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国务院关于加强 淘汰落后产能工作的通知

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各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

为深入贯彻落实科学发展观，加快转变经济发展方式，促进产业结构调整和优化升级，推进节能减排，现就进一步加强淘汰落后产能工作通知如下：

一、深刻认识淘汰落后产能的重要意义

加快淘汰落后产能是转变经济发展方式、调整经济结构、提高经济增长质量和效益的重大举措，是加快节能减排、积极应对全球气候变化的迫切需要，是走中国特色新型工业化道路、实现工业由大变强的必然要求。近年来，随着加快产能过剩行业结构调整、抑制重复建设、促进节能减排政策措施的实施，淘汰落后产能工作在部分领域取得了明显成效。但是，由于长期积累的结构性矛盾比较突出，落后产能退出的政策措施不够完善，激励和约束作用不够强，部分地区对淘汰落后产能工作认识存在偏差、责任不够落实，当前我国一些行业落后产能比重大的问题仍然比较严重，已经成为提高工业整体水平、落实应对气候变化举措、完成节能减排任务、实现经济社会可持续发展的严重制约。必须充分发挥市场的作用，采取更加有力的措施，综合运用法律、经济、技术及必要的行政手段，进一步建立健全淘汰落后产能的长效机制，确保按期实现淘汰落后产能的各项目标。各地区、各部门要切实把握淘汰落后产能作为全面贯彻落实科学发展观，应对国际金融危机影响，保持经济平稳较快发展的一项重要任务，进一步增强责任感和紧迫感，充分调动一切积极因素，抓住关键环节，突破重点难点，加快淘汰落后产能，大力推进产业结构调整和优化升级。

二、总体要求和目标任务

（一）总体要求。

1. 发挥市场作用。充分发挥市场配置资源的基础性作用，调整 and 理顺资源性产品价格形成机制，强化税收杠杆调节，努力营造有利于落后产能退出的市场环境。

2. 坚持依法行政。充分发挥法律法规的约束作用和技术标准的门槛作用，严格执行环境保护、节约能源、清洁生产、安全生产、产品质量、职业健康等方面的法律法规和技术标准，依法淘汰落后产能。

3. 落实目标责任。分解淘汰落后产能的目标任务，明确国务院有关部门、地方各级人民政府和企业的责任，加强指导、督促和检查，确保工作落到实处。

4. 优化政策环境。强化政策约束和政策激励，统符淘汰落后产能与产业升级、经济发展、社会稳定的关系，建立健全促进落后产能退出的政策体系。

5. 加强协调配合。建立主管部门牵头，相关部门各负其责、密切配合、联合行动的工作机制，加强组织领导和协调配合，形成工作合力。

（二）目标任务。

以电力、煤炭、钢铁、水泥、有色金属、焦炭、造纸、制革、印染等行业为重点，按照《国务院关于发布实施〈促进产业结构调整暂行规定〉的决定》（国发〔2005〕40号）、《国务院关于印发节能减排综合性工作方案的通知》（国发〔2007〕15号）、《国务院批转发展改革委等部门关于抑制部分行业产能过剩和重复建设引导产业健康发展若干意见的通知》（国发〔2009〕38号）、《产业结构调整指导目录》以及国务院制订的钢铁、有色金属、轻工、纺织等产业调整和振兴规划等文件规定的淘汰落后产能的范围和要求，按期淘汰落后产能，各地区可根据当地产业发展实际，制定范围更宽、标准更高的淘汰落后产能目标任务。

近期重点行业淘汰落后产能的具体目标任务是：

电力行业：2010年底前淘汰小火电机组5000万千瓦以上。

煤炭行业：2010年底前关闭不具备安全生产条件、不符合产业政策、浪费资源、污染环境的小煤矿8000处，淘汰产能2亿吨。

焦炭行业：2010年底前淘汰炭化室高度4.3米以下的小机焦（3.2米及以上捣固焦炉除

外)。

铁合金行业：2010年底前淘汰6300千伏安以下矿热炉。

电石行业：2010年底前淘汰6300千伏安以下矿热炉。

钢铁行业：2011年底前，淘汰400立方米及以下炼铁高炉，淘汰30吨及以下炼钢转炉、电炉。

有色金属行业：2011年底前，淘汰100千安及以下电解铝小预焙槽；淘汰密闭鼓风炉、电炉、反射炉炼铜工艺及设备；淘汰采用烧结锅、烧结盘、简易高炉等落后方式炼铅工艺及设备，淘汰未配套建设制酸及尾气吸收系统的烧结机炼铅工艺；淘汰采用马弗炉、马槽炉、横罐、小竖罐(单口单罐产量8吨以下)等进行焙烧、采用简易冷凝设施进行收尘等落后方式炼锌或生产氧化锌产品的生产工艺及设备。

建材行业：2012年底前，淘汰窑径3.0米以下水泥机械立窑生产线、窑径2.5米以下水泥干法中空窑(生产高铝水泥的除外)、水泥湿法窑生产线(主要用于处理污泥、电石渣等的除外)、直径3.0米以下的水泥磨机(生产特种水泥的除外)以及水泥土(蛋)窑、普通立窑等落后水泥产能；淘汰平拉工艺平板玻璃生产线(含格法)等落后平板玻璃产能。

轻工行业：2011年底前，淘汰年产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，淘汰以废纸为原料、年产1万吨以下的造纸生产线；淘汰落后酒精生产工艺及年产3万吨以下的酒精生产企业(废糖蜜制酒精除外)；淘汰年产3万吨以下味精生产装置；淘汰环保不达标的柠檬酸生产装置；淘汰年加工3万标张以下的制革生产线。

纺织行业：2011年底前，淘汰74型染整生产线、使用年限超过15年的前处理设备、浴比大于1:10的间歇式染色设备，淘汰落后型号的印花机、热熔染色机、热风布皱拉幅机、定形机，淘汰高能耗、高水耗的落后生产工艺设备；淘汰R531型酸性老式粘胶纺丝机、年产2万吨以下粘胶生产线、湿法及DMF溶剂法氨纶生产工艺、DMF溶剂法腈纶生产工艺、涤纶长丝锭轴长900毫米以下的半自动卷绕设备、间歇法聚酯设备等落后化纤产能。

三、分解落实目标责任

(一)工业和信息化部、能源局要根据当前和今后一个时期经济发展形势以及国务院确

定的淘汰落后产能阶段性目标任务，结合产业升级要求及各地区实际，商有关部门提出分行业的淘汰落后产能年度目标任务和实施方案，并将年度目标任务分解落实到各省、自治区、直辖市。各有关部门要充分发挥职能作用，抓紧制定限制落后产能企业生产、激励落后产能退出、促进落后产能改造等方面的配套政策措施，指导和督促各地区认真贯彻执行。

(二) 各省、自治区、直辖市人民政府要根据工业和信息化部、能源局下达的淘汰落后产能目标任务，认真制定实施方案，将目标任务分解到市、县，落实到具体企业，及时将计划淘汰落后产能企业名单报工业和信息化部、能源局。要切实承担起本行政区域内淘汰落后产能工作的职责，严格执行相关法律、法规和各项政策措施，组织督促企业按要求淘汰落后产能、拆除落后设施装置，防止落后产能转移；对未按要求淘汰落后产能的企业，要依据有关法律法规责令停产或予以关闭。

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

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

四、强化政策约束机制

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

(二) 强化经济和法律手段，充分发挥差别电价、资源性产品价格改革等价格机制在淘汰落后产能中的作用，落实和完善资源及环境保护税费制度，强化税收对节能减排的调控功能。加强环境保护监督性监测、减排核查和执法检查，加强对企业执行产品质量标准、能耗

限额标准和安全生产规定的监督检查，提高落后产能企业和项目使用能源、资源、环境、土地的成本。采取综合性调控措施，抑制高消耗、高排放产品的市场需求。

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

五、完善政策激励机制

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

（二）做好职工安置工作。妥善处理淘汰落后产能与职工就业的关系，认真落实和完善企业职工安置政策，依照相关法律法规和规定妥善安置职工，做好职工社会保险关系转移与接续工作，避免大规模集中失业，防止发生群体性事件。

（三）支持企业升级改造。充分发挥科技对产业升级的支撑作用，统筹安排技术改造资金，落实并完善相关税收优惠和金融支持政策，支持符合国家产业政策和规划布局的企业，运用高新技术和先进适用技术，以质量品种、节能降耗、环境保护、改善装备、安全生产等为重点，对落后产能进行改造。提高生产、技术、安全、能耗、环保、质量等国家标准和行业标准水平，做好标准间的衔接，加强标准贯彻，引导企业技术升级。对淘汰落后产能任务

较重且完成较好的地区和企业，在安排技术改造资金、节能减排资金、投资项目核准备案、土地开发利用、融资支持等方面给予倾斜，对积极淘汰落后产能企业的土地开发利用，在符合国家土地管理政策的前提下，优先予以支持。

六、健全监督检查机制

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

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

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

七、切实加强组织领导

建立淘汰落后产能工作组织协调机制，加强对淘汰落后产能工作的领导。成立由工业和信息化部牵头，发展改革委、监察部、财政部、人力资源社会保障部、国土资源部、环境保护部、农业部、商务部、人民银行、国资委、税务总局、工商总局、质检总局、安全监管总局、银监会、电监会、能源局等部门参加的淘汰落后产能工作部际协调小组，统筹协调淘汰落后产能工作，研究解决淘汰落后产能工作中的重大问题，根据“十二五”规划研究提出下一步淘汰落后产能目标并做好任务分解和组织落实工作。有关部门要认真履行职责，积极贯

彻落实各项政策措施，加强沟通配合，共同做好淘汰落后产能的各项工作。地方各级人民政府要健全领导机制，明确职责分工，做到责任到位、措施到位、监管到位，确保淘汰落后产能工作取得明显成效。

附件：淘汰落后产能重点工作分工表

国务院

二〇一〇年二月六日

附件：

淘汰落后产能重点工作分工表

序号	工作任务	负责单位	参加单位
1	提出分行业的淘汰落后产能年度目标任务和实施方案，并分解落实到各省（区、市）	工业和信息化部、能源局分别负责	发展改革委、国土资源部、环境保护部、商务部、安全监管总局等相关部门
2	根据国家下达的淘汰落后产能目标任务，制定实施方案，将目标任务分解到市、县，落实到具体企业；将拟淘汰落后产能企业名单报工业和信息化部、能源局	各省、自治区、直辖市人民政府	
3	制定和完善落后产能界定标准	工业和信息化部、能源局分别负责	环境保护部、安全监管总局等相关部门
4	加强投资项目审核管理，严格环评、土地和安全生产审批，防止新增落后产能	发展改革委、工业和信息化部、国土资源部、环境保护部、安全监管总局、能源局分别负责	
5	支持优势企业通过兼并、收购、重组落后产能企业淘汰落后产能	工业和信息化部	发展改革委、国资委、能源局

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

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

			资源部、环境保护部、农业部、商务部、人民银行、国资委、税务总局、工商总局、质检总局、安全监管总局、银监会、电监会、能源局
29	根据“十二五”规划研究提出下一步淘汰落后产能的目标	工业和信息化部、能源局分别负责	相关部门

Notice of the State Council on Further Strengthening the Elimination of
Backward Production Capacities

(No. 7 [2010] of the State Council)

The people's governments of all provinces, autonomous regions and municipalities directly under the central government; all ministries and commissions of the State Council and all institutions directly under the State Council,

To thoroughly implement the outlook of scientific development, speed up the transformation of economic development mode, promote industrial restructuring and upgrading, and boost energy conservation and emission reduction, we hereby notify you about further strengthening the elimination of backward production capacities as follows:

1. Profoundly Understanding the Significance of Elimination of Backward Production Capacities

Speeding up the elimination of backward production capacities is a major move for transforming the economic development mode, adjusting economic structure, and improving the quality and efficiency of economic growth, is an urgent need for promoting energy conservation and emission reduction and actively coping with global climate changes, and is an inevitable requirement for taking a new path of industrialization with Chinese characteristics and realizing a larger and stronger industry. In recent years, remarkable progress has been made in the elimination of backward production capacities in some fields due to the implementation of policies and measures for speeding up the restructuring of industries with overcapacity, restraining redundant construction and promoting energy conservation and emission reduction. However, because the long accumulated structural contradictions remain salient, the policies and measures for the exit of backward production capacities are not perfect, the drivers and constraints are not strong, and in some regions there are misunderstandings on the work of elimination of backward production capacities and insufficient performance of the relevant responsibilities, the problem of a larger proportion of backward production capacities in some industries of China remains serious, which has seriously restricted the enhancement of the overall industrial level, implementation of

measures for coping with climate changes, completion of tasks of energy conservation and emission reduction and realization of sustainable economic and social development. We must give full play to the role of market, take more powerful measures, combine legal, economic, technical and necessary administrative means to further establish and improve a long-term effect mechanism for eliminating backward production capacities, and ensure that all targets of eliminating backward production capacities are reached on schedule. All regions and departments shall take the elimination of backward production capacities as an important task for comprehensively implementing the outlook of scientific development, coping with the impact of the international financial crisis and maintaining stable yet rapid economic development, further strengthen their sense of responsibility and sense of urgency, mobilize all positive factors, focus on key links, make breakthroughs, overcome difficulties, speed up the elimination of backward production capacities, and vigorously boost the industrial restructuring and upgrading.

II. Overall Requirements, Objectives and Tasks

1. Overall Requirements

(1) Giving full play to the role of market. We shall give full play to the fundamental role of market in allocating resources, adjust and improve the pricing mechanism of resource products, strengthen the leverage of tax, and endeavor to create a market environment conducive to the exit of backward production capacities.

(2) Adhering to administration according to law. We shall give full play to the binding role of laws and regulations and the threshold role of technical standards, strictly implement laws, regulations and technical standards on environmental protection, energy conservation, clean production, production safety, product quality, occupational health, etc., and eliminate backward production capacities according to law.

(3) Implementing objectives and responsibilities. We shall break down the objectives and tasks of eliminating backward production capacities, clarify the responsibilities of the relevant departments of the State Council, local governments at all levels and enterprises, strengthen guidance, supervision and inspection, and ensure the thorough implementation of work.

(4) Optimizing the policy environment. We shall intensify policy constraints and incentives,

coordinate the relationships of eliminating backward production capacities with industrial upgrading, economic development and social stability, and establish and improve a policy system promoting the exit of backward production capacities.

(5) Strengthening coordination and cooperation. We shall establish a working mechanism in which the competent department takes the lead and the relevant departments assume their respective responsibilities, cooperate closely and act jointly, strengthen organization, guidance, coordination and cooperation, and form a resultant force in work.

2. Objectives and Tasks

We shall eliminate backward production capacities on schedule by focusing on such industries as electricity, coal, iron and steel, cement, nonferrous metal, coke, paper making, tanning, and printing and dyeing, in accordance with the scopes of and requirements for elimination of backward production capacities as prescribed in such documents as the Decision of the State Council on Promulgating and Implementing the Interim Provisions on Promoting the Industrial Restructuring (No. 40 [2005] of the State Council), the Notice of the State Council on Issuing the Comprehensive Working Schemes on Energy Conservation and Emission Reduction (No. 15 [2007] of the State Council), the Notice of the State Council on Ratifying and Forwarding the Several Opinions of the National Development and Reform Commission and Other Departments on Curbing Overcapacity and Redundant Construction in Some Industries and Guiding the Sound Development of Industries (No. 38 [2009] of the State Council), the Catalogue for Guiding Industrial Restructuring and the plans for restructuring and revitalizing industries including iron and steel, nonferrous metal, light industry, textile, etc. All regions may, according to the actualities of their local industrial development, work out objectives and tasks of eliminating backward production capacities which are wider in scope and higher in standards.

The recent objectives and tasks of eliminating backward production capacities in key industries are specifically as follows:

Electric power industry: eliminating small thermal power plants with electricity generating capacity of more than 50 million kilowatts by the end of 2010.

Coal industry: closing down 8,000 small coal mines which do not meet the safe production

conditions, do not conform to the industrial policy, waste resources and pollute the environment, with a total production capacity of 200 million tons being eliminated, by the end of 2010.

Coke industry: eliminating small coking enterprises with a coking chamber height of less than 4.3 m by the end of 2010 (excluding stamp-charging coke oven of 3.2 m and above).

Ferroalloy industry: eliminating submerged arc furnaces with a capacity of less than 6,300 kVA by the end of 2010.

Calcium carbide industry: eliminating submerged arc furnaces with a capacity of less than 6,300 kVA by the end of 2010.

Iron and steel industry: eliminating ironmaking blast furnaces with a capacity of 400 cubic meters or less and eliminating steelmaking converters and electric furnaces with a capacity of 30 tons or less by the end of 2011.

Non-ferrous metal industry: eliminating small pre-baked anode aluminum electrolysis cells with a capacity of 100 kVA or less; eliminating copper smelting technologies and equipment including hermetic blast furnaces, electric furnaces and reverberatory furnaces; eliminating technologies and equipment for smelting lead by such backward means as sintering pots, sintering pans and simple blast furnaces, and eliminating the technology of smelting lead by sintering machines without the construction of a related acid accumulator and tail gas absorption system; and eliminating production technologies and equipment for smelting zinc or producing zinc oxide products by such backward means as roasting by using a muffle furnace, manger furnace, horizontal tank or small vertical tank (with a daily capacity of less than 8 tons per tank) and collecting dust by using simple condensation facilities, by the end of 2011.

Building material industry: eliminating backward cement production capacities including mechanized shaft kiln cement production lines with a kiln diameter below 3.0 m, dry-process hollow kiln (excluding those for producing high alumina cement) and wet-process kiln cement production lines (excluding those mainly used for disposing sludge, carbide slag, etc.) with a kiln diameter below 2.5 m, cement mills with a diameter below 3.0 m (excluding those for producing special cement), cement earth (egg-shape) kilns, ordinary shaft kilns, etc.; and eliminating backward plate glass production capacities such as plate glass flat drawing technology production

line (including sheet glass), by the end of 2012.

Light industry: eliminating straw pulp production plants with an annual capacity of less than 34,000 tons and chemical pulp production lines with an annual capacity of less than 17,000 tons, and eliminating paper production lines using waste paper as raw materials and with an annual capacity of less than 10,000 tons; eliminating backward alcohol production processes and alcohol production enterprises with an annual capacity of less than 30,000 tons (excluding waste molasses-based alcohol); eliminating monosodium glutamate production plants with an annual capacity of less than 30,000 tons; eliminating citric acid production plants failing to reach the requirements for environmental protection; eliminating leather production lines with an annual processing capacity of less than 30,000 standard sheets, by the end of 2011.

Textile industry: eliminating 74-model dyeing and finishing production lines, pretreatment equipment having been used for over 15 years and batch dyeing equipment with a liquor ratio of more than 1:10, eliminating printing machines, thermosol dyeing machines, hot flue clip stenters and setting machines of backward models, and eliminating backward production technologies and equipment of high energy and water consumption: eliminating backward chemical fiber production capacities including R531-model acidic old-fashioned viscose spinning machines, viscose production lines with an annual capacity of less than 20,000 tons, wet-process and DMF solvent-process spandex production technologies, DMF solvent-process acrylic fiber production technology, semi-automatic coiling equipment with a less than 900 mm spindle of Dacron filament, batch-process polyester equipment, etc., by the end of 2011.

III. Breakdown and Implementation of Objectives and Responsibilities

1. The Ministry of Industry and Information Technology and the National Energy Administration shall, according to the economic development situations at present and some time to come and the objectives and tasks at different phases of eliminating backward production capacities set forth by the State Council, and in light of the requirements for industrial upgrading and the actualities of all regions, put forward the annual objectives and tasks and implementation plans for eliminating backward production capacities in sub-industries after consultation with the relevant departments, and break down and assign the annual objectives and tasks to each province, autonomous region

and municipality directly under the Central Government. All relevant departments shall fully play their respective functional roles, lose no time in formulating the supportive policies and measures for restricting the production of enterprises with a backward production capacity, encouraging the exit of backward production capacities and promoting the transformation of backward production capacities, and direct and urge all regions to earnestly implement such policies and measures.

2. The people's governments of all provinces, autonomous regions and municipalities directly under the central government shall, according to the objectives and tasks of eliminating backward production capacities sent down by the Ministry of Industry and Information Technology and the National Energy Administration, earnestly work out implementation plans, divide the objectives and tasks among cities and counties, assign them to specific enterprises, and timely submit lists of to-be-eliminated enterprises with a backward production capacity to the Ministry of Industry and Information Technology and the National Energy Administration. The people's governments shall effectively perform their responsibilities for eliminating backward production capacities within their respective administrative regions, strictly implement the relevant laws, regulations, policies and measures, organize and urge enterprises to eliminate backward production capacities as required and remove backward facilities and installations, and prevent the transfer of backward production capacities. Enterprises which fail to eliminate backward production capacities as required shall be ordered to stop production or be closed down according to the relevant laws and regulations.

3. Enterprises shall effectively perform their responsibilities as the main bodies of eliminating backward production capacities, strictly observe laws and regulations on security, environmental protection, energy conservation, quality, etc., earnestly implement the national industrial policies, actively fulfill their social responsibilities, and take the initiative to eliminate backward production capacities.

4. All relevant industry associations shall fully play their roles as a bridge between the government and enterprises, earnestly publicize and implement the guidelines and policies of the state, strengthen industrial self-discipline, maintain the market order, and assist the relevant departments in doing a good job of eliminating backward production capacities.

IV. Strengthening the Policy Constraint Mechanism

1. Strictly controlling market access. We shall strengthen the binding role of security, environmental protection, energy and material consumption, quality, land and other indicators, revise the Catalogue for Guiding Industrial Restructuring as soon as possible, set and improve the access standards for relevant industries and standards for defining backward production capacities, raise the access threshold, and encourage the development of advanced production capacities with low consumption and low pollution. We shall strengthen the examination and management of investment projects, revise the Catalogue of Investment Projects Approved by the Government as soon as possible, adhere to the principle of "equivalent replacement" or "reduction replacement" of an eliminated production capacity with a new production capacity for industries with overcapacity, conduct strict examination and approval on environmental impact assessment, land and production safety, contain low-level redundant construction, and prevent new backward production capacities. We shall improve the regulation and control of land use plans, and prohibit land supply for construction projects of backward production capacities and in industries with severe overcapacity. We shall support competitive enterprises in elimination of backward production capacities through merger, acquisition or restructuring of enterprises with a backward production capacity.

2. Strengthening the economic and legal means. We shall give full play to the role of pricing mechanisms, such as differential prices for electricity and reform of prices for resource products, in eliminating backward production capacities, implement and improve the tax system for resource and environmental protection, and strengthen the role of taxation in regulating energy conservation and emission reduction. We shall reinforce the supervisory monitoring of environmental protection, emission reduction check and law enforcement inspection, strengthen the supervisory inspection on enterprises' implementation of production quality standards, standards for energy consumption limits and provisions on production safety, and raise the costs for energy, resources, environment and land used by enterprises and projects with a backward production capacity. We shall take comprehensive control measures to curb the market demands for products with high consumption and emission.

3. Intensifying law enforcement and punishment. If a region fails to complete the task of

eliminating backward production capacities on schedule, the investment projects arranged by the central government shall be strictly controlled, the "regional restrictions" on approval of projects shall be implemented, and the environmental impact assessment, examination and approval of the projects in this region shall be suspended. If an enterprise fails to eliminate its backward production capacities before the prescribed time limit, its pollutant discharge permit shall be revoked, no banking financial institution shall provide any form of new credit support to it, the investment management department shall not examine and approve new investment projects of the enterprise, the land and resources management department shall not approve new land for use by the enterprise, and the relevant management department shall not issue any production license for it or shall withdraw any production license or production safety permit previously issued. If an enterprise fails to eliminate backward production capacities according to the relevant provisions and is ordered to close down or cancelled by the local government, it shall go through the industrial and commercial deregistration within a prescribed time limit or its industrial or commercial business license shall be revoked according to law. Where necessary, the relevant government department may require electric power supply enterprises to stop power supply for enterprises with a backward production capacity.

V. Improving the Policy Incentive Mechanism

1. Strengthening the guidance of fiscal funds. The central public finance shall use the existing fund channels to support the elimination of backward production capacities across the country through overall arrangements. The allocation and use of funds shall be linked with the task of elimination of backward production capacities assigned to each region, and the support shall be focused on solving issues relating to elimination of backward production capacities such as resettlement of employees and change of business of an enterprise. The central public finance shall provide more support and incentives through increased transfer payment for the elimination of backward production capacities in under-developed regions. Each region shall actively arrange funds to support enterprises in eliminating backward production capacities. During the application for and arrangement and use of funds, we shall give full play to the roles of the competent departments of industry, energy, etc., strengthen coordination and cooperation, and ensure that the fund arrangements are effective for eliminating backward production capacities.

2. Doing a good job in the resettlement of employees. We shall properly handle the relationship between elimination of backward production capacities and employment, seriously implement and improve the policies on resettlement of employees, properly resettle employees in accordance with the relevant laws, regulations and provisions, do a good job in the transfer and continuation of social insurance relations of employees, avoid large-scale intensive unemployment, and prevent the arising of mass incidents.

3. Supporting the upgrading and transformation of enterprises. We shall give full play to the supportive role of science and technology in industrial upgrading, make an overall plan on the funds for technological transformation, implement and improve the relevant policies on tax preferences and financial support, and encourage enterprises conforming to national industrial policies, plans and layouts to use high-tech and new technologies and advanced applicable technologies to transform backward production capacities mainly in terms of quality and varieties, energy conservation and consumption reduction, environmental protection, equipment improvement, and production safety. We shall improve the national standards and industrial standards for production, technology, security, energy consumption, environmental protection, quality, etc., ensure proper linkage between standards, strengthen the execution of standards, and guide the technological upgrading of enterprises. If a region or an enterprise bearing a heavier task of eliminating backward production capacities completes the task satisfactorily, it shall enjoy preferences in the allocation of funds for technological transformation and funds for energy conservation and emission reduction, verification and document filing of investment projects, land development and use, financing support, etc. Priority shall be given to the support of land development and use by an enterprise which actively eliminates its backward production capacities under the premise of conforming to the national land management policies.

VI. Improving the Supervision and Inspection Mechanism

1. Strengthening public opinion and social supervision. Each region shall annually announce to the public a list of enterprises with backward production capacities to be eliminated within the region, the backward technologies and equipment, and the deadlines for elimination. The Ministry of Industry and Information Technology and the National Energy Administration shall annually

announce to the public a list of enterprises with backward production capacities to be eliminated. the backward technologies and equipment, the deadlines for elimination and the overall progress. We shall strengthen the communication among regions and among industries in eliminating backward production capacities, summarize, promote and widely publicize the effective practices of outstanding regions and enterprises in eliminating backward production capacities, and create a favorable atmosphere of public opinion for the elimination of backward production capacities.

2. Strengthening supervision and inspection. The relevant departments of the people's governments of all provinces, autonomous regions and municipalities directly under the central government shall keep informed in a timely manner of the progress made in the elimination of backward production capacities and resettlement of employees, and report the aforesaid information to the relevant departments of the state on a regular basis. The Ministry of Industry and Information Technology, the National Development and Reform Commission, the Ministry of Finance, and the National Energy Administration shall regularly organize the relevant departments to supervise and inspect the local work of elimination of backward production capacities, effectively strengthen the guidance on the elimination of backward production capacities in key regions, and report the progress to the State Council.

3. Implementing the accountability system. We shall incorporate the completion of the objectives of eliminating backward production capacities into the local government performance appraisal system, assess the completion of the tasks of eliminating backward production capacities by referring to the Notice of the State Council on Approving and Forwarding the Implementation Plan and Measures for the Statistical Monitoring and Evaluation of Energy Conservation and Emission Reduction (No. 36 [2007] of the State Council), and increase the ratio of completion of the tasks of eliminating backward production capacities in the assessment. If a region fails to complete the tasks of eliminating backward production capacities as required, it shall be publicized and ordered to make rectifications within a prescribed time limit. If a region conceals or makes any false report on the progress of eliminating backward production capacities, or fails to make rectification satisfactorily, the relevant responsible persons of such a region shall be held liable according to laws and disciplines.

VII. Effectively Strengthening Organization and Leadership

We shall establish an organization and coordination mechanism for the work of elimination of backward production capacities, and strengthen the leadership of the work of elimination of backward production capacities. We shall set up an inter-ministerial coordination group for the work of elimination of backward production capacities, which shall be led by the Ministry of Industry and Information Technology and attended by the National Development and Reform Commission, Ministry of Supervision, Ministry of Finance, Ministry of Human Resources and Social Security, Ministry of Land and Resources, Ministry of Environmental Protection, Ministry of Agriculture, Ministry of Commerce, People's Bank, State-owned Assets Supervision and Administration Commission, State Administration of Taxation, State Administration for Industry and Commerce, General Administration of Quality Supervision, Inspection and Quarantine, State Administration of Work Safety, China Banking Regulatory Commission, State Electricity Regulatory Commission, National Energy Administration and other departments, to coordinate the work of eliminating backward production capacities in an overall way, research and solve major issues in the work of eliminating backward production capacities, put forward further objectives of eliminating backward production capacities according to the "twelfth five-year" plan and do a good job in the division and organization of implementation of the tasks. The relevant departments shall earnestly perform their responsibilities and duties, actively implement various policies and measures, strengthen communication and cooperation, and jointly do a good job in the elimination of backward production capacities. The local people's governments at all levels shall improve the leadership mechanism, make a clear division of responsibilities, and ensure that the responsibility, measures and supervision are all in place and remarkable effects are achieved in the elimination of backward production capacities.

Annex: Table of Division of Major Work in the Elimination of Backward Production Capacities

State Council

February 6, 2010

Annex: The Key Work Division of Eliminating Backward Capacity