2) Sell off the goods to offset the duties;
- (3) Detain and sell off goods and other assets of a value equal to the duties in order to offset the duties.

When carrying out the enforcement measures, the Customs shall also collect the fee for late

payments stipulated in the preceding clause but not submitted by the persons or entities responsible for paying the Customs duties, or their guarantor. The payment of duties on imports or exports shall be made, prior to their release, by the person or entity responsible for paying the Customs duties.

Article 61. If the person or legal entity responsible for paying the Customs duties has given indications that it may try to transfer or hide the dutiable goods or other assets, the Customs may order it to provide collateral. In the event said person or legal entity is unable to provide collateral, the Customs, with the approval of the director of the Customs office with direct jurisdiction or the director of the Customs under it with its authorization, may carry out the following conservatory measures:

(1) Notify in writing any banks or other financial institutions where the person or legal entity responsible for paying the Customs duty has an account to suspend payment to said payer of a value equal to the duties due:

(2) Detain goods or other assets which belong to said payer of a value equal to the duties due.

If the person or legal entity responsible for paying the Customs duty does pay the duties within the time limit, the Customs shall revoke the suspension measures immediately; if said payer fails to pay the duties within the time limit, the Customs, with the approval of the director of Customs office with direct jurisdiction or the director of the Customs department under it with its authorization, may notify in writing the banks or other financial institutions where said payer has an account to deduct the duties due from the account which has been frozen, or to sell off the goods or other assets under detention to offset the duties due.

If there is any loss to the lawful rights and interests of the person or legal entity responsible for paying the Customs duty, either because of inappropriate suspension measures or because of delayed revocation of such measures after the payment of duties by said payer within the time limit, the Customs shall pay compensation.

Article 62 Where the Customs finds that the duties are short-levied or not levied on a consignment of import or export goods or on an inward or outward article after its release, the Customs shall collect the money payable from the obligatory customs duty payer within one year of the previous duty payment or the release of the item. If the short-levied or non-levied duties are attributable to the duty payer's violation of the customs regulations, the Customs may collect the unpaid amount from him within three years.

Article 63 Where the duties are over-levied, the Customs, upon discovery, shall refund the money without delay. The duty payer may ask the Customs for refunding within one year of the date of duty payment.

Article 64 When the person or legal entity responsible for paying the Customs duty is involved in a dispute over duty payment with the Customs, it shall pay the duties and may apply for an administrative reconsideration of the case in accordance with law. If it does not agree with the decision, it may file a lawsuit at the People's Court in accordance with law.

Article 65 Import taxes levied by the Customs as designated collector shall be regulated in accordance with regulations on the collection of Customs duties.

Chapter VI Collateral in Customs Affairs

Article 66 If the sender or receiver requests the release of goods before the classification decision, assessment of value and provision of effective declaration documents, or completion of other Customs procedures, the Customs shall order it to provide collateral which is commensurate with its legal obligations unless the law or administrative regulations provide otherwise.

Should there be specific law and administrative regulations over the collateral for the performance of Customs obligations, these laws and administrative regulations shall apply.

If the goods and articles are subject to State restrictions on imports and exports, licenses should be provided. If they cannot be provided and if it is a case in which the law or administrative regulations do not allow collateral, the Customs cannot release the restricted goods.

Article 67 Any legal person, organization, or citizen who is able to fulfill the obligations related to Customs affairs of the principle party can be a guarantor unless otherwise provided by the law.

Article 68 The following assets of a guarantor can be used as collateral:

- (1) currency of RMB or convertible currencies;
- (2) bills of exchange, promissory notes, checks, bonds and certificates of deposit;
- (3) letter of guarantee from a bank or a non-financial institution;
- (4) other assets and rights recognized by the Customs.

Article 69 A guarantor shall underwrite any obligations during the period listed in the guarantee. The presence of a guarantor does not absolve the principle party of its obligation to go through necessary Customs formalities.

Article 70 The administration of guarantees in Customs affairs shall be regulated the State Council.

Chapter VII Supervision over Law Enforcement

Article 71 The Customs shall carry out its responsibilities in accordance with law in order to safeguard State interests. It shall enforce law in accordance with its legal mandate and legal procedures and shall accept supervision and control.

Article 72 Customs personnel shall enforce the law impartially, be upright and self-disciplined, be devoted to their duties, and render services in a civilized manner. The following behavior is prohibited:

- (1) covering up, conniving or colluding with others in smuggling;
- (2) illegally restricting the personal freedom of others, illegally searching persons or their property, or illegally searching and detaining incoming and outgoing means of transport, goods and articles;
- (3) abusing power for personal interests or interests of others;
- (4) soliciting or accepting bribes;

- (5) divulging State, commercial or Customs secrets:
- (6) misusing power by deliberately creating difficulties or delaying the process of supervision, control, and examination:
- (7) buying, divvying up, or otherwise possessing confiscated articles or goods:
- (8) engaging in unsanctioned profit-making activities:
- (9) carrying out functions in violation of legal procedure or by exceeding authority
- (10) other misconduct.

Article 73 The Customs shall seek to improve the political and professional competence of its personnel to aid in its execution of power.

The Customs personnel shall have legal and other professional training and be qualified for their special posts.

The Customs personnel shall be admitted through public examination. Only the best and brightest shall be admitted.

The Customs shall train and examine its personnel in politics, law and Customs-related fields. The Customs personnel shall participate in regular training and examinations. Those who fail to pass shall be disqualified from the post.

Article 74 The General Customs shall adopt a regular rotation regime for the directors of the Customs.

The director of the Customs shall report regularly to his or her superiors and give truthful statements about his/her functions. The General Customs shall carry out examinations of directors of the Customs offices directly under its control, and the Customs offices directly under the control of the General Customs shall carry out examinations of directors of the Customs departments under their control.

Article 75 The administrative law-enforcement activities of the Customs and its personnel shall be supervised by the supervision authority. The investigation activities of the anti-smuggling police shall be supervised by the People's Procuratorate.

Article 76 The audit authority shall conduct audits of Customs offices' financial income and payments and shall have the right to conduct special audits of activities of the Customs which are related to State finance.

Article 77 The Customs office of a higher level shall supervise the law enforcement of that of a lower level. The Customs office of a higher level may change or revoke the decisions made by that of a lower level which it believes to be inappropriate.

Article 78 The Customs shall establish an interior supervision and control system in accordance with this Law and other related law and administrative regulations to keep control over law-enforcement and ensure its personnel abide by Customs discipline.

Article 79 The Customs offices' departments responsible for the examination of documents,

examination of goods, clearance, and investigation shall have clearly-defined spheres of power, execute their functions separately, and check and balance each other.

Article 80 Any unit or individual has the right to complain or disclose any violation of law or misconduct of the Customs and its personnel. The department which receives the complaint or the disclosure and which has jurisdiction over the case shall make a timely investigation and come to a decision. The departments which received the complaint or the disclosure and which handle the case shall keep confidential the identity of the person who raises the complaint or the disclosure.

Article 81 When investigating illegal activities, the Customs personnel in question shall recuse themselves from the investigation in the following situations:

- (1) (s)he is a party to the case or a close relative of a party to the case;
- (2) (s)he or his/her close relatives have interests in the case;
- (3) (s)he has other relations with parties in the case which may affect the impartiality of the investigation of the case.

Chapter VIII Legal Liabilities

Article 82 Any of the following acts of evasion of Customs control, Customs duties, and State import and export prohibited or restricted control in violation of this Law and other related laws and administrative regulations shall constitute an act of smuggling:

- (1) transporting, carrying, or sending by post into or out of the territory goods and articles which are prohibited or restricted by the State from being imported or exported, or which are dutiable;
- (2) the sale in the territory of China of any bonded goods imported by special permission or listed for special duty reduction or exemption, as well as other goods, articles, or means of transport entering the territory without approval of the Customs, payment of Customs duties, or presentation of the requisite certificates;
- (3) any other act of evasion of Customs control which constitutes smuggling.

For any act listed in the above clauses which does not constitute a crime, the Customs shall confiscate any smuggled goods and articles and illegal income and impose a fine. Goods, articles, and means of transport involved in smuggling on multiple occasions shall also be confiscated. Specially-made equipment used to conceal smuggled goods shall be destroyed or confiscated.

Any act in the above clauses which constitutes a crime shall be punishable with criminal charges.

Article 83 Any of the following acts shall be dealt with as an act of smuggling and shall be punishable in accordance with the provisions of Article 82 of this Law:

- (1) the direct or indirect purchase of smuggled goods or articles from a smuggler
- (2) the transport by ship or the transport, purchase, or sale by ships' personnel in inland or territorial waters or border rivers and lakes articles which are prohibited or restricted by the State from being imported or exported; or transporting, purchasing or selling dutiable goods or articles

without legal certification of tax payment.

Article 84 Counterfeiting, altering, or purchasing Customs documents and certificates, colluding with smugglers by providing loans, capital, account numbers, invoices, certificates and other Customs documents. or providing means of transport, storage, posting and other conveniences shall be sanctioned with penal responsibilities if an act constitutes a crime. If the act is not serious enough to constitute a crime, any illegal income shall be confiscated and a fine imposed.

Article 85 Any individual who carries or sends by post articles for personal use into or out of the territory in a quantity exceeding the reasonable limit and fails to declare them to the Customs shall be made to pay the duties and may be fined.

Article 86 A fine may be imposed for any of the following acts which violate the regulations on customs control prescribed in this Law:

- (1) for a means of transport to enter or leave the territory at a place without a Customs office;
- (2) to fail to inform the Customs of the arrival and departure time of a means of transport and the place where it will stay or any change of such a place;
- (3) to fail to declare truthfully to the Customs the import or export goods or the transit, transshipment and through goods;
- (4) to fail to accept, in accordance with relevant regulations, the checking and examination by the Customs of the means of transport, goods or articles entering or leaving the territory;
- (5) for an inward or outward means of transport to load or unload inward or outward goods or articles or let passengers get on or off without customs approval;
- (6) for an inward or outward means of transport staying at a place with a Customs office to leave without customs approval;
- (7) for an inward or outward means of transport en route from one place with a Customs office to another with a Customs office to move out of the territory or to a point in the territory where there is no Customs office without completing the clearance formalities and obtaining customs approval;
- (8) for an inward or outward means of transport to engage concurrently in or change to service within the territory without customs approval;
- (9) for an inward or outward vessel or aircraft which, by force majeure, stops or lands at a place without a Customs office, or jettisons or discharges goods or articles in the territory to fail unjustifiably to report to the customs authorities nearby;
- (10) to open, pick up, deliver, forward, change, repack, mortgage, pledge, lien or transfer goods under Customs control, change the identification marks on such goods, use the goods for other purposes, or dispose of the goods in other manners without Customs approval.
- (11) to open or break seals affixed by the Customs without authorization; or

(12) when responsible for the transportation, storage, processing or other acts involving the goods under the Customs control, unable to provide justifiable reasons for missing goods in question, or for giving false records.

(13) other acts in violation of regulations over the Customs control.

Article 87 The enterprises engaged in applicable business activity without the approval of the Customs, in violation of this Law, shall be ordered by the Customs to correct their wrongdoing and may receive warnings or have their business license suspended or revoked.

Article 88 If enterprises or individuals are engaged in Customs declarations without registration or qualification, they shall be stopped by the Customs and their illegal income shall be confiscated and a fine imposed.

Article 89 If enterprises or individuals illegally act as agents of others during a Customs declaration or exceed their spheres of power, they shall be ordered by the Customs to correct their acts and a fine shall be imposed and their business suspended. If the situation is serious, their registration or qualifications shall be revoked.

Article 90 If senders or receivers of imports or exports, enterprises, or individuals provide bribes to the Customs personnel during a Customs declaration, their registration or qualification shall be revoked and a fine imposed. If the act constitutes a crime, they shall bear penal responsibilities and shall be unable to obtain the registration or qualification again.

Article 91 The importation of goods in violation of intellectual rights protected by the law and administrative regulations of the People's Republic of China shall be sanctioned by the Customs by confiscating the goods and imposing a fine, or criminal charges in case of a crime.

Article 92 Goods, articles and means of transportation which are detained by the Customs according to law can not be disposed of before the People's Court renders a judgment or the Customs makes a decision about punishment.

However, for dangerous or perishable goods and articles or goods with a short shelf-life, or in the event that the owner requests to sell the goods and articles or the means of transportation, the director of the Customs office with direct jurisdiction or the authorized director of the Customs under it may authorize their early sale in accordance with law. The money from the sale shall be kept at the Customs, which shall inform the owner of the money.

Smuggled goods, articles, illegal income, smuggling vehicles, or specially-made equipment confiscated by the People's Court or the Customs shall be disposed of by the Customs, which shall hand the money from the disposal together with the fines over to the State Treasury.

Article 93 If the party concerned refuses to carry out the Customs decision or fails to apply for a reconsideration of the case or file a suit in a People's Court within the prescribed time limit, the Customs office making the decision of punishment may use the deposit of the party concerned to substitute for the penalty, or sell off the goods, articles or means of transport it has detained to substitute for the penalty, or ask the People's Court for a mandatory execution of the decision.

Article 94 If the Customs causes damage to any inward and outward goods or articles while examining them, it shall make up for the actual loss from such damage.

Article 95 Should there be any violation of the lawful rights and interests of the parties resulting from illegal detention by the Customs of goods and articles or means of transport, the Customs shall bear responsibility for compensation.

Article 96 Customs personnel who conduct any acts as stipulated in Article 72 of this Law shall receive administrative disciplinary sanctions and their illegal income shall be confiscated; if the act constitutes a crime, they shall bear criminal responsibilities in accordance with law.

Article 97 If the financial income and payments made by the Customs violates law or administrative regulations, the audit authority and other related departments shall make a decision in accordance with law and administrative regulations. The directly responsible officials and other personnel shall receive administrative sanctions or criminal charges in case of criminal activity.

Article 98 If the Customs does not keep confidential the identity of the person who raises the complaint or the disclosure, the directly responsible official and other personnel shall received administrative sanctions by their units or other related units.

Article 99 If the Customs personnel in question do not recuse themselves in accordance with this Law when investigating law-violation cases, the directly responsible official and other personnel shall receive administrative sanctions.

Chapter IX Supplementary Provisions

Article 100 Terms used in this Law are defined as follows:

The term "a Customs office directly under the control of the General Customs" refers to a Customs office which is responsible for administration of the Customs affairs in a certain area; while a Customs department under the control of a Customs office refers to a Customs branch responsible for the administration of specific Customs affairs.

The term "inward and outward means of transport" means various types of vessels, vehicles, aircraft and pack-animals which enter or leave the territory carrying persons, goods or articles.

The term "transit, transshipment and through goods" means goods which come from a place outside the territory and pass through the territory enroute to a place outside the territory. Among them, "transit goods" are those which pass through the territory by land, "transshipment goods" are those which do not pass through the territory by land but are loaded on a different means of transport at a place with a Customs office, and "through goods" are those which are carried into and out of the territory by the same vessel or aircraft.

The term "goods under Customs control" refer to imports and exports listed in Article 23 of this Law; goods under transit or transfer; goods with duty reductions or exemptions; and goods temporarily imported or exported, bonded goods, or other imports and exports which have not cleared the Customs.

The term "bonded goods" means goods which have entered the territory by approval of the Customs as items for which no formalities have been performed in the way of duty payment and which will be reshipped out of the territory after being stored, processed or assembled in the territory.

The term " customs surveillance zone " means any seaport, railway or highway station, airport, border pass or international postal matter exchange station where there is a Customs office, any other place where customs control is exercised, and any place without a Customs office which has been approved by the State Council as a point of entry into and exit from the territory.

Article 101 The State Council shall draw up rules governing control over the means of transport, goods and articles going between the Special Economic Zones and other specially designated areas and other parts of the territory.

Article 102 This Law shall go into effect as of July 1, 1987. The Provisional Customs Law of the People's Republic of China promulgated by the Central People's Government on April 18, 1951, shall be annulled therefrom.

ATTACHMENT A21

Order of the President of the People's Republic of China
(No. 15)

The Foreign Trade Law of the People's Republic of China was amended and adopted at the eighth meeting of the Standing Committee of the Tenth National People's Congress on April 6, 2004. The amended Foreign Trade Law of the People's Republic of China is hereby promulgated for effect as of July 1, 2004.

Hu Jintao, President of the People's Republic of China
April 6, 2004

Foreign Trade Law of the People's Republic of China
(Adopted at the seventh meeting of the Standing of the Eighth National People's Congress on May 12, 1994; amended at the eighth meeting of the Standing Committee of the Tenth National People's Congress on April 6, 2004.)

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Chapter I	General Provisions

Article 1 The present Law is enacted for the purpose of broadening the opening to the outside world, developing foreign trade, maintaining the order of foreign trade, protecting the lawful rights and interests of the foreign trade business operators, and promoting the healthy development of the socialist market economy.

Article 2 The present Law applies to foreign trade and the protection of foreign-trade-related intellectual property.

The term "foreign trade" as mentioned in the present law refers to the import and export of goods, technology, and the international trade of services.

Article 3 The administrative department of the State Council in charge of foreign trade shall take charge of the nationwide foreign trade according to the present Law.

Article 4 The state practices a uniform system of foreign trade, encourages the development of foreign trade, and maintains an order of fair and free foreign trade.

Article 5 The People's Republic of China promotes and develops foreign trade relations with other countries and regions, concludes or accedes to regional economic and trade agreements such as customs or tariff union agreements, free trade zone agreements, etc., and joins regional economic organizations according to the principle of equality and reciprocity.

Article 6 In the field of foreign trade, the People's Republic of China grants, according to the international treaties and agreements it concluded or acceded to, most-favored-nation treatment or national treatment to other contracting parties or members, or grants most-favored-nation

treatment or national treatment to its counterparts according to the principle of mutual benefit and reciprocity.

Article 7 For any country or region that takes discriminatory banning, restriction or other acts against the People's Republic of China in terms of trade, the People's Republic of China shall be entitled to adopt, in accordance with the actual circumstances, corresponding measures against them.

Chapter II Foreign Trade Business Operators

Article 8 The term "foreign trade business operator" as mentioned in the present Law refers to any legal person, other organization, or individual, that has handled industrial and commercial registration or other formalities for business operation and is engaged in the foreign trade business activities according to the provisions of the present Law and other relevant laws and administrative regulations.

Article 9 Any foreign trade business operator that is engaged in the import and export of goods or technology shall be registered for archival purposes with the administrative department of foreign trade of the State Council or the institution entrusted thereby, unless it is otherwise provided for by any law, administrative regulation or the foreign trade department of the State Council. The specific measures for archival registration shall be formulated by the foreign trade department of the State Council. Where any foreign trade business operator that fails to file for archival registration according to relevant provisions, the customs may not handle the procedures of customs declarations and release of the import or export goods.

Article 10 Anyone who is engaged in international service trade shall abide by the present Law and other relevant laws and administrative regulations.

An entity that is engaged in the overseas contracting of engineering projects or overseas labor cooperation shall have lawfully obtained corresponding competence or qualifications. The specific measures shall be formulated by the State Council.

Article 11 The State may employ the administration of state-run trade to the import and export of some goods. The import and export of the goods subject to the administration of state-run trade can be managed by the authorized enterprises only, with the exception, however, of the goods, which is allowed by the state to be partially imported or exported by unauthorized enterprises. The catalogue of the goods subject to the management of state-run trade and that of authorized enterprises shall be determined, adjusted and published by the foreign trade department of the State Council in collaboration with other relevant departments.

Where anyone who imports or exports, as in violation of Paragraph 1 of the present article, any of the goods subject to the management of state-run trade, the customs may not release the goods.

Article 12 A foreign business operator may accept the entrustment of other people and handle foreign trade businesses on their behalf within its scope of business.

Article 13 A foreign trade business operator shall submit to the relevant departments the documents and materials relating to its foreign trade activities in accordance to the provisions of the foreign trade department of the State Council and those of other relevant departments of the State Council. And the relevant departments shall keep the business secrets of the providers to themselves.

Chapter III The Import and Export of Goods and Technology

Article 14 The state allows the free import and export of goods and technology, unless it is otherwise provided for by any law or administrative regulation.

Article 15 The foreign trade department of the State Council may, where the monitoring of import and export so requires, employ the system of automatic license of import and export to some of the freely imported and exported goods, and publish the catalogue thereof.

For the goods subject to automatic license of import and export, if the consignor or consignee applies for automatic license prior to handling the formalities of customs declaration, the foreign trade department of the State Council and the institutions entrusted thereby shall grant approval. Where it fails to handle the formalities of automatic license, the customs may not release the goods thereunder.

To import or export any technology subject to free import and export, one shall have its contracts registered with the foreign trade administrative department of the State Council or the institution entrusted thereby for archival purposes.

Article 16 The state may restrict or forbid the import or export of relevant goods or technology if:

1. it is necessary to restrict or forbid the import or export for the purpose of maintaining state security, social public good or public morality;
2. it is necessary to restrict or forbid the import or export for the purpose of protecting human health or security, protecting the life or health of any animal or plant, or protecting the environment;
3. it is necessary to restrict the import or export for the purpose of implementing the measures relating to the import or export of gold or silver;
4. it is necessary to restrict or forbid the export of any of the exhaustible natural resources that are in short supply or subject to effective protection;
5. it is necessary to restrict the export due to the limited market capacity of the destination country or region;
6. it is necessary to export due to the serious disorder of the export business management;
7. it is necessary to restrict the import for the purpose of establishing or accelerating the establishment of a particular domestic industry;
8. it is necessary to restrict the import of any form of product in the agriculture, animal husbandry, or fishing industry;
9. it is necessary to restrict the import for the purpose of safeguarding the international financial status of the state or of the international balance of payments;
10. it is necessary to restrict or forbid the import or export under any other circumstance as provided for in any other law or administrative regulation; or
11. it is necessary to restrict or forbid the import or export under any other circumstance as provided for in any international treaty or agreement that China has concluded or acceded to.

Article 17 The state may, for the purpose of defending state security, take any necessary measures for managing the import and export of any matter of fission or fusion or any matter that derives such matter and the import and export of any weapon, ammunition, or any other military supply.

When in war or for keeping international peace and security, the state may take any necessary measures in terms of the import or export of goods or technology.

Article 18 The foreign trade administrative department of the State Council may, in collaboration with any other relevant department of the State Council, formulate, adjust and publish catalogues of goods and technology restricted or forbidden from import or export

according to the provisions of Article 16 or 17 of the present Law.

The foreign trade administrative department of the State Council may, independently or in collaboration with any other department of the State Council, make provisional decisions, upon the approval of the State Council and within the scope of Articles 16 and 17 of the present Law, on restricting or forbidding the import or export of certain goods or technology that are not found in the catalogue as mentioned in the preceding paragraph.

Article 19 The state adopts the system of quota, license, etc. to the goods subject to import or export restrictions, while adopts the system of license to the technologies restricted or prohibited from import or export.

For the goods and technologies subject to the administration of quota or license, they cannot be imported or exported unless it has been approved by the foreign trade department of the State Council independently or in collaboration with other departments of the State Council.

The state may practice tariff quota administration to some of the import goods.

Article 20 The quotas and tariff quotas for the import and export goods shall be distributed by the foreign trade department of the State Council or other relevant departments of the State Council within their respective duties in accordance with the principles of openness, fairness, impartiality, and efficiency. The specific measures shall be made by the State Council.

Article 21 The state practices a uniform system of commodity quality assessment, and makes authentications, inspections, and quarantines to the import and export commodities according to the provisions of relevant laws and administrative regulations.

Article 22 The state applies the administration system of origin to the import and export goods. The specific measures shall be formulated by the State Council.

Article 23 With regard to cultural relics, wild animals or plants, and the products thereof, if it is restricted or prohibited by any law or administrative regulation from import or export, the provisions of such laws and administrative regulations shall apply.

Chapter IV International Service Trade

Article 24 The People's Republic of China opens, in accordance with its commitments made in the international treaties and agreements of international service trade that it has concluded or acceded to, its market to the other contracting parties or members and grants them with the national treatment.

Article 25 The foreign trade department of the State Council and other relevant departments of the State Council may, according to the present Law or any other relevant law or administrative regulation, administer the trade of international services.

Article 26 The state may restrict or prohibit the trade of relevant international services if:

1. it is necessary to restrict or prohibit it for the sake of maintaining state security, social public good or public morality;
2. it is necessary to restrict or prohibit it for the purpose of protecting human health or security, protecting the life or health of any animal or plant, or protecting the environment;
3. it is necessary to restrict it for the purpose of establishing or accelerating the establishment of a certain domestic service industry;
4. it is necessary to restrict it for the purpose of ensuring the balance of international payments of the state;
5. it is necessary to restrict or prohibit it for any other reason as provided for in any law or administrative regulation; or

6. it is necessary to restrict or prohibit it for any other reason as provided for in any international treaty or agreement that China has concluded or acceded to.

Article 27 For the military-related trade of international services and the international service trade of any matter of fission or fusion or any matter that derives such matter, the state may take any necessary measures to safeguard the security of the state.

When in war or for keeping international peace and security, the state may take any necessary measures regarding the international service trade.

Article 28 The foreign trade department of the State Council formulates, adjusts, and publishes, in collaboration with other relevant departments of the State Council, market entry catalogues of the international service trade in accordance with the provisions of Articles 26 and 27 of the present Law and other relevant laws and administrative regulations.

Chapter V Foreign-trade-related Intellectual Property Protection

Article 29 The state protects the intellectual property relating to foreign trade in accordance with relevant laws and administrative regulations concerning intellectual property.

Where any of the import goods violates any intellectual property right and, at the same time, endangers the foreign trade order, the foreign trade department of the State Council may take such measures as prohibiting the import of the relevant goods that the infringer has produced or sold for a certain period of time.

Article 30 In case any intellectual property right holder commits any of the acts of hindering the licensee from questioning the validity of the intellectual property right involved in the license agreement, conducting forced package license, or providing exclusive selling back conditions in the license agreement, etc. and, at the same time, endangers the fair competition order of foreign trade, the foreign trade department of the State Council may take necessary measures to eliminate such danger.

Article 31 Where any country or region fails to grant national treatment to the legal persons, other organizations, or individuals of the People's Republic of China in the protection of intellectual property rights, or fails to provide sufficient and effective intellectual property protection to the goods, technologies or services whose origin is the People's Republic of China, the foreign trade department of the State Council may, according to the present Law or any other law or administrative regulation, and according to the international treaties or agreements that the People's Republic of China has concluded or acceded to, take necessary measures against the trade with the said country or region.

Chapter VI Foreign Trade Order

Article 32 No one may, in the business activities of foreign trade, implement any act of monopolization against the relevant anti-monopolization laws or administrative regulations.

Anyone who carries out any monopolizing act in its foreign trade business activities shall be dealt with in accordance with the relevant anti-monopolization laws and administrative regulations. If any of the illegal acts as described in the preceding paragraph endangers the foreign trade order at the same time, the foreign trade department of the State Council may take necessary measures to eliminate the harm.

Article 33 No one may, in the business activities of foreign trade, conduct such unfair competition acts as selling commodities at unjustified low prices, colluding bid invitation and tendering for bid, disseminating false advertisements, or offering commercial bribes, etc.

Anyone who conducts any unfair competition act in its foreign trade business activities shall be

dealt with in accordance with the relevant laws and administrative regulations regarding counteracting unfair competition.

If any of the illegal acts as described in the preceding paragraph endangers the foreign trade order at the same time, the foreign trade department of the State Council may take such measures as prohibiting the business operator involved from importing or exporting relevant goods or technologies so as to eliminate the said illegal act.

Article 34 No one may, in foreign trade activities, commit any of the following:

1. Forging or altering the marks of origin of the import or export goods; forging, altering or trading the certificates of origin, the licenses of import or export, the certificates of import or export quotas of the import or export goods, or any other certification documents of import or export;
2. Cheating for export refunds;
3. Smuggling;
4. Evading inspections and quarantines as provided for by any law or administrative regulation; or
5. Committing any other violation of law or administrative regulation.

Article 35 All foreign trade business operators shall abide by the provisions of the state regarding foreign exchange administration in their foreign trade business activities.

Article 36 Anyone who violates the present Law and endangers the foreign trade order shall be made public by way of announcements made by the foreign trade department of the State Council.

Chapter VII Foreign Trade Investigation

Article 37 In order to maintain the foreign trade order, the foreign trade department of the State Council may investigate into the following matters by itself or jointly with other relevant departments of the State Council in accordance with the laws and administrative regulations:

1. The impact of the import or export of goods or technology or international service trade on domestic industries and the competitiveness thereof;
2. The trade barriers of relevant countries or regions;
3. The matters that need to be investigated into for the purpose of determining whether it is necessary to take such foreign trade relief measures as antidumping, countervailing, or safeguard measures, etc.;
4. The evasion of trade relief measures;
5. The matters of foreign trade that concern the security or interest of the state;
6. The matters that need to be investigated into for the purpose of implementing Article 7, Paragraph 2 of Article 29, Article 30, Article 31, Paragraph 3 of Article 32, and Paragraph 3 of Article 33; and
7. Any other matter that need to be investigated into as a result of affecting the foreign trade order.

Article 38 When a foreign trade investigation is initiated, an announcement shall be issued by the foreign trade department of the State Council.

An investigation may be made by way of written questionnaires, holding hearings, making site investigations, and entrusting other people to make the investigation, etc.

The foreign trade department of the State Council may, based on the result of investigation, put forward an investigation report or make a ruling, and make an announcement for it.

Article 39 Relevant entities and individuals shall offer cooperation and assistance in foreign

trade investigations.

The foreign trade department of the State Council and other departments of the State Council as well as the functionaries thereof shall, in the process of foreign trade investigations, be obliged to keep to themselves the state secrets and commercial secrets that they have access to.

Chapter VIII Foreign Trade Relief

Article 40 The state may take appropriate trade relief measures according to the result of foreign trade investigations.

Article 41 In case any of the products of any country or region is dumped into China at an abnormally low price and thus causes substantial injury or the threat of substantial injury to an established domestic industry, or substantially impedes the establishment of a domestic industry, the state may take antidumping measures so as to eliminate or alleviate such injury or threat of injury or impediment.

Article 42 In case any product of any country or region is exported to any third country at an abnormally low price and thus causes substantial injury or the threat of substantial injury to an established domestic industry, or substantially impedes the establishment of a domestic industry, the foreign trade department of the State Council may, as per the request of the corresponding domestic industry, hold negotiations with the government of the third country, and urge it to take appropriate measures.

Article 43 Where any imported product is given, directly or indirectly, any special subsidy by the exporting country or region in any form, and thus causing substantial injury or threat of substantial injury to an established industry, or substantially impeding the establishment of a domestic industry, the state may take countervailing measures so as to eliminate or alleviate such injury or threat of injury or impediment.

Article 44 In case the sharp increase of any imported product brings about any serious injury or threat of serious injury to the domestic industry that produces identical product or directly competing products, the state may take necessary safeguarding measures so as to eliminate or alleviate such injury or threat of injury, and may provide necessary support to the industry concerned.

Article 45 In case the increase of any service provided by any service provider of any country or region to China has caused injury or threat of injury to the domestic industry that provides identical service or directly competing services, the state may take necessary relief measures so as to eliminate or alleviate such injury or threat of injury.

Article 46 In case the import of any product to into China increases sharply as a result of the restriction of import by any third country, and thus causes injury or threat of injury to an established domestic industry, or substantially impedes the establishment of a domestic industry, the state may take necessary measures to restrict the import of the product.

Article 47 Where any country or region that has entered into any economic or trade treaty or agreement with the People's Republic of China violates the treaty or agreement so that the interest enjoyable by the People's Republic of China according to the treaty or agreement is lost or injured or the achievement of the objective of the treaty or agreement is impeded, the government of the People's Republic of China is entitled to demand the country or region concerned to take appropriate measures of relief, and may suspend or terminate the performance of relevant obligations according to the relevant treaties or agreements.

Article 48 The foreign trade department of the State Council is, according to the provisions of

the present Law or other relevant laws, responsible for the bilateral or multilateral discussions, negotiations, and dispute settlement.

Article 49 The foreign trade department of the State Council and other relevant departments of the State Council shall establish an emergency prewarning mechanism of the import and export of goods, technology, and international service trade so as to deal with the abrupt or abnormal situations in foreign trade and safeguard the economic security of the state.

Article 50 For the acts of evading the trade relief measures as provided for in the present Law, the state may take necessary anti-evasion measures.

Chapter IX Foreign Trade Promotion

Article 51 The state formulates its strategy for foreign trade development, establishes and improves its foreign trade promotion mechanisms.

Article 52 The state establishes and improves its foreign-trade-oriented financial institutions and establishes foreign trade development funds and risk funds according to the demand of foreign trade development.

Article 53 The state employs such foreign trade promotion measures as import and export credit, export credit insurance, export tax refund, etc. to develop its foreign trade.

Article 54 The state establishes a foreign trade public information service system so as to provide information services to the foreign trade business operators and the general public.

Article 55 The state takes measures to encourage foreign trade business operators to explore the international market, and employ diversified means including foreign investment, foreign engineering project contracting, and labor cooperation, etc. to develop its foreign trade.

Article 56 Foreign trade business operators may lawfully establish and join relevant associations and chambers of commerce.

Relevant associations and chambers of commerce shall abide by the laws and administrative regulations, and provide, according to their constitutions, services to their members in terms of production, marketing, information, training, etc. relating to foreign trade, plays the role of coordination and self-discipline, makes applications for foreign trade relief measures according to law, defend the interests of their members and the corresponding industry, passes onto the relevant department of the government the suggestions of their members regarding foreign trade, and conduct foreign trade promotion activities.

Article 57 The Chinese international trade promotion organizations carry out foreign contacts according to their respective constitutions, hold exhibitions, provide information, consultation and conduct other foreign trade promotion activities.

Article 58 The state supports and promotes small and medium-sized enterprises to engage in foreign trade.

Article 59 The state supports and promotes minority ethnic group regions and economically underdeveloped regions to engage in foreign trade.

Chapter X Legal Liabilities

Article 60 Anyone who violates Article 11 of the present Law by unlawfully importing or exporting any of the goods subject to state-run trade without authorization shall be fined up to 50,000 yuan by the foreign trade department of the State Council or other relevant departments of the State Council. If the circumstances are serious, the application of the offender for engaging in the import or export of the goods subject to state-run trade may be turned down for a period of three years as of the day when the decision on administrative sanction takes effect, or the

authorization to engage in the import or export of goods subject to state-run trade that has already been granted may be canceled.

Article 61 Anyone who imports or exports any goods that are banned from import or export or unlawfully imports or exports any goods that are restricted from import or export without approval shall be dealt with and punished by the customs office according to relevant laws or administrative regulations. If the offence constitutes any crime, it shall be subject to criminal liabilities.

Anyone who imports or exports any technology that is banned from import or export or unlawfully imports or exports any technology that is restricted from import or export shall be ordered by the foreign trade department of the State Council to correct, and be fined two times up to 5 times the illegal proceeds and the illegal proceeds shall be confiscated. Where there are no illegal proceeds or the illegal proceeds are not as much as 10,000 yuan, it shall be fined 10,000 yuan up to 50,000 yuan. If the offence constitutes any crime, it shall be subject to criminal liabilities.

As of the day when the decision on administrative sanction as described in the two preceding paragraphs takes effect, the foreign trade department of the State Council or other relevant departments of the State Council may, within a period of three years, refuse to accept the offender's applications for import or export quotas or licenses, or prohibit the offender from engaging in the import or export of relevant goods or technology within a period of one year up to three years.

Article 62 Anyone who is engaged in any banned international service trade or is unlawfully engaged in any restricted international service trade without approval shall be punished according to relevant laws and administrative regulations. Where it is not provided for in any law or administrative regulation, it shall be ordered by the foreign trade department of the State Council to correct and be fined two times up to five times the illegal proceeds, and the illegal proceeds shall be confiscated. Where there are no illegal proceeds or the illegal proceeds are not as much as 10,000 yuan, it shall be fined 10,000 yuan up to 50,000 yuan. If the offence constitutes any crime, it shall be subject to criminal liabilities. The foreign trade department of the State Council may prohibit the offender from engaging in the business activities relating to international service trade for a period of one year up to three years as of the day when the offender is given an administrative sanction or criminal penalty.

The foreign trade department of the State Council may prohibit the offenders from engaging in the business activities of international service trade for a period of one year up to three years as of the day when the decision on administrative sanction as described in the preceding paragraph takes effect or as of the day when the judgment of criminal punishment takes effect.

Article 63 Anyone who violates Article 34 of the present Law shall be penalized according to relevant laws and administrative regulations. If the offence constitutes any crime, the offender shall be subject to criminal liabilities.

The foreign trade department of the State Council may prohibit the offenders from engaging in relevant foreign trade activities for a period of one year up to three years as of the day when the decision on administrative sanction as described in the preceding paragraph takes effect or as of the day when the judgment of criminal punishment takes effect.

Article 64 In case anyone is banned from engaging in relevant foreign trade business according to Articles 61 through 64 of the present Law, the customs shall, during the period of banning, refuse to handle relevant customs inspection and release formalities for the relevant import or

export goods of the foreign trade business operator according to the decision of banning made by the foreign trade department of the State Council, and the administrative department of foreign exchange or the designated foreign exchange banks shall refuse to handle relevant foreign exchange settlement and sale.

Article 65 Where any functionary of the department that is responsible for the administration of foreign trade according to the present Law neglects his duties, practices fraud for private benefits or abuses his power so that any crime is committed, he shall be subject to criminal liabilities. If the offence is not so serious as to constitute a crime, he shall be subject to administrative sanctions.

Where any functionary of the department that is responsible for the administration of foreign trade according to the present Law solicits any property from any other person by taking advantage of his position, or unlawfully accepts any property of any other person for the benefit of that person so that any crime is constituted, he shall be subject to criminal liabilities; if the offence is not so serious as to constitute a crime, he shall be subject to administrative sanctions.

Article 66 Where any of the parties concerned of foreign trade business activities is dissatisfied with the concrete administrative act made by the department that is responsible for the administration of foreign trade according to the present Law, it may apply for administrative reconsideration according to law or lodge an administrative action with the people's court.

Chapter XI Supplementary Provisions

Article 67 Where there are different provisions in any law or administrative regulation concerning the administration of the foreign trade of any military matter, any matter of fission or fusion or any matter that derives such matter and concerning the administration of import or export of cultural products, such provisions shall prevail.

Article 68 The state employs flexible measures and grants favorable treatment to and facilitates the trade between the border areas of China and those of neighboring countries as well as the frontier trade between border residents. The specific measures shall be formulated by the State Council.

Article 69 The present Law shall not apply to the separate customs territories of the People's Republic of China.

Article 70 The present Law shall come into force as of July 1, 2004.

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中华人民共和国对外贸易法[19940512]

中华人民共和国对外贸易法(2004 修订)[20040406]

中华人民共和国主席令

(第 15 号)

《中华人民共和国对外贸易法》已由中华人民共和国第十届全国人民代表大会常务委员会第八次会议于 2004 年 4 月 6 日修订通过，现将修订后的《中华人民共和国对外贸易法》公布，自 2004 年 7 月 1 日起施行。

中华人民共和国主席 胡锦涛

2004 年 4 月 6 日

中华人民共和国对外贸易法

(1994 年 5 月 12 日第八届全国人民代表大会常务委员会第七次会议通过 2004 年 4 月 6 日第十届全国人民代表大会常务委员会第八次会议修订)

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第一章 总则

第一条 为了扩大对外开放，发展对外贸易，维护对外贸易秩序，保护对外贸易经营者的合法权益，促进社会主义市场经济的健康发展，制定本法。

第二条 本法适用于对外贸易以及对外贸有关的知识产权保护。

本法所称对外贸易，是指货物进出口、技术进出口和国际服务贸易。

第三条 国务院对外贸易主管部门依照本法主管全国对外贸易工作。

第四条 国家实行统一的对外贸易制度，鼓励发展对外贸易，维护公平、自由的对外贸易秩序。

第五条 中华人民共和国根据平等互利的原则，促进和发展同其他国家和地区的贸易关系，缔结或者参加关税同盟协定、自由贸易区协定等区域经济贸易协定，参加区域经济组织。

第六条 中华人民共和国在对外贸易方面根据所缔结或者参加的国际条约、协定，给予其他缔约方、参加方最惠国待遇、国民待遇等，或者根据互惠、对等原则给予对方最惠国待遇、国民待遇等。

第七条 任何国家或者地区在贸易方面对中华人民共和国采取歧视性的禁止、限制或者其他类似措施的，中华人民共和国可以根据实际情况对该国家或者该地区采取相应的措施。

第二章 对外贸易经营者

第八条 本法所称对外贸易经营者，是指依法办理工商登记或者其他执业手续，依照本法和其他有关法律、行政法规的规定从事对外贸易经营活动的法人、其他组织或者个人。

第九条 从事货物进出口或者技术进出口的对外贸易经营者，应当向国务院对外贸易主管部门或者其委托的机构办理备案登记；但是，法律、行政法规和国务院对外贸易主管部门规定不需要备案登记的除外。备案登记的具体办法由国务院对外贸易主管部门规定。对外贸易经营者未按照规定办理备案登记的，海关不予办理进出口货物的报关验放手续。

第十条 从事国际服务贸易，应当遵守本法和其他有关法律、行政法规的规定。

从事对外工程承包或者对外劳务合作的单位，应当具备相应的资质或者资格。具体办法由国务院规定。

第十一条 国家可以对部分货物的进出口实行国营贸易管理。实行国营贸易管理货物的进出口业务只能由经授权的企业经营；但是，国家允许部分数量的国营贸易管理货物的进出口业务由非授权企业经营的除外。实行国营贸易管理的货物和经授权经营企业的目录，由国务院对外贸易主管部门会同国务院其他有关部门确定、调整并公布。

违反本条第一款规定，擅自进出口实行国营贸易管理的货物的，海关不予放行。

第十二条 对外贸易经营者可以接受他人的委托，在经营范围内代为办理对外贸易业务。

第十三条 对外贸易经营者应当按照国务院对外贸易主管部门或者国务院其他有关部

门依法作出的规定，向有关部门提交与其对外贸易经营活动有关的文件及资料。有关部门应当为提供者保守商业秘密。

第三章 货物进出口与技术进出口

第十四条 国家准许货物与技术的自由进出口。但是，法律、行政法规另有规定的除外。

第十五条 国务院对外贸易主管部门基于监测进出口情况的需要，可以对部分自由进出口的货物实行进出口自动许可并公布其目录。

实行自动许可的进出口货物，收货人、发货人在办理海关报关手续前提出自动许可申请的，国务院对外贸易主管部门或者其委托的机构应当予以许可；未办理自动许可手续的，海关不予放行。

进出口属于自由进出口的技术，应当向国务院对外贸易主管部门或者其委托的机构办理合同备案登记。

第十六条 国家基于下列原因，可以限制或者禁止有关货物、技术的进口或者出口：

(一) 为维护国家安全、社会公共利益或者公共道德，需要限制或者禁止进口或者出口的；

(二) 为保护人的健康或者安全，保护动物、植物的生命或者健康，保护环境，需要限制或者禁止进口或者出口的；

(三) 为实施与黄金或者白银进出口有关的措施，需要限制或者禁止进口或者出口的；

(四) 国内供应短缺或者为有效保护可能用竭的自然资源，需要限制或者禁止出口的；

(五) 输往国家或者地区的市场容量有限，需要限制出口的；

(六) 出口经营秩序出现严重混乱，需要限制出口的；

(七) 为建立或者加快建立国内特定产业，需要限制进口的；

(八) 对任何形式的农业、牧业、渔业产品有必要限制进口的；

(九) 为保障国家国际金融地位和国际收支平衡，需要限制进口的；

(十) 依照法律、行政法规的规定，其他需要限制或者禁止进口或者出口的；

(十一) 根据我国缔结或者参加的国际条约、协定的规定，其他需要限制或者禁止进口或者出口的。

第十七条 国家对与裂变、聚变物质或者衍生此类物质的物质有关的货物、技术进出口，以及与武器、弹药或者其他军用物资有关的进出口，可以采取任何必要的措施，维护国家安全。

在战时或者为维护国际和平与安全，国家在货物、技术进出口方面可以采取任何必要的措施。

第十八条 国务院对外贸易主管部门会同国务院其他有关部门，依照本法第十六条和第十七条的规定，制定、调整并公布限制或者禁止进出口的货物、技术目录。

国务院对外贸易主管部门或者由其会同国务院其他有关部门，经国务院批准，可以在本法第十六条和第十七条规定的范围内，临时决定限制或者禁止前款规定目录以外的特定货物、技术的进口或者出口。

第十九条 国家对限制进口或者出口的货物，实行配额、许可证等方式管理；对限制进口或者出口的技术，实行许可证管理。

实行配额、许可证管理的货物、技术，应当按照国务院规定经国务院对外贸易主管部门或者其会同国务院其他有关部门许可，方可进口或者出口。

国家对部分进口货物可以实行关税配额管理。

第二十条 进出口货物配额、关税配额，由国务院对外贸易主管部门或者国务院其他有关部门在各自的职责范围内，按照公开、公平、公正和效益的原则进行分配。具体办法由国务院规定。

第二十一条 国家实行统一的商品合格评定制度,根据有关法律、行政法规的规定,对进出口商品进行认证、检验、检疫。

第二十二条 国家对进出口货物进行原产地管理。具体办法由国务院规定。

第二十三条 对文物和野生动物、植物及其产品等,其他法律、行政法规有禁止或者限制进出口规定的,依照有关法律、行政法规的规定执行。

第四章 国际服务贸易

第二十四条 中华人民共和国在国际服务贸易方面根据所缔结或者参加的国际条约、协定中所作的承诺,给予其他缔约方、参加方市场准入和国民待遇。

第二十五条 国务院对外贸易主管部门和国务院其他有关部门,依照本法和其他有关法律、行政法规的规定,对国际服务贸易进行管理。

第二十六条 国家基于下列原因,可以限制或者禁止有关的国际服务贸易:

(一)为维护国家安全、社会公共利益或者公共道德,需要限制或者禁止的;

(二)为保护人的健康或者安全,保护动物、植物的生命或者健康,保护环境,需要限制或者禁止的;

(三)为建立或者加快建立国内特定服务产业,需要限制的;

(四)为保障国家外汇收支平衡,需要限制的;

(五)依照法律、行政法规的规定,其他需要限制或者禁止的;

(六)根据我国缔结或者参加的国际条约、协定的规定,其他需要限制或者禁止的。

第二十七条 国家对与军事有关的国际服务贸易,以及与裂变、聚变物质或者衍生此类物质的物质有关的国际服务贸易,可以采取任何必要的措施,维护国家安全。

在战时或者为维护国际和平与安全,国家在国际服务贸易方面可以采取任何必要的措施。

第二十八条 国务院对外贸易主管部门会同国务院其他有关部门,依照本法第二十六条、第二十七条和其他有关法律、行政法规的规定,制定、调整并公布国际服务贸易市场准入目录。

第五章 与对外贸易有关的知识产权保护

第二十九条 国家依照有关知识产权的法律、行政法规,保护与对外贸易有关的知识产权。

进口货物侵犯知识产权,并危害对外贸易秩序的,国务院对外贸易主管部门可以采取在一定期限内禁止侵权人生产、销售的有关货物进口等措施。

第三十条 知识产权权利人有阻止被许可人对许可合同中的知识产权的有效性提出质疑、进行强制性一揽子许可、在许可合同中规定排他性返授条件等行为之一,并危害对外贸易公平竞争秩序的,国务院对外贸易主管部门可以采取必要的措施消除危害。

第三十一条 其他国家或者地区在知识产权保护方面未给予中华人民共和国的法人、其他组织或者个人国民待遇,或者不能对来源于中华人民共和国的货物、技术或者服务提供充分有效的知识产权保护的,国务院对外贸易主管部门可以依照本法和其他有关法律、行政法规的规定,并根据中华人民共和国缔结或者参加的国际条约、协定,对与该国家或者该地区的贸易采取必要的措施。

第六章 对外贸易秩序

第三十二条 在对外贸易经营活动中,不得违反有关反垄断的法律、行政法规的规定实施垄断行为。

在对外贸易经营活动中实施垄断行为,危害市场公平竞争的,依照有关反垄断的法律、行政法规的规定处理。有前款违法行为,并危害对外贸易秩序的,国务院对外贸易主管部门可以采取必要的措施消除危害。

第三十三条 在对外贸易经营活动中,不得实施以不正当的低价销售商品、串通投标、发布虚假广告、进行商业贿赂等不正当竞争行为。

在对外贸易经营活动中实施不正当竞争行为的,依照有关反不正当竞争的法律、行政法规的规定处理。

有前款违法行为,并危害对外贸易秩序的,国务院对外贸易主管部门可以采取禁止该经营者有关货物、技术进出口等措施消除危害。

第三十四条 在对外贸易活动中,不得有下列行为:

(一) 伪造、变造进出口货物原产地标记,伪造、变造或者买卖进出口货物原产地证书、进出口许可证、进出口配额证明或者其他进出口证明文件;

(二) 骗取出口退税;

(三) 走私;

(四) 逃避法律、行政法规规定的认证、检验、检疫;

(五) 违反法律、行政法规规定的其他行为。

第三十五条 对外贸易经营者在对外贸易经营活动中,应当遵守国家有关外汇管理的规定。

第三十六条 违反本法规定,危害对外贸易秩序的,国务院对外贸易主管部门可以向社会公告。

第七章 对外贸易调查

第三十七条 为了维护对外贸易秩序,国务院对外贸易主管部门可以自行或者会同国务院其他有关部门,依照法律、行政法规的规定对下列事项进行调查:

(一) 货物进出口、技术进出口、国际服务贸易对国内产业及其竞争力的影响;

(二) 有关国家或者地区的贸易壁垒;

(三) 为确定是否应当依法采取反倾销、反补贴或者保障措施等对外贸易救济措施,需要调查的事项;

(四) 规避对外贸易救济措施的行为;

(五) 对外贸易中有关国家安全利益的事项;

(六) 为执行本法第七条、第二十九条第二款、第三十条、第三十一条、第三十二条第三款、第三十三条第三款的规定,需要调查的事项;

(七) 其他影响对外贸易秩序,需要调查的事项。

第三十八条 启动对外贸易调查,由国务院对外贸易主管部门发布公告。

调查可以采取书面问卷、召开听证会、实地调查、委托调查等方式进行。

国务院对外贸易主管部门根据调查结果,提出调查报告或者作出处理裁定,并发布公告。

第三十九条 有关单位和个人应当对对外贸易调查给予配合、协助。

国务院对外贸易主管部门和国务院其他有关部门及其工作人员进行对外贸易调查,对知悉的国家秘密和商业秘密负有保密义务。

第八章 对外贸易救济

第四十条 国家根据对外贸易调查结果,可以采取适当的对外贸易救济措施。

第四十一条 其他国家或者地区的产品以低于正常价值的倾销方式进入我国市场,对已建立的国内产业造成实质损害或者产生实质损害威胁,或者对建立国内产业造成实质阻碍的,国家可以采取反倾销措施,消除或者减轻这种损害或者损害的威胁或者阻碍。

第四十二条 其他国家或者地区的产品以低于正常价值出口至第三国市场,对我国已建立的国内产业造成实质损害或者产生实质损害威胁,或者对我国建立国内产业造成实质阻碍的,应国内产业的申请,国务院对外贸易主管部门可以与该第三国政府进行磋商,要求其采取适当的措施。

第四十三条 进口的产品直接或者间接地接受出口国家或者地区给予的任何形式的专向性补贴，对已建立的国内产业造成实质损害或者产生实质损害威胁，或者对建立国内产业造成实质阻碍的，国家可以采取反补贴措施，消除或者减轻这种损害或者损害的威胁或者阻碍。

第四十四条 因进口产品数量大量增加，对生产同类产品或者与其直接竞争的产品的国内产业造成严重损害或者严重损害威胁的，国家可以采取必要的保障措施，消除或者减轻这种损害或者损害的威胁，并可以对该产业提供必要的支持。

第四十五条 因其他国家或者地区的服务提供者向我国提供的服务增加，对提供同类服务或者与其直接竞争的服务的国内产业造成损害或者产生损害威胁的，国家可以采取必要的救济措施，消除或者减轻这种损害或者损害的威胁。

第四十六条 因第三国限制进口而导致某种产品进入我国市场的数量大量增加，对已建立的国内产业造成损害或者产生损害威胁，或者对建立国内产业造成阻碍的，国家可以采取必要的救济措施，限制该产品进口。

第四十七条 与中华人民共和国缔结或者共同参加经济贸易条约、协定的国家或者地区，违反条约、协定的规定，使中华人民共和国根据该条约、协定享有的利益丧失或者受损，或者阻碍条约、协定目标实现的，中华人民共和国政府有权要求有关国家或者地区政府采取适当的补救措施，并可以根据有关条约、协定中止或者终止履行相关义务。

第四十八条 国务院对外贸易主管部门依照本法和其他有关法律的规定，进行对外贸易的双边或者多边磋商、谈判和争端的解决。

第四十九条 国务院对外贸易主管部门和国务院其他有关部门应当建立货物进出口、技术进出口和国际服务贸易的预警应急机制，应对对外贸易中的突发和异常情况，维护国家经济安全。

第五十条 国家对规避本法规定的对外贸易救济措施的行为，可以采取必要的反规避措施。

第九章 对外贸易促进

第五十一条 国家制定对外贸易发展战略，建立和完善对外贸易促进机制。

第五十二条 国家根据对外贸易发展的需要，建立和完善为对外贸易服务的金融机构，设立对外贸易发展基金、风险基金。

第五十三条 国家通过进出口信贷、出口信用保险、出口退税及其他促进对外贸易的方式，发展对外贸易。

第五十四条 国家建立对外贸易公共信息服务体系，向对外贸易经营者和其他社会公众提供信息服务。

第五十五条 国家采取措施鼓励对外贸易经营者开拓国际市场，采取对外投资、对外工程承包和对外劳务合作等多种形式，发展对外贸易。

第五十六条 对外贸易经营者可以依法成立和参加有关协会、商会。

有关协会、商会应当遵守法律、行政法规，按照章程对其成员提供与对外贸易有关的生产、营销、信息、培训等方面的服务，发挥协调和自律作用，依法提出有关对外贸易救济措施的申请，维护成员和行业的利益，向政府有关部门反映成员有关对外贸易的建议，开展对外贸易促进活动。

第五十七条 中国国际贸易促进组织按照章程开展对外联系，举办展览，提供信息、咨询服务和其他对外贸易促进活动。

第五十八条 国家扶持和促进中小企业开展对外贸易。

第五十九条 国家扶持和促进民族自治地方和经济不发达地区发展对外贸易。

第十章 法律责任

第六十条 违反本法第十一条规定，未经授权擅自进出口实行国营贸易管理的货物的，国务院对外贸易主管部门或者国务院其他有关部门可以处五万元以下罚款；情节严重的，可以自行政处罚决定生效之日起三年内，不予受理违法行为人从事国营贸易管理货物进出口业务申请，或者撤销已给予其从事其他国营贸易管理货物进出口的授权。

第六十一条 进出口属于禁止进出口的货物的，或者未经许可擅自进出口属于限制进出口的货物的，由海关依照有关法律、行政法规的规定处理、处罚；构成犯罪的，依法追究刑事责任。

进出口属于禁止进出口的技术的，或者未经许可擅自进出口属于限制进出口的技术的，依照有关法律、行政法规的规定处理、处罚；法律、行政法规没有规定的，由国务院对外贸易主管部门责令改正，没收违法所得，并处违法所得一倍以上五倍以下罚款，没有违法所得或者违法所得不足一万元的，处一万元以上五万元以下罚款；构成犯罪的，依法追究刑事责任。

自前两款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起，国务院对外贸易主管部门或者国务院其他有关部门可以在三年内不予受理违法行为人提出的进出口配额或者许可证的申请，或者禁止违法行为人在一年以上三年以下的期限内从事有关货物或者技术的进出口经营活动。

第六十二条 从事属于禁止的国际服务贸易的，或者未经许可擅自从事属于限制的国际服务贸易的，依照有关法律、行政法规的规定处罚；法律、行政法规没有规定的，由国务院对外贸易主管部门责令改正，没收违法所得，并处违法所得一倍以上五倍以下罚款，没有违法所得或者违法所得不足一万元的，处一万元以上五万元以下罚款；构成犯罪的，依法追究刑事责任。

国务院对外贸易主管部门可以禁止违法行为人自前款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起一年以上三年以下的期限内从事有关的国际服务贸易经营活动。

第六十三条 违反本法第三十四条规定，依照有关法律、行政法规的规定处罚；构成犯罪的，依法追究刑事责任。

国务院对外贸易主管部门可以禁止违法行为人自前款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起一年以上三年以下的期限内从事有关的对外贸易经营活动。

第六十四条 依照本法第六十一条至第六十三条规定被禁止从事有关对外贸易经营活动的，在禁止期限内，海关根据国务院对外贸易主管部门依法作出的禁止决定，对该对外贸易经营者的有关进出口货物不予办理报关验放手续，外汇管理部门或者外汇指定银行不予办理有关结汇、售汇手续。

第六十五条 依照本法负责对外贸易管理工作的部门的工作人员玩忽职守、徇私舞弊或者滥用职权，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。

依照本法负责对外贸易管理工作的部门的工作人员利用职务上的便利，索取他人财物，或者非法收受他人财物为他人谋取利益，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。

第六十六条 对外贸易经营活动当事人对依照本法负责对外贸易管理工作的部门作出的具体行政行为不服的，可以依法申请行政复议或者向人民法院提起行政诉讼。

第十一章 附则

第六十七条 与军品、裂变和聚变物质或者衍生此类物质的物质有关的对外贸易管理以及文化产品的进出口管理，法律、行政法规另有规定的，依照其规定。

第六十八条 国家对边境地区与接壤国家边境地区之间的贸易以及边民互市贸易，采取灵活措施，给予优惠和便利，具体办法由国务院规定。

第六十九条 中华人民共和国的单独关税区不适用本法。

第七十条 本法自2004年7月1日起施行。

ATTACHMENT A18

**Notice of State Development and Reform Commission , Ministry of Finance ,
Ministry of Commerce , Ministry of Land and Resources , General
Administration of Customs , State Administration of Taxation , Ministry of
Environmental Protection on Taking Supporting Measures in Respect of
Restraint of the Export of High energy, Pollution-inducing, and Natural
Resource Consumption**

FaGaiJingMao [2005] No.1482

The development and reform commissions, the department(bureau) of finance , (the competent authority of commerce, the department of land and resources (the department of land environment and resources, bureau of land and resources, the bureau of land resources and housing, the bureau of housing and land, the bureau of planning and national land and resources) , of control of all provinces, autonomous regions, municipalities directly under the Central Government, cities under separate state planning and Sinkiang Production and Construction Cors , Guangdong Branch of the General Administration of Customs, Shanghai Specially Dispatched Office, Tianjin Specially Dispatched Office, and all customs offices directly under the General Administration of Custom, the bureau of taxation and the bureau (department)of environmental protection.

The state has taken measures to restrain the export of part of the high energy, pollution-inducing, and natural Resource Consumption from May of this year in accordance with the direction of the state council. For the purpose thereof, the relevant matters are noticed as follows :

1. The Necessity of Restraining the Export of High energy, Pollution-inducing, and Natural Resource Consumption

Recently, the rapid investment in steel, cement, electrolytic aluminum and coke leads to the production capacity of the above aimless extension; the rapid increase in export of high energy, pollution-inducing, and natural Resource Consumption such as billet, steel ingot, electrolytic aluminum, ferroalloy and part of nonferrous metal, etc, which worsens the stress of national recourses, raw materials, transportation and recourses environment. The export of billet, rolled steel, 未锻轧铝, ferroalloy, and coke is 6,058,000.00 tons, 14,230,000.00 tons, 2,190,000.00 tons and 15,010,000.00 tons and the growth rate is 312.1%、104%、34.8%、20.5% and 2% respectively and the growth in export of the above products early this year is 262.4%、154.1%、21.9%、17% and 16.2% compared with the time of last year. Additionally, the export of zinc, tungsten, tin, sibiium, other nonferrous metal and high energy, pollution-inducing, and natural Resource Consumption such as yellow phosphorus, calcium carbide increases extensively too.

The extensive export of high energy, pollution-inducing, and natural Resource Consumption worsens the shortage of coal, power, petrol and shipping and the stress of resources environment. The power consumption of 未锻轧铝, billet, rolled steel, ferroalloy, and yellow phosphorus exported in 2004 in the producing stage is up to 49 billion kilowatt, which takes 82% of the total electricity shortfall and if taking the shipping stage into account, the power consumed will be much more. Most of the high energy products are high pollution-inducing. The discharge of exhaust gas and liquid waste from the production of coke, the fluoride from the production of electrolytic aluminum and the dust from the production of ferroalloy are all high pollution-inducing. Some of the electrolytic aluminum enterprises and billet enterprises are located inland. The shipping of the raw material from the east-south coastal areas to the middle-west areas and shipping back of the products worsen the shortage of shipping capacity. The extensive export of high energy, pollution-inducing, and natural Resource Consumption goes beyond the ability of our power source, resources, environment, and shipping, which affects the sound and balanced development of the national economy. Therefore, restraint of the export of high energy, pollution-inducing, and natural Resource Consumption is necessary for implementing the scientific concept of development, reducing the environmental pollution, solving the resources problem of development and relieving the shortage of coal, power, petrol, and shipping.

2. Measures of Restraining the Export of High energy, Pollution-inducing, and Natural Resource Consumption

The State Council has approved the relevant departments to take a serial of measures to control the export of high energy, pollution-inducing, and natural Resource Consumption.

2.1 Reduce Export

The export quotas of coal, crude oil, and coke has reduced from 0.1 billion tons in 2003 to 80 million tons in 2005, from 5 million tons in 2003 to 1 million in 2005 and from 14.72 million tons in 2004 to 14 million tons

2.2 Withdrawal or Reduction of Export VAT Refund Entitlement

The export of VAT refund of electrolytic aluminum, ferroalloy, yellow phosphorus, and calcium carbide and other high energy products was withdrawn on Jan. 1st, 2005, of steel of primary products was withdrawn in April, of the rolled steel has been reduced from 13% to 11%. The export of VAT refund of rare earth metal, rare earth oxide, rare earth salts, metallic silicon, molybdenum minerals sand, and ore concentrate, light dead burnt magnesite, fluor, pencil stone, carborundum and part of the primary lumber products was withdrawn on May 1st, and the export of VAT refund rate of the coal, zinc, tungsten, tin, stibium and their products was reduced to 8%. The export of VAT refund of electrolytic manganese was withdrawn on Aug. 1st.

2.3 Levying Export Tariff

Export customs tax was imposed on urea from Jan. 1st this year, and the export customs tax rate of 未锻轧铝 is 5%. The customs tax rate of yellow phosphorus increased from 10% to 20% temporarily and the export customs rate of silicon and iron increased from 0% to 5% temporarily.

2.4 Cease Processing Trade

The state has listed coal, coke, yellow phosphorus, steel products and rare earth products into the prohibited catalogue of processing trade successively, and listed alumina, ferroalloy mine into the prohibited catalogue of processing trade, in addition to ceasing examining and approving the new processing trade contract.

3 The Implement of the Supporting Measures on Ceasing the Processing Trade of Alumina, and Ferroalloy Mine

In recent years, the investment in alumina and ferroalloy is increasing extensively and the increase in products is too fast. Ceasing the processing trade of alumina will do good to the import of alumina and the export of electrolytic aluminum and in the same time will lead to the price reduction of alumina in international market and the price rise of electrolytic aluminum in the international market and at last lead to the price rise in domestic market. Ceasing the processing trade can also build a fair competition environment for electrolytic aluminum and ferroalloy and in general is good for the above industry. However, due to the outcome of the above is far beyond the need of the market, this industry falls into hardship in general currently, and some of the enterprises suffer losses. The local governments should do what they can to relieve the hardship of electrolytic aluminum and ferroalloy industry.

3.1 The Approved Processing Trade Contracts before Ceasing the Processing Trade Allowed to be executed

The state will not examine and approve the new processing trade contracts after listing the import of electrolytic aluminum and ferroalloy into the prohibited catalogue. And as for the processing trade contracts approved by the departments of commerce and filed in the customs are allowed to be executed in accordance with the current processing trade policies.

3.2 Study of the Relevant Tariff Policy

In order to protect the domestic resources, encourage the import of resources goods and enhance the sound development of the electrolytic aluminum and ferroalloy, compounded with the stipulation of the tariff scheme of the next year, we study the relevant tariff policy.

3.3 Perfect the Power Pricing Scheme for the High Energy Enterprises

Stick to the policy of different power price, raise the power price of low voltage and reduce the power price of high voltage taking into account of the power price reform to enlarge the gap of different voltages. In the power rich areas, we can pool the electrolytic aluminum enterprises with power stations to reduce the costs of

electrolytic aluminum. And we should perfect the peak and low consumption and high and low water flow period power pricing policy to enlarge the price discrepancy between peak and low, high and low water time to reduce the costs of ferroalloy.

3.4 Perfect the Credit Policy

To carry an overall evaluation of the key national control industry, such as steel, electrolytic aluminum, cement, coke, and ferroalloy, etc on carrying out the national control policies in order to provide industry investment risk warning and policy information directing and at last to serve the monetary institutions to better grasp the loan direction and to provide credit support to those enterprises and projects who is in accord with the national industry policy and credit principle.

3.5 To Secure the Social Order

The local governments and departments shall implement the supporting measures earnestly to help the enterprises out of the hardship and difficulty, get known of the operating situation of the enterprises, and study and report of the problem arousing after ceasing the processing trade.

Jul. 28TH, 2005

国家发展和改革委员会、财政部、商务部、国土资源部、海关总署、国家税务总局、国家环境保护总局关于做好控制高耗能、高污染、资源性产品出口有关配套措施的通知

发改经资[2005]1482号

各省、自治区、直辖市和计划单列市、新疆生产建设兵团发展改革委、财政厅(局)、商务主管部门、国土资源厅(国土环境资源厅、国土资源局、国土资源和房屋管理局、房屋土地资源管理局、规划和国土资源管理局)、海关总署广东分署、海关天津、上海特派办、各直属海关、国家税务局、环境保护局(厅)：

根据国务院常务会议精神，今年5月以来国家陆续采取措施，控制部分高耗能、高污染和资源性产品出口。为进一步做好此项工作，现就有关事项通知如下：

一、控制高耗能、高污染、资源性产品出口的必要性

近年来，钢铁、水泥、电解铝、煤炭等行业投资过快增长，产能盲目扩大，钢坯及钢锭、电解铝、铁合金、部分有色金属等高耗能、高污染、资源性产品出口大量增加，加剧了国内能源、原材料、运输需求的矛盾和资源环境压力。2004年我国钢坯、钢材、未锻轧铝、铁合金、焦炭分别出口605.8万吨、1423万吨、168万吨、219万吨和1501万吨，同比分别增长312.1%、104%、34.8%、20.5%和2%，今年上半年钢坯、钢材、未锻轧铝、铁合金、焦炭出口比上年同期又分别增长262.4%、154.1%、21.9%、17%和16.2%。另外锌、锡、锑等有色金属、黄磷、电石等多种高耗能、高污染、资源性商品出口也大量增加。

高耗能、高污染、资源性产品大量出口，加剧了煤电油运紧张矛盾和资源环境压力。2004年出口的未锻轧铝、钢坯和钢材、铁合金以及黄磷四种产品生产环节消耗电能480亿千瓦时，占全部电力缺口的82%。如果考虑运输等各环节，消耗的电能还要更多。高耗能产品大多是严重污染环境的产品，焦炭生产过程中排放的废气、废水，电解铝生产过程中产生的氟化物，铁合金生产过程中产生的粉尘都严重污染环境。一些电解铝和钢坯生产企业地处内陆，由东南沿海进口原料运到中西部地区，生产出来成品又要运回东南沿海出口，加剧了运力紧张的矛盾。高耗能、高污染、资源性商品大量出口超出了当前我国能源、资源、环境和运输等外部条件的支撑能力，影响国民经济的健康平稳运行。控制高耗能、高污染和资源性产品出口，对落实科学发展观的要求，减少环境污染，破解经济发展的资源约束，缓解煤电油运紧张的矛盾，都是完全必要的。

二、控制高耗能、高污染、资源性产品出口的措施

今年以来，经国务院批准各有关部门已采取一系列措施抑制高耗能、高污染和资源性产品出口。

(一)削减出口总量。焦炭出口配额从2003年的1亿吨削减到2005年的8000万吨。原油出口数量从2003年的500万吨削减到2005年的100万吨。焦炭出口配额从2004年的1472万吨削减到2005年的1400万吨。

(二)取消或降低部分产品出口退税。2005年1月1日取消了电解铝、铁合金、黄磷、电石等高耗能产品的出口退税，4月取消了钢铁初级产品出口退税，并将钢材的出口退税由13%下调到11%。5月1日取

消了稀土金属、稀土氧化物、稀土盐类，金属硅，钼矿砂及精矿，轻重烧碱，萤石、滑石、碳化硅以及部分木材初加工产品的出口退税；将煤炭和铟、钨、锡及其制品出口退税率下调到8%。8月1日取消了电解铝的出口退税。

(三)加征出口关税。从今年1月1日起对尿素开始征收出口关税，对未锻轧铝征收5%的出口关税。6月1日起将黄磷出口暂定关税税率从10%提高到20%，将硅铁的出口暂定关税税率从0%提高到5%。

(四)停止加工贸易。国家已经先后将煤炭、焦炭、黄磷、钢铁类产品、稀土类产品列入加工贸易禁止类目录，8月22日还要将氧化铝、铁合金矿列入加工贸易禁止类目录，停止审批新的加工贸易合同。

三、做好停止氧化铝、铁合金矿加工贸易后有关配套措施的落实工作

近几年电解铝、铁合金行业投资增幅过高，产能增长过快。停止氧化铝加工贸易，有利于减少我国氧化铝进口和电解铝出口。同时也会促使国际氧化铝市场价格回落，有利于国际市场电解铝价格回升，从而拉动国内市场价格回升。停止加工贸易，还可以为电解铝和铁合金企业创造一个公平竞争的市场环境。总体上对电解铝和铁合金行业是有利的。但是由于电解铝和铁合金产量超过市场需要，目前行业总体上比较困难，部分企业已发生亏损。各地要切实做好工作，缓解电解铝和铁合金行业的困难。

(一)对停止加工贸易前已经批准的加工贸易合同允许执行完毕。在将进口氧化铝和铁合金矿列入加工贸易禁止类目录后，国家不再审批新的加工贸易合同，对此前已经商务部门批准并在海关备案的加工贸易合同，允许按现行加工贸易政策执行完毕。

(二)研究有关关税政策。从保护国内资源，鼓励资源性商品进口，促进电解铝和铁合金行业健康发展考虑，结合明年关税方案的制定，研究有关关税政策。

(三)完善高耗能企业的电价形成机制。继续坚持差别电价政策。结合电价改革拉大不同电压等级的电价，低电压等级的电价适当提高，高电压等级的电价适当下调。在电力资源较富裕的地区开展电解铝企业与发电企业开展直供联营试点，降低电解铝生产成本。完善落实峰谷、丰枯电价政策，合理扩大峰谷、丰枯电价差，降低铁合金生产成本。

(四)完善信贷政策。对2004年以来国家重点调控的钢铁、电解铝、水泥、焦炭、铁合金等行业贯彻落实国家宏观调控措施总体执行情况进行综合评估，加强行业投资风险提示和政策引导，以利于金融机构更好地把握信贷投向，对符合国家产业政策和信贷原则的企业和项目合理的信贷资金需求及时提供有效支持。

(五)做好社会稳定工作。各地要认真落实好相关配套措施，帮助企业解决当前面临的困难和问题。要及时了解企业生产经营状况，对停止加工贸易后出现的情况和问题要认真研究，及时报告。

2005年7月28日

ATTACHMENT A17

Notice of the General Office of the State Council on Forwarding the Guiding Opinions of the SASAC about Promoting the Adjustment of State-owned Capital and the Reorganization of State-owned Enterprises

(No.97 (2006) of the General Office of the State Council)

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

The Guiding Opinions of the SASAC about Promoting the Adjustment of State-owned Capital and the Reorganization of State-owned Enterprises have been approved by the State Council and are hereby forwarded to you, please seriously implement them.

General Office of the State Council

December 5, 2006

Guiding Opinions of the State-owned Assets Supervision and Administration Commission of the State Council about Promoting the Adjustment of State-owned Capital and the Reorganization of State-owned Enterprises

(SASAC)

In recent years, we have made major breakthroughs in the state-owned asset management system reform, have made important progress in the adjustment of state-owned capital and the reorganization of state-owned enterprises, have deepened the reform of state-owned enterprises, and have significantly improved economic effects, which play an important role for perfecting socialist market economic system and promoting sustained, fast and sound development of national economy. However, from the aspect of overall situation, the distribution of state-owned economy is still too broad, industrial layout and organizational structure of the enterprises is not quite reasonable, main business of some enterprises is not prominent, and the core competitiveness of their main business is not strong. The adjustment of state-owned capital, reorganization of state-owned enterprises as well as improvement of the mechanism of entry-withdrawal and rational movement of state-owned capital is a significant task in the economic system reform. In order to execute the spirits of the Third and Fifth Plenary Sessions of the Sixteenth CPC Central Committee, and according to the Opinions of the State Council about Deepening the Economic System Reform in 2005 (No.9 (2005) of the State Council), we hereby put forward the following opinions about the

adjustment of state-owned capital and the reorganization of state-owned enterprises:

1. Basic Principles and Main Objectives for the Adjustment of State-owned Capital and the Reorganization of State-owned Enterprises

1. Basic principles: firstly, we should uphold the basic economic system under which the public ownership plays a dominant role and diverse forms of ownership develop side by side. We should firmly consolidate and develop public ownership economy, enhance the state-owned economy's controlling power, influence, driving force, bring the leading role of state-owned economy into play; firmly encourage, support and guide the development of nonpublic ownership economy, encourage and support the participation of individual, private and other nonpublic ownership economies in the adjustment of state-owned capital and the reorganization of state-owned enterprises. Secondly, we should adhere to the combination of government guidance and market regulation, and bring the fundamental role of market allocation of resources into full play. Thirdly, we should persist in strengthening supervision over state-owned assets, rigidly enforce the procedures for property right transactions and equity transfer, promote orderly flow, prevent the loss of state-owned assets and ensure the value maintenance and increase of state-owned assets. Fourthly, we should persist in safeguarding the legitimate rights and interests of workers, protect the workers' rights to know, to participate in, to monitor and to decide matters regarding enterprise reorganization, restructuring and other kinds of reform, and fully mobilize and protect the initiatives of the vast majority of workers to participate in the reform and reorganization of state-owned enterprises. Fifthly, we should persist in reinforcing the leadership, overall planning, prudent decision making and stable promotion, maintain normal production and business order of enterprises and ensure the stability of enterprises and the society.

2. Main objectives: we should further promote state-owned capital to concentrate on major industries and key fields relating to national security and national economic lifelines (hereinafter referred to major industries and key fields), and accelerate the formation of a batch of predominant enterprises with independent intellectual property rights, famous brands and strong international competitiveness. We should accelerate the joint-stock system reform of large state-owned enterprises, improve corporate governance structure, vigorously develop the mixed ownership economy participated in by state-owned capital, collective capital, and nonpublic capital, etc., realize the

diversity of investors and make the joint-stock system the principal form of realization of public ownership. We should deregulate and revitalize the majority of medium and small-sized state-owned enterprises; up to 2008 we should basically complete the policy-oriented shut-down and bankruptcy of a batch of state-owned enterprises that are insolvent for a long time and have no hope to eliminate loss; and up to 2010 we should adjust and reorganize 80-100 enterprises for which the SASAC performs the contributor's responsibility.

II. Main Policies and Measures

3. Promoting the concentration of state-owned capital on major industries and key fields, enhancing the controlling power of state-owned economy, and bringing its leading role into play. Major industries and key fields mainly include: industries concerning national security, major infrastructure and important mineral resources, industries that provide essential public goods and services, as well as the key enterprises in pillar industries and high-tech industries. Relevant departments should lose no time in studying and determining specific industries and fields, and promulgating corresponding catalogues of industries and enterprises. Nonpublic ownership enterprises should be encouraged to participate in reorganization, restructuring and reconstruction of state-owned enterprises by means of merger, share holding, equity participation and other forms; the enterprises to implement controlling of state-owned capital shall implement absolute controlling and relative controlling according to the different actualities; state-owned capital that does not belong to major industries and key fields should be transferred according to the mechanism of entry-withdrawal and rational movement of state-owned capital so as to prevent loss of state-owned assets. Proceeds from transfer of state-owned assets should be used and administered in strict accordance with relevant state policies.

4. Accelerating the joint-stock system reform of state-owned enterprises. Except the enterprises concerning national security, enterprises that should be monopolized by the state as well as the companies that engage in the management of state-owned assets, all the large state-owned enterprises should be gradually restructured into the companies with diverse shareholders. Those surviving enterprises that could not be incorporated into joint-stock companies due to various causes should increase the strength of reform and reorganization; and the work of reform and reorganization may be in the charge of parent company, state-owned asset management company or any other state-owned enterprise.

5. Vigorously promoting restructuring and listing, and improving the

quality of listed companies. We should actively support the enterprises with good assets or good core assets to realize the overall listing, encourage listed state holding companies to input all core assets into listed companies through capital increase and share expansion, acquisition of assets and other means; seriously implement the requirements as set down in the Notice of the State Council on Approving and Forwarding the Opinions of China Securities Regulatory Commission about Enhancing the Quality of Listed Companies (Order No. 34 (2005) of the State Council). If a controlling shareholder of any listed company encroaches upon the money of the listed company in the name of loan, provision of security, compensation of debts, advance payment, etc., the relevant state-owned assets supervision organ should strengthen urgency and coordination, urge the violator to repay the money of the listed company on time; and should impose administrative and legal liabilities on the relevant responsible persons according to laws and relevant provisions if the violator could not make repayment on time. At the same time, a long-term mechanism should be established to prohibit the encroachment upon the listed company's money.

6. Actively encouraging the introduction of strategic investors. The introduction of strategic investors is good for strengthening the enterprise's technical innovation capability, enhancing the grades and standards of products, improving business management, and promoting the enterprise's sustainable development. When introducing strategic investors, we should maintain national economic safety, national defense security and industrial security, prevent monopoly, protect enterprises' independent intellectual property rights and famous brands, and promote enterprises to develop new products.

7. Deregulating and revitalizing medium and small-sized state-owned enterprises, and establishing the withdrawal mechanism of inferior enterprises. Medium and small-sized state-owned enterprises should be continuously deregulated and revitalized by various means such as reorganization, combination, merger, leasing, contracted management, joint venture, transfer of state-owned property rights, joint-stock system, and joint-stock cooperative system. Those enterprises that lose money for a long time, are insolvent and can not pay due debts as well as those mines with exhausted resources should go bankrupt, and the policy-oriented shut-down and bankruptcy should be conducted soon in strict accordance with relevant provisions if relevant conditions are met.

8. Accelerating the adjustment and reorganization of large state-owned enterprises, and promoting the optimal allocation of enterprise resources. We should promote the alliance of powerful

state-owned enterprises. The alliance of powerful enterprises should follow market rules, comply with national industrial policies, and be good for optimizing resource allocation, enhancing the scale economic effects of enterprises, forming reasonable concentration of industries, and cultivating a batch of especially large enterprise groups with international competitiveness. On the premise that relevant state industrial management provisions and market rules are strictly enforced, we should continue to promote and improve the reform and reorganization of telecommunications, electricity, civil aviation and other industries. Those state-owned enterprises with no advantage should be vigorously promoted to be incorporated into predominant large state-owned enterprises by various means so as to reduce pollution, conserve resources, safeguard production and improve efficiency. Predominant large state-owned enterprises should, by means of investment increase and integration of assets and businesses, etc., give full play the overall efficiency of assets, and promote the accelerated development of reorganized enterprises.

9. Actively promoting the reorganization between application technology research institutes (hereinafter referred to as institutes) and related producing enterprises (including large project contracting enterprises). We should encourage the reorganization between institutes and related producing enterprises, achieve mutual promotion and common development of research & development and production, and enhance the enterprise's technical innovation capability. We should actively explore effective ways and forms for the reorganization between institutes and related producing enterprises: one producing enterprise may be reorganized with an institute, or a number of producing enterprises may jointly participate in the joint-stock system reform of an institute. With respect to an institute that is mainly responsible for basic research, industry products, technical supervision and detection, we should try to make a number of producing enterprises participate in its joint-stock system reform, and take corresponding measures so as to guarantee its normal operation and development.

10. Strengthening the adjustment of the state-owned capital of loss-making enterprises. As for those state-owned enterprises that are expected to eliminate loss, measures should be taken to eliminate loss within a term; as for those enterprises whose loss is caused due to bad business management, their persons in charge that are held liable should be changed; as for those loss-making enterprises that do not belong to major industries and key fields and can not eliminate loss within a short term, they can be transferred to various kinds of investors, or be reorganized with other state-owned enterprises. As for important

enterprises in major industries and key fields that lose a lot of money, it is necessary to differentiate conditions according to relevant policies, take various methods and means to promote reform and reorganization, promote their development and ensure the controlling position of state-owned capital.

11. Focusing on main business, and actively promoting the reorganization of enterprise's non-core assets. We should adopt various means to promote the concentration of non-core assets on main business, and promote reasonable flow of non-core assets among different enterprises. Medium and small-sized enterprises with non-core assets can be deregulated and revitalized through different ways, and shall accelerate the pace of the segmentation between major and minor businesses and the restructuring of minor business as well as the relocation and resettlement of surplus workers if the policy requirements for the segmentation between major and minor businesses and the restructuring of minor business are met.

12. Accelerating the reorganization inside large state-owned enterprises. We should simplify enterprises' organizational bodies, sort out and integrate subordinate enterprises with many levels, generally control the number of management levels within three by way of shutdown, bankruptcy, revocation, merger and cancellation of enterprise legal person qualification, etc.; improve the parent-subsidiary corporate system of large enterprises, intensify the functions of parent companies in the aspects of strategic management, capital operation, structural adjustment, financial control and risk prevention, etc., bring into full play the overall advantages of enterprises and realize professional and scale business operation by way of business and asset adjustment or reorganization.

13. Accelerating the establishment of the operating budget system for state-owned capital. In the operating budget of state-owned capital, we should focus on the directions and objectives of the adjustment of state-owned capital and the reorganization of state-owned enterprises, plan as a whole the use of proceeds from state-owned capital, safeguard and promote enterprises' structural adjustment and technological progress, and enhance the core competitiveness of enterprises.

14. Promoting the reorganization between Central enterprises and the enterprises contributed by local people's governments (hereinafter referred to as local enterprises). If the transfer of Central enterprises that do not belong to major industries and key fields to local people's governments is good for bringing local advantages into play and is good for reorganizing with local enterprises to enhance

competitiveness, after obtaining the consent of local people's government and reporting to the State Council for approval, the said Central enterprises may be transferred to the local state-owned assets supervision organ or local enterprises for management. If the merger of local enterprises into Central enterprises is good for mutual supplement of advantages, such local enterprises may be merged into Central enterprises upon consent of local people's government. It is encouraged to reorganize Central enterprises and local enterprises through equity merger, equity exchange and mutual equity participation, etc. Local enterprises may also be reorganized between themselves according to the said requirements.

III. Regulating Restructuring and Reorganization, and Practically Strengthening Organization and Leadership

15. Further regulating the examination and approval of enterprise restructuring schemes. The restructuring scheme on introduction of non-state investors by an exclusively state-owned enterprise as well as the scheme on restructuring a state controlling enterprise into an enterprise not controlled or participated in by state-owned capital should be subject to examination and approval in strict accordance with the Notice of the General Office of the State Council on Forwarding the Opinions of the State-owned Assets Supervision and Administration Commission of the State Council about Further Regulating the Restructuring of State-owned Enterprises (No.96 (2003) of the General Office of the State Council), the Notice of the General Office of the State Council on Forwarding the Implementation Opinions of the SASAC about Further Regulating the Restructuring of State-owned Enterprises (No.60 (2005) of the General Office of the State Council) and the relevant provisions on transfer of enterprises' state-owned property rights. If the enterprise restructuring involves any matter regarding finance or labor and security, etc., it should be reported to the state-owned assets supervision organ for coordination, examination and approval after being examined and approved by the relevant department under the people's government at the same level; if the enterprise restructuring involves any matter subject to government public management examination and approval, it should be reported to the relevant government department for examination and approval according to the relevant laws and regulations of the state. It is necessary to bring the role of enterprise staff representative conference and trade union into full play, and the restructuring scheme on introduction of non-state investors by an exclusively state-owned enterprise as well as the scheme on restructuring a state controlling enterprise into an enterprise not controlled or participated in by state-owned capital should be submitted to the enterprise staff

representative conference or staff conference for deliberation so as to heed the staff's opinions; the workers resettlement scheme should not be executed until it has been deliberated and passed at the enterprise staff representative conference or staff conference.

16. Improving examination and approval procedures for the reorganization between state-owned and state holding enterprises. The reorganization between state-owned and state holding enterprises should be subject to examination and approval according to the provisions stipulated by the state if there are such provisions; otherwise, if the reorganization would cause reduction or increase of enterprises contributed by the state-owned assets supervision organ, the state-owned assets supervision organ should report the reorganization to the people's government at the same level for examination and approval, and other reorganization schemes should be subject to examination and approval of the state-owned assets supervision organ. The specific reorganization scheme should be timely reported to the staff representative conference.

17. Further unifying understanding. All the regions and relevant departments should deeply study, fully understand and conscientiously implement the spirits of the CPC Central Committee and the State Council on deepening state enterprise reform, adjusting the layout and structure of state-owned economy, and enhance the awareness about the significance, urgency and complexity of the adjustment of state-owned capital and the reorganization of state-owned enterprises. The person in charge of a state-owned or state holding enterprise should correctly deal with the interests among the state, enterprise and individual, obey the overall situation of the adjustment of state-owned capital and the reorganization of state-owned enterprises, actively advocate and support the adjustment of state-owned capital and the reorganization of state-owned enterprises. It is imperative to rigidly implement national industrial polices and industrial planning, and as for the adjustment of state-owned capital or the reorganization of state-owned enterprises involving national industrial polices and industrial planning, the state-owned assets supervision organ should make study and decision jointly with the competent administrative department and the relevant local government.

18. Practically strengthening organization and leadership. The local people's governments at various levels and the state-owned assets supervision organs should attach great importance to the adjustment of state-owned capital and the reorganization of state-owned enterprises, do a good job in survey, research and feasibility analysis, fully heed the views of all sides, start from local actualities, plan the adjustment of state-owned capital and the reorganization of state-owned enterprises

as a whole, strengthen leadership, make careful deployment, carry forward the work actively and stably, safeguard normal production and operation order of enterprises, guarantee the stability of enterprises and the society. The SASAC and relevant departments should strengthen survey, research, supervision and guidance, master work trends of different regions, and timely put forward policy suggestions on significant issues involved in the adjustment of state-owned capital and the reorganization of state-owned enterprises. State-owned and state holding enterprises should bring into full play the key political role of their respective Party organizations, particularly their role of safeguarding supervision, guiding publicity and making coordination, etc., conduct meticulous organization and implementation, deeply and carefully make a good job in the ideological and political work, maintain lawful rights and interests of workers, and ensure that the adjustment of state-owned capital and the reorganization of state-owned enterprises could be carried out smoothly.

转发国资委《关于推进国有资本调整和国有企业重组的指导意见》的
通知

国办发[2006]97号

各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

国资委《关于推进国有资本调整和国有企业重组的指导意见》已经国务院同意，现转发给你们，请认真贯彻执行。

附件：国务院国有资产监督管理委员会关于推进国有资本调整和国有企业重组的指导意见

近年来，国有资产管理体制改革取得重大突破，国有经济布局和结构调整取得重要进展，国有企业改革不断深化、经济效益显著提高，对完善社会主义市场经济体制、促进国民经济持续快速健康发展，发挥了重要作用。但从整体上看，国有经济分布仍然过宽，产业布局和企业组织结构不尽合理，一些企业主业不够突出，核心竞争力不强。实行国有资本调整和国有企业重组，完善国有资本有进有退、合理流动的机制，是经济体制改革的一项重大任务。为贯彻落实党的十六届三中、五中全会精神，根据《国务院关于2005年深化经济体制改革的意见》（国发[2005]9号），现就国有资本调整和国有企业重组提出以下意见：

一、国有资本调整和国有企业重组的基本原则和主要目标

（一）基本原则：一是坚持公有制为主体、多种所有制经济共同发展的基本经济制度。

毫不动摇地巩固和发展公有制经济，增强国有经济的控制力、影响力、带动力，发挥国有经济的主导作用。毫不动摇地鼓励、支持和引导非公有制经济发展，鼓励和支持个体、私营等非公有制经济参与国有资本调整和国有企业重组。二是坚持政府引导和市场调节相结合，充分发挥市场配置资源的基础性作用。三是坚持加强国有资产监管，严格产权交易和股权转让程序，促进有序流动，防止国有资产流失，确保国有资产保值增值。四是坚持维护职工合法权益，保障职工对企业重组、改制等改革的知情权、参与权、监督权和有关事项的决定权，

充分调动和保护广大职工参与国有企业改革重组的积极性。五是坚持加强领导，统筹规划，慎重决策，稳妥推进，维护企业正常的生产经营秩序，确保企业和社会稳定。

(二) 主要目标:进一步推进国有资本向关系国家安全和国民经济命脉的重要行业和关键领域(以下简称重要行业和关键领域)集中,加快形成一批拥有自主知识产权和知名品牌、国际竞争力较强的优势企业;加快国有大型企业股份制改革,完善公司法人治理结构,大力发展国有资本、集体资本和非公有资本等参股的混合所有制经济,实现投资主体多元化,使股份制成为公有制的主要实现形式;大多数国有中小企业放开搞活;到2008年,长期积累的一批资不抵债、扭亏无望的国有企业政策性关闭破产任务基本完成;到2010年,国资委履行出资人职责的企业(以下简称中央企业)调整和重组至80—100家。

二、主要政策措施

(三) 推进国有资本向重要行业和关键领域集中,增强国有经济控制力,发挥主导作用。重要行业和关键领域主要包括:涉及国家安全的行业,重大基础设施和重要矿产资源,提供重要公共产品和服务的行业,以及支柱产业和高新技术产业中的重要骨干企业。有关部门要抓紧研究确定具体的行业和领域,出台相应的产业和企业目录。鼓励非公有制企业通过并购和控股、参股等多种形式,参与国有企业的改组改制改造。对需要由国有资本控股的企业,要区别不同情况实行绝对控股和相对控股;对不属于重要行业和关键领域的国有资本,按照有进有退、合理流动的原则,实行依法转让,防止国有资产流失。对国有资产转让收益,严格按照国家有关政策规定进行使用和管理。

(四) 加快国有企业的股份制改革。除了涉及国家安全的企业、必须由国家垄断经营的企业和专门从事国有资产经营管理的公司外,国有大型企业都要逐步改制成为多元股东的公司。对于因各种原因不能进入股份制公司的存续企业,要加大改革与重组的力度,改革重组工作可继续由母公司负责,也可交由国有资产经营管理公司等其他国有企业负责。

(五) 大力推进改制上市, 提高上市公司质量。积极支持资产或主营业务资产优良的企业实现整体上市, 鼓励已经上市的国有控股公司通过增资扩股、收购资产等方式, 把主营业务资产全部注入上市公司。要认真贯彻落实《国务院批转证监会关于提高上市公司质量意见的通知》(国发[2005]34号)要求, 对上市公司控股股东以借款、提供担保、代偿债务、代垫款项等各种名目侵占上市公司资金的, 有关国有资产监管机构应当加大督促、协调力度, 促使其按期全部偿还上市公司资金; 对不能按期偿还的, 应按照法律和相关规定, 追究有关责任人的行政和法律责任。同时, 要建立长效机制, 严禁侵占上市公司资金。

(六) 积极鼓励引入战略投资者。引入战略投资者要有利于增强企业技术创新能力, 提高产品的档次和水平, 改善经营管理, 促进企业持续发展。引入境外战略投资者, 要以维护国家经济安全、国防安全和产业安全为前提, 防止产生垄断, 切实保护企业的自主知识产权和知名品牌, 推动企业开发新产品。

(七) 放开搞活国有中小企业, 建立劣势企业退出市场的机制。采取改组、联合、兼并、租赁、承包经营、合资、转让国有产权和股份制、股份合作制等多种形式, 继续放开搞活国有中小企业。对长期亏损、资不抵债、不能清偿到期债务的企业和资源枯竭的矿山实施依法破产, 对符合有关条件的严格按照有关规定抓紧实施政策性关闭破产。

(八) 加快国有大型企业的调整和重组, 促进企业资源优化配置。依法推进国有企业强强联合, 强强联合要遵循市场规律, 符合国家产业政策, 有利于资源优化配置, 提高企业的规模经济效益, 形成合理的产业集中度, 培育一批具有国际竞争力的特大型企业集团。在严格执行国家相关行业管理规定和市场规则的前提下, 继续推进和完善电信、电力、民航等行业的改革重组。对不具备优势的国有企业, 应采取多种方式, 大力推动其并入优势国有大企业, 以减少污染、节约资源、保障安全生产、提高效率。优势国有大企业要通过增加投资以及资产、业务整合等措施, 充分发挥资产的整体效能, 促进重组后的企业加快发展。

(九)积极推动应用技术研究所(以下称研究所)与相关生产企业(包括大型工程承包企业)的重组。鼓励研究所与相关生产企业重组,实现研发与生产相互促进、共同发展,提高企业的技术创新能力。积极探索研究所与生产企业重组的有效途径和形式,可以由一家生产企业与研究所重组,也可以由多家生产企业共同参与研究所股份制改革。对主要担负基础研究、行业产品和技术监督检测的研究所,应尽量由多家生产企业共同参与其股份制改革,并采取相应措施,确保其正常运行和发展。

(十)加大对亏损企业国有资本的调整力度。对有扭亏的国有企业,要采取措施限期扭亏,对由于经营管理不善造成亏损的,要撤换负有责任的企业负责人。对不属于重要行业和关键领域的亏损企业,短期内难以扭亏的,可以向各类投资主体转让,或与其他国有企业进行重组。要依照有关政策,对重要行业和关键领域亏损严重的重要企业,区别不同情况,采取多种方式和途径,推动其改革重组,促进企业发展,并确保国有资本控股。

(十一)围绕突出主业,积极推进企业非主业资产重组。要通过多种途径,使部分企业非主业资产向主业突出的企业集中,促进企业之间非主业资产的合理流动。对于非主业资产的中小企业,可采取多种形式放开搞活,符合主辅分离、辅业改制政策要求的,要加快主辅分离、辅业改制、分流安置富余人员的步伐。

(十二)加快国有大型企业内部的重组。要简化企业组织机构,对层级过多的下属企业进行清理、整合,通过关闭、破产、撤销、合并、取消企业法人资格等措施,原则上将管理层次控制在三级以内。要完善大企业的母子公司体制,强化母公司在战略管理、资本运作、结构调整、财务控制、风险防范等方面的功能,通过对业务和资产的调整或重组,发挥企业整体优势,实现专业化和规模化经营。

(十三)加快建立国有资本经营预算制度。国有资本经营预算要重点围绕国有资本调整和国有企业重组的方向和目标,统筹使用好国有资本收益,保障和促进企业结构调整和技术

进步，提高企业核心竞争力。

(十四) 促进中央企业和地方人民政府所出资企业（以下简称地方企业）之间的重组。对不属于重要行业和关键领域的中央企业，下放地方管理有利于发挥地方优势、有利于与地方企业重组提高竞争力的，在征得地方人民政府同意并报经国务院批准后，可以将其交由地方国有资产监管机构或地方企业管理；地方企业并入中央企业有利于优势互补的，在征得地方人民政府同意后，可以将其并入中央企业。鼓励中央企业和地方企业之间通过股权并购、股权置换、相互参股等方式进行重组。在地方企业之间，也应按此要求促进重组。

三、规范改制重组行为，切实加强组织领导

(十五) 进一步规范企业改制方案的审批工作。国有独资企业引入非国有投资者的改制方案和国有控股企业改制为国有资本不控股或不参股企业的方案，必须按照《国务院办公厅转发国务院国有资产监督管理委员会关于规范国有企业改制工作意见的通知》（国办发〔2003〕96号）、《国务院办公厅转发国资委关于进一步规范国有企业改制工作实施意见的通知》（国办发〔2005〕60号）以及企业国有产权转让等有关规定严格审批。企业改制涉及财政、劳动保障等事项的，须报经同级人民政府有关部门审核同意后，报国有资产监管机构协调审批；涉及政府公共管理审批事项的，依照国家有关法律法规，报政府有关部门审批。要充分发挥企业职工代表大会和工会的作用，国有独资企业引入非国有投资者的改制方案和国有控股企业改制为国有资本不控股或不参股企业的方案，必须提交企业职工代表大会或职工大会审议，充分听取职工意见；职工安置方案须经企业职工代表大会或职工大会审议通过后方可实施改制。

(十六) 完善国有及国有控股企业之间重组的审批程序。对国有及国有控股企业之间的重组，国家已有规定的按规定程序审批，未作规定但因重组致使国有资产监管机构所出资企业减少或者增加的，由国有资产监管机构报本级人民政府审批，其余重组方案由国有资产监

管机构审批。具体重组方案应及时向职工代表大会通报。

(十七)进一步统一认识。各地区、各有关部门要深入学习、全面理解、认真贯彻落实党中央、国务院关于深化国有企业改革、调整国有经济布局和结构的精神，提高对国有资本调整和国有企业重组重要性、紧迫性、复杂性的认识。国有及国有控股企业负责人要正确处理好国家、企业、个人之间的利益关系，服从国有资本调整和国有企业重组的大局，积极拥护、支持国有资本调整和国有企业重组。要严格执行国家产业政策和行业规划，对涉及国家产业政策和行业规划的重大国有资本调整和国有企业重组事项，国有资产监管机构应会同相关行业主管部门和有关地方政府共同研究决策。

(十八)切实加强组织领导。地方各级人民政府和国有资产监管机构要高度重视推进国有资本调整和国有企业重组工作，搞好调查研究和可行性分析，充分听取各方面的意见，从本地区实际出发，统筹规划，加强领导，周密部署，积极稳妥地推进，维护企业正常的生产经营秩序，确保企业和社会稳定。国资委和有关部门要加强调研、监督和指导，掌握各地工作动态，及时对国有资本调整和国有企业重组中的重大问题研究提出政策建议。国有及国有控股企业要充分发挥企业党组织的政治核心作用尤其是保证监督、宣传引导、协调服务等作用，精心组织实施，深入细致地做好职工的思想政治工作，维护职工合法权益，确保国有资本调整和国有企业重组的顺利进行。

Notice of the National Development and Reform Commission and the State
Electricity Regulatory Commission on Cancelling Preferential Policies of Electricity
Price for Electrolytic Aluminum Sector and other High Energy Consumption Sectors

Fagaijiage [2007] No.3550

Development and Reform Commissions, Economy and Trade Commissions, Price
Bureaus of all provinces, autonomous regions and municipalities under the Central
Government, Electricity Regulatory Bureaus and Offices of all regions, State Grid
Corporation of China, China Southern Power Grid, Aluminum Corporation of China:

For the purpose of ensure the sound development of high energy consumption sectors,
promoting energy saving and consumption reduction, according to the Notice
Concerning Relevant Questions on Further Implementing Differential Electricity
Pricing Policies issued by the NDRC, the Ministry of Finance and the State Electricity
Regulatory Commission (Fagaijiage [2007] 2655), relevant issues concerning
cancelling preferential policies of electricity price for electrolytic aluminum sector
and other high energy consumption sectors are hereby notified as follows:

1. Gradually cancelling preferential policies for electricity price of electrolytic aluminum
enterprises

(1) The beneficial price applied to electrolytic aluminum enterprises, which is separately
listed in the power pricing list, shall be changed to the power prices applied to the
subcategory "calcium carbide, electric furnace ferroalloy, electrolysis caustic soda,
synthetic ammonia, electric furnace yellow phosphorus" under the category of large
industries. As for the beneficial part of the price applied to electrolytic aluminum
enterprises compared with that to subcategory mentioned above, (a) where the benefit is
no more than 5 cents, it should be eliminated on December 25, 2007; (b) where the
benefit is between 5 cents and 10 cents, 5 cents should be eliminated since December
25, 2007, the rest part should be taken off on July 1, 2008; (c) where the benefit is
more than 10 cents, 5 cents should be taken off each time on December 25, 2007 and
July 1, 2008 respectively, the rest part should be eliminated from January 1, 2009.

(2) If there is no separately listed prices for "calcium carbide, electric furnace ferroalloy,
electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus" in the
power pricing list, the beneficial price currently applied to electrolytic aluminum enterprises shall
be adjusted to be equal to 90% of the price applied to large industry. The same schedules and
methods as mentioned in above clause should be taken to eliminate the beneficial part of the
current price applied to electrolytic aluminum enterprises.

Please refer to Appendix 1 for "The implementation plan on cancelling beneficial prices applied to
electrolytic aluminum enterprises".

2. Appropriately adjusting the classification of prices in certain areas.

(1) As for Sichuan Province, the prices applied to "electrolytic aluminum", "electrolytic aluminum more than 100,000 tons" and "calcium carbide, yellow phosphorus" is adjusted to be the same as prices applied to "chloro-alkaline, electric furnace steel, electric furnace ferroalloy".

Please refer to Appendix 2 for the adjusted power price list.

(2) As for Chongqing City, the prices applied to "calcium carbide" should be incorporated into the price category concerning "calcium carbide, electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus". And prices applied to above mentioned category should be raised by 1 cent per kilowatt hour.

Please refer to Appendix 3 for the adjusted power price list.

(3) As for Gansu Province, the price applied to "electrolytic aluminum" should be incorporated into the price category concerning "electric furnace ferroalloy, calcium carbide, electrolysis caustic soda".

Please refer to Appendix 4 for the adjusted power price list.

(4) As for Guangxi Autonomous Region, the separately listed price applied to the aluminum production of Pingguo Aluminum Company should be cancelled, meanwhile the prices applied to the category of large industry shall be appropriately adjusted.

Please refer to Appendix 5 for the adjusted power price list.

3. Other issues

(1) The beneficial prices applied to ferroalloy factories located in Jinzhou City, Dandong City, Liaoyang City of Liaoning Province, in Jilin City of Jilin Province shall be eliminated gradually, the current prices shall be increased by 5 cents per kilowatt hour on October 20, 2007, the rest benefits shall be eliminated on July 1, 2008.

(2) The price applied to Yunan Copper Co., Ltd located in Yunnan Province shall be changed to the same as that applied to the category of "electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus, aluminum ingot" from December 25, 2007.

(3) The price applied to Daye Nonferrous Co., Ltd located in Hubei Province shall be changed to the same as that applied to large industry listed in the pricing list of Hubei power grid from December 25, 2007.

(4) 2 cents per kilowatt hour shall be reassessed upon chloro-alkaline enterprises located in Yunnan Province for repaying agriculture grid loans, and 0.4cents per kilowatt hour shall be reassessed upon for repaying Three Gorges Funds. 2 cents per kilowatt hour shall be reassessed upon chloro-alkaline enterprises located in Xinjiang Autonomous Region for repaying agriculture grid loans.

(5) Implementation plan for cancelling beneficial prices applied to chloro-alkaline enterprises in all areas will be issued by further notice.

4. State Grid, Southern Power Grid shall urge subordinate power grid companies to cancel the beneficial prices applied to high energy consumption enterprises in time. The competent pricing departments, power supervision departments in all provinces (regions, cities) shall strengthen the supervision and inspection, ensue the implementation of policies on cancelling beneficial prices applied to high energy consumption enterprises.

National Development and Reform Commission

State Electricity Regulatory Commission

December 21, 2007

国家发展改革委、国家电监会关于取消电解铝等高耗能行业 电价优惠有关问题的通知

发改价格[2007]3550号

各省、自治区、直辖市发展改革委、经贸委（经委）、物价局，各区域电监局、城市电监办，国家电网公司、南方电网公司，中国铝业公司：

为引导高耗能行业健康发展，促进节能降耗，根据国家发展改革委、财政部、国家电监会《关于进一步贯彻落实差别电价政策有关问题的通知》（发改价格[2007]2655号）有关规定，现将取消电解铝等高耗能行业电价优惠有关事项通知如下：

一、逐步取消电解铝企业用电价格优惠

（一）各省（区、市）在电网销售电价表中对电解铝企业单列电价并实行价格优惠的，要尽快改为执行电网销售电价表中大工业电价下的“电石、电炉铁合金、电解烧碱、合成氨、电炉黄磷”类电价，不再另行优惠。其中：（1）电解铝企业电价与“电石、电炉铁合金、电解烧碱、合成氨、电炉黄磷”类电价相比优惠幅度在5分及以下内的，自2007年12月25日起执行“电石、电炉铁合金、电解烧碱、合成氨、电炉黄磷”类电价。（2）优惠幅度在5-10分钱的，自2007年12月25日起取消电价优惠5分钱，自2008年7月1日起取消剩余的电价优惠。（3）优惠幅度超过10分钱的，自2007年12月25日和2008年7月1日起各取消5分钱，剩余电价优惠自2009年1月1日起每年取消优惠5分钱。

（二）电网销售电价表中没有单设“电石、电炉铁合金、电解烧碱、合成氨、电炉黄磷”类电价的，按照电解铝企业电价比大工业电价低10%的原则取消优惠，取消优惠电价的步骤和方法同前款规定。

各省（区、市）取消电解铝企业优惠电价的具体实施方案见附件一。

二、适当调整部分地区电价分类

（一）将四川省“电解铝”、“10万吨以上电解铝”、“电石、黄磷”电价并入“氯碱、电炉钢、电炉铁合金”电价类别。调整后的销售电价表见附件二。

（二）将重庆市“电石”类电价并入“电石、电炉铁合金、电解烧碱、合成氨、电炉黄磷”电价类别，并将“电石、电炉铁合金、电解烧碱、合成氨、电炉黄磷”类电价每千瓦时提高1分钱。调整后的销售电价表见附件三。

（三）将甘肃省“电解铝”类电价与“电炉铁合金、电石、电解烧碱”类电价合并。调整后的销售电价表见附件四。

（四）取消广西自治区销售电价表中单列的“平果铝业公司电解铝生产用电电价”，并适当调整大工业电价水平。调整后的销售电价表见附件五。

三、其他事项

（一）分步取消辽宁盘锦州、丹东、辽阳铁合金厂和吉林省吉林铁合金厂用电价格优惠，即2007年10月20日起每千瓦时取消5分钱，剩余电价优惠自2008年7月1日起全部取消。

（二）云南省云南铜业有限公司用电价格，自2007年12月25日起执行云南省电网销售电价表中“电炉铁合金、电解烧碱、合成氨、电炉黄磷、电铝锭”类电价标准。

（三）湖北省大冶有色金属公司用电价格，自2007年12月25日起执行湖北省电网销售电价表中大工业用电类电价标准。

（四）对云南省氯碱企业恢复征收农网还贷资金每千瓦时2分钱和三峡建设基金每千瓦时0.4分钱；对新疆自治区氯碱企业恢复征收农网还贷资金每千瓦时2分钱。

(五)取消各地氯碱企业电价优惠的实施方案另行下达。

四、国家电网公司、南方电网公司要督促所属电网企业及时取消对高耗能企业的电价优惠。各省(区、市)价格主管部门、各电力监管机构要加强监督检查,确保国家取消高耗能行业电价优惠的有关政策落到实处。

国家发展改革委

国家电监会

二〇〇七年十二月二十一日

Appendix 1: The implementation plan on cancelling beneficial prices applied to high energy consumption enterprises such as electrolytic aluminum enterprises etc

Area	From December 26, 2007	From July 1, 2008	From January 1, 2009	Remarks
Shanxi	The beneficial prices applied to all electrolytic aluminum enterprises shall be changed to prices applied to "electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus" under the category of large industries.			
Shandong	The price applied to Shandong Aluminum should be increased by 5 cents per kilowatt hour	The price applied to Shandong Aluminum should be increased by 5 cents per kilowatt hour	The beneficial power price applied to Shandong Aluminum shall be cancelled completely. The power prices for "calcium carbide, electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus" should be applied.	
Zhejiang	The price applied to electrolytic aluminum factories should be increased by 5 cents per kilowatt hour	The price applied to electrolytic aluminum factories should be increased by 4 cents per kilowatt hour	The price applied to electrolytic aluminum factories should be increased by 3 cents per kilowatt hour. The beneficial price should be cancelled completely on January 1, 2010. The prices applied to "chloro-alkaline, electrolytic aluminum," should be applied.	
Jiangsu	The beneficial prices applied to all electrolytic aluminum enterprises shall be changed to prices applied to "calcium carbide, electrolysis caustic			

	soda, synthetic ammonia, electric furnace yellow phosphorus" under the category of large industries.			
Fujian	The price applied to electrolytic aluminum factories shall be increased by 4 cents per kilowatt hour. Basic power price shall be increased to 30 RMB per kilowatt every month or 20 RMB per kilovolt ampere	The price applied to electrolytic aluminum factories should be increased by 5 cents per kilowatt hour	The price applied to electrolytic aluminum factories should be increased by 4 cents per kilowatt hour. The beneficial price should be cancelled completely on January 1, 2010. The prices applied to "chloro-alkaline, electrolytic aluminum," should be applied.	
Henan	The beneficial prices applied to electrolytic aluminum enterprises shall be changed to prices applied to "electric furnace ferroalloy, electrolysis caustic soda, electric furnace calcium magnesium phosphate, electric furnace yellow phosphorus, calcium carbide" under the category of large industries.			
Hunan	The price applied to electrolytic aluminum enterprises should be increased by 5 cents per kilowatt hour	Power price for electrolytic aluminum enterprises shall be changed to 90% of the price applied to large industry.		
Sichuan	The beneficial prices applied to electrolytic aluminum enterprises shall be changed to prices applied to "chloro-alkaline, electric furnace steel, electric furnace ferroalloy, electrolytic aluminum, calcium carbide, yellow phosphorus" under the category of large industry.			The separately listed prices applied to "chloro-alkaline, electric furnace steel, electric furnace ferroalloy," "electrolytic aluminum", "more than 0.1 million tons", "calcium carbide, yellow phosphorus" shall be

				incorporated into one price category as "chloro-alkaline, electric furnace steel, electric furnace ferroalloy, electrolytic aluminum, more than 0.1 million tons, calcium carbide, yellow phosphorus".
Chongqing	The price for "electrolytic aluminum" under the category of large industry shall be implemented.			The price for separately listed subcategory "electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace calcium magnesium phosphate, electric furnace yellow phosphorus"
Shaanxi	The price applied to Tongchuan Xinguang Aluminum shall be increased by 5 cents per kilowatt hour.	The beneficial power price applied to Tongchuan Xinguang Aluminum shall be cancelled completely. The power prices for "electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace calcium magnesium phosphate, electric furnace yellow phosphorus" should be implemented		
Gansu	The price for "electric furnace ferroalloy, calcium carbide, electrolysis caustic soda, electrolytic aluminum" under the category of large industry shall be applied to Gansu Dongxing, Linyaoiv, Lanzhou, Lanzhouliancheng, Baiyin Honglu Aluminum			The prices for "electrolytic aluminum", "calcium carbide, electric furnace ferroalloy, electrolysis caustic soda" shall be

	companies.			changed to the same as the price applied to large industry.
Qinghai	The power price for "electrolytic aluminum, ferroalloy, calcium carbide, silicon-carbide" under the category of large industry shall be applied to Qiaohai Aluminum Factory.			
Ningxia	The beneficial power price applied to the first and second phases of Qingtongxia Aluminum Factory			
Mengdong Area	The price applied to Tongshun Aluminum shall be increased by 5 cents per kilowatt hour.	The beneficial power price applied to Tongshun Aluminum shall be cancelled completely. The power prices for "calcium carbide, electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus" should be applied.		
Liaoning	The price applied to Fushun Aluminum shall be increased by 3.5 cents per kilowatt hour. The basic power price shall be increase to the same price as that applied to large industry.	The price applied to Fushun Aluminum shall be increased by 5 cents per kilowatt hour.	The price for Fushun Aluminum should be cancelled completely. The power prices for "calcium carbide, electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus" should be applied.	The price applied to Jinzhou, Dandong, Liaoyang ferroalloy factories should be increased by 5 cents per kilowatt hour. The beneficial price should be cancelled completely on July 1, 2008. The prices for "calcium carbide, electrolysis caustic soda, synthetic ammonia, electric furnace yellow phosphorus" should be applied.
Guangxi	The price applied to Pingguo Aluminum shall be increased by 4.3 cents per kilowatt hour, and the			

	<p>power prices for "calcium carbide, electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace calcium magnesium phosphate, electric furnace yellow phosphorus" should be increased by 4.3 cents per kilowatt hour.</p>		<p>The power prices for "electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace calcium magnesium phosphate, aluminum ingot" under the category of large industry should be applied to Yunnan Copper Co. Ltd on December 1, 2007.</p>
Yunnan	<p>The price applied to electrolytic aluminum shall be increased by 4.32 cents (including 2 cents for repaying loans funds concerning agriculture grid and 0.4 cents for Three Gorges Construction Fund) per kilowatt hour. The power prices for "electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace calcium magnesium phosphate, aluminum ingot" should be applied.</p>		
Guizhou	<p>The beneficial power price applied to Chalco Guizhou branch, aluminum enterprises in Zhunyi should be cancelled. The power prices for "electric furnace ferroalloy, electrolysis caustic soda, synthetic ammonia, electric furnace calcium magnesium phosphate, electric furnace yellow phosphorus" should be applied.</p>		

附件一

各省(区、市)取消电解铝等高耗能企业优惠电价实施方案

地区	2007年12月25日起	2008年7月1日起	2009年1月1日起	备注
山西	取消所有电解铝企业电价优惠, 执行大工业电价中“电解铝、合成氨、电炉黄磷”类电价标准			
山东	取消山东铝厂电价优惠每千瓦时5分线	取消山东铝厂电价优惠每千瓦时5分线	取消山东铝业公司电价优惠, 执行大工业电价中“电石、电解烧碱、合成氨、电炉黄磷”类电价标准	
浙江	取消电解铝企业电价优惠每千瓦时5分线	取消电解铝企业电价优惠每千瓦时4分线	取消电解铝企业电价优惠每千瓦时3分线; 2010年1月1日起取消电价优惠每千瓦时1.9分线, 执行大工业电价中“电解铝”类电价标准	
江苏	取消所有电解铝企业的电价优惠, 执行大工业电价中“电石、电解烧碱、合成氨、电炉黄磷”类电价标准			
福建	取消电解铝生产企业电价优惠每千瓦时4分线; 福建省电价优惠每千瓦时10元/千瓦时, 月底10元/千瓦时, 按月	取消电解铝生产企业电价优惠每千瓦时4分线	取消电解铝生产企业电价优惠电价优惠每千瓦时4分线; 2010年1月1日起取消电价优惠每千瓦时2.12分线, 执行大工业电价中“电解铝”类电价标准	
河南	取消电解铝企业的电价优惠, 执行大工业电价中“电炉合金、电解烧碱、电炉合金、电炉黄磷、电石”类电价标准			
湖南	取消湖南省电解铝企业电价优惠每千瓦时5分线	湖南省电解铝企业电价标准按大工业电价标准10%的标准执行		
四川	取消电解铝企业的电价优惠, 执行大工业电价中“电石、合成氨、电炉合金、电炉黄磷”类电价标准			将大工业电价按中“合成氨、电炉合金、电炉合金”, “电炉合金”, “10万吨以上”, “电石、黄磷”三类为“合成氨、电炉合金、电炉合金、电石、黄磷”类
重庆	执行大工业电价中“电炉合金”类电价标准			将大工业电价中未列的“电炉合金、电炉合金、合成氨、电炉合金、电炉合金”系列电价予以调整, 每千瓦时1分, 并归“电石”类电价上入上述类别

陕西	取消渭川鑫光铝业公司电价优惠每千瓦时5分线	取消渭川鑫光铝业公司电价优惠，执行大工业电价中的“电炉合金、电解液碱、合成氨、电炉铁合金、电炉黄磷”电价标准		
甘肃	甘肃永济、临城铝、兰州、兰州连城、白银红鑫铝业公司电价执行大工业电价中“电炉合金、电石、电解液碱、电解铝”电价标准	将甘肃省“电解铝”、“电石、电炉合金、电解液碱”的原本电价统一调整为“大工业”用电基本电价水平		
青海	青海铝业公司电价执行大工业电价中“电解铝、电合金、电石、电解液碱”电价标准			
宁夏	取消青铜峡铝业厂一、二期电价优惠，均执行大工业电价			
鄂尔多斯	取消通顺铝业电价优惠每千瓦时5分线	取消通顺铝业电价优惠，执行大工业电价中“电石、电解液碱、合成氨、电炉黄磷”电价标准		
辽宁	取消抚顺铝业厂电价优惠每千瓦时3.5分线，将原本电价调整到大工业电价标准	取消抚顺铝业厂剩余电价优惠，执行大工业电价中“电石、电解液碱、合成氨、电炉黄磷”电价标准		自2007年10月20日起取消锦州、丹东、辽阳铁合金厂电价优惠每千瓦时5分线，剩余电价优惠自2008年7月1日起全部取消，执行大工业电价中“电石、电解液碱、合成氨、电炉黄磷”电价标准
广西	取消平果铝业电价优惠每千瓦时4.3分线，执行大工业电价中“电石、电炉合金、电解液碱、合成氨、电炉铁合金、电炉黄磷”电价标准			
云南	取消电解铝合金电价优惠每千瓦时4.3分线(含2分线农网还贷基金和0.4分线三峡建设基金)电价优惠，执行大工业电价中“电炉合金、电解液碱、合成氨、电炉黄磷、电铝锭”电价标准			云南铝业有限公司自2007年12月1日起执行云南所有大工业电价中“电炉合金、电解液碱、合成氨、电炉黄磷、电铝锭”电价标准
苏州	取消中铝苏南分公司、通义铝业公司电价优惠，执行大工业电价中“电炉合金、电解液碱、合成氨、电炉铁合金、电炉黄磷”电价标准			

Appendix 5

Price list for Sales of Electricity of Guangxi Power Grid

Category		Basic Price (yuan/kwh)	Price in	Price in	Basic price	Maximum demand (yuan/kwh/month)	
			flood period From May to October	drought period From January to April, from November to December			
I Urban and rural residence	less than 1 kv.	0.5283	0.4563	0.6003			
	from 1 kv. to 10 kv.	0.5233	0.4523	0.5943			
	35 kv. and above	0.5233	0.4523	0.5943			
Include : urban power price	less than 1 kv.	0.3133	0.3053	0.4013			
	from 1 kv. to 10 kv.	0.3483	0.3013	0.3953			
	35 kv. and above	0.3483	0.3013	0.3953			
II Non-residential illumination	less than 1 kv.	0.7083	0.6263	0.7903			
	from 1 kv. to 10 kv.	0.7003	0.6193	0.7813			
	35 kv. and above	0.7003	0.6193	0.7813			
III Commercial	less than 1 kv.	0.9728	0.8328	1.1068			
	from 1 kv. to 10 kv.	0.9648	0.8328	1.0968			
	35 kv. and above	0.9648	0.8328	1.0968			
IV Non-industry and normal industry	less than 1 kv.	0.6763	0.5983	0.7543			
	from 1 kv. to 10 kv.	0.6713	0.5933	0.7493			
	35 kv. and above	0.6643	0.5873	0.7413			
Exclude : military production and power	less than 1 kv.	0.5348	0.4718	0.5978			
	from 1 kv. to 10 kv.	0.5198	0.4578	0.5818			
	35 kv. and above	0.5048	0.4438	0.5658			
V Large-scale industry	1 normal large-scale industry	from 1 kv. to 10 kv.	0.5248	0.4598	0.5898	18.50	25.00
		from 35 kv. to 110 kv.	0.5098	0.4468	0.5728		
		from 110 kv. to 220 kv.	0.4948	0.4338	0.5558		
		above 220 kv.	0.4818	0.4258	0.5438		
		from 1 kv. to 10 kv.	0.3278	0.3278	0.3278		
	2 the production of fertilizer, pesticide, agricultural films	from 35 kv. to 110 kv.	0.3128	0.3128	0.3128		
		from 110 kv. to 220 kv.	0.2978	0.2978	0.2978		
		above 220 kv.	0.2878	0.2878	0.2878		
	3 coal production directly under the autonomous region	from 1 kv. to 10 kv.	0.3648	0.3268	0.4028		
		from 35 kv. to 110 kv.	0.3498	0.3138	0.3858		
		from 110 kv. to 220 kv.	0.3348	0.3008	0.3688		
		above 220 kv.	0.3248	0.2928	0.3568		
from 1 kv. to 10 kv.		0.4598	0.4058	0.5128			
4. production of electrolytic aluminum, synthetic ammonia, calcium carbide, electric furnace ferroalloy, electrolytic caustic soda, electric furnace calcium magnesium phosphate, electric furnace yellow phosphorus and military production	from 35 kv. to 110 kv.	0.4448	0.3948	0.4988			
	from 110 kv. to 220 kv.	0.4298	0.3818	0.4778			
	above 220 kv.	0.4198	0.3718	0.4668			
VI Agricultural production	less than 1 kv.	0.3220	0.3220	0.3220			
	from 1 kv. to 10 kv.	0.3170	0.3170	0.3170			
	35 kv. and above	0.3090	0.3090	0.3090			
VII Agriculture irrigation	less than 1 kv.	0.2060	0.2060	0.2060			
	from 1 kv. to 10 kv.	0.2040	0.2040	0.2040			
	35 kv. and above	0.2010	0.2010	0.2010			

ATTACHMENT A15

Notice of the State Economic and Trade Commission on Promulgating the Guidance of Recent Development in the Industrial Sector

No. 716 (2002) of the State Economic and Trade Commission

The economic and trade commissions (economic commissions) of all provinces, autonomous regions, municipalities directly under the Central Government and cities directly under state planning, the Economic and Trade Commission (Economic Commission) of Xinjiang Army Corps of Production and Construction, all associations directly under the State Economic and Trade Commission:

In order to carry out the spirit of the "Outline of the Tenth Five-Year Plan for National Economic and Social Development" and of the industry and sector planning of the Tenth Five-Year Plan, the State Economic and Trade Commission, upon the requirement of many enterprises and financial and securities departments and other departments, proposes after study the recent development directions for such industries as machinery, automobiles, metallurgy, nonferrous metal, petroleum, petrochemical industry, chemical industry, medicine, coal, building materials, light industry, textile, etc.. It aims to strengthen the macro-control, guide the direction of the investments with the fixed assets in the whole country, optimize the allocation of resources, reduce the repeated construction, and promote the healthy and stable development in all industries, and thus to improve the integral competitive power of China's industry.

The recent development of the industrial sector must adhere to five principles, namely, the principle of market orientation, that of giving prominence to the key points, that of technical progress, that of coordinative development and that of sustainable development. We should proceed from the market to give full scope to the basic function of the market mechanism in allocating resources, and shall, by taking the adjustment of product structure, technical structure and enterprise organizational structure as the point of penetration, focusing on the development of new products, improvement of product quality, technical progress and reduction of costs, and prevention of pollution, intensify greater efforts in technical renovations, improve the level of process and technical equipment, and thus to form independent intellectual properties and products of famous brand with key technology. We should give full scope to the integral advantages of industry, optimize the distribution of industrial productive forces and the regional economic structure. We should continue eliminating the outmoded equipment, technologies and process, compress the superfluous and outmoded production capacity of some sectors, and promote the optimization and upgrading of the industrial structure.

We have printed the Guidance of Recent Development in the Industrial Sector and hereby distribute it to you. Please abide by and implement it.

State Economic and Trade Commission

September 28, 2002

Guidance of Recent Development in the Industrial Sector

Foreword

In order to carry out the spirit of the "Outline of the Tenth Five-Year Plan for National Economic and Social Development", it is proposed in the "Outline of the Tenth Five-Year Plan for Industrial Structure Adjustment Planning" that the overall development target is to improve the integral quality and international competitive power of the industry, and to strengthen the ability of sustainable development. During the Tenth Five-Year Plan, we should, taking the enterprises as the main body, the market as the orientation, the development as the topic, the structural adjustment as the motif, and the improvement of the competitive power as the target, reasonably direct the contribution of public funds and foreign investments, adjust the public investment structure, improve the efficiency and benefits of using funds, so as to promote the structural adjustment of the industrial sector, and guarantee the realization of the target under planning. It is both the requirement of promoting industrial optimization and upgrading, and the urgent need in enlarging the domestic needs and stimulating the economic growth. The recent development orientation of the industrial sector is hereby proposed pursuant to the industrial development direction clarified in the industry and sector planning of the Tenth Five-Year Plan for the sake of strengthening the macro-control, leading the acts of market subjects, and optimizing the allocation of resources.

The basic principles that we must adhere to, in the recent development of the industrial sector, are as follows:

I. The principle of market orientation. Since 1990s, in respect of the market environment of China's economic development, the sellers' market has changed into the buyers' market, and the restriction by supply has changed into that by demands. The formation of the buyers' market marks that China's industrial economy is entering into an environment of an overall competition, and the economic development has transited to a new stage. Therefore, each industrial sector must strengthen the analysis on market environment, foresee the development trend of both domestic and international technology economy, and determine according to the demands on the market the key direction of sector development and structure adjustment.

II. The principle of highlighting key industries and products. We should accelerate the development of the industries and products with rapid growth in market demands, those of great impact to the overall situation of the development of national economy, those whose domestic production is presently unable to meet the demands, those closely connected with the industry, those with strong impetus, or those that are potential new points of economic growth, and should regard them as the key points of the recent development. Meanwhile, we should

firmly stop the unreasonable repeated construction, and should, by supporting the advantageous enterprises to the realization of a certain large scale, high level and high quality, promote the structure adjustment of products. We should rectify the market and economic order, set up and improve the mechanism of selecting the superior and eliminating the inferior, as well as accelerate the elimination of the outmoded production capacity which wastes resources and pollutes the environment.

III. The principle of technical progress. We should adhere to the principle of combining independent innovation with introduction of technologies, and emphasizing hardware transformation and software transformation, and should support the joint development of common industrial technologies, key technologies and perspective technologies. We should strengthen the information-based management of enterprises and the construction of marketing network, accelerate the training of the contingent of talented people, increase the necessary input, and raise the management level of enterprises. We should accelerate the transformation and upgrading of the traditional industries by using hi-techs and advanced suitable technologies, and make greater efforts to transform the traditional industries with wide market demands. We should also optimize the product and technical structure, improve the labor productivity, give scope to the advantages of scale economy, raise the level of technical equipment, and strengthen the enterprises' ability of prompt reaction. We should not carry out the general transformation with the main targets to fill up vacancies and to enlarge production capacity.

IV. The principle of coordinative development. We should give scope to the integral advantages of the industrial sector, increase the proportion of independently produced major equipment, and meet the demands in other manufacturing sectors in respect of reducing the cost of investment and raising the technical level; the reorganization and upgrading of energy industry and raw materials industry must aim at improving their international competitive power, and creating conditions for the downstream industries to participate in the international competition; we should make greater efforts in technical breakthrough and innovation, eliminate the "bottle-neck" restrictions in the industrial chain that impacts the integral competitive power; we should earnestly strengthen the geological prospecting, do well in the construction of mines, make full use of domestic and foreign resources, so as to provide guarantees to the continuing development of the basic raw materials industry and energy industry; we should give full scope to the comparative advantages, enable the industries in the eastern, the central and the western regions to develop coordinately, and assist the old industrial bases and western regions to accelerate their adjustment of industrial structure and industrial upgrading.

V. The principle of sustainable development. We should give a prominent strategic position to saving the resources and protecting the environment, promote the technologies beneficial to saving energy, environmental protection and clean

production. We should also adopt the strategy of controlling the source, reduce by a big margin the pollution caused by pollutants and poisons to the environment.

According to the above principles and upon study, we have proposed the recent development orientation for machinery, automobiles, metallurgy, nonferrous metal, petroleum, petrochemical industry, chemical industry, medicine, coal, building materials, light industry, textile, etc., which is offered to all investors and the financial, securities and public consulting departments for reference.

Recent Development Orientation for Machinery Industry

I. Major Technical Equipment

(a) Electric Power Equipment .

(1) Industrialization of Cleaner Coal Generating Equipment.

We should give priority to developing projects of industrializing supercritical machine sets of 600,000 KW or more, re-circulating fluidized bed boilers of 300,000 KW and large gas turbines, and to transforming supercritical boilers of 600,000 KW to 1,000,000 KW and their auxiliary high-pressure heaters and valves, large re-circulating fluidized bed boilers, steam-gas cycle exhaust heat boilers, as well as productive technology conditions of gas turbines and process test equipment.

(2) Improvement of Productive Technology Conditions for Large Hydroelectric Equipment.

We should, depending on the Three Gorges Project, improve the manufacturing capacity of large hydroelectric equipment, with the annual output to be 3,800,000 to 4,000,000 KW (including 4 machine sets of 700,000 KW for the Three Gorges Project), meanwhile carry out the economic and technical cooperation with foreign parties in respect of the pump storage groups, transform the manufacturing engineering of key components, and improve the processing capacity for large components.

(3) Industrialization of Ultra-High Tension DC Transmission Equipment.

We should give priority to the localized manufacturing of converter transformers, flat-wave reactors and converter valves, improve the conditions for insulation processing and clean assembling of large products; we should accelerate the mass production of high-power thyristor elements of 8000 V and 3000 A with the diameter of 125 mm, and improve the reliability thereof; we should improve the means of digital board design under direct current system, add large digital firing analog devices; we should improve the experimental conditions, and achieve the ability of experimenting 500 KV converter valves under high voltage and in operation.

(4) Automation of Electric Power System and Industrialization of Intelligent Electricity Transmission Equipment.

We should accelerate the industrialization of the software and hardware for digital protection system and equipment, eliminate as soon as possible the control by high-pressure direct current converter stations and valve systems, adjust the technical bottleneck; we should meet the demands in the indoor and outdoor dense and intelligent switching equipment for electric network rebuilding; we should accelerate the transformation of the production lines of composite fibre-optical aerial earth wires, and make great efforts to develop such new communication equipment in electric power system as photo-communication, etc.; we should promote the first and second strategic restructuring of enterprises in equipment production, improve the market share and service ability of intelligent, systematized and complete equipment.

(b) Heavy-Duty Metallurgical and Mine Equipment.

(1) We should, by depending on the construction projects of technical renovations, water conservancy and hydroelectricity, etc. in the industries of large metallurgy, non-ferrous metal, petrochemistry, environmental protection, coal, building materials, automobile and shipbuilding, etc., realize as soon as possible the localized production of a group of major equipment.

We should develop such mine machinery as large grinding machines, multi-rope elevators, underground scrapers, rotary cement kilns, large mine dumpers, etc. and extend their service life; we should, on the basis of further improving the quality of traditional metallurgical equipment, make great efforts to develop automation equipment and energy-saving process and technical equipment, and improve the capacity of producing whole sets of short-flow equipment; we should realize the industrialization of the 300000-saloon car production lines of punching structural components; we should develop such new artificial board equipment as equipment elaborately processed with non-metals, middle-density fabric boards and oriented flakeboards, etc.; we should improve the capacity of producing hydrogenation reactors of 500 to 1000 tons, large cranes, equipment for integrally molding high-speed railway locomotive wheels and solid garbage treatment equipment.

(2) Making Great Efforts to Raise the Technical Level for Producing Large Cast and Forged Components.

We should develop large purified liquid steel vacuum pouring process, raise the level of forging precision and computer control; raise the level of automation of weighing and adding materials with electric stove, and encourage the adoption of advanced technical process and equipment for heat treatment.

(c) Petrochemical Equipment.

We should, in response to the demands in the development of land and sea petroleum and natural gas, the West-East natural gas transmission project, the industrial sectors of large petrochemistry, electric power, metallurgy, large water power projects, environmental protection and news press, etc., develop a group

of high-temperature, high-pressure, high efficiency and precise equipment, and improve the capacity of producing whole sets.

We should emphasize desert and sea petroleum equipment, natural gas gathering and transportation pipeline equipment, hydrogenation reactors, etc., and develop high efficiency power-driven drilling machines and top-driven drilling systems; we should develop deep-well oil extraction equipment, underground oil and gas separation equipment, gathering and transporting equipment and network forming equipment for oil and gas pipelines; we should develop valves for distance transportation of petroleum and natural gas with pipelines, large-caliber spheric valves, metal seated plate valves, etc.; we should develop hydrogenation reactor of a thousand tons, key catalytic cracking equipment and other special oil refining equipment.

We should emphasize the development of ethylene cracking furnaces, such ethylene production equipment as large ethylene propylene spheric jars, etc., and such fertilizer process equipment as ammonia converters, heat exchangers, etc.; we should continue developing the process compressors suitable for key projects and for the three chemical industries, such as new hydrogen compressors, circulating compressors, butadiene screw compressors, carbon dioxide compressors, hydronitrogen gas compressors, coal gas compressors, and meanwhile develop petroleum and natural gas compressors.

We should accelerate the development and application of high efficiency and energy-saving new products and new technologies, and improve the use efficiency of various pumps, fans, compressors, valves, refrigeratory air-conditioning equipment, space-division equipment, vacuum equipment and heat exchanging equipment.

(d)Complete Environmental Protection Machinery.

(1)New-Style Environmental Protection Machinery.

In respect of the equipment for the prevention and control of atmospheric pollution, we should support the development of equipment for dust elimination and desulfurization of flue gas from coal burning with large thermal power machine set. In respect of the equipment for the prevention and control of water pollution, we should emphatically develop the urban sewage treatment equipment with a capacity of treating 200,000 cubic meters per day, and raise the level of manufacturing such equipment as grilling, aeration, mud scraping and sucking, sludge concentration and dewatering, sludge methane generating equipment, etc.; we should develop complete sanitary sewage treatment equipment suitable for medium and small towns and small areas with a capacity of treating 100,000 cubic meters per day, and complete high concentration industrial waste water treatment equipment. In respect of solid wastes treatment equipment, we should emphatically develop complete house refuse burning and compost equipment, etc., closed poisonous and harmful wastes storage and

transportation equipment, such complete monomeric or compound equipment as special high temperature oxidation burning equipment, industrial wastes collecting, selecting, washing, smashing, packing, transporting and recycling equipment.

(2)Localized Demonstration Projects.

We should support the localized demonstration projects in such key areas as urban sewage treatment, high concentration industrial waste water treatment, thermal power plant desulfurization of flue gas from coal burning, urban house refuse treatment, etc.. We should solve antiseptic, automatic control, energy-saving and whole-set-forming technologies, and improve the single-machine as well as systematic reliability.

(e)Large Construction Machinery.

(1)Accelerating the Development of a Group of Products Urgently Needed in the Market.

Upon the needs in the "West-East natural gas transmission project", the "South-to-North water diversion" project, Qinghai-Tibet railway, the urban subway and urban and rural infrastructure construction projects, etc., we should emphatically develop such large earthwork engineering machinery as hydraulic excavating machines of 40-85 tons, wheeled loaders of 6-10 tons, caterpillar soil shifters of 320 horsepower or more; high-quality highway ground construction and maintenance machinery as complete road stone joint smashing equipment of 100 tons or more per hour; and such tunnel digging machinery as ground cranes and cross-country cranes of 25 tons or more; large shield machines with the diameter of 5-10 meters, tunnel entry-driving machines of 160 KW or more.

(2)Improving the Reliability of Key Parts and Components.

We should make great efforts to improve the work efficiency, reliability and service life of dynamic power-shift gear boxes, hydraulic pitch controllers, wet-braking closed driving bridges, and braking friction plates; we should raise the technical level of planetary reducers and hydraulic element-controlled meters, and improve the comfortableness of the driver's cabs; we should extend the service life of such high-abrasive materials as mixing arms, lining boards and spouts in bucket teeth or concrete equipment, wear-resisting conveyers in ground machinery, and drill rods, drill bits, etc. in rock drilling and smashing machinery.

II.Agricultural Machine

(a)Stressing the Development of a Group of New Products with Great Market Potentiality and Good Future.

In respect of the mechanical equipment in the planting industry, we should emphatically develop wheeled tractors of 100 horsepower or more and the auxiliary operation machine for less or exempted cultivation or deep loosening, straw

and stubble smashing and field returning machine, joint operation machines for precise fertilization and seeding, complete equipment for cultivating sprouts of and for planting rice, maize, cotton and oil crops in factories, plant protection machinery, joint reapers, cotton pickers and complete agricultural equipment, etc..

In respect of new-style water-saving and irrigating equipment, we should emphatically develop complete high efficiency equipment for sprinkling irrigation and drip irrigation, irrigating equipment prevention and control of sand, rain-collecting and irrigating equipment for arid and half-arid areas, distance automatic check and control system composed of looped network wells for well irrigation areas, key parts of water-saving and irrigating equipment and automatic control systems, etc..

In respect of complete equipment for extractive processing of agricultural by-products, we should emphatically develop complete equipment for processing high-grade flour, special flour and starch, complete equipment for processing long-staple cotton and machine-picked cotton, complete equipment for cleaning, classifying, sterilizing, storing and transporting fruit and vegetables and for retaining them fresh, complete equipment for cleaning, classifying, and drying foods, and complete equipment for disinfecting rapeseeds and cottonseeds, etc..

In respect of complete equipment for intensive breeding and grass lands construction, we should emphatically develop complete equipment for new-style breeding in hoggens and cattle farms of scale, and that for processing milk products, complete equipment for treating faecal and organic fertilizers in large breeding farms, equipment for harvesting, storing and transporting ensiles, complete equipment for reaping, bundling, piling, storing and transporting pastures, as well as the development of garden machinery.

(b)Constructing the Enterprises' Technical Development Ability.

We should strengthen the construction of technical centers in enterprises, encourage the manufacturing enterprises to cooperate with institutions of scientific research and institutions of higher education, and should develop products with independent intellectual properties. We should raise the technical level of such key products as tractors of 80 horsepower or more and their auxiliary farming tools, rice cultivating, planting and harvesting machinery, maize reapers, and equipment for harvesting cotton and processing machine-picked cotton, etc..

III.Basic Machinery

(a)Improving the Market Competitive Power of Products from Numerical Control Machines.

We should emphatically develop popularized type of numerical control machines,

set up and improve China's platform and technical criteria for the open-end numerical control system by taking advantage of the open-end numerical control system which is greatly needed by popularized type of numerical control machine and which has independent intellectual property, and thus create conditions for networking of enterprises and accession to network by numerical control machines. We should further research on shunt processing technologies, integrated technologies, build up the industrialization base with numerical control systems of batch scale, and support the development of key auxiliary functional parts at the same time. We should improve the functions and quality of such key auxiliary functional parts as high-speed principal axis, tool magazine manipulators, numerical control cutter frames, dynamic chucks, high-speed ball-screws, high-speed prevention systems, numerical control cutting tools, numerical control systems and servo, etc..

(b) Improving the Quality and Functions of Products of Mechanical Basic Parts.

In respect of the bearing industry, we should develop high-grade bearings and special bearings for automobiles (motorcycles), railway, high-power agricultural machines and engineering machinery, and precision equipment, etc., and support the projects of fine finishing of blank bearings and industrialization of such parts and components as bearings and rolling parts at the same time. In respect of the hydraulic airtight industry, we should set up development bases of hydraulic system products, and develop servo proportion technology, technologies integrated with mechanism, electron, and hydraulic-pressure, and bus control technologies, as well as raise the level of designing and manufacturing hydraulic and pneumatic devices. In respect of the general parts and components industry, we should give support to some important enterprises and enable them to improve their check conditions, to improve their product quality, and to develop a group of such products as high-speed hard face gears, high-intensity, deformed fixing components, etc.. In respect of the mould industry, we should develop the moulds, stamp dies and forging dies, and set up and improve the mould development system.

(c) Vigorously Developing the Instrument Meter Manufacturing Industry.

We should, around the state's key projects and major technical equipment projects, emphatically support the products of digital, networking and intelligent technologies and the projects on improving the precision and reliability of products. In respect of the industrial automation area, we should emphatically support the master control devices of on-the-spot bus technologies and such products as intelligent meters, technical electric energy meters with a long service life, electric network control systems, etc.. In respect of scientific testing instruments area, we should develop such products as process testing and analyzing instruments, automatic testing systems and global positioning systems (GPS), etc.. In respect of office machinery area, we should develop such products as digital duplicators, digital cameras and their auxiliary developing and

enlarging equipment, etc.. In respect of meter element materials, we should emphatically support the development of such meter elements as new-style sensors, etc. and of new-style compound materials. Meanwhile, we should enhance the setup of the research and development system.

(d)Providing Dynamic Guarantee for Replacing Old Machinery and Automobile Products with New Ones.

We should develop low-emission and good-performance engines used for new-style vehicles, and develop such key parts and components as oil pump flow nipples (e.g., oil distribution pumps, electrically controlled injection systems, P-shape pumps, and so on), friction components and post-emission treatment components used in highly reliable large and medium horsepower diesel engines, diesel engines in economic-type saloon cars or minitype vehicles, environmental-protection diesel engines in new-generation agricultural transport vehicles in large tractors, joint reapers, engineering machinery and new-style diesel engines.

Recent Development Orientation for Auto Industry

I.Saloon Cars

We should develop economical type of saloon cars complying with the regulations on state security, energy saving and emission as well as the requirements of private individuals on using cars, and should increase the proportion of economical type of saloon cars in the total output of automobiles. We should develop saloon cars of green environmental protection used as taxis. By the end of the Tenth Five-Year Plan, petrol engines must reach Euro-II emission control standard, while medium and high-grade products shall reach Euro-III emission control standard.

We should appropriately develop diesel engines of saloon cars, single fuel and gas engines and hybrid dynamic systems. We should give support to the advantageous enterprises and enable them to have the capacity of mass production by cooperating with foreign parties, and to make their products reach Euro-II and III emission standards.

We should encourage the advantageous enterprises to carry out the platform strategy by extending international cooperation, and to develop products in the series of economical type of saloon cars through combining joint development and independent development on the basis of utilizing present product platform. We should make use of such soft and high-efficiency manufacturing technologies as numerical control equipment and processing centers, etc. to transform and construct the production lines of new-style engines of economical type of saloon cars.

II.Large and Medium Passenger Vehicles

We should develop the chassis of special large and medium passenger vehicles,

and accelerate the development of low-floor chassis of urban passenger vehicles. We should emphatically develop hi-tech parts and components used for axle and suspension systems of large and medium passenger vehicles, engines of such gaseous fuel as liquefied petroleum gas (LPG) or compressed natural gas (CNG), multiple dynamic installation systems, automatic speed transmission systems of large and medium passenger vehicles, and so on.

III. Cargo Vehicles

(a) High-Powered Heavy-Duty Cargo Vehicles and Tractors

We should give support to the advantageous heavy-duty automobile enterprises and enable them to adjust their product structure, increase the proportion of their high-powered heavy-duty cargo vehicles among heavy-duty cargo vehicles, improve the functions and quality of present products by making use of the present basis and through joint venture and cooperation, so as to make China's heavy-duty automobile products achieve or approach the international advanced level. By the end of the Tenth Five-Year Plan, new heavy-duty vehicle products must be installed with anti-skid brake system (ABS), and their emission shall reach Euro-III emission standard. We should emphatically develop high-grade heavy-duty cargo vehicles and tractors of 300 horsepower or more, which are suitable for high-speed highway transportation, serialized driver's cabs of medium and high-grade heavy-duty automobiles, and heavy-duty special automobile chassis. We should extend the adoption of such devices as ABS and ASR, EBS, hydraulic decelerator, etc., and improve the safety, comfortableness and reliability of the products.

(b) Heavy-Duty Automobile Engines

We should extend such technologies as high-speed direct injection, multi-spiracle, common rail and cooled EGR, etc., and should emphatically develop products in the series of new-style engines with the emission of 9 liters or more and the output power of 300 horsepower or more, which reach Euro-II and Euro-III emission control standards, so as to form the capacity of mass production. We should extend the product series, and appropriately develop engines fueled with electric sprayed single compressed natural gas (CNG) and liquefied petroleum gas (LPG).

IV. Special Automobiles

We should raise the proportion of special automobiles among the output of cargo vehicles and the proportion of special heavy-duty automobiles among special automobiles. We should emphatically develop hi-tech and high value added products, which mainly include: heavy-duty semitrailers and special semitrailers suitable for high-speed highway transportation; urban environmental hygiene vehicles such as road clearing vehicles, garbage transport vehicles, sewer dredging vehicles and mud absorption vehicles, etc.; construction engineering vehicles, such as vehicles carrying cement in bulk, concrete mixing transport vehicles, concrete pump vehicles, heavy-duty crane trucks and various other

engineering vehicles; urban services vehicles, such as aerial ladder fire trucks, ambulances, etc.; airport special vehicles, such as heavy-duty airplane fuelling vehicles, airport snow sweeping vehicles, deicing vehicles, etc.; special automobiles used in oil fields and deserts; multifunctional road maintenance vehicles, such high-grade highway management vehicles as emergency ambulances, etc.; various special high-level and high-quality national defense automobiles which meet the requirements in national defense modernization. Meanwhile, we should, by taking advantage of developing special chassis and special devices, emphatically develop good-performance, highly reliable and serialized special automobile chassis meeting the conditions for high-speed highway use. We should develop hi-tech special devices combined with applied electronic information technologies, sensing technologies, automatic control technologies, technologies integrated with mechanism, electron, and hydraulic-pressure or intelligent technologies.

V. Automobile Parts and Components

We should improve the abilities to develop automobile parts and components, to provide auxiliary items and to supply modularized goods, and should try to make the functions of key products reach or approach the international advanced level. We should increase foreign exchange earnings from exports, and raise the proportion of providing auxiliary items to the international automobile market. We should raise the rate of localized auxiliary items for automobile products, and realize the simultaneous development with the host engine. We should support and encourage some advantageous enterprises to strengthen international cooperation, to make use of hi-tech to raise the level of products and the manufacturing level, and to enter the system of international auxiliary items. We should emphatically develop the following three categories of products:

The first category includes key parts and components of automobiles which are at their starting stage considered as a gap in China and represent the technical development trend of automobile industry, such as anti-skid brake systems, safety gas bags, electrically controlled fuel injection devices, exhaust purification devices, and automatic speed transmissions, etc..

As for the second category, China has attracted many investments and has formed a good basis, thus through efforts, we may have the advantage in automobile key parts and components, such as braking systems, steering systems, speed transmissions, clutches, compound meters, automobile electric machines, etc..

The third category includes the products for which China has comparative advantages, which are mainly material-intensive, labor-intensive automobile parts and components, automobile parts and components not convenient for long-distance transportation, and other automobile parts and components with comparative advantages, such as automobile wheel hubs, electric wire bundles, chairs, shaped blankets, and storage batteries, etc..

VI. Motorcycles

We should emphatically develop updated motorcycles aiming at high reliability, durability, low-emission and low consumption of oil, which could help the large and medium cities meet the requirements of green environmental protection (such as electric spray vehicles with catalytic converter, double fuel vehicles, electric motor cars, etc.) and new-style engines. We should give scope to the comparative advantages, develop advantageous products, and enlarge exports.

VII. Agricultural Transport Vehicles

We should improve the safety and environmental protection function of agricultural transport vehicles, try to reach Euro-I emission control standard by the end of the Tenth Five-Year Plan; we should also develop and research on, as soon as possible, low-emission, low-noise, new-style, single cylinder or small diameter multi-cylinder diesel engines which meet the national environmental protection standards, so as to meet the needs in the auxiliary production of agricultural transport vehicles; further improve the drive systems of three-wheeled agricultural transport vehicles, and promote the upgrading and updating of the products.

VIII. Scientific Research and Development Ability

We should invest to establish and improve the national centers for technical development of automobiles, parts and components and motorcycle products. We should encourage the advantageous enterprises to improve their ability of product development by various means like joint development, technology introduction, cooperation with foreign parties, and purchase of foreign specialized development institutions, etc.. We should, on the basis of vehicle body development, strengthen the research and development of chassis matching technology, and lead the development of the parts and components towards systematic development.

We should extend and popularize such technologies as Computer Aided Design (CAD) / Computer Aided Manufacturing (CAM) / Computer Aided Engineering (CAE) / Computer Aided Testing (CAT), etc., and accelerate the establishment and improvement of databases, so as to form a network platform. We should encourage the joint venture enterprises in China to join the development network of large international companies, so as to shorten the development period. We should encourage and give support to the advantageous enterprise enable them to actively develop new technologies, new materials and new sources of energy urgently needed by automobile products.

IX. Purchasing and Sales Service System

We should support and lead the advantageous enterprise and enable them to apply Internet technology, optimize purchase system and sales service system, and gradually set up new business relationships with their clients, dealers and

suppliers, etc., as well as reasonably and effectively utilize resources, so as to provide the consumers with all-round services, and set up a sales system and purchase network basically integrated to the international practices as soon as possible. We should give support to the advantageous enterprises and enable them to utilize public resources and invest to set up brand automobile stores engaging in the sale of new vehicles, recycle of old vehicles, maintenance services, supply of parts and components as well as information feedback, to set up electronic commerce websites combining purchase and sales services and information for providing services to the whole industry and backbone enterprises, and to set up the sales service system with distributing, transport and management functions.

Recent Development Orientation of Metallurgical Industry

1. Structural Adjustment of Products

We should develop such high value-added products as cold-reduced sheets, coated plates, cold-reduced stainless steel sheets, cold-rolled silicon steel pieces, etc., which need to be imported in a large number at present; and should, with respect to the technical renovation projects under national debts and involved in the said products, actively create conditions to put them into production on time.

We should give support to the qualified heavy and medium plate enterprises to carry out systematic transformation, get through a group of specialized heavy and medium plate production lines, eliminate a group of outmoded medium plate mills, so as to form intensive, large-scale and specialized production.

We should, in combination with the structural adjustment of special steel enterprises, and in compliance with the principle of dividing the work upon specialties in respect of such products as bearing steel, gear steel, spring steel, mould steel, long stainless steel materials, etc., carry out auxiliary improvement of process technologies and equipment by aiming at the real quality level of international famous products.

We should support carbon product enterprises to renovate large diameter and super high-power electrode and joint technologies, compress the output of common-power electrodes, and increase the output of super high-power electrodes as well as special graphite, millpore carbon bricks, and carbon fibers.

We should develop such rich resources in China as iron alloy varieties and various alloy powder and compound iron alloys, etc., increase such refined low-carbon, low-sulfur and low-phosphorus products as chromium and manganese iron alloys, and compress the output of common iron alloys.

We should develop the high quality, energy-saving, long-life and green fire-resistant materials needed in such industries as metallurgical, non-ferrous metal, chemical, building materials and light industries.

At present, the iron-making and steel-making production capacities have exceeded the demands, so do that of the common large, medium and small section bars, common wire rods, hot-rolling narrow strip steel, common welded tubes and common seamless steel pipes. The projects of the above newly built or enlarged technical renovations must be approved strictly according to the procedures, and the financial institutions shall grant loans in compliance with the industrial policies.

II. Clean Production

Recently, we should emphatically do well in the systematic transformation project on enterprises under experiment of demonstration of clean production. We should popularize the 40 advanced energy-saving and environmental protection technologies: thick material layer sinter, globular sinter, palletizing sinter, dry coke quenching, blast furnace top differential pressure generation, blast furnace longevity, sintered waste heat recycle, coke-oven coal gas desulfuration and de-cyanogens, blast furnace oxygen-enriched coal spraying, prevention of splitting residues in converters, converter coal gas recycle, high efficiency continuous casting, continuous casting billet hot packing and hot delivery, formation in one heat, furnace regenerative burning, electric stove comprehensive energy-saving, metallurgical process automatic control, and general drainage treatment, comprehensive utilization of steel and iron residues, control of low concentration sulfur dioxide smog, etc.. We should stress the technical innovations with low investment and obvious effects, such as steel ladle dryer and segmentation rolling technologies, etc.. We should promote clean production thoroughly on the basis of uniform planning.

III. Information Construction

We should, in light of the actual situation of the enterprises, strengthen the process control of present procedures, and form the production line management method for the new production lines under the computer uniform process control of two levels or two and a half levels. We should research on and establish a system of forecasting the functions of steel materials, accumulate data for the development of new products, lower the regular all-round testing rate, and shorten the product development period. We should set up enterprise information trunk network, local area network and work stations, and build up electronic commerce information platforms connected with international ones.

Recent Development Orientation for Non-Ferrous Metal Industry

I. Copper Industry

We should support copper smelting enterprises' technical renovations aiming at environment improvement, and make great efforts to implement clean production. We should develop copper processed products with good market prospect, such as copper materials used in electronic industry, electrolytic copper foils with the thickness to be 18 micron or less and the width to be 1.2 meters or

more, copper stripes used in transformers, internal screw thread copper pipes, water pipes made of copper, and so on. We should actively create conditions to develop domestic new mines. We should encourage enterprises to set up stable materials supply bases by concluding long-term purchase agreements, by investing to set up overseas mines and by other means. We should eliminate the small copper smelting plants with heavy pollution and low metal recycle rate in accordance with the relevant policies and regulations of the state. We should do well in the regenerative utilization of wasted copper materials.

II. Aluminum Industry

We should accelerate the pre-baked transformation of aluminum electrolysis, and must combine the newly built and transformed large pre-baked aluminum cells with the elimination of soderberg electrolytic cells, and try to eliminate soderberg aluminum cells in 2003. We should accelerate the construction of high-level hot tandem rolled aluminum plates and belts production line, develop high-precision aluminum plates and belts, electronic aluminum foils, large industrial section bars and other varieties. We should stop repeated construction of electrolytic aluminum, and any newly built electrolytic aluminum project must be strictly subject to the approval formalities in accordance with the relevant provisions. We should stress the recycle and utilization of wasted aluminum materials.

III. Lead-Zinc Industry

We should give support to the lead-zinc smelting enterprises and enable them to carry out technical renovations around energy saving and consumption reduction and pollution control by using advanced smelting process home and abroad and acid manufacture process with low-concentration sulfur dioxide. We should encourage smelting enterprises to invest in mine enterprises, and cultivate a group of advantageous enterprises in the lead-zinc industry that are integrated with mining, selection and smelting. We should support lead-zinc regenerative utilization enterprises and enable them to become strong. We should strictly control the enlargement of lead-zinc smelting capacity, and accelerate the elimination of outmoded lead-zinc smelting process and equipment.

IV. Other Non-Ferrous Metals

We should encourage the development of deep processed products which have resource advantages in China and may be exported in batches, such as tungsten, tin, stibium, nickel, magnesium, indium, tantalum, titanium and rare earth, etc., and should emphatically develop powder materials, alloy materials, deep processed products, and high purity metals, etc.. We should continue implementing the protective policies on mining tungsten, tin, stibium and rare earth. We should control the total amount in rare earth development, and make greater efforts to develop deep processed rare earth products and new materials.

V. Development of Non-Ferrous Metal Resources in Western Regions

We should exploit the aluminates in Guangxi and Guizhou provinces, and enlarge the production capacity of alumina; we should develop the construction of large copper mines in Xinjiang, Qinghai, Tibet, Yunnan and Sichuan provinces, and increase the effective supply; we should accelerate the construction of large lead and zinc mining in Yunnan, Gansu, Sichuan and Inner Mongolia, the reserves of which having been explored; we should strengthen the comprehensive utilization of metal resources in copper, nickel, cobalt and platinum families in Jinchuan; we should support the technical research and industrialization progress on the comprehensive utilization of lithium and magnesium resources in Qinghai and Yanhu of Tibet.

Recent Development Orientation for Petroleum and Petrochemical Industries

I. Petroleum Industry

We should strengthen domestic petroleum exploration, increase reserves, maintain a stable output in eastern regions and a rapid development in western regions, and sea areas. We should simultaneously develop oil and gas, extend cooperation with foreign parties, and try to expand overseas oil and gas exploration development business.

(a) Crude Oil Exploration

We should aim at seeking high quality and usable reserves, give prominence to the realization of increase in reserves and output in Ordos, Junggar, Songliao, Tarim and Jiuquan Basins. We should strengthen the rolling exploration and realize reserves increase and stable output in Bohai Bay and Tuha Basin, and actively help Qaidam Basin prepare for the realization of a new breakthrough. We should, through improving injection-production well network, strengthen such measures as tertiary oil recovery, etc., maintain the stable output of old oil fields or decrease the degression speed of the output; and meanwhile do well in the transformation of the ground gathering and transportation systems restricting oil and gas energy generation, with outmoded and high consumption process technology and major hidden trouble in safety. We should actively implement the strategy of "walking out", and carry out risk exploration and cooperative development in foreign countries.

(b) Natural Gas Exploration

We should, on the premise of meeting the lowest resource demands in the West-East natural gas transmission project, and by focusing on the palaeozoic of Ordos Basin, the areas around the three lakes in Qaidam Basin, Kuche area in Tarim Basin, the eastern and western part of Sichuan Basin and the hollow in east sea and west lake, deeply appraise the scale of Sichuan Basin reserves so as to meet the market demands in the areas around the two lakes, and extend the scope of pre-exploration, and find reserves under control of scale, as well as try to have new major discoveries.

(c) Production of Crude Oil

We should implement the strategic adjustment in crude oil output and composition, do well in the adjustments and exploitation of oil fields in eastern regions, and try to decrease the output depression; we should accelerate the increase in reserves and output of western regions and sea oil fields, and try to make up for the output depression of old oil fields.

(d) Production of Natural Gas

We should, in light of the situation of downstream market and the pipeline construction progress, make great efforts to strengthen the pre-stage appraisal of gas field development, scientifically arrange the plans on energy production construction, avoid energy overstock and occupation of funds, and improve the integral benefits of natural gas development.

(e) Construction of Crude Oil and Natural Gas Pipelines and Gas Fueling Stations.

We should accelerate the construction of crude oil pipelines, adjust the transmission distribution and transmission methods, optimize the resource allocation, and reduce the costs of crude oil transport; we should guarantee that the construction of West-East natural gas transmission and natural gas pipelines in Zhongxian, Wuhan can be started and completed on time, and that they can be operated on time; meanwhile, we should carry out safety transformation with old pipelines, and settle the bottleneck problem in pipeline transport, so as to guarantee the normal production of oil and gas fields; we should transform and construct gas fueling stations and civil pipes and networks, etc. to realize "secondary value increase" of natural gas.

(f) Technical Development Key Points

(1) Oil and gas exploration: we should set up a system for rapid appraisal and decision on oil and gas exploration, and a system on research and appraisal of hydrocarbon generation mechanism of marine carbonate rock, deep oil and gas resource formation mechanism with the dynamic simulation technology containing an oil and gas system as the principal line; we should research on and develop technologies of drilling complicated structural wells, multi-branch horizontal wells and large displacement wells suitable for complicated geologic conditions; we should research on the technologies of imaging logging and nuclear magnetic resonance logging.

(2) Oil and gas fields development: we should give priority to the development of post-stage wet oil pool description of water injection oil fields, monitor of remained oil, auxiliary technology for stabilizing oil and controlling water, polymer-driven industrialization applied technology, low-penetration oil pool, thickened oil pool, technology for increasing the recovery ratio of condensate gas pool.

(3) Oil and gas storage and transmission: we should carry out the research on the

technology of gathering and transportation of oil and gas in cold areas, and on natural gas high efficiency equipment for de-gritting, the research on pipeline risk management and pipeline system reliability technologies, as well as the research on underground gas storeroom design and building technologies.

(4) Improvement of a group of technologies at an advanced level: we should improve the high-precision geophysical technology series with the mountain region, loess and deep-seated seismic prospecting as the principal line; improve complete three-dimensional or four-dimensional earthquake technology and oil pool dynamic economic appraisal technology; improve the marine platform design technology; improve the seabed pipeline structure design, laying and leakage monitoring technology; improve the underwater automatic production technology; improve the marine environment survey and forecasting technology; improve the auxiliary technology of wet oil field energy-saving consumption reduction system; improve the auxiliary technology of oil and gas water treatment process by tertiary oil recovery; and improve the auxiliary technology of complex oil field ground simplification process.

II. Petrochemical Industry

(a) Petroleum Refining and Sale

We should, according to the state's new standards on the quality of gasoline and diesel oil, highlight the structural adjustment of products, and give priority to the construction of secondary processing devices and oil refining auxiliary facilities which improve the quality of gasoline and diesel oil, including the transformation and construction of the reforming devices for increasing the gasoline octane value and reducing alkene and sulfur content in gasoline, the alkylation devices, methyl tert-butyl ether devices and hydrogenation devices; as well as the transformation and construction of the hydrogenation refining, hydrogenation cracking and delayed coking devices for increasing the cetane number in and oxidation stability of diesel oil and reducing the sulfur content, and increasing the proportion of gasoline to diesel oil. We should accelerate the transformation and construction of the installations for processing imported crude oil containing sulfur and the oil refining bases at the level of 10000 tons. We should emphatically set up the large oil refining bases of Zhenhai, Maoming, Guangzhou, Fujian, Jinshan, Gaoqiao, Jining, Dalian, Lanzhou, etc.. We should develop the pipeline transmission of oil products, reduce the transmission costs, and improve the retail capacity of distributing oil products. We should, under the uniform planning of the state, set up the system of state petroleum reserves.

By January 1, 2003, the quality gasoline used in vehicles shall all reach the new national standard (GB17930_1999), with the sulfur content within 0.08%, and the alkene within 35%.

The quality of light diesel oil shall all reach the new national standard (GB252-2000), with the sulfur content within 0.2%, the oxidation stability and general insoluble

substance within 2.5 mg/100ml, and the cetane number within 45.

(b) Ethylene and Synthetic Resin, Synthetic Rubber, Synthetic Fiber Materials

We should accelerate the transformation of the present ethylene and the construction of ethylene produced by joint ventures, coordinately transform polyalkene devices, adjust product structure, and raise the proportion of special synthetic resin materials, and raise the self-supply ratio of terpolymer composed of phenethylene, propylene and nitrile butadiene phenethylene; we should develop the material paraxylyene auxiliary to synthetic fiber, extractive terephthaic acid and polyester, etc.. We should complete the technical renovation of the present ethylene devices. We should, in combination with the ethylene transformation and construction of joint venture ethylene project, transform and build large equipment for producing synthetic resin, synthetic rubber and synthetic fiber materials.

(c) Technical Development Key Points

(1) Oil Refining Technologies

Clean fuel production technologies: we should develop the catalyst which reduces the content of catalytic gasoline alkene and the technologies of catalytic gasoline selective hydrogenation desulfuration, catalytic light gasoline etherification, solid acid alkylation; we should produce catalysts for diesel oil with low-sulfur, low-arene, high-cetane number, gasoline detergent and diesel oil additive, etc..

Sulfur containing crude oil processing and technologies for increasing the production of diesel oil: we should develop such technologies as enlarging the ordinary decompression distillation device for sulfur containing crude oil, distillate hydrogenation refining and single-section hydrogenation cracking, medium pressure hydrogenation cracking, sulfur containing residual oil hydrogenation, and large sulfur recycle, etc..

Heavy oil deep processing technology: we should develop such technologies as treatment of inferior catalytic materials hydrogenation, ultra-short contact catalytic cracking, new delayed coking and the new generation of heavy oil catalytic cracking and heavy oil hydrogenation catalyst, compound process of residual oil processing, etc..

Production procedure optimization technology: we should, within the coming 2-3 years, complete the construction of enterprise resource plan system (ERP) structure, and gradually form the information integrated system supporting the decision-making group, the profit making group and the production cost control group, which could automatically deal with such information of the whole enterprise as management of finance, materials and equipment, production plans, sales and distributing activities, etc., and could provide the electronic commerce platform.

We should develop high-grade lubricating oil and high-grade bitumen production technology, and the technology of producing catalysts, additives and assistants auxiliary to oil refining.

(2) Ethylene and Synthetic Resin Technology

We should develop advanced separation technologies, such as high efficiency energy-saving segregation and separation technology, catalytic rectification hydrogenation technology, mixed cryogen refrigerating technology; ultra-condensation gas-phase polyethylene, complete technology for localization of ring canal bulk polypropylene; such auxiliary technologies as copolymerization monomer, catalyst etc.; plastic recycle and re-utilization technologies; new synthetic resin products, as well as cracking furnaces of large capacity, high selectivity, high thermal efficiency and long operational period.

Recent Development Orientation for Chemical Industry

I. Agrichemical Products

(a) Nitrogenous Fertilizer Industry

We should continue doing well in the materials route transformation of large and medium nitrogenous fertilizer devices with fuel oil as the material by using cheap coal and advanced gasification technology, and settle the problem of materials localization of medium and small nitrogenous fertilizer with anthracite lump coal as the material. We should use pulverized coal gasification technology to make technical renovations in the enterprises presently using anthracite lump coal as the material. We should, when digesting, absorbing and localizing the introduced pulverized coal gasification technology, focus on the application of such localization technologies suitable for China's medium and small nitrogenous fertilizer transformation as pulverized coal gasification, polysulfuration bed gasification, etc..

We should, by adopting energy-saving decarbonization process, variable process, synthetic tower, hydrogen recycle process, and urea energy-saving process technologies, carry out technology upgrading for the present medium and small nitrogenous fertilizer synthetic ammonia and urea devices, reduce the consumption of energy, and appropriately increase the output. We should, by aiming at increasing 35%-65% of output, carry out energy-saving technical renovations for the large nitrogenous fertilizer enterprises with the necessary conditions and using natural gas as the material so as to enable them to approach the international scale, and improve the competitive power of their products. With respect to the medium nitrogenous fertilizer plants, the transformation of using natural gas or coal as the material should be carried out; and so should the transformation of increasing 50% of output for the enterprises with the necessary conditions. With respect to the small nitrogenous fertilizers, we should accelerate the structural adjustment of the material routes and products, actively extend and use the advanced reliable technologies such as producing

gas with formed coal, etc., save energy, reduce the production costs, and promote the small nitrogenous fertilizer enterprises to transform towards fertilizer secondary processing and agriculture chemical services.

We should change the present situation of the nitrogenous fertilizer enterprises in China, that is, single variety structure, low output of compound fertilizer materials, and few varieties, and should, in combination with the requirements of agriculture chemical services, appropriately develop nitryl and other compound fertilizer, so as to increase the comprehensive economic benefits.

As to the medium and small nitrogenous fertilizer enterprises with the necessary conditions, we should extend the cogeneration technology, adopt new-style re-circulating fluidized beds, and burn the gas making slag, so as to realize the comprehensive utilization of energy sources and reduce the production costs.

(b) Compound Phosphate Fertilizer

We should support the regions with rich phosphor, sulfur or nitrogen resources, and on the basis of the present enterprises, construct at a high starting point some large compound phosphate fertilizer bases.

We should support some medium and small compound phosphate fertilizer enterprises, which may meet the regional market demands, have basically fulfilled the material conditions, have achieved good economic benefits, and may produce equivalent products to the international products after the transformation, and enable them to carry out technical renovations. We should make greater efforts to support the phosphor mine enterprises with the necessary conditions, and increase the input into the phosphor mine enterprises for their technical renovations on output increase.

We should emphatically support a group of well-managed, high concentration compound phosphate fertilizer enterprises with technical and resource advantages.

(c) Pesticides

We should develop the substitutable products and new-style drug form of high-poison pesticides, and assist the original enterprises to transform their production. In 2003, the output of high-poison pesticides shall be reduced from 30% of the present total output to 15%, and in 2005, it shall be reduced to 5% or less. The output of outmoded drug form of pesticides is 75% of the total amount, which shall be reduced to 60% in 2003, and 50% or less in 2005.

We should support the major backbone enterprises and enable them to carry out the comprehensive transformation aiming at raising the technical equipment level, developing economy of scale and improving the research ability, so that a group of backbone pesticide production enterprises with international competitive power may be formed as soon as possible.

II. New Type of Materials in Chemical Industry

(a) Organic Silicon

We should support the organic silicon production enterprises with the necessary technical basis and production scale to make use of their technical renovations in new technologies, to further reduce their production costs, enlarge their production scale and strengthen their comprehensive utilization and post-processing application.

We should support the enterprises with the necessary conditions to build new large advanced organic silicon production devices by such means as joint venture or cooperation, etc..

(b) Organic Fluorine

We should develop polymers containing fluorine: fluorine rubber, fluorinated ethylene-propylene copolymer, kynar and high grade teflon. According to the "National Proposal on Eliminating the Substance Destroying Ozoneosphere", China is in urgent need of stressing the development of HFC-134a and HFC-227, and the high-purity hydrofluoric acid, etc. auxiliary to electronic industry.

(c) Nanometer Materials

We should make great efforts to promote the application of ultra-gravity technology in the area of nanometer material preparation, and should, when continuing improving the industrialized production of nanometer calcium carbonate, accelerate the application of ultra-gravity technology in such products as nanometer aluminum hydroxide, nanometer magnesium hydroxide, nanometer silica, nanometer barium carbonate, etc., so as to enable China to become a large and strong country in the world for producing these products.

We should strengthen the application and development of nanometer materials, enlarge the application areas and application level of domestic nanometer materials.

(d) Other New Chemical Materials

We should accelerate the development of polyformaldehyde and polyterephthalic acid 1,4-butenediol ester, such products with domestic technical breakthrough as polyphenyl sulfide, polyether sulphone, polyether ketone and polyimide, etc. in the area of special engineering plastic, and the new-style environmental protection products which is a substitute for the traditional antonics such as polyaspartic acid, low formaldehyde emission urea-formaldehyde glue which meets the requirements in environmental protection and other similar products as well.

III. Fine Chemical Industry

Feed additives: we should develop methionine, lysine, vitamin D3, vitamin H,

calcium pantothenate, forage enzyme and antibiotics substitutes, etc..

Food additives: we should develop soybean protein, soybean Isoflavone, propionate, fatty acid polyglycerol esters, lecithin, tea polyphenols, amino acid, natural pigment, β -carotene, kojic acid and nucleic acid products.

Papermaking chemical products: we should develop slackline and denatured starch products, and also develop various chemical products needed in waste paper recycle and utilization.

Oil field chemical products: we should develop chemical products in respect of high-grade drilling mud and cement additives, develop polypropylene amides used in oil fields, and meanwhile develop the chemical assistants needed in waste water treatment in oil fields.

Synthetic adhesives: we should develop environmental protection adhesive products, such as hot melt adhesives with low emission of formaldehyde, and adhesives needed in the large markets of construction, of automobiles and of shoemaking.

Industrial surface active agents: we should transform and improve the present equipment, give full scope to the potential production capacity, strengthen the development of built application technologies, and strengthen the application of technical services.

Biochemical industry: we should strengthen the industrial development and application of biological reactors, biological sensors and post-extraction technologies, and make polypropylene amides by biological process, L- lactic acid, microorganism amylose, hyaluronic acid and enzyme preparation, etc. so as to form the production of scale and become major products.

Dyestuff: we should develop new-style environmental protection dyestuff; increase the dyestuff and organic pigment merchandised processing technologies, increase the additional value of products, and develop various nitrogen heterocyclic compounds and mid-bodies.

Coating materials: we should develop various environmental protecting coating materials (of water nature, high solid, in the form of powder, radioactive solidification); develop construction coating materials for internal and external walls; substitute titanium residues for titanium iron mines to change the route of producing white titanium powder materials with sulphuric acid; we should actively promote the development of white titanium powder production by chlorination.

IV. Meridian Line Tyres

We should accelerate the product structural adjustment of tyre enterprises, and continue developing meridian line tyres. We should accelerate the development of new varieties, and emphatically develop the 65, 60, 55 and 50 series with the rim diameter of 15-17 inches, and meridian tyres of high-speed serial saloon cars

and high-capacity meridian tyres of low section without inner tyres; we should enhance the technical renovations of a few major enterprises, and form 2 to 3 large tyre enterprise groups with the annual production capacity reaching 5 to 8 million (with the annual consumption of raw rubber at 40,000 tons or more). We should appropriately support the backbone tyre enterprises in central and western regions, so as to enable the regional distribution of meridian tyre production to become more reasonable.

Recent Development Orientation for Medicine Industry

I. Advantageous Raw Material Medicine

We should realize the industrialization of the medicine that has independent intellectual property in China and is firstly developed in China.

We should emphatically develop the medicine for first-aid treatment, cardiovascular medicine, medicine for diabetes, anti-tumour medicine, anti-virus medicine and medicine able to improve the immune function of the body, which are needed for clinical purpose but have particular curative effects.

We should produce 7-aminoccephalosporanic acids by enzymolysis, produce 7-amino-3-aminodesacetoxycephalosporanic acids by fermentation method, produce vitamin C by "one-step fermentation method", so as to transform and upgrade such traditional exported advantageous varieties as the present antibiotics and vitamins, etc..

We should promote the application of such hi-techs as gene engineering technology, cell engineering technology, fermentation engineering technology, enzyme engineering technology and separation, extraction, crystallization and chiral synthetic technique in modern pharmaceutical industry in the production of medical products, further optimize the process, and improve the product quality and increase the technical and economic targets.

We should realize the artificial synthetic technique and industrialization of such natural medicine as ephedrine, etc..

We should promote the construction of Zhejiang Southeast Chemical Raw Material Medicine Exporting Base as well as the technical renovations of the old medicine industrial bases in Shijiazhuang, Shenyang, Zibo and Harbin, etc..

II. Biological Technology Area

We should realize the industrialization of biological engineering medicines with independent intellectual property in China.

We should accelerate the application of biological engineering technologies in such respects as vitamin, antibiotics, and amino acid, etc..

We should accelerate planning the GMP (quality management criteria of medicine production) transformation of immune products, such as DTP, epidemic

encephalitis B vaccine, and measles vaccine, etc..

We should develop new type of vaccines with a good market prospect, such as flu virus vaccine applicable to the whole people, polyvalent pneumotoxin polysaccharide vaccine, wheel-shaped virus vaccine, dysentery vaccine, tumour vaccine and AIDS vaccine, etc..

We should accelerate the development of diagnostic biological chips.

III. Modernization of Chinese Herbal Medicine

We should support the regularized and standardized planting of Chinese herbal medicine materials.

We should realize the industrialization of Chinese herbal medicine extracts and the concentrated granules of Chinese herbal medicine slices.

We should extend the application of fingerprint atlas and other multi-component quantitative target control technologies in the production of Chinese herbal medicine.

We should promote the application of modern advanced technologies in Chinese herbal medicine production, such as supercritical carbon dioxide extraction, dynamic extraction, macroporous resin, film technology, spray drying, freeze drying, and ultramicro smashing technologies.

We should promote the application of advanced preparation technologies and auxiliary materials in Chinese herbal medicine production.

We should develop new types of convenient Chinese herbal medicine with high efficiency, rapid and long effect, small dose and poison, and few side effects.

We should accelerate the technical innovations and technical transformation of famous and high-quality products.

IV. New Type of Preparation

New products and famous products with a good market prospect.

Products which cannot be produced in China and need to be imported.

Slow-release, controlled release, and rapid release preparation, target preparation, quantitative inhalant, nasal preparation, membrane agent and other new drug forms.

New types of high-quality pharmaceutical adjuncts, such as new type of adhesive, disintegration preparation, coat materials, solutizers and surface active agents, etc..

Such advanced technologies as microcapsule technology, clathrate compound technology, penetration pump technology, liposome technology, etc. in the preparation.

The pharmaceutical equipment which could meet the requirements in respect of diversification of varieties, serialized specifications, closed operation, electromachinery and GMP, such as ultramicro smashing equipment, dynamic extraction equipment and new-style biological reactor, etc..

Recent Development Orientation for Coal Industry

I. Coal Mining

We should accelerate the construction of large and medium collieries, and complete the construction of a group of modernized collieries; we should construct a group of large and medium collieries in compliance with the coal development distribution principle of simultaneously constructing coal electricity in western regions, adjusting the national balance of supply and demands in the regions of Shanxi, Shaanxi and the western part of Inner Mongolia, and stabilizing the production scale in eastern regions; we should carry out the technical renovations on the present large and medium collieries, and realize the modernization of coal production and management; we should carry out the concentrative transformation in the lawful small collieries, reduce the number of production mines, enlarge the single-well production scale, improve coal mining methods and recovery process, improve technical equipment conditions, raise the mine recycle efficiency, and promote safe production; we should encourage the large and medium coal enterprises to transform some lawful small collieries with reliable resources into modernized mines by making use of their assets; we should support the large and medium coal enterprises and enable them to implement the upgrading and transformation of safety facilities and equipment in respect of collieries ventilation, gas control, dust prevention, fire prevention and extinguishments as well as prevention and control of water, etc., and to equip auxiliary safety information management systems.

II. Coal Processing and Utilization

(a) Coal Washing and Selecting

We should use the advanced technologies and equipment to transform the present productive technology for selecting coal, improve the equipment reliability, extent of automation and process flexibility, increase the product varieties, improve product quality, and give full scope to the production capacity of coal plants, and better meet the demands in market; we should, when constructing a group of advanced coal preparation plants in the main coal-producing provinces (regions), construct group coal preparation plants in the regions with concentrative medium and small collieries, so as to improve the proportion of selected raw coal and the quality of commercial coal.

(b) Dynamic Coal Blending

We should support the construction of coal blending plants in coal transfer ports and distributing centers; we should support the present coal blending plants and

enable them to enlarge their construction and their technical renovations; we should support the construction of auxiliary coal blending plants in the coal preparation plants with the necessary conditions, especially in the coal preparation plants with high sulfur even after coal washing.

(c) Substituting Water Coal Fluid for Oil

We should encourage the regions where fuel oil is consumed in a large amount to build projects of substituting water coal fluid for oil, and support the construction of auxiliary transmission facilities in water coal fluid plants; we should support the development of key technologies and equipment in large production and application of water coal fluids.

(d) Development and Utilization of Coal-bed Gas

We should select the advantageous regions from Shanxi Qinshui Coal Field, Hedong Coal Field, Lianghua Coal Field in Anhui Province, Middle Liaoning (including Tielu, Fuxin, Fushun and Hongyang Mining Areas) and Lujianshui region in Guizhou, etc. to construct demonstration projects of coal-bed gas development utilization.

III. Concentrative Development of Coal Enterprises

We should support the large coal enterprises and enable them to build up large enterprise groups by merger or asset restructuring; we should support the large coal enterprises and enable them to carry out large and medium mine construction, technical renovation projects and trans-regional and transnational opening of collieries; we should encourage the large coal enterprises to carry out technical renovations on small collieries by merger, purchase, or association, etc., so as to increase the production scale of small collieries and raise their technical equipment level; we should support the large coal enterprises and enable them to carry out the construction of projects in respect of coal electricity, coal coking, coal chemical industry and coal building materials; we should support and guide enterprises in the field of coal, electricity, road, port and transportation, through joint restructuring, into particular large enterprise groups.

IV. Joint Operation Integrated with Coal and Electricity

We should support the establishment of coal electricity companies, carry out uniform development and construction of collieries and power plants near coal mines, and construct large thermal power bases in areas with rich coal resource; we should support coal enterprises to realize operation integrated with coal and electricity through asset restructuring with electric power enterprises.

Recent Development Orientation for Building Materials Industry

1. New Type of Dry Cement and Cement In Bulk

We should, with the enterprise technical renovation as the basic avenue, develop new type of dry predissociation kiln cement production lines with the output of

2000 tons of chamotte per day or of larger scale, encourage the enterprises to develop new type of dry cement production lines with the output at 4000 tons or more per day; we should construct large chamotte bases in the regions with rich limestone resource, and develop large modernized cement milling stations around the market; we should develop stations for mixing cement in bulk and commodity concrete.

II. New Type of Materials for Wall

We should develop the concrete brick production lines with the single output at 50,000 cubic meters or more per year, and extend fixed shaping and chamber maintenance process; we should develop scale aero-concrete brick production line with the annual output at 100-200 thousand cubic meters, extend foam shaping technology and large mechanical cutters; we should use tunnel kilns to extend new techniques for heavily doped pulverized coal ash and complete coal gangue sintered air bricks, and develop the production line with the scale of 15 million or more of sintered products per year, among which the single line annual production capacity of such waste residue sintered products as the coal gangues, pulverized coal ash, shale, etc. is 30 million pieces or more; we should develop light bearing boards and light boards combined with decoration as well as compound boards, and light board production line with the annual output at 150 thousand square meters or more, and should also develop the new technologies and new techniques using crop straws as the main materials for production of environmental protection light boards.

III. Inorganic Non-metal New Materials

We should develop large direct melting production line with the annual output at 30 thousand tons or more, and use such techniques as 4000-hole high efficiency fiber shaping technique, 1600-hole quartered plying technique, direct wet process, dry chopped strand, etc. to raise the equipment level and improve product quality, as well as increase the varieties.

We should develop the technology of producing non-woven glass fiber products in large breadth and large scale, and achieve a major breakthrough in such application fields as transport, electron, source of energy and construction, etc.; we should develop biological and medical fiberglass filter materials, industrial filter materials and their products, so as to meet the increasing market demands in biological purification and industrial dust elimination; we should develop various good performance and multifunctional fiberglass products, including high quality and enhancement mode fiberglass yarn, felt and substitution products for asbestos, so as to meet the needs of automobiles and urban light rail means of transportation for various compound materials; we should develop various glass fiber fabrics including geotechnical fabrics (geotechnical grids, geotechnical cloth, etc.) to provide the permanent construction of sand control and earth fixing, high-speed highways, bridges, wharfs, etc. with high quality compound materials; we should develop fiberglass materials which can replace reinforcing

steel bars and resist the corrosion of seawater and salt-containing moist air; we should develop multi-axis woven fabrics for naval vessel manufacture and wind generation blade production. The development of architectural industry also has an increasing demand in fiberglass, such as water-proof room glass fiber materials, glass fiber fabrics (net cloth and wall cloth) for wall, single yarn coating glass fiber window screening, etc..

We should encourage the enterprises to use glass fiber reinforced plastics mechanized shaping technique to carry out production of scate, and make the integral technical level approach or reach the international advanced level of mid 1990s; we should make great efforts to develop fiberglass reinforcing materials, emphatically develop FRTP, and actively develop such products as molding building boards made of glass fiber reinforced plastics, pultrusion doors and windows, high-pressure pipelines, sand inclusion pipelines, containers made of glass fiber reinforced plastics and high-pressure gas bottles, etc.; we should develop high quality artificial diamond synthesized with anvil-cylinder apparatus, special phototransistors, special glass and good-performance new pottery materials, so as to improve the product quality and promote the industrialized development.

IV. Non-metal Mines and their Deep Processing

We should encourage the construction of large mineral product processing bases at a high starting level, develop high quality deep processed products of non-metal mines, and participate in the competition in the international market; we should develop superfine smashing, fine purification and surface modification technologies, and develop high-purity, micropowder and low-sulfur expandable graphites, graphite lubricants, graphitic absorption materials, and develop such mineral functional stuffing products as speckstones, calcium carbonates, kaolins, etc., and clay mineral environmental protection material products and non-metal mineral nanometer materials.

Recent Development Orientation for Light Industry

I. Pulping and Papermaking

We should, by focusing on the structural adjustment of papermaking materials, increase the proportion of wood fiber materials to waste paper, and set up a production system with wood as the main fiber in respect of the structure of papermaking materials.

We should make great efforts to develop forest zone bases for artificial fast-growing papermaking industry, use modern technologies to transform traditional forestry, select and cultivate fast-growing, fertile, short-period, resistive improved wood varieties with high-yield of wood pulp, high natural whiteness and proper fiber length. We should, in combination with returning farmland to forests, accelerate the construction integrated with forestry and paper, and improve the production efficiency in woodlands.

We should, by using high-yield pulping technique, develop TMP, CMP, CTMP and APMP, etc. in a large scale.

We should, on the basis of adjusting the present structure of wood resource consumption, support and lead the present wood pulp enterprises to the restriction of the export of domestic wood pieces by transforming and increasing the uses of wood pieces, and sufficiently make use of the forest zones to cut and process the remains, tend and cut secondary and small firewood as well as medium and young growth, so as to enlarge the wood pulp production.

We should develop and utilize the waste paper resources by using foreign advanced pulping, screening, purifying, deslagging, washing, concentrating, heat dispersing, rubbing, flotation, void and bleaching techniques and equipment.

II. Processing of Agricultural Products

We should, through the structural adjustment of agricultural product processing industry, accelerate the progress of agricultural industrialization. We should, putting the backbone foodstuff enterprises at the leading position, apply hi-techs and modern biological technologies, and on the basis of introducing, selecting and extending good varieties, deepening and widening the processing of large quantities of grain crops such as soybeans, maize, potatoes, wheat and cereals, and should improve the additional value of such products and raise the level of comprehensive utilization.

We should develop such new soybean foodstuff as soy milk, soy milk powder, separated protein, concentrated protein, organized protein, etc., and accelerate the industrialization progress of traditional soybean foodstuff.

We should make great efforts to extend the technique of producing maize powder by maize dry de-germinating, and use the powder as the materials for producing starch sugar and fermented products; we should actively use maize de-germinating technique to develop maize oil serial products. We should emphatically support the production enterprises with an annual maize processing scale of 300,000 tons or more and enable them to carry out comprehensive utilization and reduce their production costs.

We should develop potato starch, special starch and denaturalized starch, and develop complete potato powder and various potato foodstuffs.

We should develop flour of multi varieties such as bread flour, all purpose flour, cake flour, and also special traditional foodstuff flour, and should strengthen the comprehensive utilization of wheat.

We should extend the rice processing techniques, develop new products processed from refined rice, develop the production of clean rice and nutrient-enriched rice, and enlarge the export of high quality rice. We should reasonably utilize rice bran resources, and develop new techniques for

comprehensive utilization of rice bran oil and rice bran.

We should make greater efforts to adjust the structure of major sugar producing areas, promote the scale production of the sugar plants, and raise the level of comprehensive utilization.

We should develop high-nutrition, low-fat, non-harm and environmental protection meat, aquatic products, fruits, vegetables, dairy products and other green foodstuffs and drinks.

We should develop the techniques for processing, storing and transmitting agricultural products, and should strengthen the construction of facilities in respect of foodstuff safety and quality standard testing and inspection.

III. Light Industrial Machinery

We should focus on the functions of pulping and paper manufacturing, plastic and foodstuff packing machinery, and in combination with the introduction of key technical equipment, raise the equipment's level of integration with light, machinery and electricity, and promote the automation of production process by depending on technical innovations.

Pulping and papermaking machinery: we should develop the complete chemical pulp and CMP equipment suitable for the scale with such fast-growing woods as poplar, birch, eucalyptus, etc. as the materials, the complete energy-saving equipment for rapid replacement and intermittent cooking; we should develop the waste paper treatment equipment (the non-void waste paper treatment system with the daily treatment capacity at 400 tons and the void waste paper treatment system with the daily treatment capacity at 250 tons) suitable for the scale with waste box paper, waste newsprint paper, waste magazine paper as materials; we should, for the sake of meeting the requirement of developing paper machines towards large, high-speed, wide, low-consumption and automatic ones, develop the medium and high-speed paper machines and paper plate machines with the breadth at about 5.5 meters and with the vehicle speed at 800-1200 meters per minute, and raise the localization level of the corresponding auxiliary pulp supply and beating systems and white water recycle equipment, coating machine, rewinding machine, soft press polish equipment, and controllable medium-high rollers, etc..

Foodstuff and packing machinery: we should develop the machines for processing large quantities of agricultural by-products, such as maize fuel alcohol processing equipment and starch production equipment with the annual output at 100,000 tons and its attachments (including separation machinery), etc.; we should develop aseptic cold filling technique, aseptic filling production lines (bottles, cans), aseptic soft package production lines and auxiliary aseptic systematic projects, high polymer materials technique integrated with bottle-making and filling, and large mechanical automatic production lines for packing dairy products, etc.; we should develop the manufacture of one-off

green environmental protection tablewares and kitchenwares, including additive production, equipment manufacture, product production to replace expandable polyphenethylene plastic foaming tablewares and kitchenwares; we should develop full-automatic continuous honeycomb compound plate production technology and equipment, and medium and high-speed corrugated paper plate production equipment as well.

Plastic machinery: we should develop the new equipment for applied plastic processing in agricultural, packing, building materials, and automobile industry, develop and manufacture controllable functional shed membrane, new-style water-saving irrigation apparatus and machinery, new type of heat-resistant tubes, compound tubes, special shape materials and structural foaming material mechanical equipment; we should develop the techniques and equipment for rigorous blocking containers, packing materials, multifunctional thin membranes, water soluble thin membranes and degradable materials; we should develop gas auxiliary injection shaping technique, hot runner technique and plastic product recycle and regenerative utilization techniques.

Recent Development Orientation for Textile Industry

I. Chemical Fibers and Chemical Fiber Materials

We should make greater efforts to transform the present advantageous enterprises, raise the production and centralization level, so as to form some large bases of chemical fibers and chemical fiber materials. We should promote the localization of complete set of precise terephthalic acid or mixed terephthalic acid (or medium purity terephthalic acid) devices, further raise the level of localized polyester devices, and develop high-capacity melt direct spinning technique, complete technical equipment for 50,000 tons or more of terylene short fibers, fine denier terylene filament melt direct spinning equipment, and should reduce the investment costs, so as to form the coordinative development of materials, polymerization and spinning.

We should raise the differential rate, and develop the highly simulated fibers, fine denier and superfine denier fibers, functional fibers and compound fibers, etc., which mainly include: fine denier and superfine denier fibers, fibers of abnormal fineness, abnormal section, abnormal materials or abnormal shrink, and multifunctional filament fiber blends and sea-island composite fibers with terylene filaments as the main body; develop fibers with such functions as antistatic function, high absorption of moisture, pilling resistance, fire resistance, etc.; develop koplun, high curling and hollow viscose staple fibers as well as fine denier, special shaped and multifunctional (fire resistance, antibiotic or else) viscose filament yarns, etc..

We should expand the area of using chemical fibers, and coordinately develop various hi-tech and good-performance fibers for the relevant industries, such as polyphenyl PBO fibers, aramide fibers, carbon fibers, ultrastrength and

high-modulus polyethylene fibers, etc.; we should accelerate the research and development to industrialize such fibers and put them under market operation, so as to meet the needs in the development of industrial textile products as soon as possible.

We should develop and extend the new chemical fiber varieties and new techniques, such as polyterephthalic acid propylene glycol esters, melt polyammonia ester flexible fibers, poly-naphthalene dioctyl phthalate glycol ester fibers, poly-lactic acid fibers, solvent cellulose fibers, ethylic acid filaments, soybean protein fibers, crust fibers and other new type of fibers.

We should promote the extended application of environmental protection technology, and strengthen the improvement of environmental protection. We should ensure the implementation of the environmental protection measures in respect of "disposal of waste viscose gas, liquid and residues" and "disposal of black serous fluids", etc., and encourage the application of new techniques and technologies of clean textile production.

II. Cotton Textiles

We should, as required by the export of clothing, and around the development of plus materials, do well in the integral combination of the upstream and downstream industrial chains, so as to form the coordinate transformation of textiles and clothing. We should continue eliminating the outmoded production capacity, and accelerate the technical renovations. We should develop cleaning and combing machines, automatic bobbin winders and shuttleless looms. The enterprises with good conditions may, by automatic winder technique allocation, carry out planned development of such new spinning technologies as close spinning, air-jet spinning, revolving cup spinning, etc.. We should develop various blending plus materials of different fiber mixture proportion, interwoven plus materials, jacquard plus materials, etc., and reasonably allocate such devices as high-speed electronic multi-arm and high-speed electronic Jacquards.

III. High-Grade Plus Materials

We should use new type of post-dyeing neatening technology and equipment to develop wrinkle-resistant and non-ironing natural fiber plus materials, pure cotton supersoft plus materials, high count, light and thin wool spinning plus materials, high-grade ramie and flax plus materials, high-grade silk plus materials, comfortable knitted plus materials, etc.. We should research on the techniques and technical equipment for neatening and processing post-dyeing synthetic fibers, and develop different styles of chemical fiber plus materials, multi-fiber blending interwoven plus materials and high-grade knitted plus materials. We should make use of the supercritical carbon dioxide media dyeing technology, plasma technology, cotton fabric cold-rolled pile treatment and biological enzyme technology. We should realize clean production step by step, so as to make the dyeing process meet the requirements of green environmental

protection. We should develop post-dyeing neatening technical equipment meeting the requirement of "small batches, multi-varieties, rapid delivery", such as computer color reading and matching, computer color separation and plate making, laser plate making, non-plate making printing, automatic measurement liquid supply system of dyestuffs, automatic temperature control system.

We should develop various decoration plus materials and functional neatened plus materials. We should mainly make use of the neatening technologies and equipment in respect of fire resistance, bacteriostat, antistatic, anti-pollution, ventilation, moisture, anti-ultraviolet, etc., and further expand the areas of uses of plus materials.

IV. Clothing

We should raise the level of clothing designing and developing. We should promote the use of computer aided design system, make great efforts to train the designers, and create international famous brands. We should make use of such advanced clothing processing equipment and technologies as clothing plus materials automatic monitoring and appraisal system, automatic cutting machines, computer flush joint machines, clothing virtual figure systems, computer controlled multi-form suspensible transmission systems, stereo electric process-iron machines, product automatic stereo storage systems, product distributing centers, etc.. We should develop ecological and environmental protection clothing, and various functional clothes. We should develop clothing integrated automation systems, clothing structural digital systems, enterprise resource planning systems to raise the design, production, sale and management levels in the clothing industry.

V. Industrial-Purpose Textile Products

We should develop non-woven cloth mainly by the spinning-binding method. We should develop tilt materials, waterproof building materials, framework materials, medical and hygiene materials, automobile internal decoration materials, membrane structural building materials. We should develop glass fiber fabric coated polytetrafluoroethylene products; improve the quality of PVC products; further improve the post-neatening technology, and develop superfine fiber synthetic leather. We should develop agricultural textile products, especially thin non-woven cloth mainly by the spinning-binding method which can bear ultraviolet radiation, with the weight at 15-20 grams per square meter.

VI. Textile Machinery

We should develop large, continuous and automatic complete equipment for manufacturing viscose rayon, acrylic fibers and terylene as well as the complete equipment for producing special fibers. We should develop a new generation of high efficiency and automatic cotton spinning complete equipment and electromechanical weaving equipment. We should develop a new generation of high-efficiency, short-procedure, environmental protection, energy-saving, highly precise and electromechanical pre-treatment, dyeing, neatening process

technical equipment. We should develop large output, high-efficiency electromechanical tricot machines, weft machines, hosiery machines and other weaving machines, and raise the development level of general parts and basic parts of technical equipment in textile industry, as well as make a breakthrough of key parts and components, and key technologies.