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碳排放权交易管理暂行条例（征求意见稿）

Interim Regulations on the Management of Carbon Emissions Trading (Draft for Comment)

第一条（立法目的） 为了规范碳排放权交易，加强对温室气体排放的控制和管理，推进生态文明建设，促进经济社会可持续发展，制定本条例。

Article 1 (Legislative Purposes) This Management Regulations are enacted with the aims of regulating carbon emission trading, strengthening supervision and management of GHG emissions, promoting the construction of ecological civilization, and facilitating sustainable economic and social development.

第二条（适用范围） 在中华人民共和国境内的碳排放权交易相关活动及其监督管理，适用本条例。

Article 2 (Scope of Application) The Management Regulations apply to the activities related to carbon emissions trading and its supervision and management within the territory of the People's Republic of China.

第三条（基本原则） 碳排放权交易实行政府引导和市场调节相结合，坚持公开、公平、公正的原则，促进温室气体排放控制与经济发展阶段相适应、与其他相关政策目标相协调。

Article 3 (Basic Principles) Carbon emissions trading is a combination of government guidance and market regulation. It adheres to the principles of openness, fairness, and impartiality, and ensures that GHG emissions control is compatible with the current stage of economic development and other relevant policy objectives.

第四条（职责分工） 国务院生态环境主管部门负责全国碳排放权交易相关活动监督管理。国家建立碳排放权交易工作协调机制，负责研究、协调与碳排放权交易有关的重大问题。省、自治区、直辖市和国务院确定的其他城市的人民政府生态环境主管部门（以下称地方人民政府生态环境主管部门）负责本行政区域内碳排放权交易相关活动的监督管理。

Article 4 (Division of Duties) The competent authority of ecology and environment protection under the State Council shall be responsible for the supervision and management of activities related to carbon emissions trading in the country. The government establishes a coordination mechanism for carbon emissions trading, and is responsible for investigating and coordinating major issues related to carbon emissions trading. The competent authority of ecology and environment protection under the governments of provinces, autonomous regions,

municipalities and cities confirmed by the State Council (hereinafter referred to as the local competent authorities of ecology and environment protection) are responsible for the supervision and management of activities related to carbon emissions trading within their respective administrative regions.

第五条（覆盖范围和登记系统） 国务院生态环境主管部门应当会同国务院有关部门，按照国家确定的温室气体排放控制目标，适时提出纳入碳排放权交易的温室气体种类、行业范围以及重点排放单位确定条件，报国务院批准后公布。

Article 5 (Coverage and Registration System) The competent authority of ecology and environment protection under the State Council shall work with the relevant departments of the State Council to set targets for GHG emission control according to national standards, recommend the types of GHGs, the scope of industry and the key emission entities to be included in the carbon emissions trading system. All recommendations shall be made public after being approved by the State Council.

国务院生态环境主管部门负责组织建立、运行、维护并会同国务院有关部门监督管理统一的国家碳排放权注册登记系统和国家碳排放权交易系统。

The competent authority of ecology and environment protection under the State Council should be responsible for the establishment, running, maintenance and coordination of the national carbon emission registration system and the national carbon emission trading system.

第六条（重点排放单位） 地方人民政府生态环境主管部门应当按照公布的纳入碳排放权交易的温室气体种类、行业范围以及重点排放单位确定条件，提出本行政区域内的重点排放单位名录，经本级人民政府同意后报国务院生态环境主管部门。

Article 6 (Key Emission Entities) The local competent authority of ecology and environment protection shall set conditions based on the GHGs included in the carbon emissions trading system, the industrial scope and the key emission entities and provide a list of key emission entities for the approval of local authorities and the competent authority of ecology and environment protection under the State Council.

国务院生态环境主管部门审定后及时向社会公布重点排放单位名录。

Once approved by the competent authority of ecology and environment protection under the State Council, the list of key emission entities shall be made public.

第七条（配额分配） 国务院生态环境主管部门应当会同国务院有关部门综合考虑国家温室气体排放控制目标、经济增长、产业结构调整等因素，制定并公布碳排放配额分配标准和方法。

Article 7 (Allocation of Allowances) The competent authority of ecology and environment protection under the State Council shall, work with relevant departments of the State Council consider national GHG emission control targets, economic growth, industrial restructuring among other factors, to set up and announce standards and measures to allocate carbon emission allowance.

第八条（监测、报告、核查） 重点排放单位应当加强温室气体排放管理，合理控制温室气体排放量。

Article 8 (Monitoring, Reporting, Verification) Key emission entities shall strengthen the management of GHG emissions and exercise reasonable control over the emissions.

重点排放单位应当按照国务院生态环境主管部门的规定，对本单位温室气体排放情况进行监测，并每年向所在地地方人民政府生态环境主管部门提交本单位上年度温室气体排放报告和核查机构的核查报告。

Key emission entities shall, pursuant to the regulations of the competent authority of ecology and environment protection under the State Council, monitor their GHG emissions and submit the annual GHG emission report and the verification report provided by the verification agency to the local competent authority of ecology and environment protection.

重点排放单位可以在国务院生态环境主管部门公布的核查机构名录内自主选择核查机构。

The key emission entities may choose their own verification agencies from the list provided by the competent authority of ecology and environment protection under the State Council.

核查机构应当遵守国务院生态环境主管部门制定的核查技术规程，对核查报告的真实性和准确性负责，不得弄虚作假，不得泄露重点排放单位的商业秘密。核查所需经费纳入中央预算安排，不得向重点排放单位收取任何费用。

The verification agency shall comply with the technical regulations of the competent authority of ecology and environment protection of the State Council and guarantee the authenticity and accuracy of the verification report. Falsification and leaking of trade secrets of the key emission entities are prohibited. The verification expenses shall be covered by the central government's budget plan and the key emission entities shall not be charged for verification

第九条（排放量和排放配额核定）地方人民政府生态环境主管部门应当自收到温室气体排放报告和核查报告之日起 30 日内组织核定重点排放单位上年度温室气体实际排放量及相关数据。地方人民政府生态环境主管部门根据公布的碳排放配额分配方法和标准，核定重点排放单位应取得的碳排放配额，并报国务院生态环境主管部门。

Article 9 (Emissions and Emission Allowance Approval) the local competent authorities of ecology and environment protection shall, within 30 days upon receipt of the GHG emission report and verification report, start verifying key emission entities' actual GHG emissions and related data from the previous year. The local competent authorities of ecology and environment protection shall, according to the published carbon emission allowance allocation methods and standards, verify the carbon emission allowances to be allocated to key emission entities, and report to the competent authority of ecology and environment protection of the State Council.

第十条（排放配额登记）碳排放配额是所有权人的资产，其权属通过国家碳排放权注册登记系统登记确认，权属变更自登记时起发生法律效力。

重点排放单位的年度温室气体排放量和取得的碳排放配额应在国家碳排放权注册登记系统登记。

地方人民政府生态环境主管部门可以根据公布的碳排放配额分配方法和标准向重点排放单位预分配部分碳排放配额。预分配的配额应在重点排放单位相应年度配额中予以扣除。

Article 10 (Registration of Emission Allowances) Carbon emission allowances are the assets of the owner. The ownership is registered and confirmed by the national carbon emission registration system. The change of ownership shall be effective upon registration.

Annual GHG emissions and carbon emission allowances of key emission entities should be registered in the national carbon emission registration system.

The local competent authorities of ecology and environment protection may pre-allocate some carbon emission allowances to key emission entities according to the published carbon emission allowance allocation measures and standards. The pre-allocated allowances should be deducted accordingly from the key emission entities' annual total allowances.

第十一条（配额清缴）重点排放单位应在规定的时间向所在地地方人民政府生态环境主管部门提交与其上年度核定的温室气体排放量相等的配额，以完成其配额清缴义务。结余配额可以出售，也可以结转使用，不足部分应当在当年 12 月 31 日前通过购买等方式取得。

符合国务院生态环境主管部门规定的碳减排指标可用于履行前款规定的配额清缴义务，视同碳排放配额管理。

Article 11 (Surrendering allowances) It is the obligation of key emission entities to surrender a quantity of allowances equivalent to their GHG emissions from the previous year to the local competent authorities of ecology and environment protection within the prescribed time. Spare allowances of an emission entity may be sold or kept for future use, while entities that are about to exceed their quotas will have to purchase extra allowances before December 31 of the year.

The carbon emission reduction credits that meet the requirements of the competent authority of ecology and environment protection under the State Council may also be surrendered as the allowances in procedures stipulated in the preceding paragraphs, and shall be managed as carbon emission allowances.

第十二条（交易主体）重点排放单位和其他符合规定的自愿参与碳排放权交易的单位和个人可以从事碳排放权交易。

国家碳排放权注册登记系统和交易系统运行管理机构、核查机构及其工作人员不得从事碳排放权交易。

Article 12 (Main Trading Entities) Key emission entities, organizations and individuals that meet the requirements for voluntary participation in carbon emissions trading can participate.

The national carbon emissions registration system and the management agency, the verification agency and their staff shall not engage in carbon emissions trading.

第十三条（交易方式）重点排放单位和其他符合规定的自愿参与的单位和个人可以购买碳排放权，也可以出售、抵押其依法取得的碳排放权。

碳排放权交易可以采取集中竞价、协议等方式进行。

Article 13 (Ways of Trading) Key emission entities and organizations and individuals that meet the requirements for voluntary participation in carbon emissions trading may purchase carbon

emission allowances, and may also sell or mortgage their carbon emission allowances obtained through legal means.

Carbon emissions trading can be conducted by centralized bidding or agreements.

第十四条（交易规则）重点排放单位和符合规定的其他自愿参与的单位和个人应当遵守国务院生态环境主管部门制定的碳排放权交易规则开展交易。

Article 14 (Trading Rules) Key emission entities, organizations and individuals that meet the requirements for voluntary participation in carbon emissions trading shall conduct trading pursuant to the rules of carbon emissions trading set by the competent authority of ecology and environment protection under the State Council.

禁止任何单位、个人通过欺诈、恶意串通、散布虚假信息等方式操纵碳排放权交易。

Any acts that seek to manipulate carbon emissions trading through fraud, malicious collusion, and dissemination of misinformation by any entities or individuals shall be prohibited.

第十五条（信息披露）国务院生态环境主管部门应当组织定期公布碳排放权交易信息和各年度重点排放单位的碳排放配额提交完成情况。

Article 15 (Information Disclosure) The competent authority of ecology and environment protection under the State Council shall regularly disclose information on carbon emission allowance trading, and the completion status of carbon emission allowances submitted by key emission entities each year.

第十六条（市场调节）国务院生态环境主管部门应当加强碳排放权交易风险管理，建立涨跌幅限制、风险警示、异常交易处理、违规违约处理、交易争议处理等管理制度。

Article 16 (Market Regulation) The competent authority of ecology and environment protection under the State Council shall strengthen the risk management of carbon emissions trading, and establish management systems such as price caps, precautionary mechanism, unusual transactions handling, dealing with violations and breaches of contract and transaction disputes surrendering.

根据调节经济运行、稳定碳排放权交易市场需要，国务院生态环境主管部门商国务院有关部门同意，可以以拍卖等方式向重点排放单位有偿分配碳排放权，或者组织购买重点排放单位、其他自愿参与碳排放权交易的单位依法取得的碳排放权。有偿分配碳排放权的收入、购买碳排放权的费用纳入中央预算安排。

Based on the needs of regulating the economy and stabilizing the carbon emissions market, both competent authority of ecology and environment protection under the State Council and relevant the State Council departments agree that carbon emission allowances can be auctioned to key emission entities, or the purchase of the carbon emission allowances from key emission entities or other qualified and willing organizations and individuals can be organized. The revenue generated from the distribution of carbon emission allowances and the cost of purchasing carbon emission allowances will be factored in the budget plan of the central government.

第十七条（退出规定）重点排放单位终止，或者因为分立、温室气体排放量变化等原因不再符合重点排放单位确定条件的，不再按照重点排放单位管理，国务院生态环境主管部门应当及时予以确认并公布。

Article 17 (Exit Terms) Where the key emission entities are terminated, or no longer meet the thresholds of key emission entities due to separation or changes in GHG emissions, they will not be managed as key emission entities and the competent authority of ecology and environment protection under the State Council shall promptly verify and disclose the changes.

前款规定的单位有结余的碳排放配额或者尚未履行配额清缴义务的，其权利义务承继依照有关法律规定处理；但是，依照本条例第十条第二款预分配取得的相应碳排放配额，应在注册登记系统注销。

Where an entity specified in the preceding paragraphs has carbon emission allowances surplus or have not fulfilled the obligation to settle the transaction as, its rights and obligations shall be handled pursuant to the relevant laws and regulations; however, the corresponding carbon emission allowances obtained through pre-allocation procedures pursuant to Article 10 (2) hereof shall be nullified in the registration system.

第十八条（监督管理）国务院生态环境主管部门、地方人民政府生态环境主管部门履行监督管理职责，可以采取下列措施，重点排放单位、核查机构、其他自愿参与碳排放权交易的单位和个人等不得拒绝、阻挠：

Article 18 (Regulation and Management) The competent authority of ecology and environment protection under the State Council and the local competent authorities of ecology and environment protection shall perform the following duties; key emission entities, verification agencies, other entities and individuals who voluntarily participate in carbon emissions trading, shall not resist or obstruct:

（一）对重点排放单位、核查机构、其他交易主体进行现场检查；

(1) On-site inspections to key emission entities, verification agencies, and other trading entities;

（二）查阅、复制有关文件资料，查询、检查重点排放单位、核查机构、其他交易主体有关信息系统和监测设施；

(2) Checking and copying relevant documents and materials, inquiring and inspecting relevant information systems, and monitoring facilities of key emission entities, verification agencies, and other trading entities;

（三）要求重点排放单位、核查机构、其他交易主体就有关问题做出解释说明；

(3) Requiring key emission entities, verification agencies, and other trading entities to explain relevant issues;

（四）向其他有关单位和个人调查取证。

(4) Investigating and collecting evidence from other relevant entities and individuals.

第十九条（重点排放单位责任）重点排放单位违反本条例规定，不按照国务院生态环境主管部门规定对本单位温室气体排放情况进行监测，不按时提交温室气体排放报告、核查报告，或者提交虚假的温室气体排放报告、核查报告的，由地方人民政府生态环境主管部门责令限期改正，予以警告；逾期拒不改正的，处5万元以上20万元以下罚款，并委托核查机构核查，根据核查情况核定其温室气体排放量及相关数据。

Article 19 (Liabilities of Key Emission Entities) The key emission entity that fails to monitor its GHG emissions pursuant to the regulations of the competent authority of ecology and environment protection under the State Council, or fails to submit GHG emission report and verification report on time, or falsifies the said reports shall be deemed to have violated the provisions hereof and be ordered to rectify the situation within a time limit specified by the local competent authorities of ecology and environment protection. If the entity fails to make corrections within the time limit, it shall be fined between 50,000 yuan and 200,000 yuan. Meanwhile, a verification agency shall be designated to verify the corrections and the entity's GHG emissions and related data shall be determined in accordance with the verification results.

重点排放单位违反本条例规定，未按时提交与其排放量相等配额的，由地方人民政府生态环境主管部门予以警告、限期履行清缴义务，并处按照该年度市场均价计算的碳排放配额价值2倍以上5倍以下罚款。

The key emission entity that fails to submit the allowances equal to its emissions on time shall be deemed to have violated the provisions hereof. The local competent authorities of ecology and environment protection shall issue a warning and require the entity to fulfill its allowance surrendering obligation with a specified time limit, and impose a fine of 2-5 times the value of carbon emission allowance based on the average market price of the same year.

第二十条（核查单位责任）核查机构违反本条例规定，有下列行为之一的，由地方人民政府生态环境主管部门责令限期改正，没收违法所得，并处2万元以上10万元以下罚款；逾期拒不改正或者有其他严重情节的，禁止其从事核查工作：

Article 20 (Liabilities of Verification Agencies) A verification agency that violates the provisions hereof by committing any of the following acts shall be ordered to make corrections within a time limit specified by the local competent authorities of ecology and environment protection. At the same time, its ill-gotten proceeds shall be confiscated and a fine of 20,000 yuan to 100,000 yuan be imposed. Verification agencies refusing to make correction or committing serious offences shall be forbidden from engaging in verification:

- （一）在核查中弄虚作假；
- （二）向重点排放单位收取费用；
- （三）泄露重点排放单位商业秘密；
- （四）参与碳排放权交易；
- （五）有违反核查技术规程的其他行为的。

(1) Falsifying;

- (2) Charging fees for verification;
- (3) Leaking confidential business information of key emission entities;
- (4) Participating in carbon emissions trading;
- (5) Violating related technical regulations.

第二十一条（交易主体责任）重点排放单位和其他符合规定的自愿参与碳排放权交易的单位和个人违反本条例规定，通过欺诈、恶意串通、散布虚假信息等方式操纵碳排放权交易，或者有其他违反碳排放权交易规则行为的，由地方人民政府生态环境主管部门责令限期改正，没收违法所得；逾期拒不改正的，处违法行为涉及金额 5 倍以上 10 倍以下罚款；自愿参与碳排放权交易的单位和个人有上述行为，情节严重的，由国务院生态环境主管部门注销其碳排放配额，禁止其 3 年内参与碳排放权交易。

Article 21 (Liabilities of trading entities) Any key emission entity, verification agency, or organization or individual participating in carbon emissions trading shall be deemed to have violated the provisions hereof by act of manipulating the trading through fraud, malicious collusion, and disseminating misinformation, or other violations of the carbon emissions trading rules, and shall be ordered to make corrections within a time limit and have their ill-gotten proceeds confiscated by the local competent authorities of ecology and environment protection; if the violator refuses to rectify the situation, it shall be subject to a fine of 5 to 10 times its ill-gotten proceeds; If any entity or individual that voluntarily participates in the trading commit the above acts and the act is deemed as a gross violation of the rules and regulations, the competent authority of ecology and environment protection under the State Council shall nullify its carbon emission allowances and deny it access to carbon emissions market for 3 years.

第二十二条（抗拒监督检查责任）重点排放单位、核查机构、其他自愿参与碳排放权交易的单位等有关单位和个人违反本条例规定，拒绝、阻挠监督检查的，由地方人民政府生态环境主管部门责令限期改正，予以警告；逾期拒不改正的，对违法单位处 2 万元以上 10 万元以下罚款，对违法个人处 1000 元以上 5000 元以下罚款。

Article 22 (Liabilities for Resisting Supervision and Inspection) Any key emission entity, verification agency, or organization or individual who voluntarily participates in carbon emissions trading shall be deemed to have violated the provisions hereof if it resists or obstructs supervision and inspection. The local competent authorities of ecology and environment protection shall order it to make corrections within a specified time limit and issue a warning; if it fails to make corrections within the time limit, a fine of 20,000 yuan to 100,000 yuan, or 1,000 yuan to 5,000 yuan in the case of individual offenders, shall be imposed.

第二十三条（信用惩戒等其他措施）国务院生态环境主管部门、地方人民政府生态环境主管部门应当对重点排放单位、核查机构、其他自愿参与碳排放权交易的单位等有关单位和个人有关违法行为予以记录，并依法纳入信用管理体系。

Article 23 (Credit Penalty and Other Measures) The competent authority of ecology and environment protection under the State Council and the competent authority of ecology and environment protection shall document the participating key emission entities, verification

agencies, and organizations and individuals that have violated the Regulations, and bring them under the credit management system pursuant to the law.

第二十四条（衔接条款）重点排放单位、核查机构、其他自愿参与碳排放权交易的单位等有关单位和个人违反本条例规定，给他人造成损失的，依法承担民事责任；构成犯罪的，依法追究刑事责任。

Article 24 (Conjunction Clause) Where any key emission entity, verification agency, or organization or individual voluntarily participating in carbon emissions trading violate the provisions hereof and cause losses to others, the violator(s) shall bear civil liability and even criminal liability if appropriate.

重点排放单位、核查机构、其他自愿参与碳排放权交易的单位等有关单位和个人认为国务院生态环境主管部门、地方人民政府生态环境主管部门的具体行政行为侵犯其合法权益的，可以依法申请行政复议或者提起行政诉讼。

Where any key emission entity, verification agency, or organization or individual voluntarily participating in carbon emissions trading believe that its legitimate rights and interest are infringed upon by the competent authority of ecology and environment protection under the State Council and the local competent authorities of ecology and environment protection, it may appeal for administrative reconsideration or institute administrative litigation.

第二十五条（主管部门责任）国务院生态环境主管部门、地方人民政府生态环境主管部门及其工作人员违反本条例规定，滥用职权、玩忽职守、徇私舞弊的，对直接负责的主管人员和其他直接责任人员依法给予处分；直接负责的主管人员和其他直接责任人员构成犯罪的，依法追究刑事责任。

Article 25 (Liability of the competent departments) Where the competent authority of ecology and environment protection under the State Council, the local competent authority of ecology and environment protection administration, and its staff members violate the provisions hereof by act of abusing power, negligence, etc., the supervisors and the people who directly committee the acts shall be punished and even bear criminal liabilities if appropriate.

第二十六条（名词解释）本条例中下列用语的含义是：

Article 26 (Explanation of Terms) The meanings of the following terms hereof are:

（一）碳排放权，是指参与碳排放权交易的单位和个人依法取得向大气排放温室气体的权利。

(1) Carbon emission right refers to the right of obtained by entities and individuals through legal means to emit GHGs into the air.

（二）配额，是指参与碳排放权交易的单位和个人依法取得，可用于交易和重点排放单位温室气体排放量抵扣的指标。1 个单位配额代表持有的重点排放单位被允许向大气中排放 1 吨二氧化碳当量的温室气体的权利。

(2) Allowance refers to the tradable allowances obtained by entities and individuals involved in carbon emissions trading through the legal means and used for offsetting GHG emissions from key emission entities. Each allowance represents of 1 tonne of greenhouse gas emissions.

(三) 清缴，是指清理应缴未缴配额的过程。

(3) Surrendering refers to the process for participants to compensate for their emissions from the previous year.

(四) 温室气体，是指大气中吸收和重新放出红外辐射的自然和人为的气态成分，包括二氧化碳（CO₂）、甲烷（CH₄）、氧化亚氮（N₂O）、氢氟碳化物（HFCs）、全氟化碳（PFCs）、六氟化硫（SF₆）和三氟化氮（NF₃）。

(4) GHGs refer to natural and artificial gaseous components that absorb and emit radiant energy within the thermal infrared range, including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs), sulfur hexafluoride (SF₆) and nitrogen trifluoride (NF₃).

(五) 碳减排指标，是指对碳排放权交易覆盖范围以外的活动所产生减排量签发的指标，经国务院生态环境主管部门认可后，可用于抵消重点排放单位的温室气体排放。

(5) Carbon emission reduction allowances refer to the allowances granted for emission reductions generated by activities outside the coverage of carbon emission trading. After being approved by the competent environmental protection department of the State Council, they can be used to offset GHG emissions from key emission entities.

第二十七条（施行日期） 本条例自年月日起施行。

Article 27 (Effective Date) The Management Regulations shall be effective on ____.