



# 《电力法》现状与修订目标

Status and revision target of the Electricity Law

**王 鹏 WANG Peng**

**华北电力大学国家能源发展战略研究院执行院长  
Executive Director, National Institute of Energy Development Strategy,  
North China Electric Power University (NCPU)**

**2024年10月  
October 2024**

- 现行《电力法》基本情况
- 中国电力工业30年发展及《电力法》修订迫切性
- 《电力法》修订的建议
  
- Basic information on the current Electricity Law
- 30 years of Development of China's Electricity Industry and the urgency of revision of the Electricity Law
- Proposed amendments to the Electricity Law



# 一. 现行《电力法》基本情况

I. Basic information on the current Electricity Law

# 《电力法》颁布 Promulgation of the Electricity Law

- 《电力法》由第八届全国人大常委会第十七次会议于1995年12月通过，自1996年4月1日起施行。2009年、2015年和2018年做过个别文字表述或个别条款的修订。
- **The Electricity Law** was adopted by the Seventeenth Meeting of the Standing Committee of the Eighth National People's Congress in December 1995 and has been in force since 1 April 1996, with amendments made in 2009, 2015 and 2018 to individual wordings or individual articles.

# 《电力法》颁布 Promulgation of the Electricity Law

## ➤ 立法背景\*:

- 电力供需矛盾突出；电源在建规模严重不足；电网建设落后于电源建设。通过制定电力法，保护电力投资者、经营者的合法权益，吸引国内外的经济组织和个人投资发展电力工业；使电力建设项目符合电力发展规划，电网建设与电源建设协调发展。
- 电力生产、供应、销售同时进行；电力服务于各行各业和千家万户。为了维护发电、供电、用电的正常秩序，维护电力企业和用户的合法权益，维护社会公共利益，也迫切需要通过立法建立严格的管理制度，将电力生产、供应和使用纳入法制轨道。

## ➤ Background of the legislation \*:

- There is a significant imbalance between electricity supply and demand, with inadequate power sources and lagging grid construction. The Electricity Law aims to protect investors' legitimate rights and interests of power investors and operators, attract domestic and foreign economic organizations and individuals to invest in power sector, and ensure that electricity projects align with development plans, also promote the coordinated development of grid construction and power generation projects.
- It addresses the simultaneous production, supply, and sales of electricity, serving diverse sectors and households. To maintain the normal order of power generation, supply, and usage, protect the legitimate rights and interests of power companies and users, and safeguard the public interest, it is also urgently necessary to establish strict management systems through legislation, bringing power production, supply, and usage under the framework of the legal system.

\*史大桢.关于《中华人民共和国电力法(草案)》的说明——1995年10月23日在第八届全国人民代表大会常务委员会第十六次会议上[J].中华人民共和国全国人民代表大会常务委员会公报,1995,(08):14-16.

\*Shi Dazhen. Explanation on the Electricity Law of the People's Republic of China (Draft) - At the Sixteenth Meeting of the Standing Committee of the Eighth National People's Congress on 23 October 1995[J]. Bulletin of the Standing Committee of the National People's Congress of the People's Republic of China, 1995,(08):14-16.

# 《电力法》内容

# Contents of the Electricity Law

- 第一章 总 则 (共9条)
- 第二章 电力建设 (共8条)
- 第三章 电力生产与电网管理 (共6条)
- 第四章 电力供应与使用 (共11条)
- 第五章 电价与电费 (共11条)
- 第六章 农村电力建设和农业用电 (共6条)
- 第七章 电力设施保护 (共4条)
- 第八章 监督检查 (共3条)
- 第九章 法律责任 (共16条)
- 第十章 附 则 (共1条)

- Chapter I. General Provisions (9 articles)
- Chapter II. Power Construction (8 articles)
- Chapter III Power Generation and Grid Management (6 articles)
- Chapter IV. Power Supply and Use (11 articles)
- Chapter V. Electricity Prices and Tariffs (11 articles)
- Chapter VI. Rural Power Construction and Agricultural Power Use (6 articles)
- Chapter VII. Protection of Power Facilities (4 articles)
- Chapter VIII. Supervision and Inspection (3 articles)
- Chapter IX. Legal Liability (16 articles)
- Chapter X. Supplementary Provisions (1 article)



## 二. 中国电力工业30年发展及《电力法》修订迫切性

II. 30 Years of Development of China's Electricity Industry and the Urgency of Revision of the Electricity Law

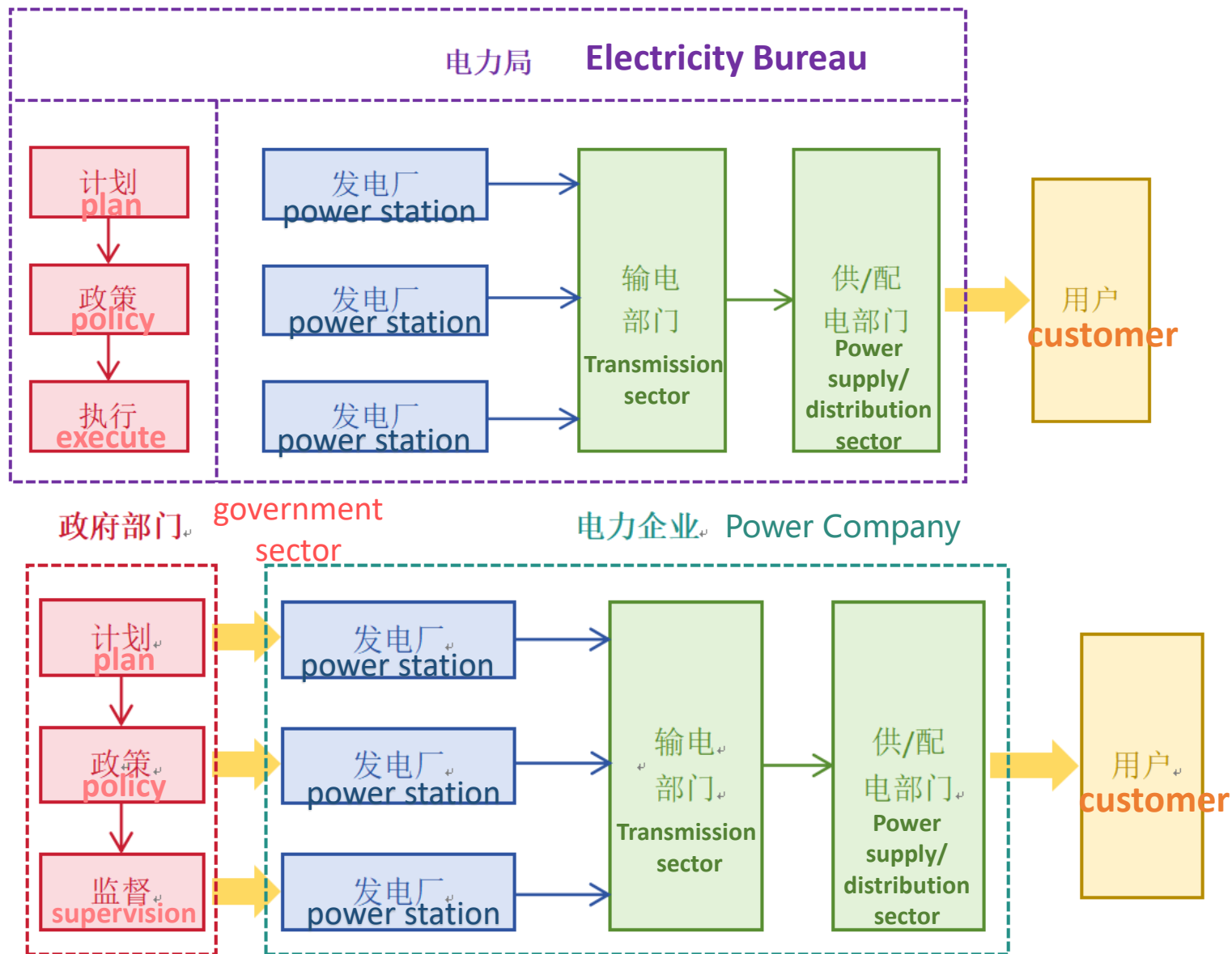
# 电力市场化 Electricity Marketisation

## 政企分开

- 《国务院关于组建国家电力公司的通知》  
(国发〔1996〕48号)
- 国务院办公厅转发国家经贸委关于深化电力工业体制改革有关问题意见的通知  
(国办发〔1998〕146号)

## Separation of government and enterprises

- Notice of the State Council on the Establishment of the State Power Company (State Council [1996] No. 48)
- Notice of the General Office of the State Council on Forwarding of the Opinions of the National Economic and Trade Commission on Deepening the Reform in the Electric Power Industry System (General Office of the State Council [1998] No. 146)





# 电力市场化 Electricity Marketisation

➤ **2002年国务院印发《电力体制改革方案》（国发〔2002〕5号）**

- 厂网分开，竞价上网（发电侧竞争、电网单一购买模式）

➤ **《关于进一步深化电力体制改革的若干意见》（中发〔2015〕9号）**

- 管住中间、放开两头（电力零售竞争模式）

➤ **In 2002, the State Council issued the "Electricity System Reform Plan" (State Council [2002] No. 5)**

- Separation between generation and transmission (or grid), Competitive bidding for generation

➤ **"Several Opinions on Further Deepening Electricity System Reform" (Central Committee of the Communist Party of China [2015] No. 9)**

- Regulating the middle (grid or network) and liberalising the ends (generation and marketing)

# 能源绿色低碳化 Green and Low-carbon Energy Transition

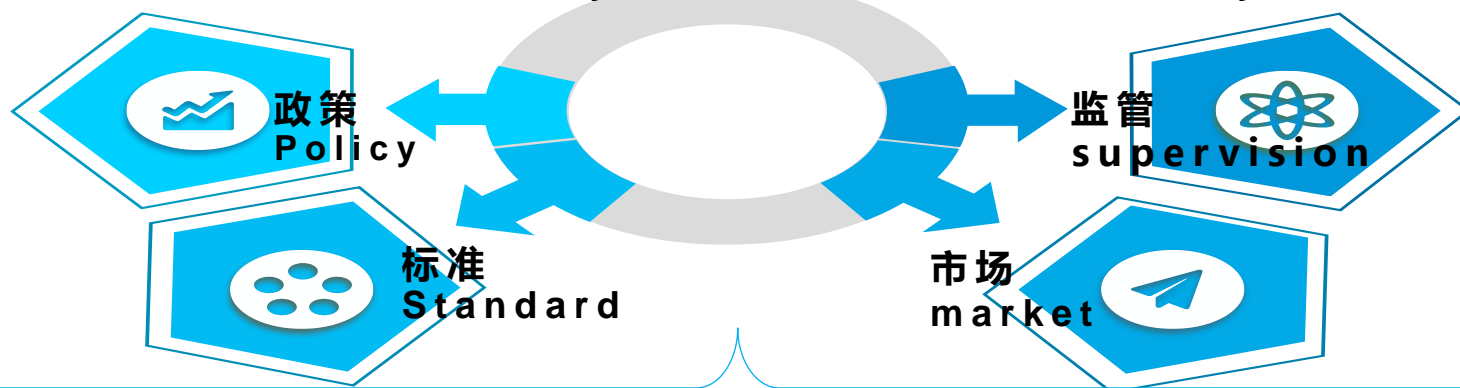
- **国家发展改革委 国家能源局关于完善能源绿色低碳转型体制机制和政策措施的意见（发改能源〔2022〕206号）**
- **NDRC and NEA issued the Opinions on Improving the Institutional Mechanisms and Policy Measures for Green and Low-Carbon Energy Transformation（NDRC Energy [2022] No. 206）**

- 到2030年，基本建立完整的能源绿色低碳发展基本制度和政策体系，形成非化石能源既基本满足能源需求增量又规模化替代化石能源存量、能源安全保障能力得到全面增强的能源生产消费格局。

- By 2030, a comprehensive institutional and policy framework for green and low-carbon energy development will be essentially established. Non-fossil energy will not only meet the majority of incremental energy demand but also replace fossil energy on a large scale, while energy security capabilities will be significantly enhanced, forming a new pattern of energy production and consumption

# 能源绿色低碳化 Green and Low-carbon Energy Transition

## 碳达峰碳中和与现代经济体系 Peak Carbon Neutrality and Modern Economic Systems



战略和规划协同  
推进机制

Mechanisms for synergistic advancement of strategy and planning

能源消费制度和政策

Energy consumption systems and policies

绿色能源开发利用机制

Mechanisms for green energy development and utilisation

新型电力系统建设运行

Construction and operation of new power systems

化石能源清洁开发利用机制

Mechanism for the Clean Development and Utilisation of Fossil Energy

绿色转型安全保障体系

Green Transformation Security and Supply System

绿色转型科技创新体系

Green transformation science, technology and innovation system

绿色转型金融政策

Green Transition Fiscal and Financial Policies

绿色转型国际合作

International cooperation on green transformation

能源治理机制

Energy governance mechanisms

# 能源绿色低碳化 Green and Low-carbon Energy Transition

## ➤ 可再生能源快速发展

- 2022年2月，国家发展改革委、国家能源局发布《以沙漠、戈壁、荒漠地区为重点的大型风电光伏基地规划布局方案》，明确到2030年，我国将规划建设风光基地总装机规模约4.55亿千瓦。
- 分布式能与发展势头强劲，分布式光伏成为重要支撑力量。截至2023年底，光伏累计装机规模达到6.09亿千瓦，同比增长超过55%。在“推动分布式能源开发利用”的政策指引下，2023年全国新增分布式光伏并网容量9629万千瓦，累计并网容量达到2.54亿千瓦。

## ➤ Rapid development of renewable energy

- In February 2022, the National Development and Reform Commission (NDRC) and the National Energy Administration (NEA) issued the "Planning and Layout Programme for Large-scale Wind Power and Photovoltaic Bases Focusing on Deserts, the Gobi, and Desert Regions", which makes it clear that by 2030, China will plan and build wind and solar bases with a total installed capacity of about 455 GW.
- Distributed energy and development momentum is strong, distributed PV has become an important supporting force. By the end of 2023, the cumulative installed capacity of photovoltaic reached 609 GW, a year-on-year growth of more than 55%. Under the policy guidance of "promoting the development and utilisation of distributed energy", in 2023, the national new distributed PV grid-connected capacity of 96.29GW, with a cumulative grid-connected capacity of 254 GW.

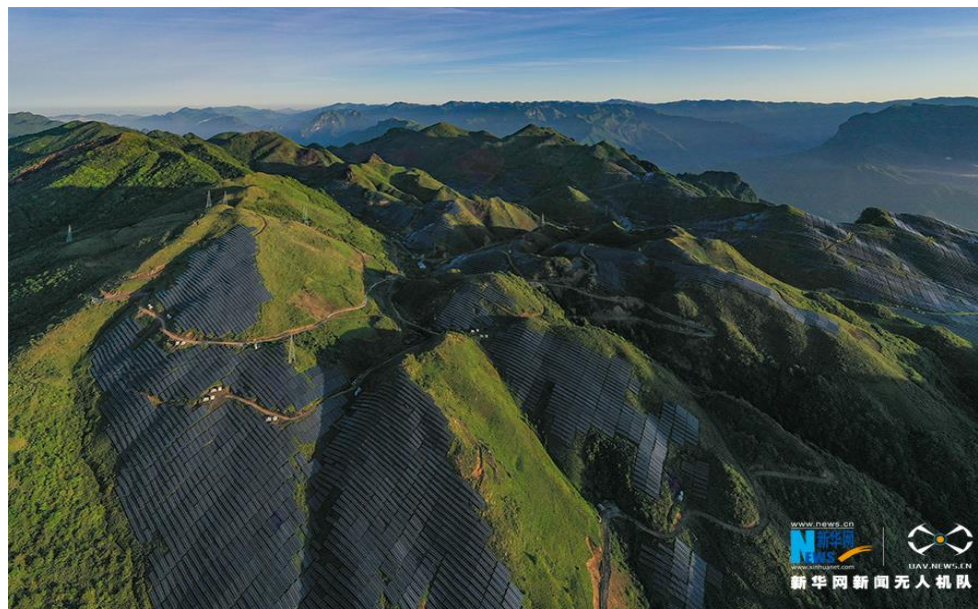
# 能源绿色低碳化 Green and Low-carbon Energy Transition

## ➤ 电力系统运行安全面临挑战

- 源-荷不确定性加剧，电力市场主体市场行为不确定性增加，极端天气等气候条件不确定性增加。

## ➤ Power system operational security is facing challenge

- Increased uncertainty on source-load, increased uncertainty on the market behaviour of electricity market participants, and increased uncertainty on extreme weathers.



# 《电力法》修订迫在眉睫

## Revision of the Electricity Law Is Imminent

### ➤ 中国共产党二十届三中全会

- 坚持全面依法治国，在法治轨道上深化改革、推进中国式现代化，做到改革和法治相统一，重大改革于法有据、及时把改革成果上升为法律制度；
- 深化立法领域改革。完善以宪法为核心的中国特色社会主义法律体系。统筹立改废释纂，加强重点领域、新兴领域、涉外领域立法。

### ➤ Third Plenary Session of the 20th Communist Party of China

- Adhere to the comprehensive rule of law, deepen reforms, and advance Chinese-style modernization within the framework of the legal system, ensuring the unity of reform and the rule of law. Major reforms should be legally grounded, and the results of reforms should be promptly elevated into legal systems;
- Deepen reforms in the field of legislation. Improve the socialist legal system with Chinese characteristics, with the Constitution at its core. Coordinate legislative enactment, revision, repeal, interpretation, and codification, while strengthening legislation in key areas, emerging fields, and areas involving foreign affairs.

# 《电力法》修订迫在眉睫

## Revision of the Electricity Law Is Imminent

### ➤ 中共中央 国务院关于加快经济社会发展全面绿色转型的意见 (2024年7月31日)

- 加快推进生态环境法典和能源法、节约能源法、电力法、煤炭法、可再生能源法、循环经济促进法等法律法规制定修订工作，研究制定应对气候变化和碳达峰碳中和专项法律。

### ➤ 2024年9月，《能源法》(草案)进入到全国人大常委会的二次审议。

### ➤ State Council Opinions on Accelerating the Comprehensive Green Transition in Social and Economic Development (31 July 2024)

- Accelerating the formulation and revision of laws and regulations such as the Ecological and Environmental Code and the Energy Law, the Energy Conservation Law, the Electricity Law, the Coal Law, the Renewable Energy Law, and the Law on the Promotion of Circular Economy, as well as researching and formulating special laws on coping with climate change and carbon peaking and carbon neutrality.

### ➤ In September 2024, the Energy Law (draft) went to the NPC Standing Committee for second consideration.



### 三. 《电力法》修订的建议

III. Proposed amendments to the Electricity Law



- 推动建立统一开放、竞争有序的电力市场体系。
- 将第五章的“电价与电费”改造成“电力交易及电价”，吸纳已经实践的电力市场交易体系的内容，强调发电、用电的电价由电力市场形成，输配电价由政府核定。
- 明确电力交易中心、售电公司的地位。
- 明确电力调度机构依法依规进行电网调度，执行电力市场交易结果。



知乎 @价值追风

- Promote the establishment of a unified, open, and orderly competitive electricity market system.
- Transform Chapter V, "Electricity prices and tariffs" into "Electricity trading and tariffs", incorporate the content of the electricity market trading system that has already been put into practice, and emphasis that the tariffs for power generation and consumption are formed by the electricity market, while the transmission and distribution tariffs are approved by the Government.
- Clarify the status of power trading exchanges and power sales companies.
- Clarify that the power dispatch organisations carry out grid scheduling in accordance with the law and implement the results of trading in the electricity market.

- 支持电力行业绿色低碳发展，推动电源结构绿色低碳转型。
- 电网企业在保障安全的前提下，尽其所能将可再生能源及时接入电网。
- 建立健全可再生能源电力消纳保障机制，供电企业、售电企业、相关电力用户和使用自备电厂供电的企业等应当按照国家有关规定，承担消纳可再生能源发电量的责任。



- Support the green and low-carbon development of the power industry and promote the green and low-carbon transformation of the power structure.
- Grid companies do their best to connect renewable energy sources to the grid in a timely manner while ensuring safety.
- Establish and improve the renewable energy power consumption guarantee mechanism. Power supply companies, power sales companies, relevant electricity users, and enterprises using self-supplied power plants are required to take responsibility for consuming renewable energy generation in accordance with national regulations.

# 防范新型电力系统安全风险

## Prevent and Mitigate Security Risks in New Power System

- 强化生产经营单位的主体责任，政府的监管责任。
- 加强生产经营单位重大事故风险隐患整治，以及电力用户安全隐患排查。
- 完善电力应急机制，制定大面积停电应急预案。
- 鼓励开展需求侧管理和需求响应，主动调节供需平衡。



- Strengthen the primary responsibility of production and operational units, and the regulatory responsibility of the government.
- Enhance the management of major accident risks and hazards in production and operational units, as well as the identification and rectification of safety hazards among electricity users.
- Improve the power emergency response mechanism and formulate contingency plans for large-scale power outages.
- Encourage demand-side management and demand response to proactively regulate the balance between supply and demand.



请批评指正  
Thank you!

王 鹏  
华北电力大学国家能源发展战略研究院  
新能源电力系统全国重点实验室  
wangpeng@ncepu.edu.cn

Wang Peng  
State Key Laboratory of Alternate Electric Power System with  
Renewable Energy Sources  
National Institute of Energy Development Strategy,  
North China Electric Power University (NCEPU)  
wangpeng@ncepu.edu.cn