

Regulation on Energy Conservation in Civil Buildings

民用建筑节能条例

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[**unofficial translation**]

TOC

第一章	总则	Chapter 1	General Provisions
第二章	新建建筑节能	Chapter 2	Energy Conservation in New Buildings
第三章	既有建筑节能	Chapter 3	Energy Conservation in Existing Buildings
第四章	建筑用能系统运行节能	Chapter 4	Energy Conservation Operations for Building Energy Systems
第五章	法律责任	Chapter 5	Legal Liability
第六章	附则	Chapter 6	Supplemental Provisions

第一章 总则 [Chapter 1 General Provisions](#)

第一条 Article 1

为了加强民用建筑节能管理，降低民用建筑使用过程中的能源消耗，提高能源利用效率，制定本条例。

In order to strengthen civil building energy conservation management, reduce energy consumption in the use of civil buildings, and raise energy efficiency, this *Regulation* is hereby established.

第二条 Article 2

本条例所称民用建筑节能，是指在保证民用建筑使用功能和室内热环境质量的前提下，降低其使用过程中能源消耗的活动。

This *Regulation's* use of the term "civil building energy conservation" refers to reducing energy consumption in use of civil buildings, with the precondition of ensuring civil building operating functions and the quality of the indoor thermal environment.

本条例所称民用建筑，是指居住建筑、国家机关办公建筑和商业、服务业、教育、卫生等其他公共建筑。

In this *Regulation*, the term "civil building" refers to residential buildings, office buildings for State agencies, and buildings for commerce, services, education, and public health, as well as other such public buildings.

第三条 Article 3

各级人民政府应当加强对民用建筑节能工作的领导，积极培育民用建筑节能服务市场，健全民用建筑节能服务体系，推动民用建筑节能技术的开发应用，做好民用建筑节能知识的宣传教育工作。

People's governments at all levels shall strengthen leadership over the work of civil building energy conservation, and actively nurture service markets for civil building energy conservation, fully construct a service system for civil building energy conservation, promote development and application of technology for civil building energy conservation, and make substantial efforts in the work of publicizing and educating on civil building energy conservation.

第四条 Article 4

国家鼓励和扶持在新建建筑和既有建筑节能改造中采用太阳能、地热能等可再生能源。

The State encourages and supports, in new construction and the retrofit of existing buildings, the use of solar energy, geothermal energy and other renewable energy sources.

在具备太阳能利用条件的地区，有关地方人民政府及其部门应当采取有效措施，鼓励和扶持单位、个人安装使用太阳能热水系统、照明系统、供热系统、采暖制冷系统等太阳能利用系统。

For regions that possess conditions for solar energy utilization, relevant local people's governments and their departments shall adopt effective measures to encourage and assist work units and individuals to install solar hot water systems, lighting systems, heating supply systems, heating and cooling systems, and other solar energy utilization systems.

第五条 Article 5

国务院建设主管部门负责全国民用建筑节能的监督管理工作。县级以上地方人民政府建设主管部门负责本行政区域民用建筑节能的监督管理工作。

State Council departments in charge of construction are responsible for nationwide supervision and management work regarding civil building energy conservation. Departments in charge of construction in local people's governments above the county level are responsible for the supervision and management of civil building energy conservation within their administration region.

县级以上人民政府有关部门应当依照本条例的规定以及本级人民政府规定的职责分工，负责民用建筑节能的有关工作。

Relevant departments of the people's governments above the county level shall, in accordance with the provisions of this *Regulation* and local government rules on the division of official duties, be responsible for civil building energy conservation related work.

第六条 Article 6

国务院建设主管部门应当在国家节能中长期专项规划指导下，编制全国民用建筑节能规划，并与相关规划相衔接。

State Council departments in charge of construction shall, under the guidance of the State's medium- and long-term energy conservation plan, draw up nationwide civil building energy conservation plans, and align them with related planning.

县级以上地方人民政府建设主管部门应当组织编制本行政区域的民用建筑节能规划，报本级人民政府批准后实施。

Departments in charge of construction for local people's governments above the county level shall organize the preparation of civil building energy plans within their administrative region and, after reporting to the people's government at the same level, implement such plans.

第七条 Article 7

国家建立健全民用建筑节能标准体系。国家民用建筑节能标准由国务院建设主管部门负责组织制定，并依照法定程序发布。

The State establishes a sound standards system for civil building energy conservation. State Council departments in charge of construction are responsible for the organization and formulation of national civil building energy conservation standards, and such standards are issued in accordance with legal procedures.

国家鼓励制定、采用优于国家民用建筑节能标准的地方民用建筑节能标准。

The State encourages the establishment and adoption of local civil building energy conservation standards that exceed national building energy conservation standards.

第八条 Article 8

县级以上人民政府应当安排民用建筑节能资金，用于支持民用建筑节能的科学研究和标准制定、既有建筑围护结构和供热系统的节能改造、可再生能源的应用，以及民用建筑节能示范工程、节能项目的推广。

People's governments above the county level shall plan funding for civil building energy conservation, which is to be used to support science and technology research and standards setting for civil building energy conservation, energy retrofits of existing building envelopes and heating systems, the use of renewable energy, as well as for civil building energy conservation demonstration projects and the expansion of energy conservation programs.

政府引导金融机构对既有建筑节能改造、可再生能源的应用，以及民用建筑节能示范工程等项目提供支持。

Government-led financial institutions provide support for programs such as energy retrofits of existing buildings, use of renewable energy, as well as for civil building energy conservation demonstration projects.

民用建筑节能项目依法享受税收优惠。

Building energy conservation projects shall, by law, enjoy preferential taxation.

第九条 Article 9

国家积极推进供热体制改革，完善供热价格形成机制，鼓励发展集中供热，逐步实行按照用热量收费制度。

The State shall actively promote reform of the heating system, improve the mechanism for heating prices, encourage the development of central heating, and progressively implement a system of fee collection based on the amount of heat used.

第十条 Article 10

对在民用建筑节能工作中做出显著成绩的单位和个人，按照国家有关规定给予表彰和奖励。

Work units and individuals that make notable achievements in civil building energy conservation work are, in accordance with relevant State regulations, offered commendations and awards.

第二章 新建建筑节能 Chapter 2 Energy Conservation in New Buildings

第十一条 Article 11

国家推广使用民用建筑节能的新技术、新工艺、新材料和新设备，限制使用或者禁止使用能源消耗高的技术、工艺、材料和设备。国务院节能工作主管部门、建设主管部门应当制定、公布并及时更新推广使用、限制使用、禁止使用目录。

The State promotes, for use in civil building energy conservation, new technologies, industrial processes, materials and equipment, and restricts or prohibits the use of high energy consumption technologies, industrial processes, materials and equipment. State Council departments in charge of energy conservation and departments in charge of construction shall formulate, publicly issue and timely update a catalog on promoted uses, restricted uses, and prohibited uses.

国家限制进口或者禁止进口能源消耗高的技术、材料和设备。

The State restricts or prohibits the importation on high energy consuming technologies, materials and equipment.

建设单位、设计单位、施工单位不得在建筑活动中使用列入禁止使用目录的技术、工艺、材料和设备。

Developers, designers, and contractors shall not, during construction activities, use technologies, industrial processes, materials or equipment listed in catalogs as prohibited for use.

第十二条 Article 12

编制城市详细规划、镇详细规划，应当按照民用建筑节能的要求，确定建筑的布局、形状和朝向。

The development of detailed urban and town plans shall, in accordance with civil building energy conservation requirements, determine building layout, shape and orientation.

城乡规划主管部门依法对民用建筑进行规划审查，应当就设计方案是否符合民用建筑节能强制性标准征求同级建设主管部门的意见；建设主管部门应当自收到征求意见材料之日起10日内提出意见。征求意见时间不计算在规划许可的期限内。

Departments in charge of urban and rural planning, according to law, conduct planning review of civil buildings, and shall, in determining whether design proposals comply with mandatory standards for civil building energy conservation, seek the opinion of same-level departments in charge of construction. The period during which opinion is sought is not counted within time limits for plan permitting.

对不符合民用建筑节能强制性标准的，不得颁发建设工程规划许可证。

Where there is non-compliance with mandatory standards for civil building energy conservation, construction project plan permits shall not be issued.

第十三条 Article 13

施工图设计文件审查机构应当按照民用建筑节能强制性标准对施工图设计文件进行审查；经审查不符合民用建筑节能强制性标准的，县级以上地方人民政府建设主管部门不得颁发施工许可证。

Organizations examining construction design documents shall, in accordance with mandatory civil building energy conservation standards, conduct examination of construction design documents; where after examination there is non-compliance with mandatory civil building energy conservation standards, departments in charge of construction within people's governments above the country level shall not issue construction permits.

第十四条 Article 14

建设单位不得明示或者暗示设计单位、施工单位违反民用建筑节能强制性标准进行设计、施工，不得明示或者暗示施工单位使用不符合施工图设计文件要求的墙体材料、保温材料、门窗、采暖制冷系统和照明设备。

Developers shall not explicitly or implicitly instruct designers or contractors to violate civil mandatory building energy conservation standards in carrying out design and construction, and shall not explicitly or implicitly instruct contractors to use, in non-compliance with construction design documents, wall materials, insulation materials, windows and doors, heating and cooling systems, and lighting equipment.

按照合同约定由建设单位采购墙体材料、保温材料、门窗、采暖制冷系统和照明设备的，建设单位应当保证其符合施工图设计文件要求。

Where, in accordance with contract agreements, developers purchase wall materials, insulation materials, windows and doors, heating and cooling systems, and lighting equipment, developers shall ensure that these comply with construction design document requirements.

第十五条 Article 15

设计单位、施工单位、工程监理单位及其注册执业人员，应当按照民用建筑节能强制性标准进行设计、施工、监理。

Designers, contractors and project inspectors and their registered professionals, in accordance with mandatory civil building energy conservation standards, shall carry out design, construction and inspections.

第十六条 Article 16

施工单位应当对进入施工现场的墙体材料、保温材料、门窗、采暖制冷系统和照明设备进行查验；不符合施工图设计文件要求的，不得使用。

Contractors units shall carry out inspection on wall materials, insulation materials, windows and doors, heating and cooling systems, and lighting equipment that enter the construction site; those that are not in compliance with construction design requirements shall not be used.

工程监理单位发现施工单位不按照民用建筑节能强制性标准施工的，应当要求施工单位改正；施工单位拒不改正的，工程监理单位应当及时报告建设单位，并向有关主管部门报告。

Where project inspectors discover that contractors are not building in accordance with mandatory civil building energy conservation standards, they shall require contractors to make correction; where contractors refuse to make correction, project inspectors shall promptly report this to the developer and to the relevant government department in charge.

墙体、屋面的保温工程施工时，监理工程师应当按照工程监理规范的要求，采取旁站、巡视和平行检验等形式实施监理。

During the construction of wall and roof insulation, the inspection engineer shall, in accordance with the standardized requirements of project inspection, employ station inspections, visits, and parallel tests, among other forms of inspections, to implement supervision.

未经监理工程师签字，墙体材料、保温材料、门窗、采暖制冷系统和照明设备不得在建筑上使用或者安装，施工单位不得进行下一道工序的施工。

Without the prior signature of the inspection engineer, wall materials, insulation materials, windows and doors, and heating and cooling systems shall not be used or installed in buildings, and contractors shall not carry out the next step in the construction process.

第十七条 Article 17

建设单位组织竣工验收，应当对民用建筑是否符合民用建筑节能强制性标准进行查验；对不符合民用建筑节能强制性标准的，不得出具竣工验收合格报告。

Developers, in organizing testing and approval of completed construction, shall conduct inspection on whether the civil building is in compliance with mandatory civil building energy conservation standards; where there is non-compliance with mandatory civil building energy conservation standards, the completed construction testing and approval compliance report shall not be issued.

第十八条 Article 18

实行集中供热的建筑应当安装供热系统调控装置、用热计量装置和室内温度调控装置；公共建筑还应当安装用电分项计量装置。居住建筑安装的用热计量装置应当满足分户计量的要求。

Buildings that put into use central heating systems must install heating system control devices, heat metering devices and indoor temperature control devices; public buildings shall in addition install electricity sub-metering devices. Installation of heat metering devices in residential buildings shall meet the requirements of separate household metering.

计量装置应当依法检定合格。

Metering devices shall, according to law, be tested and certified.

第十九条 Article 19

建筑的公共走廊、楼梯等部位，应当安装、使用节能灯具和电气控制装置。

In public corridors, stairways and other public locations there shall be installed and used energy conserving lighting and electronic control devices.

第二十条 Article 20

对具备可再生能源利用条件的建筑，建设单位应当选择合适的可再生能源，用于采暖、制冷、照明和热水供应等；设计单位应当按照有关可再生能源利用的标准进行设计。

For buildings that possess conditions to utilize renewable energy, the developer shall select the appropriate renewable energy for heating, cooling, lighting and hot water supply; and the designer shall, in accordance with relevant standards for the use of renewable energy, carry out design.

建设可再生能源利用设施，应当与建筑主体工程同步设计、同步施工、同步验收。

Construction of facilities utilizing renewable energy shall, simultaneously with the main building project, be designed, built, examined and approved.

第二十一条 Article 21

国家机关办公建筑和大型公共建筑的所有权人应当对建筑的能源利用效率进行测评和标识，并按照国家有关规定将测评结果予以公示，接受社会监督。

The owners of State agency office buildings and large public buildings shall carry out evaluation on and identification of building energy efficiency, and, in accordance with relevant national rules, make public the evaluation results, and accept social supervision.

国家机关办公建筑应当安装、使用节能设备。

State agency office buildings shall install and use energy-conserving equipment.

本条例所称大型公共建筑，是指单体建筑面积 2 万平方米以上的公共建筑。

In this *Regulation*, the term "large public building" refers to public buildings where a single building's floor space is over 20,000 square meters.

第二十二条 Article 22

房地产开发企业销售商品房，应当向购买人明示所售商品房的能源消耗指标、节能措施和保护要求、保温工程保修期等信息，并在商品房买卖合同和住宅质量保证书、住宅使用说明书中载明。

Real estate development enterprises, when selling real estate, shall clearly state to the buyer energy consumption indicators, energy conservation measures and protection requirements, insulation warranty period, among other information, and shall clearly state these in the real estate purchase contract, residential quality assurance certificate and residential user manual.

第二十三条 Article 23

在正常使用条件下，保温工程的最低保修期限为 5 年。保温工程的保修期，自竣工验收合格之日起计算。

Under normal usage conditions, the minimum warranty period for insulation is restricted to five years. The insulation warranty period is calculated from the date of compliance for completed construction testing and approval.

保温工程在保修范围和保修期内发生质量问题的，施工单位应当履行保修义务，并对造成的损失依法承担赔偿责任。

Where insulation that, within the scope and time limit of its warranty, exhibits quality issues, the contractor shall fulfill the warranty obligations, and, for damages incurred undertake responsibility to provide compensation in accordance with law.

第三章 既有建筑节能 Chapter 3 Energy Conservation in Existing Building

第二十四条 Article 24

既有建筑节能改造应当根据当地经济、社会发展水平和地理气候条件等实际情况，有计划、分步骤地实施分类改造。

Energy conservation retrofits of existing buildings shall be based on local economic and social development levels, geographic and climate conditions, among other actual circumstances, and types of retrofits have planned and phased implementation.

本条例所称既有建筑节能改造，是指对不符合民用建筑节能强制性标准的既有建筑的围护结构、供热系统、采暖制冷系统、照明设备和热水供应设施等实施节能改造的活动。

In this *Regulation*, the term "energy conservation retrofit of existing buildings" refers to the implementation of energy conservation retrofit activities on existing buildings that are not in compliance with civil buildings mandatory energy conservation standards in facilities such as building envelope, heating supply system, heating and cooling systems, lighting, and hot water supply.

第二十五条 Article 25

县级以上地方人民政府建设主管部门应当对本行政区域内既有建筑的建设年代、结构形式、用能系统、能源消耗指标、寿命周期等组织调查统计和分析，制定既有建筑节能改造计划，明确节能改造的目标、范围和要求，报本级人民政府批准后组织实施。

Departments in charge of construction within local people's governments above the county level shall, in their administrative area, organize surveys, statistics and analyses of the age, structure and form, energy-use systems, energy consumption indicators, and the life cycle of existing buildings, and establish plans for the energy conservation retrofit of existing buildings, as well as clarify energy conservation retrofit goals, scope and requirements, and, after reporting to the same-level people's government for approval, organize implementation.

中央国家机关既有建筑的节能改造，由有关管理机关事务工作的机构制定节能改造计划，并组织实施。

For energy conservation retrofits of existing buildings of central government agencies, the agencies' related government management offices establishes energy conservation retrofit plans, and organizes implementation.

第二十六条 Article 26

国家机关办公建筑、政府投资和以政府投资为主的公共建筑的节能改造，应当制定节能改造方案，经充分论证，并按照国家有关规定办理相关审批手续方可进行。

Energy conservation retrofits of state agency office buildings, and energy conservation retrofits of public buildings with investment or primary investment by the government, shall establish energy conservation retrofit plans, have full deliberation, and, in accordance with related national regulations, execute corresponding approval procedures before being carried out.

各级人民政府及其有关部门、单位不得违反国家有关规定和标准，以节能改造的名义对前款规定的既有建筑进行扩建、改建。

Governments at all levels and relevant departments and units shall not violate national regulations and standards and, in the name of energy conservation retrofits, carry out expansions or refurbishment of existing buildings as provided for in preceding provision.

第二十七条 Article 27

居住建筑和本条例第二十六条规定以外的其他公共建筑不符合民用建筑节能强制性标准的，在尊重建筑所有权人意愿的基础上，可以结合扩建、改建，逐步实施节能改造。

Residential buildings and public buildings not under the purview of Article 26 of this *Regulation* and which do not conform to mandatory standards for civil building energy conservation may, on a foundation of respecting the will of all parties with an interest in such buildings, be expanded and renovated to gradually implement energy conservation retrofits.

第二十八条 Article 28

实施既有建筑节能改造，应当符合民用建筑节能强制性标准，优先采用遮阳、改善通风等低成本改造措施。

Implementation of energy conservation retrofits of existing buildings shall conform to mandatory standards for civil building energy conservation, prioritizing low-cost retrofit measures such as the use of shade and improvements to ventilation.

既有建筑围护结构的改造和供热系统的改造,应当同步进行。

The retrofit of the existing building envelopes and heating systems shall be carried out simultaneously.

第二十九条 Article 29

对实行集中供热的建筑进行节能改造，应当安装供热系统调控装置和用热计量装置；对公共建筑进行节能改造，还应当安装室内温度调控装置和用电分项计量装置。

Buildings carrying out energy conservation retrofits by putting into place centralized heating systems shall install heating system control devices and usage metering devices; for public buildings, implementation of energy conservation retrofits shall in addition include installation of indoor temperature control devices and electricity sub-metering devices.

第三十条 Article 30

国家机关办公建筑的节能改造费用，由县级以上人民政府纳入本级财政预算。

Expenses for energy conservation retrofits of government agency office buildings are included in the fiscal budgets of local people's governments above the county level.

居住建筑和教育、科学、文化、卫生、体育等公益事业使用的公共建筑节能改造费用，由政府、建筑所有权人共同负担。

For residential buildings and for public buildings used in the public interest for education, science, culture, health, and sports, energy conservation retrofit expenses are shared by the government and all building owners.

国家鼓励社会资金投入既有建筑节能改造。

The State encourages investment of social funds for energy conservation retrofits of existing buildings.

第四章 建筑用能系统运行节能 Chapter 4 Energy Conservation Operations for Building Energy Systems

第三十一条 Article 31

建筑所有权人或者使用权人应当保证建筑用能系统的正常运行，不得人为损坏建筑围护结构和用能系统。

Building owners or individuals with usage rights shall ensure the normal operation of building energy use systems, and shall not cause damage to the building envelope and energy use systems.

国家机关办公建筑和大型公共建筑的所有权人或者使用权人应当建立健全民用建筑节能管理制度和操作规程，对建筑用能系统进行监测、维护，并定期将分项用电量报县级以上地方人民政府建设主管部门。

Building owners or individuals with usage rights of State agency office buildings and large public buildings shall establish a sound civil building energy conservation management system and operational practices, and carry out monitoring and maintenance on building energy use systems, and regularly report on itemized electricity consumption to construction departments of the local people's government.

第三十二条 Article 32

县级以上地方人民政府节能工作主管部门应当会同同级建设主管部门确定本行政区域内公共建筑重点用电单位及其年度用电限额。

Departments in charge of energy conservation work within local people's governments above the county level shall, in conjunction with departments in charge of construction, determine, for of the local administrative region, the key public building energy users and their annual energy consumption limits.

县级以上地方人民政府建设主管部门应当对本行政区域内国家机关办公建筑和公共建筑用电情况进行调查统计和评价分析。国家机关办公建筑和大型公共建筑采暖、制冷、照明的能源消耗情况应当依照法律、行政法规和国家其他有关规定向社会公布。

Local people's governments above the county level shall conduct statistical surveys and assessment analyses on energy consumption in State agency office buildings and public buildings within their administrative region. The energy consumption circumstances of State agency office buildings and large public buildings regarding heating, cooling and lighting shall, in accordance with statute, administrative regulations and other related State provisions, be announced to the public.

国家机关办公建筑和公共建筑的所有权人或者使用权人应当对县级以上地方人民政府建设主管部门的调查统计工作予以配合。

Owners or individuals with usage rights regarding State agency office buildings and public buildings shall cooperate with the statistical survey work of departments in charge of construction within local people's governments above the county level.

第三十三条 Article 33

供热单位应当建立健全相关制度，加强对专业技术人员的教育和培训。

Heating providers shall establish and improve relevant systems, and strengthen education and training of professional technical personnel.

供热单位应当改进技术装备，实施计量管理，并对供热系统进行监测、维护，提高供热系统的效率，保证供热系统的运行符合民用建筑节能强制性标准。

Heating providers shall improve technology, implement measurement management, and carry out monitoring and maintenance on heating systems, raise heating system efficiency, and ensure the heating system operates in accordance with mandatory standards for civil building energy conservation.

第三十四条 Article 34

县级以上地方人民政府建设主管部门应当对本行政区域内供热单位的能源消耗情况进行调查统计和分析，并制定供热单位能源消耗指标；对超过能源消耗指标的，应当要求供热单位制定相应的改进措施，并监督实施。

Departments in charge of construction within local people's governments above the county level shall conduct statistical surveys and analyses on the energy consumption circumstances of heating providers in their administrative areas, and set targets for energy consumption by heating providers; where the energy consumption target is exceeded, the heating provider shall be required to establish corresponding corrective measures, and implementation shall be monitored.

第五章 法律责任 Chapter 5 Legal Liability

第三十五条 Article 35

违反本条例规定，县级以上人民政府有关部门有下列行为之一的，对负有责任的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任：

Violation of provisions in this *Regulation*, where relevant departments of people's governments above the county level have any of the below conduct, the responsible person in charge and other directly responsible persons shall be punished in accordance with law; where conduct constitutes a crime, criminal liability shall be prosecuted in accordance with law.

（一）对设计方案不符合民用建筑节能强制性标准的民用建筑项目颁发建设工程规划许可证的；

(1) Issue construction project planning permits for civil buildings where design plans fail to comply with mandatory standards for civil building energy conservation;

（二）对不符合民用建筑节能强制性标准的设计方案出具合格意见的；

(2) Issue compliance opinions for design plans that fail to comply with mandatory standards for civil building energy conservation;

（三）对施工图设计文件不符合民用建筑节能强制性标准的民用建筑项目颁发施工许可证的；

(3) Issue construction permits for civil building projects where construction design documentation fails to comply with mandatory standards for civil building energy conservation;

（四）不依法履行监督管理职责的其他行为。

(4) Other conduct where there is unlawful failure to perform official supervision and management duties.

第三十六条 Article 36

违反本条例规定，各级人民政府及其有关部门、单位违反国家有关规定和标准，以节能改造的名义对既有建筑进行扩建、改建的，对负有责任的主管人员和其他直接责任人员，依法给予处分。

Violation of provisions in this *Regulation*, for departments in charge and units within people's governments at all levels where there is violation of relevant State rules and standards, and where in the name of energy conservation retrofits, expansions and renovations are carried out on existing buildings, the responsible person in charge and other directly responsible persons shall be punished in accordance with law.

第三十七条 Article 37

违反本条例规定，建设单位有下列行为之一的，由县级以上地方人民政府建设主管部门责令改正，处 20 万元以上 50 万元以下的罚款：

Violation of provisions in this *Regulation*, where developers have any of the below conduct, the department in charge of construction within local people's governments above the county level shall order correction, and issue fines above RMB 200,000 and below RMB 500,000.

（一）明示或者暗示设计单位、施工单位违反民用建筑节能强制性标准进行设计、施工的；

(1) Explicitly or implicitly instructs designers or contractors to carry out design or construction in violation of mandatory standards for civil building energy conservation;

（二）明示或者暗示施工单位使用不符合施工图设计文件要求的墙体材料、保温材料、门窗、采暖制冷系统和照明设备的；

(2) Explicitly or implicitly instructs contractors to use wall materials, insulation materials, doors and windows, heating and cooling systems, or lighting equipment that fail to comply with the requirements of construction drawings and design documentation;

（三）采购不符合施工图设计文件要求的墙体材料、保温材料、门窗、采暖制冷系统和照明设备的；

(3) Purchases wall materials, insulation materials, doors and windows, heating and cooling systems, or lighting equipment that fail to comply with the requirements of construction drawings and design documentation;

（四）使用列入禁止使用目录的技术、工艺、材料和设备的。

(4) Uses technologies, processes, materials and equipment that have been listed in catalogs as prohibited for use.

第三十八条 Article 38

违反本条例规定，建设单位对不符合民用建筑节能强制性标准的民用建筑项目出具竣工验收合格报告的，由县级以上地方人民政府建设主管部门责令改正，处民用建筑项目合同价款 2% 以上 4% 以下的罚款；造成损失的，依法承担赔偿责任。

For violation of provisions in this *Regulation*, where the developer issues a completed construction testing and approval compliance report for civil buildings that fail to conform with mandatory energy conservations standards for civil buildings, correction is ordered by the departments in charge of construction within people's governments above the county level, and penalties issued of over 2 percent but under 4 percent of the civil building project contracted price; where injury has been incurred, liability for compensation is borne in accordance with law.

第三十九条 Article 39

违反本条例规定，设计单位未按照民用建筑节能强制性标准进行设计，或者使用列入禁止使用目录的技术、工艺、材料和设备的，由县级以上地方人民政府建设主管部门责令改正，处 10 万元以上 30 万元以下的罚款；情节严重的，由颁发资质证书的部门责令停业整顿，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。

For violation of provisions in this *Regulation*, where the designer carries out design not in accordance with mandatory standards for civil building energy conservation, or utilizes technology, processes, or materials listed as prohibited for use, correction is ordered by departments in charge of construction within people's governments above the county level, and penalties issued of over RMB 100,000 but under RMB 300,000; in severe circumstances, the department issuing qualification certificates orders suspension and rectification, lowers qualification grade or revokes qualification certificates; where injury has been incurred, liability for compensation is borne in accordance with law.

第四十条 Article 40

违反本条例规定，施工单位未按照民用建筑节能强制性标准进行施工的，由县级以上地方人民政府建设主管部门责令改正，处民用建筑项目合同价款 2%以上 4%以下的罚款；情节严重的，由颁发资质证书的部门责令停业整顿，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。

For violation of provisions in this *Regulation*, where the contractor carries out construction not in accordance with mandatory energy conservations standards for civil buildings, correction is ordered by departments in charge of construction within people's governments above the county level, and penalties issued of over 2 percent but under 4 percent of the civil building project contracted price; where injury has been incurred, liability for compensation is borne in accordance with law.

第四十一条 Article 41

违反本条例规定，施工单位有下列行为之一的，由县级以上地方人民政府建设主管部门责令改正，处 10 万元以上 20 万元以下的罚款；情节严重的，由颁发资质证书的部门责令停业整顿，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：

For violation of provisions in this *Regulation*, where the contractor exhibits any of the below listed conduct, correction is ordered by departments in charge of construction within people's governments above the county level, and penalties issued of over RMB 100,000 but under RMB 200,000; in severe circumstances, the department issuing qualification certificate orders suspension and rectification, lowers qualification grade or revokes qualification certificates; where injury has been incurred, liability for compensation is borne in accordance with law:

(一) 未对进入施工现场的墙体材料、保温材料、门窗、采暖制冷系统和照明设备进行查验的；

(1) Fails to inspect wall materials, insulation materials, windows, heating and cooling systems, and lighting equipment that enter the construction site;

(二) 使用不符合施工图设计文件要求的墙体材料、保温材料、门窗、采暖制冷系统和照明设备的;

(2) Uses wall materials, insulation materials, windows, heating and cooling systems, and lighting equipment that fail to conform with construction drawings and design documents;

(三) 使用列入禁止使用目录的技术、工艺、材料和设备的。

(3) Uses technologies, processes, materials and equipment listed in catalogs as prohibited for use.

第四十二条 Article 42

违反本条例规定，工程监理单位有下列行为之一的，由县级以上地方人民政府建设主管部门责令限期改正；逾期未改正的，处 10 万元以上 30 万元以下的罚款；情节严重的，由颁发资质证书的部门责令停业整顿，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；

For violation of provisions in this *Regulation*, where project inspectors exhibit any of the below listed conduct, correction within a fixed time limit is ordered by departments in charge of construction within people's governments above the county level, and penalties issued of over RMB 100,000 but under RMB 300,000; in severe circumstances, the department issuing qualification certificates orders suspension and rectification, lowers qualification grade or revokes qualification certificates; where injury has been incurred, liability for compensation is borne in accordance with law:

(一) 未按照民用建筑节能强制性标准实施监理的；

(1) Fails to implement inspection in accordance with mandatory standards for civil building energy conservation;

(二) 墙体、屋面的保温工程施工时，未采取旁站、巡视和平行检验等形式实施监理的。

(2) During project construction for wall and roof insulation, fails to employ station inspections, visits, and parallel tests, among other forms of inspections, to implement supervision.

对不符合施工图设计文件要求的墙体材料、保温材料、门窗、采暖制冷系统和照明设备，按照符合施工图设计文件要求签字的，依照《建设工程质量管理条例》第六十七条的规定处罚。

For wall materials, insulation materials, windows, heating and cooling systems, and lighting equipment that fail to conform to construction drawings and design documents, where signature is required by conforming construction drawings and design documents, punishment is in accordance with provisions of Article 67 in the *Regulation on Construction Quality Management*.

第四十三条 Article 43

违反本条例规定，房地产开发企业销售商品房，未向购买人明示所售商品房的能源消耗指标、节能措施和保护要求、保温工程保修期等信息，或者向购买人明示的所售商品房能源消耗指标与实际能源消耗不符的，依法承担民事责任；由县级以上地方人民政府建设主管部门责令限期改正；逾期未改正的，处交付使用的房屋销售总额 2% 以下的罚款；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。

For violation of provisions in this *Regulation*, where, in real estate development enterprises' sale of real estate, the buyer is not explicitly instructed of real estate energy consumption indicators, energy conservation measures and protection requirements, insulation warranty period, among other information, or where the buyer is explicitly instructed on real estate energy consumption indicators that fail to meet actual energy consumption, civil liability is borne in accordance with law; correction within a fixed time limit is ordered by departments in charge of construction within people's governments above the county level; where correction is overdue, penalties are issued of under 2 percent of the price paid for the occupied real estate; in severe circumstances, the department issuing qualification certificates orders decrease in qualification grade or revocation of qualification certificate.

第四十四条 Article 44

违反本条例规定，注册执业人员未执行民用建筑节能强制性标准的，由县级以上人民政府建设主管部门责令停止执业 3 个月以上 1 年以下；情节严重的，由颁发资格证书的部门吊销执业资格证书，5 年内不予注册。

Registered professionals who violate this *Regulation's* provisions by failing to execute mandatory standards for civil building energy conservation shall be ordered, by departments in charge of construction within people's governments above the county level, to cease professional work for over 3 months but less than 1 year; in serious instances, the department issuing qualification certificates revokes the professional qualification certificate, and registration is denied for 5 years.

第六章 附则 Chapter 6 Supplemental Provisions

第四十五条 Article 45

本条例自 2008 年 10 月 1 日起施行。

This *Regulation* is effective starting October 1, 2008.