

中华人民共和国煤炭法 (2016修正)
Law of the People's Republic of China on the Coal Industry (Revision 2013)

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Law of the People's Republic of China on the Coal Industry

(1996年8月29日第八届全国人民代表大会常务委员第二十一次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员第十次会议《关于修改部分法律的决定》第一次修正 根据2011年4月22日第十一届全国人民代表大会常务委员第二十次会议《关于修改〈中华人民共和国煤炭法〉的决定》第二次修正 根据2013年6月29日第十二届全国人民代表大会常务委员第三次会议《关于修改〈中华人民共和国文物保护法〉等十二部法律的决定》第三次修正 根据2016年11月7日第十二届全国人民代表大会常务委员第二十四次会议《关于修改〈中华人民共和国对外贸易法〉等十二部法律的决定》第四次修正)

第一章 总则
第一条

为了合理开发利用和保护煤炭资源，规范煤炭生产、经营活动，促进和保障煤炭行业的发展，制定本法。

第二条

在中华人民共和国领域和中华人民共和国管辖的其他海域从事煤炭生产、经营活动，适用本法。

第三条

煤炭资源属于国家所有。地表或者地下的煤炭资源的国家所有权，不因其依附的土地的所有权或者使用权的不同而改变。

Chapter I General Provisions

Article 1 This Law is enacted with a view to rationally developing, utilizing and protecting coal resources, standardizing the production and marketing of coal, and promoting and ensuring the development of the coal industry.

Article 2 This Law shall apply to the production and marketing of coal within the territory of the People's Republic of China and in the sea areas under its jurisdiction.

Article 3 Coal resources are owned by the State. The State ownership of coal resources, either on the surface or underground, shall not change with the ownership or right to use of the land which the coal resources are attached to.

<p>第四条</p> <p>国家对煤炭开发实行统一规划、合理布局、综合利用的方针。</p>	<p>Article 4 With regard to the development of coal resources, the State adheres to the principle of unified planning, rational geographical distribution and comprehensive utilization.</p>
<p>第五条</p> <p>国家依法保护煤炭资源，禁止任何乱采、滥挖破坏煤炭资源的行为。</p>	<p>Article 5 The State shall protect coal resources according to law and forbid any indiscriminate mining which is destructive to coal resources.</p>
<p>第六条</p> <p>国家保护依法投资开发煤炭资源的投资者的合法权益。</p> <p>国家保障国有煤矿的健康发展。</p>	<p>Article 6 The State shall protect the lawful rights and interests of the persons who invest in the exploitation of coal resources according to law.</p>
<p>国家对乡镇煤矿采取扶持、改造、整顿、联合、提高的方针，实行正规合理开发和有序发展。</p>	<p>The State shall protect the sound development of State-owned coal mines.</p> <p>With regard to township coal mines, the State shall adopt the policies of support, transformation, rectification, merging and upgrading, so that they shall exploit the resources in a regular and rational manner and in good order.</p>
<p>第七条</p> <p>煤矿企业必须坚持安全第一、预防为主的生产方针，建立健全安全生产的责任制度和群防群治制度。</p>	<p>Article 7 Coal mining enterprises must abide by the principle of safety in production, putting safety and prevention first, and establish and improve the responsibility system for safety in production and the system of prevention and control by the masses.</p>
<p>第八条</p> <p>各级人民政府及其有关部门和煤矿企业必须采取措施加强劳动保护，保障煤矿职工的安全和健康。</p>	<p>Article 8 People's governments at all levels and the relevant departments thereof as well as coal mining enterprises must take measures to strengthen occupational protection so as to guarantee the safety and health of coal mine workers and staff members.</p>
<p>国家对煤矿井下作业的职工采取特殊保护措施。</p>	<p>The State shall take special protective measures for miners working in underground coal mines.</p>
<p>第九条</p> <p>国家鼓励和支持在开发利用煤炭资源过程中采用先进的科学技术和管理方法。</p> <p>煤矿企业应当加强和改善经营管理，提高劳动生产率和经济效益。</p>	<p>Article 9 The State shall encourage and support the adoption of advanced science and technology and managerial methods in the exploitation and utilization of coal resources.</p>
<p>第十条</p> <p>国家维护煤矿矿区的生产秩序、工作秩序，保护煤矿企业设施。</p>	<p>Coal mining enterprises shall strengthen and improve their operation and management and increase their productivity and economic results.</p> <p>Article 10 The State shall maintain order in production and other work in coal mine areas and protect the facilities of coal mining enterprises.</p>

<p>第十一条</p> <p>开发利用煤炭资源，应当遵守有关环境保护的法律、法规，防治污染和其他公害，保护生态环境。</p>	<p>Article 11 Anyone who exploits or utilizes coal resources shall abide by the laws and regulations governing environmental protection, prevent and control pollution and other public hazards, and protect the ecological environment.</p>
<p>第十二条</p> <p>国务院煤炭管理部门依法负责全国煤炭行业的监督管理。国务院有关部门在各自的职责范围内负责煤炭行业的监督管理。</p> <p>县级以上地方人民政府煤炭管理部门和有关部门依法负责本行政区域内煤炭行业的监督管理。</p>	<p>Article 12 The department in charge of the coal industry under the State Council shall be responsible for supervision and administration of the coal industry throughout the country according to law. The relevant departments under the State Council shall be responsible for supervision and administration of the coal industry within the limits of their respective functions and responsibilities.</p> <p>The departments in charge of the coal industry and other relevant departments under the local people's governments at or above the county level shall be responsible for supervision and administration of the coal industry in their own administrative regions according to law.</p>
<p>第十三条</p> <p>煤炭矿务局是国有煤矿企业，具有独立法人资格。</p> <p>矿务局和其他具有独立法人资格的煤矿企业、煤炭经营企业依法实行自主经营、自负盈亏、自我约束、自我发展。</p>	<p>Article 13 The coal mining administrations are State-owned coal mining enterprises each with the status of an independent legal entity.</p> <p>The coal mining administrations and other coal mining and trading enterprises with the status of an independent legal entity shall, according to law, make their own decisions regarding their operations, be responsible for their own losses and profits and be capable of expanding or contracting themselves.</p>
<p>第二章 煤炭生产开发规划与煤矿建设</p>	
<p>第十四条</p> <p>国务院煤炭管理部门根据全国矿产资源勘查规划编制全国煤炭资源勘查规划。</p>	<p>Chapter II Plans for Coal Production and Development and Construction of Coal Mines</p> <p>Article 14 The department in charge of the coal industry under the State Council shall, according to the national plan for exploring mineral resources, work out the national plan for exploring coal resources.</p>
<p>第十五条</p> <p>国务院煤炭管理部门根据全国矿产资源规划规定的煤炭资源，组织编制和实施煤炭生产开发规划。</p> <p>省、自治区、直辖市人民政府煤炭管理部门根据全国矿产资源规划规定的煤炭资源，组织编制和实施本地区煤炭生产开发规划，并报国务院煤炭管理部门备案。</p>	<p>Article 15 The department in charge of the coal industry under the State Council shall, according to the coal resources designated in the national plan of mineral resources, arrange for the drawing up and execution of a plan for coal production and development.</p> <p>The departments in charge of the coal industry under the people's governments of the provinces, autonomous regions, and centrally-administered municipalities shall, according to the coal resources designated in the national</p>

<p>第十六条</p> <p>煤炭生产开发规划应当根据国民经济和社会发展的需要制定，并纳入国民经济和社会发展计划。</p>	<p>plan of mineral resources arrange for the drawing up and execution of plans for local coal production and development and submit the plans to the department in charge of the coal industry under the State Council for the record.</p> <p>Article 16 Plans for coal production and development shall be worked out in light of the needs of the national economic and social development and shall be incorporated into the plan for national economic and social development.</p>
<p>第十七条</p> <p>国家制定优惠政策，支持煤炭工业发展，促进煤矿建设。</p> <p>煤矿建设项目应当符合煤炭生产开发规划和煤炭产业政策。</p>	<p>Article 17 The State shall formulate preferential policies to support the development of the coal industry and promote the construction of coal mines.</p> <p>Coal mine construction projects shall conform to the plans for coal production and development and the policies for the coal industry.</p>
<p>第十八条</p> <p>煤矿建设使用土地，应当依照有关法律、行政法规的规定办理。征收土地的，应当依法支付土地补偿费和安置补偿费，做好迁移居民的安置工作。</p> <p>煤矿建设应当贯彻保护耕地、合理利用土地的原则。</p> <p>地方人民政府对煤矿建设依法使用土地和迁移居民，应当给予支持和协助。</p>	<p>Article 18 To use land for construction of a coal mine, a coal mining enterprise shall go through the formalities in accordance with the relevant laws and administrative rules and regulations. Where it is necessary to expropriate land, the enterprise shall, according to law, pay compensation for the land and for the evacuees and help the evacuees to relocate.</p> <p>In construction of coal mines, a coal mining enterprise shall adhere to the principle of protecting the cultivated land and utilizing the land rationally.</p> <p>Local people's governments shall give support and assistance to the coal mining enterprises that use land and have to have the residents move to another place in accordance with law for the construction of coal mines.</p>
<p>第十九条</p> <p>煤矿建设应当坚持煤炭开发与环境治理同步进行。煤矿建设项目的环境保护设施必须与主体工程同时设计、同时施工、同时验收、同时投入使用。</p>	<p>Article 19 In the construction of coal mines, coal exploitation and environmental control shall be synchronized. The facilities for environmental protection of a coal mine construction project must be designed, constructed, checked and accepted, and put into use simultaneously with the main project.</p>
<p>第三章 煤炭生产与煤矿安全</p> <p>第二十条</p> <p>煤矿投入生产前，煤矿企业应当依照有关安全生产的法律、行政法规的规定取得安全生产许可证。未取得安全生产许可证的，不得从事煤炭生</p>	<p>Chapter III Production of Coal and Safety of Coal Mines</p> <p>Article 20 Before a coal mine is put into production, the coal mining enterprise shall obtain a coal production license according to the relevant laws and administrative regulations on safety in production.</p> <p>Anyone who has not obtained the coal</p>

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production license shall be forbidden to engage in coal production.

第二十一条

Article 21 The State shall ensure protective mining for the special or rare types of coal which are of important value to the national economy.

对国民经济具有重要价值的特殊煤种或者稀缺

煤种，国家实行保护性开采。

第二十二条

Article 22 In the exploitation of coal resources, coal mining regulations must be complied with, the rational mining sequence followed and the rate of extraction set for exploiting coal resources achieved.

开采煤炭资源必须符合煤矿开采规程，遵守合理的开采顺序，达到规定的煤炭资源回采率。

The rate of extraction for coal resources shall be determined by the department in charge of the coal industry under the State Council in light of the different resources and mining conditions.

煤炭资源回采率由国务院煤炭管理部门根据不同的资源和开采条件确定。

The State shall encourage coal mining enterprises to carry out second mining or extract residual coal at the margins of mining areas and very thin coal seams.

国家鼓励煤矿企业进行复采或者开采边角残煤和极薄煤。

第二十三条

Article 23 Coal mining enterprises shall exercise strict supervision, inspection and control over coal product quality. Such quality shall be graded according to the national or trade standards.

煤矿企业应当加强煤炭产品质量的监督检查和管理。煤炭产品质量应当按照国家标准或者行业标准分等论级。

第二十四条

Article 24 Coal production shall be carried out within the approved limits of mining areas according to law. Mining beyond the approved limits of mining areas or seams shall be forbidden.

煤炭生产应当依法在批准的开采范围内进行，不得超越批准的开采范围越界、越层开采。

No safety pillars shall be mined without authorization and no dangerous methods, such as water bursting, blasting and breaking through roadways, which may threaten the production safety of adjacent coal mines shall be adopted.

采矿作业不得擅自开采保安煤柱，不得采用可能危及相邻煤矿生产安全的决水、爆破、贯通巷道等危险方法。

第二十五条

Article 25 Coal mining enterprises shall be responsible for reclaiming the land, which is covered by coal or which subsides or is destroyed due to mining, to the state that it can be utilized; any losses caused to another person shall be compensated according to law.

因开采煤炭压占土地或者造成地表土地塌陷、挖损，由采矿者负责进行复垦，恢复到可供利用的状态；造成他人损失的，应当依法给予补偿。

第二十六条

Article 26 Coal mines shall be closed or abandoned in accordance with the relevant laws and regulations as well as the rules of the department in charge of the coal industry under the State Council.

关闭煤矿和报废矿井，应当依照有关法律、法规和国务院煤炭管理部门的规定办理。

第二十七条

Article 27 The State shall establish a system of accumulation of funds by coal mining enterprises for changing the line of production during the declining

<p>国家建立煤矿企业积累煤矿衰老期转产资金的制度。</p>	<p>period of coal mines.</p>
<p>国家鼓励和扶持煤矿企业发展多种经营。</p>	<p>The State shall encourage and support coal mining enterprises to develop diversified businesses.</p>
<p>第二十八条</p>	<p>Article 28 The State shall encourage and support coal mining enterprises and other enterprises to produce both coal and electricity, coking coal, coal chemicals and building materials made of coal and engage in deep and fine processing of coal.</p>
<p>国家提倡和支持煤矿企业和其他企业发展煤电联产、炼焦、煤化工、煤建材等，进行煤炭的深加工和精加工。</p>	<p>The State shall encourage coal mining enterprises to develop coal washing and processing as well as comprehensive exploitation and utilization of coalbed methane, gangue, coal slime, stone coal and peat.</p>
<p>国家鼓励煤矿企业发展煤炭洗选加工，综合开发利用煤层气、煤矸石、煤泥、石煤和泥炭。</p>	<p>The State shall encourage coal mining enterprises to develop coal washing and processing as well as comprehensive exploitation and utilization of coalbed methane, gangue, coal slime, stone coal and peat.</p>
<p>第二十九条</p>	<p>Article 29 The State shall develop and disseminate clean coal technology.</p>
<p>国家发展和推广洁净煤技术。</p>	<p>The State shall adopt measures to ban coke making by indigenous methods. The construction of kilns for making coke with indigenous methods shall be forbidden, and the existing kilns for making coke with indigenous methods shall be renovated within a time limit.</p>
<p>国家采取措施取缔土法炼焦。禁止新建土法炼焦窑炉；现有的土法炼焦限期改造。</p>	<p>The State shall adopt measures to ban coke making by indigenous methods. The construction of kilns for making coke with indigenous methods shall be forbidden, and the existing kilns for making coke with indigenous methods shall be renovated within a time limit.</p>
<p>第三十条</p>	<p>Article 30 People's governments at or above the county level and the departments in charge of the coal industry under such governments and other departments concerned shall exercise strict supervision and control over coal mine safety in production.</p>
<p>县级以上各级人民政府及其煤炭管理部门和其他有关部门，应当加强对煤矿安全生产工作的监督管理。</p>	<p>Article 30 People's governments at or above the county level and the departments in charge of the coal industry under such governments and other departments concerned shall exercise strict supervision and control over coal mine safety in production.</p>
<p>第三十一条</p>	<p>Article 31 To ensure safety in production, the system under which the directors of coal mine administrations and the managers of coal mines assume full responsibility shall be instituted in coal mining enterprises.</p>
<p>煤矿企业的安全生产管理，实行矿务局长、矿长负责制。</p>	<p>Article 31 To ensure safety in production, the system under which the directors of coal mine administrations and the managers of coal mines assume full responsibility shall be instituted in coal mining enterprises.</p>
<p>第三十二条</p>	<p>Article 32 Directors of coal mine administrations, managers of coal mines and other chief leading members of coal mining enterprises must abide by the laws and regulations governing safety of mines and the safety rules and regulations for the coal industry, tighten their control over coal mine safety in production, implement the responsibility system for safety in production and adopt effective measures to prevent the occurrence of injury, death and other accidents in production.</p>
<p>矿务局长、矿长及煤矿企业的其他主要负责人必须遵守有关矿山安全的法律、法规和煤炭行业安全规章、规程，加强对煤矿安全生产工作的管理，执行安全生产责任制度，采取有效措施，防止伤亡和其他安全生产事故的发生。</p>	<p>Article 32 Directors of coal mine administrations, managers of coal mines and other chief leading members of coal mining enterprises must abide by the laws and regulations governing safety of mines and the safety rules and regulations for the coal industry, tighten their control over coal mine safety in production, implement the responsibility system for safety in production and adopt effective measures to prevent the occurrence of injury, death and other accidents in production.</p>
<p>第三十三条</p>	<p>Article 33 Coal mining enterprises shall conduct education and training in safety in production among their employees. No one who has not received education and training in safety shall be permitted to work in a coal mine.</p>
<p>煤矿企业应当对职工进行安全生产教育、培训；未经安全生产教育、培训的，不得上岗作业。</p>	<p>Article 33 Coal mining enterprises shall conduct education and training in safety in production among their employees. No one who has not received education and training in safety shall be permitted to work in a coal mine.</p> <p>Employees of coal mining enterprises must</p>

煤矿企业职工必须遵守有关安全生产的法律、法规、煤炭行业规章、规程和企业规章制度。

abide by the laws and regulations governing safety in production, rules and regulations for the coal industry and rules of coal mining enterprises.

第三十四条

在煤矿井下作业中，出现危及职工生命安全并无法排除的紧急情况时，作业现场负责人或者安全管理人员应当立即组织职工撤离危险现场，并及时报告有关方面负责人。

Article 34 When an irresistible emergency occurs which may endanger the lives and safety of the miners who are working underground in coal mines, the person in charge on the spot or other persons in charge of safety shall immediately help the miners to leave the dangerous site and report the matter to the leading members concerned without delay.

第三十五条

煤矿企业工会发现企业行政方面违章指挥、强令职工冒险作业或者生产过程中发现明显重大事故隐患，可能危及职工生命安全的情况，有权提出解决问题的建议，煤矿企业行政方面必须及时作出处理决定。企业行政方面拒不处理的，工会有权提出批评、检举和控告。

Article 35 When any members of the trade union of a coal mining enterprise find that the administrative body of the enterprise gives directions against regulations and orders miners to work at risks or when they sense hidden danger of obviously serious accident which may threaten the lives and safety of workers, they shall have the right to make proposals for tackling the problem, and the administrative body of the coal mining enterprise must make prompt decision to deal with it. If the said body refuses to deal with it, the trade union shall have the right to criticism, accusation and complaint.

第三十六条

煤矿企业必须为职工提供保障安全生产所需的劳动保护用品。

Article 36 Coal mining enterprises must provide the workers with the necessary articles to guarantee safety in production.

第三十七条

煤矿企业应当依法为职工参加工伤保险缴纳工伤保险费。鼓励企业为井下作业职工办理意外伤害保险，支付保险费。

Article 37 Coal mining enterprises must provide job-related injury insurance for the workers and pay premiums according to law. Enterprises are encouraged to provide accidental injury insurance for miners working underground and pay premiums.

第三十八条

煤矿企业使用的设备、器材、火工产品和安全仪器，必须符合国家标准或者行业标准。

Article 38 All equipment, facilities, explosives and safety instruments used by coal mining enterprises must meet the national or trade standards.

第四章 煤炭经营

第三十九条

煤炭经营企业从事煤炭经营，应当遵守有关法律、法规的规定，改善服务，保障供应。禁止一切非法经营活动。

Chapter IV Marketing of Coal

Article 39 In the marketing of coal, coal trading enterprises shall abide by the relevant laws and regulations, improve services and ensure supply. Any illegal marketing activities shall be forbidden.

第四十条

煤炭经营应当减少中间环节和取消不合理的中间环节，提倡有条件的煤矿企业直销。

Article 40 For the marketing of coal, the intermediate links shall be reduced and unreasonable intermediate links shall be removed, and, where conditions permit, direct sale by coal mining enterprises shall be encouraged.

煤炭用户和煤炭销区的煤炭经营企业有权直接从煤矿企业购进煤炭。在煤炭产区可以组成煤炭销

Customers and coal trading enterprises in coal marketing areas shall have the right to buy coal directly from coal mining enterprises. In coal

售、运输服务机构，为中小煤矿办理经销、运输业务。

禁止行政机关违反国家规定擅自设立煤炭供应的中间环节和额外加收费用。

第四十一条

从事煤炭运输的车站、港口及其他运输企业不得利用其掌握的运力作为参与煤炭经营、谋取不正当利益的手段。

第四十二条

国务院物价行政主管部门会同国务院煤炭管理部门和有关部门对煤炭的销售价格进行监督管理。

第四十三条

煤矿企业和煤炭经营企业供应用户的煤炭质量应当符合国家标准或者行业标准，质级相符，质价相符。用户对煤炭质量有特殊要求的，由供需双方在煤炭购销合同中约定。

煤矿企业和煤炭经营企业不得在煤炭中掺杂、掺假，以次充好。

第四十四条

煤矿企业和煤炭经营企业供应用户的煤炭质量不符合国家标准或者行业标准，或者不符合合同约定，或者质级不符、质价不符，给用户造成损失的，应当依法给予赔偿。

第四十五条

煤矿企业、煤炭经营企业、运输企业和煤炭用户应当依照法律、国务院有关规定或者合同约定供应、运输和接卸煤炭。

运输企业应当将承运的不同质量的煤炭分装、分堆。

第四十六条

煤炭的进出口依照国务院的规定，实行统一管

production areas, coal marketing and transport service agencies may be set up to provide marketing and transport services for small and medium-sized coal mines.

Administrative departments shall be forbidden to set up intermediate agencies for coal supply and charge extra fees in violation of State regulations and without authorization.

Article 41 Railway station and port authorities engaged in coal transportation and other transport enterprises may not take advantage of the transportation capacity in their hands to take part in coal marketing business and seek improper interests.

Article 42 The price administration department under the State Council, together with the department in charge of the coal industry under the State Council and other relevant departments, shall exercise supervision and control over the price of coal.

Article 43 The quality of coal supplied to customers by coal mining and coal trading enterprises shall meet the national or trade standards. The quality of a specific type of coal shall match its grade and price. Where customers have special requirements for coal quality, they shall have to reach an agreement with the seller in a purchase and sale contract.

Coal mining enterprises and coal trading enterprises may not adulterate coal and sell inferior coal as quality coal.

Article 44 If the quality of coal supplied by coal mining enterprises and coal trading enterprises to customers does not meet the national or trade standards or the requirements agreed upon in a contract, or the quality does not match the grade or the price, thus causing losses to customers, compensation shall be made according to law.

Article 45 Coal mining enterprises, coal trading enterprises, transport enterprises and customers shall supply, transport, and accept and unload coal according to law, the relevant regulations of the State Council or the agreement in contracts.

Transport enterprises shall put coal of different quality to be transported into different packages or stock piles.

Article 46 Unified control shall be maintained over the import and export of coal in accordance with the relevant regulations of the State Council.

理。	After the department in charge of foreign economic relations and trade under the State Council gives its approval, large coal mining enterprises that meet the necessary conditions shall have the right to export coal.
具备条件的大型煤矿企业经国务院对外经济贸易主管部门依法许可，有权从事煤炭出口经营。	Article 47 Measures for control of coal marketing shall be formulated by the State Council in accordance with this Law.
第四十七条	Chapter V Protection of Coal Mining Areas
煤炭经营管理办法，由国务院依照本法制定。	Article 48 No entity or individual may damage the installations of electric power and communications, the sources of water, the means of transportation and other production facilities in coal mine areas.
第五章煤 矿矿区保护	
第四十八条	
任何单位或者个人不得危害煤矿矿区的电力、通讯、水源、交通及其他生产设施。	All entities and individuals shall be forbidden to disrupt the order of production and other work in coal mine areas.
禁止任何单位和个人扰乱煤矿矿区的生产秩序和工作秩序。	Article 49 Any entities or individuals shall have the right to inform against or accuse persons who steal or damage the facilities and equipment in coal mine areas or commit other acts that threaten the security in coal mine areas.
第四十九条	
对盗窃或者破坏煤矿矿区设施、器材及其他危及煤矿矿区安全的行为，一切单位和个人都有权检举、控告。	Article 50 Without the consent of coal mining enterprises, no entity or individual may grow plants or crops or breed animals, take soil or put up buildings or other structures on the land during the validity period for use of the land legally obtained by coal mining enterprises.
第五十条	
未经煤矿企业同意，任何单位或者个人不得在煤矿企业依法取得土地使用权的有效期间内在该土地上种植、养殖、取土或者修建建筑物、构筑物。	Article 51 Without the consent of coal mining enterprises, no entity or individual may occupy the railways, roads, navigation channels, wharves, power lines and water supply pipes specially used by coal mining enterprises.
第五十一条	
未经煤矿企业同意，任何单位或者个人不得占用煤矿企业的铁路专用线、专用道路、专用航道、专用码头、电力专用线、专用供水管路。	Article 52 Any entities or individuals that wish to conduct operations within coal mining areas that may threaten safety of the coal mines must first obtain consent of the coal mining enterprises, report to the department in charge of the coal industry for approval and take safety measures.
第五十二条	
任何单位或者个人需要在煤矿采区范围内进行可能危及煤矿安全的作业时，应当经煤矿企业同意，报煤炭管理部门批准，并采取安全措施后，方可进行作业。	If public utilities or other projects need to be constructed in a coal mine area, the unit concerned shall consult the coal mining enterprise and reach an agreement before it may start construction.
在煤矿矿区范围内需要建设公用工程或者其他工程的，有关单位应当事先与煤矿企业协商并达成协议后，方可施工。	Chapter VI Supervision and Inspection
第六章 监督检查	Article 53 The departments in charge of the coal industry and other relevant departments shall, in accordance with the law, exercise supervision over and inspection of the implementation of the laws and regulations governing the coal industry by coal
第五十三条	
煤炭管理部门和有关部门依法对煤矿企业和煤	

炭经营企业执行煤炭法律、法规的情况进行监督检查。

第五十四条

煤炭管理部门和有关部门的监督检查人员应当熟悉煤炭法律、法规，掌握有关煤炭专业技术，公正廉洁，秉公执法。

第五十五条

煤炭管理部门和有关部门的监督检查人员进行监督检查时，有权向煤矿企业、煤炭经营企业或者用户了解有关执行煤炭法律、法规的情况，查阅有关资料，并有权进入现场进行检查。

煤矿企业、煤炭经营企业和用户对依法执行监督检查任务的煤炭管理部门和有关部门的监督检查人员应当提供方便。

第五十六条

煤炭管理部门和有关部门的监督检查人员对煤矿企业和煤炭经营企业违反煤炭法律、法规的行为，有权要求其依法改正。

煤炭管理部门和有关部门的监督检查人员进行监督检查时，应当出示证件。

第七章 法律责任

第五十七条

违反本法第二十二条的规定，开采煤炭资源未达到国务院煤炭管理部门规定的煤炭资源回采率的，由煤炭管理部门责令限期改正；逾期仍达不到规定的回采率的，责令停止生产。

第五十八条

违反本法第二十四条的规定，擅自开采保安煤柱或者采用危及相邻煤矿生产安全的危险方法进行采矿作业的，由劳动行政主管部门会同煤炭管理部门责令停止作业；由煤炭管理部门没收违法所得，

mining enterprises and coal trading enterprises.

Article 54 Supervisors and inspectors of the departments in charge of the coal industry and other relevant departments shall have adequate knowledge of the laws and regulations governing the coal industry, be proficient in the relevant technology, be fair and honest and enforce the law impartially.

Article 55 During supervision and inspection, the supervisors and inspectors of the departments in charge of the coal industry and other relevant departments shall have the right to inquire coal mining enterprises, coal trading enterprises or the customers on how they implement the laws and regulations governing the coal industry and look up relevant materials and they shall have the right to enter a place for inspection.

The coal mining enterprises, coal trading enterprises and customers shall provide convenience to the supervisors and inspectors of the departments in charge of the coal industry and other relevant departments who are carrying out supervision and inspection according to law.

Article 56 The supervisors and inspectors of the departments in charge of the coal industry and other relevant departments shall have the right to ask the coal mining enterprises or coal trading enterprises that violate the laws and regulations governing the coal industry to make rectification according to law.

The supervisors and inspectors of the departments in charge of the coal industry and other relevant departments shall show their papers before they carry out supervision and inspection.

Chapter VII Legal Liability

Article 57 If an enterprise, in violation of Article 29 of this Law, fails to achieve the rate of extraction set by the department in charge of the coal industry under the State Council for exploiting coal resources, the said department shall order it to make rectification within a time limit and if it still cannot reach the rate upon expiration of the time limit, it shall be ordered to stop production.

Article 58 If an enterprise, in violation of Article 31 of this Law and without authorization, mines safety pillars or adopts dangerous mining methods which threaten production safety of an adjacent coal mine, the labor administration department, together with the department in charge of the coal industry, shall order it to stop mining, and the department in charge of the coal industry shall confiscate its unlawful proceeds, and impose on it a fine of not less than one

并处违法所得一倍以上五倍以下的罚款；构成犯罪的，由司法机关依法追究刑事责任；造成损失的，依法承担赔偿责任。

第五十九条

违反本法第四十三条的规定，在煤炭产品中掺杂、掺假，以次充好的，责令停止销售，没收违法所得，并处违法所得一倍以上五倍以下的罚款；构成犯罪的，由司法机关依法追究刑事责任。

第六十条

违反本法第五十条的规定，未经煤矿企业同意，在煤矿企业依法取得土地使用权的有效期间内在该土地上修建建筑物、构筑物的，由当地人民政府动员拆除；拒不拆除的，责令拆除。

第六十一条

违反本法第五十一条的规定，未经煤矿企业同意，占用煤矿企业的铁路专用线、专用道路、专用航道、专用码头、电力专用线、专用供水管路的，由县级以上地方人民政府责令限期改正；逾期不改正的，强制清除，可以并处五万元以下的罚款；造成损失的，依法承担赔偿责任。

第六十二条

违反本法第五十二条的规定，未经批准或者未采取安全措施，在煤矿采区范围内进行危及煤矿安全作业的，由煤炭管理部门责令停止作业，可以并处五万元以下的罚款；造成损失的，依法承担赔偿责任。

第六十三条

有下列行为之一的，由公安机关依照治安管理处罚法的有关规定处罚；构成犯罪的，由司法机关依法追究刑事责任：

(一) 阻碍煤矿建设，致使煤矿建设不能正常进行的；

(二) 故意损坏煤矿矿区的电力、通讯、水源、交通及其他生产设施的；

(三) 扰乱煤矿矿区秩序，致使生产、工作不

time and not more than five times the unlawful proceeds; if the violation constitutes a crime, the judicial organ shall investigate its criminal liability; if it causes losses, it shall bear liability for compensation according to law.

Article 59 If an enterprise, in violation of the provisions of Article 53 of this Law, adulterates coal and sells inferior coal as quality coal, it shall be ordered to stop selling coal, its unlawful proceeds shall be confiscated and it shall be imposed with a fine of not less than one time and not more than five times its unlawful proceeds; if the violation constitutes a crime, the judicial organ shall investigate its criminal responsibility.

Article 60 If any entities or individuals, in violation of Article 60 of this Law and without the consent of the coal mining enterprise concerned, put up buildings or other structures on the land during the validity period for use of the land legally obtained by the coal mining enterprise, the local people's government shall persuade them to pull down the buildings or other structures; if they refuse to do so, they shall be ordered to pull them down.

Article 61 If any entities or individuals, in violation of Article 61 of this Law and without the consent of the coal mining enterprise concerned, occupy the railways, roads, navigation channels, wharves, power lines or water supply pipes specially used by the enterprise, the local people's government at or above the county level shall order them to make rectification within a time limit; if upon expiration of the time limit, they fail to do so, compulsory measures shall be taken, and they may also be fined not more than 50,000 yuan; and if they cause losses, they shall be liable for compensation in accordance with the law.

Article 62 If any entities or individuals, in violation of Article 62 of this Law and without obtaining approval or taking any safety measures, conduct operations within coal mining areas that threaten safety of the coal mines, the department in charge of the coal industry shall order them to stop such operations and may also impose on them a fine of not more than 50,000 yuan; if they cause losses, they shall bear liability in accordance with law.

Article 63 If a person commits one of the following acts, the public security organ shall punish him in accordance with the relevant provisions in the Law on Administrative Penalties for Public Security; if a crime is constituted, the judicial organ shall investigate the criminal liability according to law:

(1) to obstruct coal mine construction, so that normal construction cannot be carried on;

(2) to intentionally damage the installations of electric power and communications, the sources of water, the means of transportation and other production facilities in coal mine areas;

能正常进行的；

(四) 拒绝、阻碍监督检查人员依法执行职务的。

第六十四条

煤矿企业的管理人员违章指挥、强令职工冒险作业，发生重大伤亡事故的，依照刑法有关规定追究刑事责任。

第六十五条

煤矿企业的管理人员对煤矿事故隐患不采取措施予以消除，发生重大伤亡事故的，依照刑法有关规定追究刑事责任。

第六十六条

煤炭管理部门和有关部门的工作人员玩忽职守、徇私舞弊、滥用职权的，依法给予行政处分；构成犯罪的，由司法机关依法追究刑事责任。

第八章 附则

第六十七条

本法自1996年12月1日起施行。

(3) to disrupt the order of coal mine areas, so that coal production and other work cannot be carried on normally; or

(4) to prevent or obstruct supervisors and inspectors from performing their duties.

Article 64 Where any administrators of a coal mining enterprise give directions against regulations and order miners to work at risk, thus causing serious casualty, they shall be investigated for criminal liability according to the relevant provisions of the Criminal Law.

Article 65 Where any administrators of a coal mining enterprise take no measures against hidden danger of accident in the mine, thus resulting in serious casualty, they shall be investigated for criminal liability according to the relevant provisions of the Criminal Law.

Article 66 Where any members of the departments in charge of the coal industry and other relevant departments neglect their duties, engage in malpractices for personal gain or abuse their power, they shall be given administrative sanctions; if a crime is constituted, the judicial organ shall investigate the criminal liability in accordance with the law.

Chapter VIII Supplementary Provisions

Article 67 This Law shall go into effect as of 1 December 1996.



扫一扫，手机阅读更方便