

# 国家能源局文件

## Document of National Energy Administration

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### 关于印发《国家能源局 12398 能源监管热线投诉举报 处理暂行办法》的通知

### Notification about Printing and Distributing "Provisional Regulations regarding Treatment of Complaints and Tip-offs Lodged through 12398 Electric Power Supervision Hot Line of National Energy Administration"

各派出机构：

All Detached Offices:

为规范 12398 能源监管热线投诉举报处理工作，保障有关个人和组织依法行使投诉举报权益，我局制定了《国家能源局 12398 能源监管热线投诉举报处理暂行办法》。现印发给你们，请遵照执行。

To normalize the acceptance and treatment of the complaints and tip-offs lodged through 12398 electric power supervision hot line and guarantee the rights and interests of relevant individuals and organizations to lodge complaints and tip-offs according to law, we have formulated "Provisional Regulations regarding Treatment of Complaints and Tip-offs Lodged through

12398 Electric Power Supervision Hot Line of National Energy Administration".  
We hereby print and distribute this document to you. Please abide by and  
implement it.

国家能源局

National Energy Administration

2014 年 10 月 15 日

October 15, 2014

## 国家能源局 12398 能源监管热线投诉举报处理暂行办法

# Provisional Regulations regarding Treatment of Complaints and Tip-offs Lodged through 12398 Electric Power Supervision Hot Line of National Energy Administration

### 一 总则

#### 1. General Principles

**第一条** 为了规范 12398 能源监管热线投诉举报处理工作，保障有关个人和组织行使投诉举报权益，根据有关法律、行政法规、规章，制定本办法。

**Article 1** In order to normalize the acceptance and treatment of the complaints and tip-offs lodged through 12398 electric power supervision hot line and guarantee the rights and interests of relevant individuals and

organizations to lodge complaints and tip-offs according to law, we have formulated these provisional regulations according to relevant laws, administrative regulations and rules.

**第二条** 本办法适用于国家能源局派出机构处理有关个人或者组织通过12398 能源监管热线（以下简称 12398 热线）向其提出的投诉举报事项。

**Article 2** These provisional regulations are applicable to the acceptance and treatment by the detached offices of National Energy Administration of the complaints and tip-offs lodged by relevant individuals and organizations through 12398 electric power supervision hot line (hereinafter referred to as 12398 hot line).

本办法所称投诉举报是指反映涉及国家能源局及其派出机构能源监管职责的电力、核电、煤炭、石油、天然气、新能源与可再生能源等方面事项。

The complaints and tip-offs mentioned in these provisional regulations refer to the matters related to the industries of electric power, nuclear power, coal, petroleum, natural gas, new energy and renewable energy resource, etc. covered in the scope of official duty of National Energy Administration and its detached offices.

**第三条** 投诉举报事项实行属地化管理，由国家能源局派出机构负责受理和办理。

**Article 3** Complaints and tip-offs are subjected to localized management, and National Energy Administration and its detached offices shall be responsible for the acceptance and treatment of complaints and tip-offs.

国家能源局派出机构认为投诉举报事项重大、情况复杂的，可以报请国家能源局处理。

In the case that a complaint or tip-off is believed to be significant or involved in complex situations by a detached office of National Energy

Administration, this detached office can report it to National Energy Administration for treatment.

**第四条** 国家能源局派出机构处理投诉举报应当依法、公正、及时，关注社会民生热点，建立问题导向监管机制，将 12398 热线建设成重要的能源监管民生通道。

**Article 4** The detached offices of National Energy Administration shall treat the complaints and tip-offs according to law fairly and timely, pay close attention to the social hot issues related to people's livelihood, establish a problem oriented supervision mechanism, and build 12398 hot line into an important energy supervision channel linked to people's livelihood.

**第五条** 国家能源局派出机构应当按照本办法受理和办理属于国家能源局及其派出机构能源监管职责范围内的投诉举报事项，健全和完善投诉举报处理工作闭环管理制度、内部联动和外部协同工作机制，规范受理、分理、办理、回复、回访等工作程序。

**Article 5** The detached offices of National Energy Administration shall accept and treat the complaints and tip-offs covered in the scope of their official duty according to these provisional regulations, improve and make perfect the closed-loop management system and the internal linkage and external synergy working mechanism for treating complaints and tip-offs, and normalize the work procedures of acceptance, sorting, treatment, reply and return visit, etc.

如果受理的投诉举报事项涉及其他政府部门职责的，应当协商办理；如果需要有关单位和部门配合先行调查了解情况的，可以按照有关规定进行转办；确定不属于能源监管职责范围的，应当按照有关规定进行移送。

In the case that a complaint or tip-off is in the scope(s) of official duties of other government department(s), it shall be treated through negotiation with

the government department(s). If it is necessary to ask other authorities or departments to coordinate for prior investigation, the complaint or tip-off can be submitted to the authorities or departments concerned according to relevant regulations. If it is confirmed that the complaint or tip-off is not in the scope of official duty of energy supervision, it shall be transferred according to relevant regulations.

**第六条** 国家能源局派出机构处理投诉举报的工作人员应当恪尽职守、秉公办事，查明事实、分清责任，宣传法制、教育疏导，及时妥善处理，不得推诿、敷衍、拖延。

**Article 6** The personnel of the detached offices of National Energy Administration shall fulfill their duties, handle matters impartially, make sure of facts, distinguish the responsibilities clearly, publicize legal institutions, carry out education and persuasion, and treat the complaint or tip-off timely and properly without any prevarication, perfunctoriness or delay.

工作人员有下列情形之一的，应当回避：

In one of the following cases a member of working personnel of a detached office shall shy away the acceptance and treatment of complaint or tip-off:

（一）与投诉举报事项有利害关系的；

(1) has stake in the complaint or tip-off;

（二）与当事人有利害关系的；

(2) has stake with a party concerned;

（三）国家能源局派出机构认为应当回避的其他情形。

(3) In any other circumstances in which the detached office of National Energy Administration believes that shying-away is necessary.

**第七条** 全国开通统一的 12398 热线。任何单位或者个人可以通过拨打 12398 热线或者发送传真、电子邮件方式提出投诉举报事项。

**Article 7** Put 12398 hot line into service nationwide uniformly. Any organization or individual can lodge a complaint or tip-off by dialing 12398 hot line, or sending a fax or an email.

国家能源局派出机构应当组织开展 12398 热线标识普及和宣传，并且适时开展其社会知晓度调查。

The detached offices of National Energy Administration shall organize the popularization and publicity of the logo of 12398 hot line and carry out the investigation of its social awareness in good time.

**第八条** 国家能源局派出机构应当对投诉举报事项进行规范登记、编号、建档，纳入档案管理，并定期统计投诉举报事项的办结率、回访率和当事人满意率。

**Article 8** The detached offices of National Energy Administration shall register, number the complaints and tip-offs and set up files for them for bringing them into archives management, and shall check the wind-up rate, the return visit rate and the satisfaction rate of the parties concerned regarding the treatment of complaints and tip-offs on a regular basis.

**第九条** 国家能源局及其派出机构应当按照政府信息公开规定将投诉举报事项处理情况向社会公布，接受公众监督。

**Article 9** The detached offices of National Energy Administration shall publicize the treatment of complaints and tip-offs and receive public supervision according to the stipulation for information disclosure of government.

## 二 投诉处理

### 2. Treatment of Complaints

**第十条** 投诉人提出投诉请求，应当一并提供以下信息及资料：

**Article 10** A complainant shall provide the following information and data when lodging a complaint:

(一) 投诉人的姓名或者名称、住所和联系方式，被投诉人的名称；

(1) Name, address and contact information of the complainant as well as the name(s) of the respondent(s).

(二) 投诉事项、投诉请求，及与投诉事项相关的资料，包括书面资料、照片、录音、录像等；

(2) Complaint matter, complaint appeal and the information related to the complaint matter, including written information, photos, audio recording and video recording, etc.

(三) 国家能源局派出机构要求提供的其他情况。

(3) Other information required by the detached office of National Energy Administration.

**第十一条** 国家能源局派出机构应当自收到投诉事项之日起 7 日内做出是否受理的决定；做出不予受理决定的，应当向投诉人说明理由，按照规定移送的，一并告知投诉人。

**Article 11** The detached office of National Energy Administration shall decide whether the complaint is accepted or not within seven days from the date on which the complaint is received. In the case that a complaint is not accepted, the detached office shall explain the reason for not accepting the complainant, and shall inform the complainant of the transfer of the complaint matter if it is to be transferred.

**第十二条** 投诉事项符合下列条件的，国家能源局派出机构应当受理：

**Article 12** The detached office of National Energy Administration shall accept the complaint if it satisfies the following conditions:

(一) 有明确的投诉人和被投诉人的;

(1) There are a definite complainant and definite respondent(s) in connection with the complaint.

(二) 有明确的投诉请求、事实和理由的;

(2) There are definite appeal, facts and reasons in connection with the complaint.

(三) 属于国家能源局及其派出机构能源监管职责范围的。

(3) The complaint is in the scope of official duty of National Energy Administration and its detached offices.

**第十三条** 有下列情形之一的，国家能源局派出机构不予受理：

**Article 13** The detached offices of National Energy Administration will not accept the complaint in one of the following circumstances:

(一) 投诉人与投诉事项没有利害关系的;

(1) The complainant has no stake in the complaint or tip-off;

(二) 投诉事项不属于国家能源局及其派出机构能源监管职责范围的;

(2) The complaint is not in the scope of official duty of energy supervision of National Energy Administration and its detached offices;

(三) 投诉事项已经或者依法应当通过诉讼、仲裁或者行政复议等法定途径解决的;

(3) The complaint has been or shall be settled via judicial action, arbitration or administrative review, etc according to law.



(四) 依照法律、法规或者国家有关规定应当由企业或者其他组织先行处理的;

(4) The complaint shall be treated in advance by an enterprise or other organization according to laws and regulations or relevant national regulations;

(五) 投诉事项的内容不符合有关法律、法规规定的;

(5) The content of complaint does not comply with relevant laws and regulations;

(六) 已经作出处理, 投诉人又以同一事实或者理由再次投诉的。

(6) The complaint has been settled, and the complainant lodges it again with the same fact or reason.

**第十四条** 国家能源局派出机构办理投诉事项期间, 发现投诉事项不属于受理范围的, 应当终止办理, 并且告知投诉人终止办理的理由。

**Article 14** In the case that a detached office of National Energy Administration finds a complaint is not covered by the scope of its official duty during the period of treating the complaint, it shall terminate the treatment of the complaint and inform the complainant of the reason for terminating the treatment.

**第十五条** 国家能源局派出机构办结投诉事项之前, 投诉人可以申请撤回投诉。

**Article 15** The complainant can request for withdrawing the complaint prior to the detached office of National Energy Administration has wound up with the settlement of the complaint.

**第十六条** 国家能源局派出机构办理投诉事项期间, 发现投诉人、被投诉人有违反有关能源法律、法规、规章和其他规范性文件的行为, 需要立案调查的, 应当按照有关规定立案调查处理。

**Article 16** In the case that a detached office of National Energy Administration finds any behavior of a complainant or a respondent in violation of relevant energy laws, regulations, rules or other regulatory documents which necessitates being legally registered for investigation, it shall be legally registered and investigated according to relevant regulations.

办理投诉事项期间，发现投诉人、被投诉人有违法行为，但是不属于能源监管职责查处范围的，应当移送有关部门进行处理，并且自作出移送决定之日起 5 日内告知投诉人。

If a detached office of National Energy Administration finds that the behavior of a complainant or a respondent is in violation of laws but is not in the scope of investigation of energy supervision department, it shall be transferred to the authorities concerned for treatment, and the detached office shall inform the complainant of the decision of transfer within five days from the date on which the decision of transfer is made.

**第十七条** 国家能源局派出机构经调查核实，应当依照有关能源法律、法规、规章和其他规范性文件，分别作出下列处理：

**Article 17** The detached offices of National Energy Administration shall treat the complaints in the following manners according to relevant energy laws, regulations, rules and other regulatory documents after verifying the complaints by investigation:

(一) 投诉请求事实清楚，符合法律、法规、规章和其他规范性文件的，予以支持；

(1) Support the complaint that complies with laws, regulations, rules and other regulatory documents and for which the facts are clear;

(二) 投诉请求缺乏事实根据或者不符合法律、法规、规章和其他规范性文件的，不予支持；

(2) Do not support the complaint that lacks of factual basis or does not comply with laws, regulations, rules and other regulatory documents;

(三) 对投诉请求事由合理但是缺乏法律依据的情形，应当对投诉人做好解释工作。

(3) The detached office shall explain the reason for not accepting the complaint of which the particulars are justifiable but lacks of legal basis.

依照前款第(一)项规定作出支持投诉请求决定的，国家能源局派出机构责令或者督促被投诉人执行。

In the case that a decision of supporting the complaint is made according to the stipulation in (1), the detached office of National Energy Administration shall instruct or urge the respondent to implement the decision.

**第十八条** 投诉事项应当自受理之日起 60 日内办结。有下列情形之一的，可以延长办理期限，但是延长期限不得超过 30 日，并且告知投诉人延期理由：

**Article 18** The treatment of complaint shall be wound up within sixty days from the date on which it is accepted. The time limit for treatment can be extended in one of the following circumstances, but the longest time extension shall not exceed 30 days. In the case of extension, the complainant shall be informed of the reason of extension.

(一) 投诉事项复杂，涉及多方主体的；

(1) The matter of complaint is complex and involves in many parties;

(二) 投诉事项调查取证困难的；

(2) The investigation and evidence collection for the complaint are difficult;

(三) 投诉事项需要专业鉴定的；

(3) The matter of complaint necessitates professional appraisalment;

(四) 其他需要延长办理期限的。

(4) Other circumstances in which the extension of the time limit for treatment is necessary.

**第十九条** 国家能源局派出机构办结投诉事项，应当自作出办结决定之日起5日内告知投诉人。

**Article 19** The detached office of National Energy Administration shall inform the complainant of the wind-up of complaint matter within five days from the date on which it makes the wind-up decision.

### 三 举报处理

#### 3. Treatment of Tip-offs

**第二十条** 国家能源局派出机构对属于国家能源局及其派出机构能源监管职责范围，并且被举报人基本情况清楚、有具体的违法事实、线索清晰并且附带相关证据材料的举报，应当受理。

**Article 20** The detached office of National Energy Administration shall accept the tip-off accompanied by relevant evidence material indicating that the background of the person whom the tip-off is against is clear and that there are specific and clear facts of violation of law by the person whom the tip-off is against provided that the tip-off is in the scope of official duty of energy supervision of National Energy Administration and its detached offices.

**第二十一条** 举报有下列情形之一的，国家能源局派出机构不予受理：

**Article 21** The detached offices of National Energy Administration will not accept the tip-off in one of the following circumstances:

(一) 举报事项不属于国家能源局及其派出机构能源监管职责范围的；

(1) The tip-off is not in the scope of official duty of energy supervision of National Energy Administration and its detached offices;

(二) 没有明确的被举报人或者被举报人无法查找;

(2) There is no definite person whom the tip-off is against or the person whom the tip-off is against cannot be found out.

(三) 没有具体的违法事实或者查案线索不清晰的。

(3) There is not specific fact of violation of law or the investigation clue is not clear.

**第二十二条** 国家能源局派出机构经调查核实，应当依照有关法律、法规、规章和其他规范性文件，对举报事项分别作出下列处理：

**Article 22** The detached offices of National Energy Administration shall treat the tip-offs in the following manners according to relevant energy laws, regulations, rules and other regulatory documents after verifying the tip-offs by investigation:

(一) 被举报人违法违规事实清楚、证据确凿的，依法给予行政处罚或者其他处理；涉嫌构成犯罪，依法需要追究刑事责任的，移送司法机关依法处理；

(1) Subject the person whom the tip-off is against to administrative punishment or other treatment if the facts of violation of law or regulation concerned by the person whom the tip-off is against are clear with proven evidence. In the case that the person whom the tip-off is against is suspected to be involved in a crime and has to be prosecuted for the criminal responsibility, he or she shall be transferred to judicial authority and punished according to law.

(二) 被举报人的行为未违法违规的，终止办理，予以结案；

(2) Terminate the treatment and wind up the tip-off if it is confirmed that the person whom the tip-off is against has had no behavior in violation of the law or regulation concerned.

(三) 举报事项证据不足，无法查明的，终止办理，予以结案。

(3) Terminate the treatment and wind up the tip-off if there is not sufficient evidence in connection with the tip-off or the tip-off cannot be made certain.

**第二十三条** 举报事项应当自受理之日起 60 日内办结。有下列情形之一的，可以延长办理期限，但是延长期限不得超过 30 日，对具名举报的举报人，应当告知其延期理由：

**Article 23** The treatment of tip-off shall be wound up within sixty days from the date on which it is accepted. The time limit for treatment can be extended in one of the following circumstances, but the longest time extension shall not exceed 30 days. Non-anonymous accuser shall be informed of the reason of extension.

(一) 举报事项复杂，涉及多方主体的；

(1) The matter of tip-off is complex and involves in many parties;

(二) 举报事项调查取证困难的；

(2) The investigation and evidence collection for the tip-off are difficult;

(三) 举报事项需要专业鉴定的；

(3) The matter of tip-off necessitates professional appraisalment;

(四) 其他需要延长办理期限的。

(4) Other circumstances in which the extension of the time limit for treatment is necessary.

**第二十四条** 举报办结后，国家能源局派出机构有举报人的联系地址、联系电话的，应当及时告知举报人处理结果。

**Article 24** The detached office of National Energy Administration shall inform the accuser of the result of treatment timely after the treatment is wound up provided that it has the address or telephone number of the accuser.

## 四 法律责任

### 4. Legal Responsibility

**第二十五条** 国家能源局派出机构应当依法保护投诉人和举报人的合法权益，不得泄露举报人的举报材料和相关信息。

**Article 25** The detached offices of National Energy Administration shall protect the lawful rights and interests of complainants and accusers according to law and shall not disclose the materials related to complaints or tip-offs submitted by complainants and accusers and the information related to complainants and accusers.

国家能源局派出机构按照有关规定对举报有功的个人和组织给予奖励。

The detached offices of National Energy Administration shall give rewards to the individuals and organizations who have rendered great services according to relevant stipulations.

**第二十六条** 国家能源局派出机构处理投诉举报的工作人员滥用职权、徇私舞弊、以权谋私的，或者泄露举报信息或者隐匿、销毁举报材料的，视其情节轻重给予批评或者行政处分；构成犯罪的，依法追究刑事责任。

**Article 26** The detached offices of National Energy Administration shall give criticism or administrative sanction to any person responsible for the treatment of complaint or tip-off who abuses his or her authority, engages in malpractice or abuses power for personal gains, or disclose, conceal or

destroy the information or materials in connection to any complaint or tip-off according to the seriousness of the case, and such person shall be prosecuted for the criminal responsibility if his or her behavior accomplishes a crime.

**第二十七条** 有关个人和组织应当对所投诉举报的内容负责。诬告、诽谤他人，或者以投诉举报为名制造事端，干扰能源监管工作正常进行的，按照有关规定处理。

**Article 27** The individual or organization concerned shall be responsible for the matter against which the complaint or tip-off is lodged. In the case that an individual or organization brings a false charge against other people or creates an incident or disturbs the normal operation of energy supervision by means of lodging a complaint or tip-off, the individual or organization will be punished according to relevant stipulations.

## 五 附则

### 5. Supplementary Provisions

**第二十八条** 本办法所称 5 日、7 日为工作日。

**Article 28** The term "day" referred to in these provisional regulations means working day.

**第二十九条** 本办法自 2014 年 11 月 1 日起施行

**Article 29** These provisional regulations take effect from November 1, 2014.