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Legal Cultivation on Low-carbon Use of China's High-carbon Resources

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Abstract

Fully reviewed the existing laws and regulations for High-carbon Resources and low carbonization use of the provisions, inducted the present deficiency in present legal system for High-carbon Resources and low carbonization use pointed out that we should play the role of breeding of environmental resources to achieve sustainable development objectives.

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1. Introduction

Heavy industry plays a very important role in our industrialization development stage, which is with high energy consumption, low efficiency and heavy pollution. And coal with high carbon hold a leading post in fossil energy. Coal will occupy a prominent place in the very long period because of fossil energy characteristics and renewable energy status. Coal plays a main role in energy structure (about 70%), which is the main energy and an important raw material for chemical industry. Coal as carbon highest carbon energy, the high carbon energy development direction is to low-carbon use of china's high-carbon resources. The basic requirements of low-carbon using of china's high-carbon resources is the high efficiency, low emission and less pollution, realizing ways from the source, the process to include the whole life cycle of the terminal. Increase the proportion of coal washing, reducing coal output and direct combustion, from the source control of pollutants, and developing coal conversion technology promptly,

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such as the all-round, advanced combustion, low carbon products synthesis technology. Lower coal consumption strength, reduce the pollution emission process. Increase coal and coal consumption and product management and control of pollutants and realization of coal and coal cleaner product. On top of this, to achieve high carbon energy use low carbonization of this goal, we need to take comprehensive safeguard way, including technical, economic and legal aspects. With the characteristics of mandatory, stability, authority and normative in law, the function of law in many ways of guarantee superiority has important function.

2. The legal connotation on low-carbon using of china's high-carbon resources

At present, the low-carbon using of china's high-carbon resources focuses on technical level carbide, it can be detected that, there are three meanings on low-carbon using of china's high-carbon resources from the legal Angle:

2.1. High-carbon Resources Supply Security

Which means in a fair and reasonable steady range, to achieve high carbon and energy resources using low carbide in the technology, and there is rich enough high carbon energy resources supply to meet in the social development of the country or region, the economic development and social stability.

2.2. High-carbon Resources Economic Efficiency

That means to make economic and utilization of energy coordinate development in the base of low-carbon using of china's high-carbon resources. In the first place, it is the saving of high carbon energy resources and using efficiency, and to realize the sustainable development.

2.3. High-carbon Resources Environmental Protection

That means to reduce the high carbon energy on the environment and the effects of climate change, energy, and resources coordinating strategic and environmental protection. On the ecological environment protection in the development and utilization of energy resources, high carbon in high energy resource utilization of low carbonization to protect the ecological environment.

High-carbon resources supply security, high-carbon resources economic efficiency and high-carbon resources environmental protection should be coordination development. The three aspects are integrated, equally important and inseparable. It is shown in chart 1.

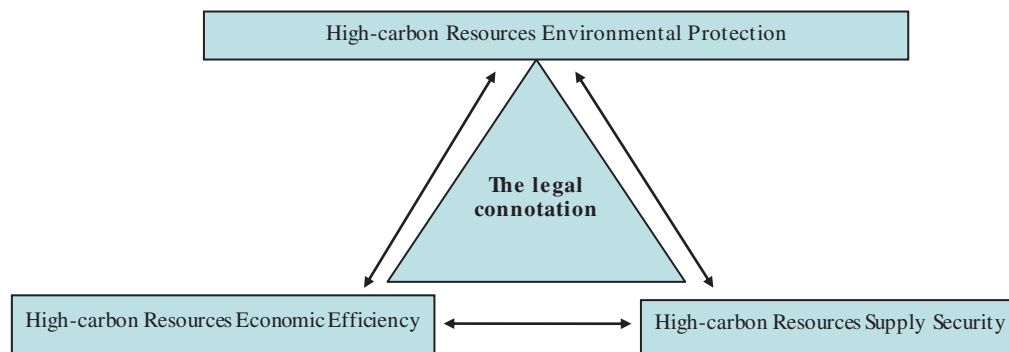


Fig. 1. Legal connotation of Low-carbon Use of China's High-carbon Resources

There are different types of diversification, each with varying characteristics and levels of risk, and it is a set of system of production, transportation, distribution and utilization in different degree of high carbon and energy resources. And in the environmental permit within the scope of the state or the basic guarantee of different areas of high carbon energy resources supply security.

3. The legislation of Low-carbon Use of China's High-carbon Resources

There were so many religious doctrine, the family plain speaking and legislation about environment protection lifestyle in China. After thousands of years of adjustment, enrich and develop, they played significant influences in the cultural of country environment. The modern rule of China, legal culture of low-carbon use got a lot of environmental resources legislation confirmation and reflects. For nearly a decade, total issued dozen laws, whether the number of laws and frequency are showing the urgency of cultivating low carbonization use or importance. And legal increasingly meticulous and overall

Table 1. Legislation of Low-carbon Use of China's High-carbon Resources

Legal name	Time
• Development Of Circular Economy	2008
• The Prevention And Control Of Water Pollution	2008
• Country Planning Law	2007
• Energy Conservation Law	2007
• Renewable Energy Law	2005
• The Law Of Prevention Of Environmental Pollution Caused By Waste	2004
• The Law Of Prevention And Control Of Desertification	2003
• Administrative Permission Law	2003
• The Law Of Prevention And Control Of Radioactive Pollution	2003
• The Law Of Evaluation Of Environmental Effects	2002
• Water Law	2002
• The Law Of Promotion Of Promotion Of Cleaner Production	2002

In a comprehensive legislation and policy level, Energy Conservation Law in a clearly defined in article 2 of the energy of the species: "Referred to energy by means of coal, oil, natural gas, biomass energy and power, and heating and other directly or through processing, transform and obtain useful can of all kinds of resources." The third middle finger and clear low carbonization connotation: "Referred to save energy (hereinafter referred to as the energy saving) refers to strengthen energy-using management, adopt feasible in technique and reasonable in economy and environment and socially

acceptable measures, from energy production to the consumption of each link, lowering consumption and reduce the loss and emission and stop wasting, effective and reasonable utilization of energy.”

4. Legal cultivation on Low-carbon Use of China’s High-carbon Resources

4.1. Further implementing the strategy of sustainable development

At the 1992 UN Conference on Environment and Development (UNCED), governments made a commitment to adopting national strategies for sustainable development. The strategies for sustainable development called for at Rio are foreseen as highly participatory instruments intended "to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations". The OECD's "Shaping the 21st Century" (1996) calls for the formulation and implementation of such strategies in every country by 2005 - one of the seven International Development Goals (IDGS) - and for development co-operation agencies to support such processes in developing countries. The 1997 Special Session of the UN General Assembly set a target date of 2002 for introducing strategies.

4.2. To improve the government energy management system

High carbon energy is related to the national economy industry, Low carbonization use must give full play to the government's important role. The need to build a from the central to local unified, in energy strategy management as the core of energy management system, Issued some coordinated with high carbon energy low carbonization method to utilize the measures and implementation of super department, authority, management and coordination. Meanwhile, the government should emphasize the formulation of high carbon energy low carbonization utilization of comprehensive macro policies, implementing strategic management, ensure market fair and orderly competition, make scientific market forecast and improve the information service and plays important role.

4.3. Perfect high carbon energy of legal system

International experience shows that sound legal laws and regulations is the cornerstone of implementing the strategy of sustainable development, so we should improve the current energy system: first of all, to perfect COAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA (1996) .There are some problems in this law, behind the situation and practical work of the need, we need to revise and improve. Secondly, even high carbon energy formulated perfect legal system; including high carbon energy administrative regulations has irreplaceable role. Finally, but also strengthen the perfect law enforcement system; strengthen the supervision and inspection of high carbon energy low carbonization using lawful implementation management.

4.4. To Establish a high carbon energy strategy reserve system

Establish energy strategy and business reserve system safeguard the country's energy resources required security measures. Its denotation shall include the mineral reserves, resource capacity reserves, resource products spot reserves, product futures reserves, equity resources reserve (as in foreign important resource mining areas of mining right, the mining investment of resources distribution of income, etc.), resource technical reserves six ways, especially attention should be paid to the resource product futures and resources exploitation rights two aspects of reserves.

High carbon energy strategic reserves are not only high carbon energy resources product storage or reserve problem, more important is to capacity building and system construction. From our national characteristics and shall from country, province, large corporations and important bases and strategic pool, the four levels of society, establish multiplication, elastic high carbon energy strategy reserve system. Through legislation form, appropriate proportion, mandatory provisions on high carbon strategic energy reserves; Different levels of strategic reserves, take different forms, bear different reserve task. Through legislation form, appropriate proportion, mandatory provisions on high carbon strategic energy reserves; Different levels of strategic reserves, take different forms, bear different reserve task.

4.5. To Establish High carbon energy warning and coping mechanism

The main purpose of this mechanism is early warning and risk timely countermeasure. In case of an emergency, high carbon energy warning and coping mechanisms to prevent and cast off the crisis will become an important link in the system. Which is divided into three stages: one is high carbon energy crisis happened before the emergency preparatory; two is high carbon energy crisis rewarding of stage, three is high carbon energy crisis occurred after the management deal with stage.

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