Regulations on Energy Conservation in Civil Buildings of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of strengthening the administration of energy conservation in civil buildings, reducing energy consumption during the use of civil buildings, and improving energy utilization efficiency.

Article 2 — For the purpose of these Regulations, "energy conservation in civil buildings" means activities to reduce energy consumption during the use of civil buildings on the premise of ensuring the use functions of civil buildings and the quality of the indoor thermal environment.

For the purpose of these Regulations, "civil buildings" means residential buildings, office buildings of state organs, and other public buildings such as those for commerce, services, education, and health care.

Article 3 — People's governments at all levels shall strengthen leadership over the work of energy conservation in civil buildings, actively foster the market for energy conservation services for civil buildings, improve the service system for energy conservation in civil buildings, promote the development and

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application of technologies for energy conservation in civil buildings, and do well the publicity and education on knowledge of energy conservation in civil buildings.

Article 4 — The state encourages and supports the use of solar energy, geothermal energy, and other renewable energy in new buildings and in the energy-saving renovation of existing buildings.

In areas where conditions for the use of solar energy exist, the relevant local people's governments and their departments shall take effective measures to encourage and support entities and individuals in installing and using such solar energy utilization systems as solar water heating systems, lighting systems, heating systems, and heating and cooling systems.

Article 5 — The competent construction department of the State Council shall be responsible for the supervision and administration of energy conservation in civil buildings nationwide. The competent construction department of a local people's government at or above the county level shall be responsible for the supervision and administration of energy conservation in civil buildings within its administrative area.

The relevant departments of a people's government at or above the county level shall be responsible for the relevant work of energy conservation in civil buildings in accordance with these Regulations and the division of functions and duties prescribed by the people's government at the same level.

Article 6 — The competent construction department of the State Council shall, under the guidance of the state medium- and long-term special plan for energy conservation, formulate the national plan for energy conservation in civil buildings and coordinate it with the relevant plans.

The competent construction department of a local people's government at or above the county level shall organize the formulation of the plan for energy conservation in civil buildings within its administrative area and implement it after submitting it to the people's government at the same level for approval.

Article 7 — The state establishes and improves the system of standards for energy conservation in civil buildings. The national standards for energy conservation in civil buildings shall be organized and formulated by the competent construction department of the State Council and issued in accordance with statutory procedures.

The state encourages the formulation and adoption of local standards for energy conservation in civil buildings that are more stringent than the national standards.

Article 8 — A people's government at or above the county level shall arrange funds for energy conservation in civil buildings for supporting scientific and technological research and the formulation of standards for energy conservation in civil buildings, the energy-saving renovation of the envelope structures and heating systems of existing buildings, the application of renewable energy, and the promotion of demonstration projects and energy conservation projects for energy conservation in civil buildings.

The government guides financial institutions in providing support for such projects as the energy-saving renovation of existing buildings, the application of renewable energy, and demonstration projects for energy conservation in civil buildings.

Projects for energy conservation in civil buildings shall enjoy tax preferences in accordance with the law.

Article 9 — The state actively promotes the reform of the heating system, improves the mechanism for the formation of heating prices, encourages the development of centralized heating, and gradually implements a system of charging according to the quantity of heat used.

Article 10 — Entities and individuals that make outstanding achievements in the work of energy conservation in civil buildings shall be commended and rewarded in accordance with the relevant state provisions.

Chapter II — Energy Conservation in New Buildings

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Article 11 — The state promotes the use of new technologies, new techniques, new materials, and new equipment for energy conservation in civil buildings, and restricts or prohibits the use of technologies, techniques, materials, and equipment with high energy consumption. The competent department for energy conservation work and the competent construction department of the State Council shall formulate, publish, and promptly update catalogues of technologies, techniques, materials, and equipment to be promoted, restricted, or prohibited for use.

The state restricts or prohibits the import of technologies, materials, and equipment with high energy consumption.

Construction units, design units, and construction units shall not use technologies, techniques, materials, and equipment included in the catalogue of items prohibited for use in construction activities.

Article 12 — In formulating detailed urban plans and detailed town plans, the layout, shape, and orientation of buildings shall be determined in accordance with the requirements of energy conservation in civil buildings.

In conducting planning examination of civil buildings in accordance with the law, the competent urban and rural planning department shall solicit the opinion of the competent construction department at the same level on whether the design plan conforms to the mandatory standards for energy conservation in civil buildings; the competent construction department shall give its opinion within 10 days from the date of receipt of the materials for soliciting opinions. The time for soliciting opinions shall not be counted within the time limit for planning permission.

No construction project planning permit shall be issued for a project that does not conform to the mandatory standards for energy conservation in civil buildings.

Article 13 — The institution examining the construction drawing design documents shall examine the construction drawing design documents in accordance with the mandatory standards for energy conservation in civil buildings; where they fail to conform to the mandatory standards for energy conservation in civil buildings upon examination, the competent construction department of the local people’s government at or above the county level shall not issue a construction permit.

Article 14 — A construction unit shall not expressly or implicitly require a design unit or construction unit to carry out design or construction in violation of the mandatory standards for energy conservation in civil buildings, and shall not expressly or implicitly require a construction unit to use wall materials, thermal insulation materials, doors and windows, heating and cooling systems, or lighting equipment that do not conform to the requirements of the construction drawing design documents.

Where, in accordance with the contract, the wall materials, thermal insulation materials, doors and windows, heating and cooling systems, and lighting equipment are purchased by the construction unit, the construction unit shall ensure that they conform to the requirements of the construction drawing design documents.

Article 15 — Design units, construction units, project supervision units, and their registered practitioners shall carry out design, construction, and supervision in accordance with the mandatory standards for energy conservation in civil buildings.

Article 16 — A construction unit shall inspect the wall materials, thermal insulation materials, doors and windows, heating and cooling systems, and lighting equipment entering the construction site; those that do not conform to the requirements of the construction drawing design documents shall not be used.

Where a project supervision unit discovers that a construction unit is not constructing in accordance with the mandatory standards for energy conservation in civil buildings, it shall require the construction unit to rectify; where the construction unit refuses to rectify, the project supervision unit shall promptly report it to the construction unit and report it to the relevant competent department.

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During the construction of the thermal insulation works for walls and roofs, supervision engineers shall, in accordance with the requirements of the project supervision norms, exercise supervision through such forms as standing by, patrolling, and parallel inspection.

Without the signature of a supervision engineer, wall materials, thermal insulation materials, doors and windows, heating and cooling systems, and lighting equipment shall not be used or installed on the building, and the construction unit shall not proceed with the construction of the next procedure.

Article 17 — In organizing the completion acceptance inspection, a construction unit shall inspect whether the civil building conforms to the mandatory standards for energy conservation in civil buildings; where it does not conform, no qualified completion acceptance inspection report shall be issued.

Article 18 — Buildings with centralized heating shall be installed with heating system regulating devices, heat metering devices, and indoor temperature regulating devices; public buildings shall also be installed with sub-metering devices for electricity consumption. The heat metering devices installed in residential buildings shall satisfy the requirements of household-based metering.

Metering devices shall be verified as qualified in accordance with the law.

Article 19 — Energy-saving lamps and electrical control devices shall be installed and used in such parts of buildings as public corridors and stairways.

Article 20 — For buildings with conditions for the use of renewable energy, the construction unit shall select appropriate renewable energy for heating, cooling, lighting, and hot water supply; the design unit shall carry out the design in accordance with the relevant standards for the use of renewable energy.

The construction of facilities for the use of renewable energy shall be designed, constructed, and accepted simultaneously with the main works of the building.

Article 21 — The owners of office buildings of state organs and large public buildings shall assess and label the energy utilization efficiency of the buildings, and make public the assessment results in accordance with the relevant state provisions, so as to accept public supervision.

Office buildings of state organs shall be installed with and use energy-saving equipment.

For the purpose of these Regulations, “large public buildings” means public buildings with a floor area of a single building of 20,000 square meters or more.

Article 22 — In selling commercial housing, a real estate development enterprise shall expressly inform the purchaser of such information as the energy consumption indicators, energy conservation measures and protection requirements, and the warranty period of the thermal insulation works of the commercial housing sold, and shall state the same in the commercial housing sales contract and the residential quality guarantee and the residential use instructions.

Article 23 — Under normal conditions of use, the minimum warranty period for thermal insulation works shall be five years. The warranty period for thermal insulation works shall be calculated from the date on which the completion acceptance inspection is qualified.

Where quality problems occur in thermal insulation works within the warranty scope and during the warranty period, the construction unit shall perform the warranty obligation and shall bear liability for compensation for the losses caused in accordance with the law.

Chapter III — Energy Conservation in Existing Buildings

Article 24 — The energy-saving renovation of existing buildings shall be carried out in a planned and step-by-step manner by category according to such actual conditions as the local level of economic and social development and the geographical and climatic conditions.

For the purpose of these Regulations, “energy-saving renovation of existing buildings” means the activities of carrying out energy-saving renovation of the envelope structures, heating systems, heating and cooling systems, lighting equipment, and hot water supply facilities of existing buildings that do not conform to the mandatory standards for energy conservation in civil buildings.

Article 25 — The competent construction department of a local people’s government at or above the county level shall organize the investigation, statistics, and analysis of such matters as the construction period, structural form, energy-use systems, energy consumption indicators, and life cycle of existing buildings within its administrative area, formulate a plan for the energy-saving renovation of existing buildings, specify the objectives, scope, and requirements of the energy-saving renovation, and organize the implementation after submitting the plan to the people’s government at the same level for approval.

For the energy-saving renovation of existing buildings of central state organs, the institution administering the affairs of the relevant organs shall formulate and organize the implementation of the energy-saving renovation plan.

Article 26 — For the energy-saving renovation of office buildings of state organs and public buildings invested in by the government or mainly invested in by the government, an energy-saving renovation plan shall be formulated, fully demonstrated, and subjected to the relevant examination and approval formalities in accordance with the relevant state provisions before it may be carried out.

People’s governments at all levels and their relevant departments and entities shall not, in violation of the relevant state provisions and standards, expand or renovate the existing buildings prescribed in the preceding paragraph in the name of energy-saving renovation.

Article 27 — Where residential buildings and public buildings other than those prescribed in Article 26 of these Regulations do not conform to the mandatory standards for energy conservation in civil buildings, energy-saving renovation may be gradually carried out in combination with expansion and renovation on the basis of respecting the wishes of the building owners.

Article 28 — The energy-saving renovation of existing buildings shall conform to the mandatory standards for energy conservation in civil buildings, and such low-cost renovation measures as sun shading and improving ventilation shall be adopted with priority.

The renovation of the envelope structures of existing buildings and the renovation of heating systems shall be carried out simultaneously.

Article 29 — For the energy-saving renovation of buildings with centralized heating, heating system regulating devices and heat metering devices shall be installed; for the energy-saving renovation of public buildings, indoor temperature regulating devices and sub-metering devices for electricity consumption shall also be installed.

Article 30 — The expenses for the energy-saving renovation of office buildings of state organs shall be incorporated into the fiscal budgets of the people’s governments at or above the county level at the corresponding level.

The expenses for the energy-saving renovation of residential buildings and public buildings used for such public welfare undertakings as education, science, culture, health, and sports shall be borne jointly by the government and the building owners.

The state encourages social funds to be invested in the energy-saving renovation of existing buildings.

Chapter IV — Energy Conservation in the Operation of Building Energy-Use Systems

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Article 31 — Building owners or users shall ensure the normal operation of the building energy-use systems and shall not artificially damage the building envelope structures and energy-use systems.

The owners or users of office buildings of state organs and large public buildings shall establish and improve the management system and operating procedures for energy conservation in civil buildings, monitor and maintain the building energy-use systems, and periodically report the sub-metered electricity consumption to the competent construction department of the local people's government at or above the county level.

Article 32 — The competent department for energy conservation work of a local people's government at or above the county level shall, together with the competent construction department at the same level, determine the key electricity-consuming entities of public buildings and their annual electricity consumption quotas within its administrative area.

The competent construction department of a local people's government at or above the county level shall investigate, make statistics on, evaluate, and analyze the electricity consumption of office buildings of state organs and public buildings within its administrative area. The energy consumption of the heating, cooling, and lighting of office buildings of state organs and large public buildings shall be made public in accordance with the law, administrative regulations, and other relevant state provisions.

The owners or users of office buildings of state organs and public buildings shall cooperate with the investigation and statistical work of the competent construction department of the local people's government at or above the county level.

Article 33 — Heating units shall establish and improve the relevant systems and strengthen the education and training of professional and technical personnel.

Heating units shall improve technical equipment, implement metering management, monitor and maintain the heating systems, improve the efficiency of the heating systems, and ensure that the operation of the heating systems conforms to the mandatory standards for energy conservation in civil buildings.

Article 34 — The competent construction department of a local people's government at or above the county level shall investigate, make statistics on, and analyze the energy consumption of heating units within its administrative area, and formulate energy consumption indicators for heating units; where a heating unit exceeds the energy consumption indicators, it shall be required to formulate corresponding improvement measures, and their implementation shall be supervised.

Chapter V — Legal Liability

Article 35 — Where, in violation of these Regulations, a relevant department of a people's government at or above the county level commits any of the following acts, the responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) issuing a construction project planning permit for a civil building project whose design plan does not conform to the mandatory standards for energy conservation in civil buildings;

(2) issuing a qualified opinion on a design plan that does not conform to the mandatory standards for energy conservation in civil buildings;

(3) issuing a construction permit for a civil building project whose construction drawing design documents do not conform to the mandatory standards for energy conservation in civil buildings; or

(4) other acts of failing to perform the duties of supervision and administration in accordance with the law.

Article 36 — Where, in violation of these Regulations, a people's government at any level or its relevant department or entity, in violation of the relevant state provisions and standards, expands or renovates existing buildings in the name of energy-saving renovation, the responsible person in charge and other

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directly responsible persons shall be given sanctions in accordance with the law.

Article 37 — Where, in violation of these Regulations, a construction unit commits any of the following acts, the competent construction department of the local people's government at or above the county level shall order it to rectify and impose a fine of not less than 200,000 yuan but not more than 500,000 yuan:

(1) expressly or implicitly requiring a design unit or construction unit to carry out design or construction in violation of the mandatory standards for energy conservation in civil buildings;

(2) expressly or implicitly requiring a construction unit to use wall materials, thermal insulation materials, doors and windows, heating and cooling systems, or lighting equipment that do not conform to the requirements of the construction drawing design documents;

(3) purchasing wall materials, thermal insulation materials, doors and windows, heating and cooling systems, or lighting equipment that do not conform to the requirements of the construction drawing design documents; or

(4) using technologies, techniques, materials, or equipment included in the catalogue of items prohibited for use.

Article 38 — Where, in violation of these Regulations, a construction unit issues a qualified completion acceptance inspection report for a civil building project that does not conform to the mandatory standards for energy conservation in civil buildings, the competent construction department of the local people's government at or above the county level shall order it to rectify and impose a fine of not less than 2% but not more than 4% of the contract price of the civil building project; where losses are caused, liability for compensation shall be borne in accordance with the law.

Article 39 — Where, in violation of these Regulations, a design unit fails to carry out design in accordance with the mandatory standards for energy conservation in civil buildings, or uses technologies, techniques, materials, or equipment included in the catalogue of items prohibited for use, the competent construction department of the local people's government at or above the county level shall order it to rectify and impose a fine of not less than 100,000 yuan but not more than 300,000 yuan; where the circumstances are serious, the department issuing the qualification certificate shall order it to suspend business for rectification, lower its qualification grade, or revoke its qualification certificate; where losses are caused, liability for compensation shall be borne in accordance with the law.

Article 40 — Where, in violation of these Regulations, a construction unit fails to carry out construction in accordance with the mandatory standards for energy conservation in civil buildings, the competent construction department of the local people's government at or above the county level shall order it to rectify and impose a fine of not less than 2% but not more than 4% of the contract price of the civil building project; where the circumstances are serious, the department issuing the qualification certificate shall order it to suspend business for rectification, lower its qualification grade, or revoke its qualification certificate; where losses are caused, liability for compensation shall be borne in accordance with the law.

Article 41 — Where, in violation of these Regulations, a construction unit commits any of the following acts, the competent construction department of the local people's government at or above the county level shall order it to rectify and impose a fine of not less than 100,000 yuan but not more than 200,000 yuan; where the circumstances are serious, the department issuing the qualification certificate shall order it to suspend business for rectification, lower its qualification grade, or revoke its qualification certificate; where losses are caused, liability for compensation shall be borne in accordance with the law:

(1) failing to inspect the wall materials, thermal insulation materials, doors and windows, heating and cooling systems, and lighting equipment entering the construction site;

(2) using wall materials, thermal insulation materials, doors and windows, heating and cooling systems, or lighting equipment that do not conform to the requirements of the construction drawing design documents; or

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(3) using technologies, techniques, materials, or equipment included in the catalogue of items prohibited for use.

Article 42 — Where, in violation of these Regulations, a project supervision unit commits any of the following acts, the competent construction department of the local people's government at or above the county level shall order it to rectify within a prescribed time limit; where it fails to rectify within the prescribed time limit, a fine of not less than 100,000 yuan but not more than 300,000 yuan shall be imposed; where the circumstances are serious, the department issuing the qualification certificate shall order it to suspend business for rectification, lower its qualification grade, or revoke its qualification certificate; where losses are caused, liability for compensation shall be borne in accordance with the law:

(1) failing to exercise supervision in accordance with the mandatory standards for energy conservation in civil buildings; or

(2) failing to exercise supervision through such forms as standing by, patrolling, and parallel inspection during the construction of the thermal insulation works for walls and roofs.

Where wall materials, thermal insulation materials, doors and windows, heating and cooling systems, or lighting equipment that do not conform to the requirements of the construction drawing design documents are signed as conforming to the requirements of the construction drawing design documents, punishment shall be imposed in accordance with Article 67 of the Regulations on the Quality Administration of Construction Projects.

Article 43 — Where, in violation of these Regulations, a real estate development enterprise sells commercial housing without expressly informing the purchaser of such information as the energy consumption indicators, energy conservation measures and protection requirements, and the warranty period of the thermal insulation works of the commercial housing sold, or where the energy consumption indicators of the commercial housing sold that it expressly informs the purchaser of are inconsistent with the actual energy consumption, it shall bear civil liability in accordance with the law; the competent construction department of the local people's government at or above the county level shall order it to rectify within a prescribed time limit; where it fails to rectify within the prescribed time limit, a fine of not more than 2% of the total sales amount of the housing delivered for use shall be imposed; where the circumstances are serious, the department issuing the qualification certificate shall lower its qualification grade or revoke its qualification certificate.

Article 44 — Where, in violation of these Regulations, a registered practitioner fails to implement the mandatory standards for energy conservation in civil buildings, the competent construction department of the people's government at or above the county level shall order the cessation of practice for not less than three months but not more than one year; where the circumstances are serious, the department issuing the qualification certificate shall revoke the practice qualification certificate and shall not register the person again within five years.

Chapter VI — Supplementary Provisions

Article 45 — These Regulations shall become effective as of October 1, 2008.

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