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## Decision of the State Council on the Issuance and Implementation of the Interim Provisions on Promoting Industrial Structure Adjustment Guo Fa [2005] No. 40

The people's governments of all provinces, autonomous regions and municipalities directly under the Central Government, all ministries and commissions of the State Council, and all agencies directly under the State Council:

The Interim Provisions on Promoting Industrial Restructuring (hereinafter referred to as the "Interim Provisions") have been deliberated and approved at the 112th executive meeting of the State Council on November 9, 2005, and are hereby promulgated.

The formulation and implementation of the "Interim Provisions" is an important measure to implement the spirit of the Fifth Plenary Session of the 16th Central Committee of the Communist Party of China and achieve the goals of the "Eleventh Five-Year Plan", which is of great significance for fully implementing the scientific concept of development, strengthening and improving macroeconomic regulation and control, further changing the mode of economic growth, promoting industrial restructuring, optimization and upgrading, and maintaining the stable and rapid development of the national economy. The people's governments of all provinces, autonomous regions and municipalities directly under the Central Government should regard promoting industrial restructuring as an important task of reform and development at present and in the future, establish a responsibility system, pay close attention to implementation, formulate specific measures in accordance with

the requirements of the Interim Provisions and in light of the actual industrial development in the region, reasonably guide the direction of investment, encourage and support the development of advanced production capacity, limit and eliminate backward production capacity, prevent blind investment and low-level duplication of construction, and earnestly promote the optimization and upgrading of the industrial structure. All relevant departments should speed up the formulation and revision of relevant policies such as finance and taxation, credit, land, import and export, effectively strengthen coordination and cooperation with industrial policies, and further improve the policy system to promote industrial restructuring. The people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government, as well as relevant departments such as national development and reform, finance, taxation, land and resources, environmental protection, industry and commerce, quality inspection, banking supervision, electricity supervision, safety supervision, and industry supervisors, should establish and improve the organization, coordination, supervision and inspection mechanisms for industrial restructuring, perform their duties, cooperate closely, form a joint force, and effectively enhance the effectiveness of industrial policy implementation. In implementing the Interim Provisions, it is necessary to correctly handle the relationship between government guidance and market regulation, give full play to the basic role of the market in allocating resources, correctly handle the relationship between development and stability, local interests and overall interests, immediate interests and long-term interests, and maintain stable and rapid economic development.

State Department

December 2, 2005

## Interim provisions on promoting industrial restructuring

### Chapter 1 General Provisions

Article 1 These Regulations are formulated in accordance with relevant national laws and administrative regulations in order to fully implement the scientific concept of development, strengthen and improve macroeconomic regulation and control, guide social investment, and promote the optimization and upgrading of industrial structure.

Article 2 Objectives of industrial restructuring: Promote

the optimization and upgrading of industrial structure, promote the healthy and coordinated development of primary, secondary and tertiary industries, gradually form an industrial pattern based on agriculture, high-tech industries as the guide, basic industries and manufacturing industries as the support, and the comprehensive development of the service industry, adhere to economical development, clean development and safe development, and achieve sustainable development.

#### Article 3 Principles of industrial restructuring:

Adhere to the combination of market regulation and government guidance. Give full play to the basic role of the market in allocating resources, strengthen the rational guidance of national industrial policies, and achieve optimal allocation of resources.

Improve the level of industrial technology with independent innovation. Take the enhancement of independent innovation ability as the central link in adjusting the industrial structure, establish a technological innovation system with enterprises as the main body, market-oriented, and a combination of industry, education and research, vigorously improve the original innovation ability, integrated innovation ability, and the ability to introduce, digest, absorb and re-innovate, and improve the overall technical level of the industry.

Adhere to the new industrialization road. Informatization drives industrialization, industrialization promotes informatization, takes the development path of high scientific and technological content, good economic benefits, low resource consumption, less environmental pollution, safety guaranteed, and human resource advantages to give full play, and strives to promote the fundamental transformation of economic growth mode.

Promote the coordinated and healthy development of the industry. Develop advanced manufacturing, increase the proportion and level of the service industry, strengthen infrastructure construction, optimize the industrial structure and layout of urban and rural areas, optimize the structure of foreign trade and the use of foreign capital, safeguard the legitimate rights and interests of the masses, strive to expand employment, and promote coordinated economic and social development.

## 第二章 产业结构调整的方向和重点

第四条 巩固和加强农业基础地位, 加快传统农业向现代农业转变。加快农业科技进步, 加强农业设施建设, 调整农业生产结构, 转变农业增长方式, 提高农业综合生产能力。稳定发展粮食生产, 加快实施优质粮食产业工程, 建设大型商品粮生产基地, 确保粮食安全。优化农业生产布局, 推进农业产业化经营, 加快农业标准化, 促进农产品

加工转化增值，发展高产、优质、高效、生态、安全农业。大力发展畜牧业，提高规模化、集约化、标准化水平，保护天然草场，建设饲料草场基地。积极发展水产业，保护和合理利用渔业资源，推广绿色渔业养殖方式，发展高效生态养殖业。因地制宜发展原料林、用材林基地，提高木材综合利用率。加强农田水利建设，改造中低产田，搞好土地整理。提高农业机械化水平，健全农业技术推广、农产品市场、农产品质量安全和动植物病虫害防控体系。积极推行节水灌溉，科学使用肥料、农药，促进农业可持续发展。

**第五条** 加强能源、交通、水利和信息等基础设施建设，增强对经济社会发展的保障能力。

坚持节约优先、立足国内、煤为基础、多元发展，优化能源结构，构筑稳定、经济、清洁的能源供应体系。以大型高效机组为重点优化发展煤电，在生态保护基础上有序开发水电，积极发展核电，加强电网建设，优化电网结构，扩大西电东送规模。建设大型煤炭基地，调整改造中小煤矿，坚决淘汰不具备安全生产条件和浪费破坏资源的小煤矿，加快实施煤矸石、煤层气、矿井水等资源综合利用，鼓励煤电联营。实行油气并举，加大石油、天然气资源勘探和开发利用力度，扩大境外合作开发，加快油气领域基础设施建设。积极扶持和发展新能源和可再生能源产业，鼓励石油替代资源和清洁能源的开发利用，积极推进洁净煤技术产业化，加快发展风能、太阳能、生物质能等。

以扩大网络为重点，形成便捷、通畅、高效、安全的综合交通运输体系。坚持统筹规划、合理布局，实现铁路、公路、水运、民航、管道等运输方式优势互补，相互衔接，发挥组合效率和整体优势。加快发展铁路、城市轨道交通，重点建设客运专线、运煤通道、区域通道和西部地区铁路。完善国道主干线、西部地区公路干线，建设国家高速公路网，大力推进农村公路建设。优先发展城市公共交通。加强集装箱、能源物资、矿石深水码头建设，发展内河航运。扩充大型机场，完善中型机场，增加小型机场，构建布局合理、规模适当、功能完备、协调发展的机场体系。加强管道运输建设。

加强水利建设，优化水资源配置。统筹上下游、地表地下水资源调配、控制地下水开采，积极开展海水淡化。加强防洪抗旱工程建设，以堤防加固和控制性水利枢纽等防洪体系为重点，强化防洪减灾薄弱环节建设，继续加强大江大河干流堤防、行蓄洪区、病险水库除险加固和城市防洪骨干工程建设，建设南水北调工程。加大人畜饮水工程和灌区配套工程建设改造力度。

加强宽带通信网、数字电视网和下一代互联网等信息基础设施建设，推进“三网融合”，健全信息安全保障体系。

**第六条** 以振兴装备制造业为重点发展先进制造业，发挥其对经济发展的重要支撑作用。

装备制造业要依托重点建设工程，通过自主创新、引进技术、合作开发、联合制造等方式，提高重大技术装备国产化水平，特别是在高效清洁发电和输变电、大型石油化工、先进适用运输装备、高档数控机床、自动化控制、集成电路设备、先进动力装备、节能降耗装备等领域实现突破，提高研发设计、核心元器件配套、加工制造和系统集成的整体水平。

坚持以信息化带动工业化，鼓励运用高技术和先进适用技术改造提升制造业，提高

自主知识产权、自主品牌和高端产品比重。根据能源、资源条件和环境容量，着力调整原材料工业的产品结构、企业组织结构和产业布局，提高产品质量和技术含量。支持发展冷轧薄板、冷轧硅钢片、高浓度磷肥、高效低毒低残留农药、乙烯、精细化工、高性能差别化纤维。促进炼油、乙烯、钢铁、水泥、造纸向基地化和大型化发展。加强铁、铜、铝等重要资源的地质勘查，增加资源地质储量，实行合理开采和综合利用。

**第七条** 加快发展高技术产业，进一步增强高技术产业对经济增长的带动作用。

增强自主创新能力，努力掌握核心技术和关键技术，大力开发对经济社会发展具有重大带动作用的高新技术，支持开发重大产业技术，制定重要技术标准，构建自主创新的技术基础，加快高技术产业从加工装配为主向自主研发制造延伸。按照产业聚集、规模化发展和扩大国际合作的要求，大力发展信息、生物、新材料、新能源、航空航天等产业，培育更多新的经济增长点。优先发展信息产业，大力发展集成电路、软件等核心产业，重点培育数字化音视频、新一代移动通信、高性能计算机及网络设备等信息产业集群，加强信息资源开发和共享，推进信息技术的普及和应用。充分发挥我国特有的资源优势和技术优势，重点发展生物农业、生物医药、生物能源和生物化工等生物产业。加快发展民用航空、航天产业，推进民用飞机、航空发动机及机载系统的开发和产业化，进一步发展民用航天技术和卫星技术。积极发展新材料产业，支持开发具有技术特色以及可发挥我国比较优势的光电子材料、高性能结构和新型特种功能材料等产品。

**第八条** 提高服务业比重，优化服务业结构，促进服务业全面快速发展。坚持市场化、产业化、社会化的方向，加强分类指导和有效监管，进一步创新、完善服务业发展的体制和机制，建立公开、平等、规范的行业准入制度。发展竞争力较强的大型服务企业集团，大城市要把发展服务业放在优先地位，有条件的要逐步形成服务经济为主的产业结构。增加服务品种，提高服务水平，增强就业能力，提升产业素质。大力发展金融、保险、物流、信息和法律服务、会计、知识产权、技术、设计、咨询服务等现代服务业，积极发展文化、旅游、社区服务等需求潜力大的产业，加快教育培训、养老服务、医疗保健等领域的改革和发展。规范和提升商贸、餐饮、住宿等传统服务业，推进连锁经营、特许经营、代理制、多式联运、电子商务等组织形式和服务方式。

**第九条** 大力发展循环经济，建设资源节约和环境友好型社会，实现经济增长与人口资源环境相协调。坚持开发与节约并重、节约优先的方针，按照减量化、再利用、资源化原则，大力推进节能节水节地节材，加强资源综合利用，全面推行清洁生产，完善再生资源回收利用体系，形成低投入、低消耗、低排放和高效率的节约型增长方式。积极开发推广资源节约、替代和循环利用技术和产品，重点推进钢铁、有色、电力、石化、建筑、煤炭、建材、造纸等行业节能降耗技术改造，发展节能省地型建筑，对消耗高、污染重、危及安全生产、技术落后的工艺和产品实施强制淘汰制度，依法关闭破坏环境和不具备安全生产条件的企业。调整高耗能、高污染产业规模，降低高耗能、高污染产业比重。鼓励生产和使用节约性能好的各类消费品，形成节约资源的消费模式。大力发展环保产业，以控制不合理的资源开发为重点，强化对水资源、土地、森林、草原、海洋等的生态保护。

**第十条** 优化产业组织结构，调整区域产业布局。提高企业规模经济水平和产业集中度，加快大型企业发展，形成一批拥有自主知识产权、主业突出、核心能力强的大



公司和企业集团。充分发挥中小企业的作用，推动中小企业与大企业形成分工协作关系，提高生产专业化水平，促进中小企业技术进步和产业升级。充分发挥比较优势，积极推动生产要素合理流动和配置，引导产业集群化发展。西部地区要加强基础设施建设和生态环境保护，健全公共服务，结合本地资源优势发展特色产业，增强自我发展能力。东北地区要加快产业结构调整 and 国有企业改革改组改造，发展现代农业，着力振兴装备制造业，促进资源枯竭型城市转型。中部地区要抓好粮食主产区建设，发展有比较优势的能源和制造业，加强基础设施建设，加快建立现代市场体系。东部地区要努力提高自主创新能力，加快实现结构优化升级和增长方式转变，提高外向型经济水平，增强国际竞争力和可持续发展能力。从区域发展的总体战略布局出发，根据资源环境承载能力和发展潜力，实行优化开发、重点开发、限制开发和禁止开发等有区别的区域产业布局。

第十一条 实施互利共赢的开放战略，提高对外开放水平，促进国内产业结构升级。加快转变对外贸易增长方式，扩大具有自主知识产权、自主品牌的商品出口，控制高能耗高污染产品的出口，鼓励进口先进技术设备和国内短缺资源。支持有条件的企业“走出去”，在国际市场竞争中发展壮大，带动国内产业发展。提高加工贸易的产业层次，增强国内配套能力。大力发展服务贸易，继续开放服务市场，有序承接国际现代服务业转移。提高利用外资的质量和水平，着重引进先进技术、管理经验和高素质人才，注重引进技术的消化吸收和创新提高。吸引外资能力较强的地区和开发区，要着重提高生产制造层次，并积极向研究开发、现代物流等领域拓展。

### 第三章 产业结构调整指导目录

Article 12 The Catalogue of Guidance on Industrial Structure Adjustment is an important basis for guiding the direction of investment, the government managing investment projects, and formulating and implementing policies such as finance and taxation, credit, land, import and export.

The Catalogue of Industrial Structure Adjustment Guidance shall be formulated by the National Development and Reform Commission and relevant departments of the State Council in accordance with relevant national laws and regulations, and shall be published after approval by the State Council. According to the actual situation, when it is necessary to make partial adjustments to the "Industrial Structure Adjustment Guidance Catalogue", the National Development and Reform Commission and the relevant departments of the State Council shall revise and publish it in a timely manner.

In principle, the Catalogue of Industrial Structure Adjustment Guidance is applicable to all types of enterprises in our country. Among them, foreign investment shall be implemented in accordance with the Catalogue of Foreign Investment Industry Guidance. The Catalogue for Industrial Structure Adjustment is one of the main bases for the revision of the Catalogue for Guiding Industries for Foreign Investment. The elimination category of the

Industrial Structure Adjustment Guidance Catalogue is applicable to foreign-invested enterprises. The policy convergence in the implementation of the Catalogue for Industrial Structure Adjustment and the Catalogue for Guiding Industries for Foreign Investment shall be studied and consulted by the National Development and Reform Commission and the Ministry of Commerce.

Article 13 The Catalogue for Guidance on Industrial Structure Adjustment consists of three types of catalogues: encouragement, restriction and elimination. Those that do not belong to the encouraged, restricted and eliminated categories, and comply with relevant national laws, regulations and policies, are allowed categories. Permitted categories are not included in the "Industrial Structure Adjustment Guidance Catalogue".

Article 14 Encouraged categories mainly play an important role in promoting economic and social development, are conducive to saving resources, protecting the environment, and optimizing and upgrading industrial structure, and need to be encouraged and supported by policy measures. The guidance catalogue of encouraged industries is determined according to the following principles:

- (1) Domestic has a technical foundation for research and development and industrialization, which is conducive to technological innovation and the formation of new economic growth points;
- (2) There is a large market demand at present and in the future, and the development prospects are broad, which is conducive to improving the supply capacity of shortage goods and opening up domestic and foreign markets;
- (3) It has high technical content, which is conducive to promoting industrial technological progress and improving industrial competitiveness;
- (4) It meets the requirements of the sustainable development strategy, is conducive to safe production, resource conservation and comprehensive utilization, is conducive to the development and utilization of new and renewable energy, improves energy efficiency, and is conducive to protecting and improving the ecological environment;
- (5) It is conducive to giving full play to our country's comparative advantages, especially the advantages of energy, mineral resources and labor resources in old industrial bases such as the central and western regions and the northeast region;
- (6) It is conducive to expanding employment and increasing employment;
- (7) Other circumstances provided for by laws and administrative regulations.

Article 15 The restricted categories are mainly backward process technology, which do not meet the industry access conditions and relevant regulations, which is not conducive to the optimization and upgrading of the industrial

structure. The restricted industry guidance catalogue is determined according to the following principles:

- (1) It does not meet the industry access conditions, the process technology is backward, and the industrial structure has not been improved;
- (2) It is not conducive to safe production;
- (3) It is not conducive to resource and energy conservation;
- (4) It is not conducive to environmental protection and ecosystem restoration;
- (5) Low-level duplication of construction is serious, and the production capacity is obviously overcapacity;
- (6) Other circumstances provided by laws and administrative regulations.

Article 16 The elimination category is mainly backward technology, equipment and products that do not comply with relevant laws and regulations, seriously waste resources, pollute the environment, do not meet the conditions for safe production, and need to be eliminated. The guidance catalogue for eliminated industries is determined in accordance with the following principles:

- (1) Endangering production and personal safety, and not having the conditions for safe production;
- (2) Seriously polluting the environment or seriously damaging the ecological environment;
- (3) The product quality is lower than the minimum standards stipulated by the state or the industry;
- (4) Serious waste of resources and energy;
- (5) Other circumstances provided by laws and administrative regulations.

Article 17 Encouraged investment projects shall be approved, approved or filed in accordance with the relevant national investment management regulations. Financial institutions should provide credit support in accordance with the credit principle; Except for the goods listed in the "Catalogue of Imported Commodities Not Exempt from Duty Exemption for Domestic Investment Projects (Revised in 2000)" issued by the Ministry of Finance, self-use equipment imported within the total investment amount will continue to be exempted from tariffs and import value-added tax. Other preferential policies for encouraged industrial projects shall be implemented in accordance with relevant national regulations.

Article 18 Investment in new projects that belong to the restricted category is prohibited. The investment management department shall not approve, approve or file the record, financial institutions shall not issue loans, and the departments of land management, urban planning and construction, environmental protection, quality inspection, fire protection, customs,



industry and commerce shall not go through relevant procedures. Those who carry out investment and financing construction in violation of regulations shall be held accountable by relevant units and personnel.

For existing production capacity that belongs to the restricted category, enterprises are allowed to take measures to transform and upgrade within a certain period of time, and financial institutions will continue to provide support in accordance with the principle of credit. Relevant state departments should follow the principle of survival of the fittest and implement classified guidance in accordance with the requirements of industrial structure optimization and upgrading.

Article 19 Investment in eliminated projects is prohibited. Financial institutions should stop all forms of credit support and take measures to recover loans issued; All regions, departments and relevant enterprises should take effective measures to eliminate them within a specified time limit. During the phase-out period, the national price authority may increase the price of electricity supply. The production technology, equipment and products that have been explicitly eliminated by the state shall not be imported, transferred, produced, sold, used and adopted.

For enterprises that do not eliminate production technology, equipment and products on time, local people's governments at all levels and relevant departments shall order them to stop production or close them in accordance with relevant national laws and regulations, and take appropriate measures to resettle enterprise personnel and protect the safety of credit assets of financial institutions. If the product is subject to production license management, the relevant departments shall revoke the production license in accordance with the law; The administrative department for industry and commerce shall urge them to change or cancel registration in accordance with the law; The environmental protection management department shall revoke its pollutant discharge permit; Power supply enterprises should stop supplying electricity in accordance with the law. Those who violate the regulations should be held accountable for directly responsible persons and relevant leaders in accordance with the law.

#### Chapter IV Supplementary Provisions

Article 20 These Provisions shall come into force on the date of promulgation. The Catalogue of Industries, Products and Technologies Currently Encouraged by the State (Revised in 2000) issued by the former State Planning Commission and the State Economic and Trade Commission, the Catalogue of Eliminating Backward Production Capacity, Processes and Products

(First, Second, and Third Batches) issued by the former State Economic and Trade Commission and the Catalogue of Stopping Duplicate Construction in the Field of Industrial and Commercial Investment (First Batch) shall be abolished at the same time.

Article 21 The relevant preferential policies implemented in accordance with the "Catalogue of Industries, Products and Technologies Currently Encouraged by the State (Revised in 2000)" shall be adjusted to be implemented in accordance with the "Catalogue of Encouraged Categories for Industrial Structure Adjustment Guidance". The establishment and tax policies of foreign-invested enterprises shall be implemented in accordance with the laws and administrative regulations of the state on foreign investment.

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