Interim Measure for the Management of the Development and Construction of Off-Shore Wind Power
海上风电开发建设管理暂行办法
[UNOFFICIAL TRANSLATION]

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第一章 Chapter 1 总则 General Provisions

第一条 Art. 1

为规范海上风电项目开发建设管理，促进海上风电有序开发、规范建设和持续发展，根据《中华人民共和国行政许可法》《中华人民共和国海域使用管理法》《企业投资项目核准暂行办法》，特制定本办法。

In order to standardize the management of the development and construction of off-shore wind power projects, promote the orderly development of off-shore wind power, and standardize construction and sustainable development, and on the basis of the *Administrative Licensing Law*, *Sea-Use Management Law*, and *Interim Measure for Examination and Approval of Enterprise Investment Projects*, this *Measure* is hereby established.

第二条 Art. 2

本办法所称海上风电项目是指沿海 多年平均大潮高潮 线以下海域的风电项目，包括在相应开发海域内无居民海岛上的风电项目。

The term “off-shore wind power project” in this *Measure* refers to wind power projects in sea-areas below the multi-year average for the coastal high-tide line, and includes wind power projects on uninhabited islands within corresponding sea-area development.

第三条 Art. 3

海上风电项目开发建设管理包括海上风电发展规划、项目授予、项目核准、海域使用和海洋环境保护、施工竣工验收、运行信息管理等环节的行政组织管理和 技术质量管理。

The management of development and construction of off-shore wind power includes off-shore wind power development planning, project grants, project examination and approval, sea-use and marine environmental protection, construction examination and approval during and after construction completion, management of operating information, and other segments of organized administrative management and technology quality management.

第四条 Art. 4

国家能源 主管部门负责全国海上风电开发建设管理。沿海各省（区、市）能源主管部门在国家能源主管部门指导下，负责本地区海上风电开发建设管理。海上风电技术委托全国风电建设技术归口管理单位负责管理。

State energy authorities are responsible for nationwide management of off-shore wind power development and construction. Energy authorities of coastal provinces (regions, municipalities), under the guidance of State energy authorities, are responsible for local management in the development and construction of off-shore wind power. Responsibility for management of off-shore wind power construction technology is entrusted to the centralized management work unit for national wind power technology.

第五条 Art. 5

国家海洋行政主管部门负责海上风电开发建设海域使用和环境保护的管理和监督。

State marine administration authorities are responsible for the management and supervision of sea-use and environmental protection for off-shore wind power development and construction.

第二章 Chapter 2 规划 Planning

第六条 Art. 6

海上风电规划包括全国海上风电发展规划和沿海各省（区、市）海上风电发展规划。全国海上风电发展规划和沿海各省（区、市）海上风电发展规划应当与全国可再生能源发展规划、全国和沿海各省（区、市）海洋功能区划、海洋经济发展规划 相协调。沿海各省 （区、市）海上风电发展规划应符合全国海上风电发展规划。

Off-shore wind power planning includes national off-shore wind power plans and off-shore wind power plans by coastal provinces (regions, municipalities). National off-shore wind power plans and off-shore wind power plans by coastal provinces (regions, municipalities) shall be coordinated with respective national renewable energy development plans, national and coastal province (regions, municipalities) marine-function zoning, and marine economic development plans. Off-shore wind power plans by coastal provinces (regions, municipalities) shall conform to national off-shore wind power plans.

第七条 Art. 7

国家能源主管部门统一组织全国海上风电发展规划编制和管理，并会同国家海洋行政主管部门审定沿海各省（区、市）海上风电发展规划。沿海各省（区、市）能源主管部门按国家能源主管部门 统一部署，负责组织本行政区域海上风电发展规划的编制和管理。

State energy authorities uniformly organize preparation and management of national off-shore wind power development planning, and together with State marine administration authorities, review and set off-shore wind power plans by coastal provinces (regions, municipalities). Energy authorities of coastal provinces (regions, municipalities), based on the State energy authorities' unified plan, are responsible for organizing preparation and management of off-shore wind power development plans in their administrative areas.

第八条 Art. 8

沿海各省（区、市）能源主管部门 组织具有 国家甲级设计资质的单位，按照规范要求编制本省（区、市）管理海域内的海上风电发展规划；同级海洋行政主管部门对规划提出 用海初审意见和环境影响评价初步意见；技术归口管理单位负责对沿海各省（区、市）海上风电发展规划进行技术审查。

Energy authorities of coastal provinces (regions, municipalities) organize work units that have the highest-grade national design qualifications and, according to standardized requirements, establish off-shore wind power plans within their own provincial administrative areas; marine administration authorities at the same level propose preliminary opinions on sea areas to be used and preliminary opinions on environment impact assessments; centralized management units for technology are responsible for conducting examination and inspection of technology for off-shore wind power development plans.

第九条 Art. 9

国家能源主管部门组织海上风电技术管理部门，在沿海各省（区、市）海上风电发展规划的基础上，编制全国海上风电发展规划；组织沿海各省（区、市）能源主管部门、电网企业编制海上风电工程配套电网工程规划，落实 电网接入方案和 市场 消纳方案。

State energy authorities organize off-shore wind power technology management departments and, on the basis of off-shore wind power development plans by coastal provinces (regions, municipalities), establish national off-shore wind power development plans; and organize coastal province (regions, municipalities) energy authorities and power-grid enterprises to establish supporting power-grid project plans for off-shore wind power projects, and implement power-grid access plans and plans for addressable market capacity.

第十条 Art. 10

国家海洋行政主管部门组织沿海各省（区、市）海洋主管部门，根据全国和沿海各省（区、市）海洋功能区划、海洋经济发展规划，做好海上风电发展规划用海初审和环境影响评价初步审查工作。

State marine administration authorities organize the marine authorities of coastal provinces (regions, municipalities), and on the basis of coastal province (regions, municipalities) marine-function zoning plans and marine economic development plans, work to complete preliminary review of the sea-area to be used in wind power development plans as well as preliminary review and inspection of environmental impact assessments.

第三章 Chapter 3 项目授予 Project Grants

第十一条 Art. 11

国家能源主管部门负责海上风电项目的开发权授予。沿海各省（区、市）能源主管部门 依据经国家能源主管部门审定的海上风电发展规划，组织企业开展海上测风、地质勘察、水文调查等 前期工作。

State energy authorities are responsible for granting development rights for off-shore wind power projects. Energy authorities of coastal provinces (regions, municipalities), in accordance with off-shore wind power development plans reviewed and put into place by State energy authorities, organize the commencement by enterprises of offshore wind surveys, geological surveys, hydrographic surveys and other preliminary work.

未经许可，企业不得 开展 风电场工程建设。

Without permits, enterprises shall not begin construction of wind farm projects.

第十二条 Art. 12

沿海各省（区、市）能源主管部门在前期工作基础上，提出海上风电工程项目的开发方案，向国家能源主管部门上报项目开发申请报告。国家能源主管部门组织技术审查并论证工程建设条件后，确定是否同意开发。

Energy authorities of coastal provinces (regions, municipalities), on the basis of preliminary work, propose development plans for off-shore wind power construction projects, and transmit project development applications to State energy authorities. State energy authorities organize technology review and inspection and, after demonstrations of project-construction conditions, determine whether development is approved.

第十三条 Art. 13

项目开发申请报告应主要包括以下内容：

Project development application reports shall mainly include the below items:

（一）风资源测量与评价、海洋水文观测与评价、风电场海图测量、工程地质勘察及工程建设条件；

1. Wind resources surveys and assessments, marine hydrological surveys and assessments, marine chart measurements for wind power farm, project geological surveys and project construction requirements;

（二）项目开发任务、工程规模、工程方案和电网接入方案；

2. Project development tasks, construction scope, construction plan and power-grid access plan;

（三）建设用海初步审查，海洋环境影响初步评价；

3. Preliminary review and inspection of sea-area used for construction, and preliminary assessment of marine environment impacts;

（四）经济和社会效益初步分析评价。

4. Preliminary analysis and assessment of economic and social benefits.

第十四条 Art. 14

海上风电工程项目优先采取招标方式选择开发投资企业，招标条件为上网电价、工程方案、技术能力和 经营业绩。开发投资企业为中资企业或中资控股（50%以上股权）中外合资企业。

Off-shore wind power construction projects prioritize adoption of tendering methods to select enterprises for development investment, with tendering considerations to include grid-connected price, project plan, technical capacity and business performance. Development investment enterprises are to be Chinese-funded enterprises or Chinese-foreign enterprises where the Chinese party has a controlling stock interest (over 50 percent of stock ownership).

已有海上风电项目的扩建，原项目单位可提出申请，经国家能源主管部门确认后获得扩建项目的开发权。

For the expansion of off-shore wind power projects, the original project work unit may submit related applications and, after approval by State energy authorities, obtain project expansion development rights.

获得风电项目开发权的企业必须按招标合同或授权文件要求开展工作，未经国家能源主管部门同意，不得自行转让开发权。

Enterprises that obtain wind power project development rights shall, according to tendering contracts or requirements in authorization documents, commence work; without the consent of State energy authorities, transfer of development rights is prohibited.

第十五条 Art. 15

海上风电项目招标工作由国家能源主管部门统一组织，招标人为项目所在地省（区、市）能源主管部门。

The work of off-shore wind power project tendering is uniformly organized by State energy authorities; the tenderee is the provincial-level (region, municipality) energy authority where the project is located.

对开展了海上风电项目前期工作而最终没有中标的企业，由中标企业按省级能源主管部门核定的前期工作费用标准，向承担了前期工作的企业给予经济补偿。

For enterprises which have commenced preliminary work for off-shore projects but which ultimately do not win tenders, enterprises making successful tenders, according to expenditure standards for preliminary work determined by provincial-level energy authorities, provide financial compensation to enterprises which have undertaken preliminary work.

第四章 Chapter 4 项目核准 Project Examination and Approval

第十六条 Art. 16

招标选择的项目投资企业或确认扩建项目开发企业，按海上风电工程前期工作的要求落实工程方案和建设条件，编写项目申请报告，办理项目核准所需的支持性文件，与招标单位签订项目特许权协议，并与当地省级电网企业签订并 网和购售电 协议。项目所在地省级能源主管部门对项目申请报告初审后，上报国家能源主管部门核准。

Investment enterprises selected through tendering or development enterprises approved for project expansion, according to the relevant preliminary work requirements of the off-shore wind power project, carry out the conditions of project plan and construction, draft the project application report, handle examination and approval of all needed technical-related project documentation, execute concession agreements with the bid solicitation work unit, and execute agreements with local provincial-level power-grid enterprises for grid-connection and power purchases. Provincial-level energy authorities where projects are located, for project application reports they have preliminarily reviewed, submit such reports to State energy authorities for examination and approval.

第十七条 Art. 17

海上风电项目核准申请报告应达到 可行性研究的深度，并附有下列文件：

Off-shore wind power project examination and approval application reports shall reach the level of depth of feasibility studies, and include the below-listed documentation:

（一）项目列入全国或地方规划的 依据文件；

1. Verifying documentation for project incorporation into national or local plans;

（二）项目开发授权文件或项目特许权协议；

2. Project development authorization documents or project concession agreement;

（三）项目可行性研究报告及技术审查意见；

3. Project feasibility study as well as opinions on technology review and inspection;

（四）项目用海预审文件和环境影响评价报告批复文件；

4. Pre-qualification documentation for the sea area used for the project and approval documentation for the environmental impact assessment report;

（五）海上风电场工程接入电网的 承诺文件；

5. Promissory documentation for power-grid access for off-shore wind farm project;

（六）金融机构同意给予项目贷款融资等承诺文件；

6. Promissory documentation from financial institutions on agreement to offer loan financing to the project, and other related documentation;

（七）根据有关法律法规应提交的其他文件。

7. Based on relevant statutes and regulations, other documentation required to be submitted.

第十八条 Art. 18

海上风电项目必须经过核准并取得海域使用权后，方可开工建设。项目核准后两年内未开工建设的，国家能源主管部门 收回项目开发权，国家海洋行政主管部门收回海域使用权。

Only after required off-shore wind power project examination and approval, and receipt of sea-use rights, may projects commence construction. For projects that within two years of examination and approval have failed to commence construction, State energy authorities revoke project development rights, and State marine administration authorities revoke sea-use rights.

第五章 Chapter 5 建设用海 Construction Sea-Use

第十九条 Art. 19

海上风电项目建设用海应 遵循节约和集约利用海域资源的原则，合理布局。

The sea-area used in off-shore wind power projects shall, abiding by principles of efficient and intensive utilization of marine resources, be rationally distributed.

第二十条 Art. 20

项目单位向国家能源主管部门申请核准前，应向国家海洋行政主管部门提出海域使用申请文件，并提交以下材料：

Prior to project work units applying to State energy authorities for examination and approval, such project work units shall put forward to State marine administration authorities sea-use application documentation, and submit the below materials:

（一）海域使用申请报告，包括建设项目基本情况、拟用海选址情况、拟用海的规模及用海类型；

1. Sea-use application report, including basic requirements of project construction, marine conditions at the proposed project site, scale of proposed sea use and sea use classification;

（二）海域使用 申请书（一式五份）；

2. Sea-use application (five copies);

（三）资信证明材料；

3. Credit certification materials;

（四）存在利益相关者的，应提交解决方案或协议。

4. Where stakeholders exist, resolution plan or agreement shall be submitted.

第二十一条 Art. 21

国家海洋行政主管部门收到 符合要求的用海申请材料后 组织初审。初审通过后，国家海洋行政主管部门通知项目建设单位 开展海域使用论证；海域使用论证评审通过后，国家海洋行政主管部门出 具项目用海预审意见。

State marine administration authorities, after receipt of application materials for the sea area to be used that meet all requirements, organize preliminary review. After passing preliminary review, State marine administration authorities notify the project construction work unit to commence sea-use demonstrations; after passing sea-use demonstration-phase review, State marine administration authorities issue preliminary opinions on the sea-area used in the project.

第二十二条 Art. 22

项目建设单位申报项目建设核准申请时，应附国家海洋行政主管部门用海预审意见；无预审意见或预审未通过的，国家能源主管部门 不予核准。

Project construction work units, when applying for construction examination and approval, shall conform to the State marine administration authorities' preliminary opinion on the sea-area used in the project; without a preliminary opinion or without the passage of preliminary review, State energy authorities shall not grant approvals.

第二十三条 Art. 23

海上风电项目建设用海按风电设施实际占用海域面积和安全区占用海域面积征用。其中，非封闭管理的海上风电机组用海面积为所有风电机组塔架占用海域面积之和，单个风电机组塔架用海面积按塔架中心点至 基础外缘线点再向外扩 50 米为半径的圆形区域计算；海底电缆用海面积按电缆外缘向两侧各外扩 10 米宽为界计算；其他永久设施用海面积按《海籍调查规范》的规定计算。各宗用海面积不重复计算。

The sea area used for off-shore wind power projects is expropriated according to the actual sea-area occupied by wind power facilities and the sea-area occupied by the project safety area. Among these, the sea area used for openly managed off-shore wind power turbines is the sum of the surface area occupied by all wind power turbine towers; the surface area of the sea occupied by a single wind power turbine tower is calculated according to the circular area of a radius derived by the distance from the tower's center point out to the tower's outer edge plus 50 meters; the surface area of the sea occupied by underwater power cables is calculated from the cable outer edges out 10 meters; the sea area of other permanent facilities are calculated according to rules found in the *Sea Cadastral Survey Specifications*. All of the above sea-surface areas are not to be double counted.

第二十四条 Art. 24

海上风电项目经核准后，项目单位应及时将项目核准文件提交国家海洋行政主管部门。国家海洋行政主管部门 依法审核并办理海域使用权 报批手续。

After an off-shore wind project is examined and approved, the project work unit shall in a timely manner submit approval documentation to State marine administration authorities. State marine administration authorities make lawfully review and examination and complete the approval process for sea-use rights.

第二十五条 Art. 25

项目单位应按规定缴纳海域使用金，办理海域使用权登记，领取海域使用权证书。

The project work unit shall, pursuant to applicable rules, make payment for sea-use rights, complete registration of sea-use rights, and receive a certificate for sea-use rights.

第二十六条 Art. 26

使用无居民海岛建设海上风电的项目单位应当按照《海岛保护法》等法律法规办理无居民海岛使用申请审批手续，并取得无居民海岛使用权证书后，方可开工建设。

Project work units for off-shore wind power construction using uninhabited islands shall, according to the *Island Protection Law* and other statutes and regulations, complete the process of island-use application and approval and, after receipt of a certificate for uninhabited island-use rights, may then commence construction.

第六章 Chapter 6 环境保护 Environmental Protection

第二十七条 Art. 27

项目单位应当按照 《海洋环境保护法》《防治海洋工程建设项目污染损害海洋环境管理条例》及相关技术标准要求，编制海上风电项目环境影响报告书，报国家海洋行政主管部门核准。

Project work units shall, according to the *Marine Environment Protection Law*, *Regulations on Marine Environment Management to Prevent and Control Pollution Damage from Marine Construction Projects*, as well as related technical standards requirements, draft an off-shore wind power project environmental assessment report, and submit such report to State marine administration authorities for examination and approval.

第二十八条 Art. 28

海上风电项目建设环境影响报告书应委托有 相应资质的单位 编制。项目单位在项目申请核准前需取得国家海洋行政主管部门 出具的建设项目环境影响报告书的核准文件；无报告书核准意见或未通过核准的，国家能源主管部门不予核准。

Drafting of off-shore wind power project environmental impact assessment reports shall be entrusted to a work unit possessing relevant qualifications. Project work units applying for examination and approval must obtain examination and approval documentation, from State marine administration authorities, on the construction project's environmental impact assessment report; without an examination and approval opinion or without proceeding by such examination and approval, State energy authorities shall not grant approvals.

第二十九条 Art. 29

海上风电项目核准后，项目单位应按建设项目环境影响报告书及核准意见的要求，加强环境保护设计，落实环境保护措施。按规定程序申请环境保护设施竣工验收，验收合格后，该项目方可正式投入运营。

After off-shore wind power project examination and approval, the project work unit shall, according to the examination and approval opinion for the construction project's environmental impact assessment report, strengthen the environmental protection design, and carry out environmental protection measures. According to set procedures, completed facilities apply for environmental protection examination and approval, and only after qualifying for approval, may the project officially commence operations.

第七章 Chapter 7 施工竣工验收 Construction Examination and Approval During and After Construction Completion

第三十条 Art. 30

海上风电项目经核准后，项目单位应制订施工方案，报请当地海洋行政主管部门、海事主管部门备案。施工企业应具备 海洋工程施工资质，进驻施工现场前应到当地海洋行政主管部门办理施工许可手续。海底电缆的铺设施工应当按照《铺设海底电缆管道管理规定》的要求办理相关手续。项目单位和施工企业应制订 安全应急方案。

After examination and approval of off-shore wind power projects, the project work unit shall establish a construction implementation plan, and report such plans to local marine administration authorities. The construction enterprise shall posses marine construction qualifications and, before entering and occupying the construction site, shall carry out the construction permitting process with local marine administration authorities. Project work units and construction work units shall establish safety contingency plans.

第三十一条 Art. 31

国家能源主管部门委托项目所在省（区、市）能源主管部门负责海上风电项目竣工验收。项目单位在完成 土建施工、安装风电机组和其他 辅助设施后，向所在地省（区、市）能源主管部门申请验收。省级能源主管部门协调和督促电网企业完成电网接入配套设施，在配套电网接入设施建成后，对海上风电项目进行预验收。预验收通过后，项目单位在电网企业配合下进行机组并网调试，全部机组完成并网调试后，进行项目竣工验收。

State energy authorities entrust responsibility for examination and approval, during and after construction completion of off-shore wind power projects, to provincial (region, municipality) energy authorities where the project is located. After project work units have completed on-land construction and installed wind power turbines and other auxiliary facilities, they apply to provincial (region, municipality) energy authorities for examination and approval of construction. Provincial-level energy authorities coordinate and supervise power-grid enterprises' completion of facilities supporting power-grid access, and after the completion of construction of the facilities, conduct related preliminary examination and approval of construction. After such preliminary examination and approval, project work units, under the coordination of power-grid enterprises, conduct grid-connection debugging, and after completion of grid-connection debugging, examination and approval of completed project construction is conducted.

第八章 Chapter 8 运行信息 Operations Information

第三十二条 Art. 32

项目单位应建立自动化风电机组监控系统，向 电网调度机构和国家风电信息管理中心实时传送风电场的运行数据。未经批准，项目运行实时数据不得向境外传送。

Project work units shall build an automated wind turbine control system, and relay real-time wind farm operations data to the power-grid dispatcher and the National Wind Power Information Center. Without prior approval, projects shall not transmit real-time operating data abroad.

第三十三条 Art. 33

项目单位应按照有关规定建立安全生产制度，发生重大事故和设备故障应及时向电网调度机构、当地能源主管部门报告，每半年向 国家风电信息管理中心提交一次总结报告。

Project work units shall, according to relevant rules, build a safe production system, and shall in a timely manner report the occurrence of major accidents or equipment failures to the power-grid operator and local energy authorities, and submit summary reports to the National Wind Power Information Center every six months.

第三十四条 Art. 34

项目单位应建立或保留已有 测风塔，长期监测项目所在区域的风资源、以及空气温度、湿度、海浪等气象数据，监测结果应定期向当地省（区、市）能源主管部门和国家风电信息管理中心报告。

Project work units shall build or maintain existing wind survey towers, conduct long-term monitoring of project-area wind resources, air temperature, humidity, wave conditions and other atmospheric data; and monitoring results shall regularly be reported to local provincial (region, municipality) energy authorities and the National Wind Power Information Center.

第三十五条 Art. 35

新建项目 投产一年后，由国家能源主管部门 组织有资质的咨询机构，对项目建设和运行情况进行后评估，三个月内完成后评估报告。评估结果作为项目单位参与 后续海上风电项目开发的依据。

One year after newly constructed projects commence production, consulting organizations, organized and certified by State energy authorities, assess project construction and conditions, and within three months complete assessment reports. Assessment report results serve as the basis for project work units' participation in subsequent off-shore wind project development.

第九章 Chapter 9 其他 Miscellaneous Provisions

第三十六条 Art. 36

海上风电基地或大型海上风电项目，可由当地省级能源主管部门组织有关单位统一协调办理电网接入系统、建设用海预审、环境影响评价和项目核准申请手续。

For off-shore wind power bases or large-scale off-shore wind power projects, local provincial-level energy authorities may organize uniform coordination with relevant work units to complete the power-grid access system, preliminary review of the sea area used in construction, environmental impact assessments, and the project application and approval process.

第十章 Chapter 10 附则 Supplemental Provisions

第三十七条 Art. 37

本办法由国家能源局和国家海洋局负责解释。

The National Energy Administration and the State Oceanic Administration are responsible for interpreting this *Measure*.

第三十八条 Art. 38

本办法由国家能源局和国家海洋局联合发布，自发布之日起施行。

This *Measure* is jointly issued by the National Energy Administration and the State Oceanic Administration, and is effective from date of issuance.

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