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# 中华人民共和国石油天然气管道保护法

# Law of the People's Republic of China on Protection of Petroleum and Natural Gas Pipelines

中华人民共和国石油天然气管道保护法

Law of the People's Republic of China on Protection of Petroleum and Natural Gas Pipelines

中华人民共和国主席令第30号

Order of the President of the People's Republic of China No. 30

《中华人民共和国石油天然气管道保护法》已由中华人民共和国第十一届全国人民代表大会常务委员会第十五次会议于2010年6月25日通过，现予公布，自2010年10月1日起施行。

The Law of the People's Republic of China on the Protection of Petroleum and Natural Gas Pipelines, which was adopted at the 15th Session of the Standing Committee of the 11th National People's Congress of the People's Republic of China on June 25, 2010, is hereby promulgated and shall come into effect as of October 1, 2010.

中华人民共和国主席　胡锦涛

President Hu Jintao

2010年6月25日

June 25, 2010

中华人民共和国石油天然气管道保护法

Law of the People's Republic of China on Protection of Petroleum and Natural Gas Pipelines

（2010年6月25日第十一届全国人民代表大会常务委员会第十五次会议通过）

(Adopted at the 15th session of the Standing Committee of the 11th National People's Congress on June 25, 2010)

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第一章 总 则

Chapter 1 General Provisions

第一条   为了保护石油、天然气管道，保障石油、天然气输送安全，维护国家能源安全和公共安全，制定本法。

Article 1 This Law is enacted to protect petroleum and natural gas pipelines, ensure the safety of transmission of petroleum and natural gas, and maintain the energy security and public security of the State.

第二条   中华人民共和国境内输送石油、天然气的管道的保护，适用本法。

Article 2 This Law shall apply to the protection of petroleum and natural gas transmission pipelines within the territory of the People's Republic of China.

城镇燃气管道和炼油、化工等企业厂区内管道的保护，不适用本法。

This Law shall not apply to the protection of urban gas pipelines and the pipelines within the areas of the refineries or petrochemical enterprises.

第三条   本法所称石油包括原油和成品油，所称天然气包括天然气、煤层气和煤制气。

Article 3 For the purposes of this Law, petroleum shall include crude oil and refined oil, and natural gas shall include natural gas, coal-bed gas, and coal gas.

本法所称管道包括管道及管道附属设施。

Pipelines referred to in this Law include pipelines and their auxiliary facilities.

第四条   国务院能源主管部门依照本法规定主管全国管道保护工作，负责组织编制并实施全国管道发展规划，统筹协调全国管道发展规划与其他专项规划的衔接，协调跨省、自治区、直辖市管道保护的重大问题。国务院其他有关部门依照有关法律、行政法规的规定，在各自职责范围内负责管道保护的相关工作。

Article 4 The energy department of the State Council shall be in charge of pipeline protection work nationwide, responsible for organizing the formulation and implementation of national pipeline development plans, coordinating national pipeline development plans with other special plans, and coordinating efforts to address the major issues in pipeline protection that crosses provinces, autonomous regions, or municipalities directly under the Central Government. Other relevant departments of the State Council shall be in charge of pipeline protection - related work within the scope of their respective responsibilities in accordance with applicable laws and regulations.

第五条   省、自治区、直辖市人民政府能源主管部门和设区的市级、县级人民政府指定的部门，依照本法规定主管本行政区域的管道保护工作，协调处理本行政区域管道保护的重大问题，指导、监督有关单位履行管道保护义务，依法查处危害管道安全的违法行为。县级以上地方人民政府其他有关部门依照有关法律、行政法规的规定，在各自职责范围内负责管道保护的相关工作。

Article 5 The energy departments of people's governments of provinces, autonomous regions, or municipalities directly under the Central Government, or the designated departments of people's governments of counties or cities with district division shall be in charge of pipeline protection within their respective administrative regions pursuant to this Law, coordinating efforts to address the major issues in pipeline protection within their respective administrative regions, guiding or supervising relevant entities in the performance of their pipeline protection obligations, and investigating and punishing illegal acts endangering pipeline safety in accordance with the law. Other relevant departments of local people's governments at or above the county level shall be in charge of pipeline protection - related work within the scope of their respective responsibilities and in accordance with applicable laws and administrative regulations.

省、自治区、直辖市人民政府能源主管部门和设区的市级、县级人民政府指定的部门，统称县级以上地方人民政府主管管道保护工作的部门。

The energy departments of people's governments of provinces, autonomous regions, or municipalities directly under the Central Government, and the designated departments of people's governments of counties or cities with district division shall be collectively referred to as the pipeline protection departments of local people's governments at or above the county level.

第六条   县级以上地方人民政府应当加强对本行政区域管道保护工作的领导，督促、检查有关部门依法履行管道保护职责，组织排除管道的重大外部安全隐患。

Article 6 Local people's governments at or above the county level shall strengthen their leadership in respect of the pipeline protection within their respective administrative regions, urge relevant departments to perform their pipeline protection responsibilities and check on such performance, and organize efforts to eliminate major external safety hazards to pipelines.

第七条   管道企业应当遵守本法和有关规划、建设、安全生产、质量监督、环境保护等法律、行政法规，执行国家技术规范的强制性要求，建立、健全本企业有关管道保护的规章制度和操作规程并组织实施，宣传管道安全与保护知识，履行管道保护义务，接受人民政府及其有关部门依法实施的监督，保障管道安全运行。

Article 7 Pipeline enterprises shall abide by this Law and the relevant laws and regulations on planning, work safety, quality supervision, environmental protection and other areas, implement the mandatory requirements of national technical standards, establish, improve and implement rules and regulations, systems and operating procedures with respect to the pipeline protection, publicize knowledge on pipeline safety and protection, perform pipeline protection obligations, accept the lawful supervision of the people's governments and relevant departments thereof, and ensure the safe operation of pipelines.

第八条   任何单位和个人不得实施危害管道安全的行为。

Article 8 No entity or individual may commit any act endangering pipeline safety.

对危害管道安全的行为，任何单位和个人有权向县级以上地方人民政府主管管道保护工作的部门或者其他有关部门举报。接到举报的部门应当在职责范围内及时处理。

Any entity or individual shall have the right to report an act endangering pipeline safety to the pipeline protection departments of local people's governments at or above the county level or other relevant departments. The departments receiving such reports shall timely handle the same within the scope of their responsibilities.

第九条   国家鼓励和促进管道保护新技术的研究开发和推广应用。

Article 9 The state encourages and promotes the research and development as well as the promotion and application of new technologies for pipeline protection.

第二章 管道规划与建设

Chapter 2 Pipeline Planning and Construction

第十条   管道的规划、建设应当符合管道保护的要求，遵循安全、环保、节约用地和经济合理的原则。

Article 10 Pipeline planning and construction shall meet the requirements of pipeline protection and be in line with the principles of safety, environmental protection, land saving, economy and rationality.

第十一条   国务院能源主管部门根据国民经济和社会发展的需要组织编制全国管道发展规划。组织编制全国管道发展规划应当征求国务院有关部门以及有关省、自治区、直辖市人民政府的意见。

Article 11 The energy department of the State Council shall organize the formulation of national pipeline development plans on the basis of national economic and social development needs. To formulate a national pipeline development plan, opinions shall be solicited from the relevant departments of the State Council and the people's governments of the relevant provinces, autonomous regions, and municipalities directly under the Central Government.

全国管道发展规划应当符合国家能源规划，并与土地利用总体规划、城乡规划以及矿产资源、环境保护、水利、铁路、公路、航道、港口、电信等规划相协调。

National pipeline development plans shall be in line with national energy plans and be coordinated with overall land use plans, urban and rural plans, as well as mineral resources, environmental protection, water conservancy, railway, highway, waterway, port, telecommunications and other plans.

第十二条   管道企业应当根据全国管道发展规划编制管道建设规划，并将管道建设规划确定的管道建设选线方案报送拟建管道所在地县级以上地方人民政府城乡规划主管部门审核；经审核符合城乡规划的，应当依法纳入当地城乡规划。

Article 12 Pipeline enterprises shall formulate their pipeline construction plans on the basis of national pipeline development plans, and submit the pipeline route proposals under their pipeline construction plans to the urban and rural planning departments of local people's governments at or above the county level where the proposed pipeline routes are to be constructed for examination and approval; those as examined to be in line with the urban and rural plans shall be included in the local urban and rural plans in accordance with the law.

纳入城乡规划的管道建设用地，不得擅自改变用途。

The purpose of land to be used for pipeline construction included into the urban and rural planning shall not be changed without authorization.

第十三条   管道建设的选线应当避开地震活动断层和容易发生洪灾、地质灾害的区域，与建筑物、构筑物、铁路、公路、航道、港口、市政设施、军事设施、电缆、光缆等保持本法和有关法律、行政法规以及国家技术规范的强制性要求规定的保护距离。

Article 13 Pipeline routes shall be selected to avoid areas of seismically active faults and areas prone to flood or geological disasters, and to maintain a protective distance from buildings, structures, railways, highways, waterways, ports, municipal facilities, military facilities, electric cables, optical cables and others, as required by this Law and relevant laws and administrative regulations as well as the mandatory requirements set in national technical standards.

新建管道通过的区域受地理条件限制，不能满足前款规定的管道保护要求的，管道企业应当提出防护方案，经管道保护方面的专家评审论证，并经管道所在地县级以上地方人民政府主管管道保护工作的部门批准后，方可建设。

Where an area which a newly constructed pipeline is to pass through fails to meet the requirements for pipeline protection as stated in the preceding paragraph due to geographical limitations, the pipeline enterprise shall put forward a protection plan, and only after such plan passes an expert review performed by pipeline protection experts and approved by the pipeline protection department of the local people's government at or above the county level can the pipeline be constructed.

管道建设项目应当依法进行环境影响评价。

A pipeline construction project shall be subject to environmental impact assessment as required by law.

第十四条   管道建设使用土地，依照《中华人民共和国土地管理法》等法律、行政法规的规定执行。

Article 14 The use of land for pipeline construction shall be governed by the Land Administration Law of the People's Republic of China and other applicable laws and regulations.

依法建设的管道通过集体所有的土地或者他人取得使用权的国有土地，影响土地使用的，管道企业应当按照管道建设时土地的用途给予补偿。

Where a pipeline constructed according to law passes through any land collectively owned or any state-owned land whose use right has been acquired by others and thus affects the use of the land, compensation shall be made by the pipeline enterprise according to the purpose of the land at the time of the construction.

第十五条   依照法律和国务院的规定，取得行政许可或者已报送备案并符合开工条件的管道项目的建设，任何单位和个人不得阻碍。

Article 15 According to law and the stipulations of the State Council, no entity or individual shall obstruct the construction of a pipeline project which has been granted an administrative license or filed for record and which has met the conditions for pipeline project commencement.

第十六条   管道建设应当遵守法律、行政法规有关建设工程质量管理的规定。

Article 16 Pipelines shall be constructed in compliance with the provisions on quality management of construction projects in laws and administrative regulations.

管道企业应当依照有关法律、行政法规的规定，选择具备相应资质的勘察、设计、施工、工程监理单位进行管道建设。

Pipeline enterprises shall, in accordance with relevant laws and regulations, select survey, design, construction, and project supervision entities with corresponding qualifications for their pipeline construction.

管道的安全保护设施应当与管道主体工程同时设计、同时施工、同时投入使用。

Pipeline safety protection facilities shall be designed, constructed and put into use at the same time as main pipeline structures.

管道建设使用的管道产品及其附件的质量，应当符合国家技术规范的强制性要求。

The quality of pipeline products and the accessories thereof used for pipeline construction shall meet the mandatory requirements of national technical standards.

第十七条   穿跨越水利工程、防洪设施、河道、航道、铁路、公路、港口、电力设施、通信设施、市政设施的管道的建设，应当遵守本法和有关法律、行政法规，执行国家技术规范的强制性要求。

Article 17 Construction of pipelines that cross or pass through any water conservancy projects, flood control facilities, river channels, navigation channels, railways, highways, ports, power facilities, telecommunications facilities, or municipal facilities shall be in compliance with this Law and other relevant laws and administrative regulations, and shall meet the mandatory requirements of national technical standards.

第十八条   管道企业应当按照国家技术规范的强制性要求在管道沿线设置管道标志。管道标志毁损或者安全警示不清的，管道企业应当及时修复或者更新。

Article 18 Pipeline enterprises shall set pipeline markers along pipeline routes in accordance with the mandatory requirements of national technical standards. Where pipeline markers are damaged or safety warnings are unclear, pipeline enterprises shall repair or update the markers or signs.

第十九条   管道建成后应当按照国家有关规定进行竣工验收。竣工验收应当审查管道是否符合本法规定的管道保护要求，经验收合格方可正式交付使用。

Article 19 Upon the completion of their construction, pipelines shall be checked for acceptance in accordance with relevant state provisions. Completion acceptance should check whether the pipeline meets the requirements for pipeline protection specified in this law. Only after passing the acceptance can the pipeline be formally delivered for use.

第二十条   管道企业应当自管道竣工验收合格之日起六十日内，将竣工测量图报管道所在地县级以上地方人民政府主管管道保护工作的部门备案；县级以上地方人民政府主管管道保护工作的部门应当将管道企业报送的管道竣工测量图分送本级人民政府规划、建设、国土资源、铁路、交通、水利、公安、安全生产监督管理等部门和有关军事机关。

Article 20 Pipeline enterprises shall, within 60 days from the date when completed pipelines have passed the acceptance check, file the measurement drawings of the completed pipelines with the pipeline protection departments of the local people's governments at or above the county level for the record. The pipeline protection departments of local people's governments at or above the county level shall distribute such measurement drawings to the planning, construction, state land resources, railways, transport, water resources, public security, work safety supervision and administration and other departments of the people's governments at the same level as well as the relevant military organs.

第二十一条   地方各级人民政府编制、调整土地利用总体规划和城乡规划，需要管道改建、搬迁或者增加防护设施的，应当与管道企业协商确定补偿方案。

Article 21 Where local people's governments at any level find that it is necessary to re-construct or relocate a pipeline or increase certain protection facilities when developing or adjusting their overall land use plans or urban and rural plans, they shall reach a compensation plan with the pipeline enterprise concerned through consultation.

第三章 管道运行中的保护

Chapter 3 Protection of Piping in Operation

第二十二条   管道企业应当建立、健全管道巡护制度，配备专门人员对管道线路进行日常巡护。管道巡护人员发现危害管道安全的情形或者隐患，应当按照规定及时处理和报告。

Article 22 Pipeline enterprises shall establish and improve their pipeline patrol systems and assign personnel specifically for daily patrol of pipeline routes. Where a pipeline patrol operator discovers any situation or hidden hazard endangering pipeline safety, they shall handle and report such situation or hazard in a timely manner according to relevant provisions.

第二十三条   管道企业应当定期对管道进行检测、维修，确保其处于良好状态；对管道安全风险较大的区段和场所应当进行重点监测，采取有效措施防止管道事故的发生。

Article 23 Pipeline enterprises shall regularly conduct testing and maintenance on pipelines to ensure that they are in good condition; and shall conduct key monitoring on pipeline sections and sites that have relatively big safety risks, and take effective measures to prevent pipeline accidents.

对不符合安全使用条件的管道，管道企业应当及时更新、改造或者停止使用。

Pipeline enterprises shall timely replace, renovate or cease the use of pipelines which no longer meet the conditions for safety of use.

第二十四条   管道企业应当配备管道保护所必需的人员和技术装备，研究开发和使用先进适用的管道保护技术，保证管道保护所必需的经费投入，并对在管道保护中做出突出贡献的单位和个人给予奖励。

Article 24 Pipeline enterprises shall have in place necessary personnel and technical equipment for pipeline protection, research and develop and use advanced and applicable pipeline protection technologies, ensure necessary funds for pipeline protection, and commend entities and individuals that have made outstanding contributions to pipeline protection.

第二十五条   管道企业发现管道存在安全隐患，应当及时排除。对管道存在的外部安全隐患，管道企业自身排除确有困难的，应当向县级以上地方人民政府主管管道保护工作的部门报告。接到报告的主管管道保护工作的部门应当及时协调排除或者报请人民政府及时组织排除安全隐患。

Article 25 Where a pipeline enterprise discovers any potential safety hazard in a pipeline, it shall promptly eliminate such hazard. Where it is really difficult for the pipeline enterprise to remove an external pipeline safety hazard on its own, it shall report the case to the pipeline protection department of the local people's government at or above the county level. The pipeline protection department receiving such a report shall promptly coordinate efforts to remove such a hazard or request the people's government to promptly organize efforts to remove the hazard.

第二十六条   管道企业依法取得使用权的土地，任何单位和个人不得侵占。

Article 26 No unit or individual shall occupy any land whose use right has been acquired by a pipeline enterprise.

为合理利用土地，在保障管道安全的条件下，管道企业可以与有关单位、个人约定，同意有关单位、个人种植浅根农作物。但是，因管道巡护、检测、维修造成的农作物损失，除另有约定外，管道企业不予赔偿。

For the purpose of reasonably using land and under the precondition that pipeline safety is ensured, pipeline enterprises may enter into agreements with relevant entities or individuals on allowing the latter to plant shallow-root crops on relevant land. However, except as otherwise agreed, pipeline enterprises shall not be liable for any loss of agricultural crops due to pipeline patrolling, testing, or maintenance.

第二十七条   管道企业对管道进行巡护、检测、维修等作业，管道沿线的有关单位、个人应当给予必要的便利。

Article 27 Where a pipeline enterprise conducts patrolling, testing, maintenance or other operations on a pipeline, relevant entities and individuals along the pipeline shall provide the enterprise with necessary convenience.

因管道巡护、检测、维修等作业给土地使用权人或者其他单位、个人造成损失的，管道企业应当依法给予赔偿。

Where any losses are caused to a holder of land use rights or any other entity or individual due to pipeline patrolling, testing, maintenance, or other operations, the pipeline enterprise shall compensate for such losses as required by law.

第二十八条   禁止下列危害管道安全的行为：

Article 28 The following acts endangering pipeline safety shall be prohibited:

（一）擅自开启、关闭管道阀门；

1. open or shut down pipeline valves without authorization;

（二）采用移动、切割、打孔、砸撬、拆卸等手段损坏管道；

(II) damaging a pipeline by means of moving, cutting, drilling, breaking or prying up, or dismantling the pipeline or any other means;

（三）移动、毁损、涂改管道标志；

(III) Move, damage or alter the pipeline markers;

（四）在埋地管道上方巡查便道上行驶重型车辆；

(IV) driving a heavy vehicle on the patrol pavement above a buried pipeline;

（五）在地面管道线路、架空管道线路和管桥上行走或者放置重物。

(V) walking or placing a heavy item on a ground or overhead pipeline route or a pipeline bridge.

第二十九条   禁止在本法第五十八条第一项所列管道附属设施的上方架设电力线路、通信线路或者在储气库构造区域范围内进行工程挖掘、工程钻探、采矿。

Article 29 It is prohibited to erect power lines or telecommunications lines over the auxiliary pipeline facilities as listed in Item 1 of Article 58 of this Law or conduct any excavation or drilling engineering, or mining within the area where a gas storage structure is located.

第三十条   在管道线路中心线两侧各五米地域范围内，禁止下列危害管道安全的行为：

Article 30 It is prohibited to conduct any of the following acts endangering pipeline safety within the area of five meters to either side of a pipeline center line:

（一）种植乔木、灌木、藤类、芦苇、竹子或者其他根系深达管道埋设部位可能损坏管道防腐层的深根植物；

1. planting trees, shrubs, vines, reeds, bamboos or any other deep-rooted plants whose roots can reach buried pipelines and may damage the antiseptic layer of pipelines;

（二）取土、采石、用火、堆放重物、排放腐蚀性物质、使用机械工具进行挖掘施工；

(II) To collect soil, quarry stone, use fire, stack heavy objects, discharge corrosive substances, and use mechanical tools for excavation and construction;

（三）挖塘、修渠、修晒场、修建水产养殖场、建温室、建家畜棚圈、建房以及修建其他建筑物、构筑物。

(III) digging a pond, opening a trench, or constructing a sunning ground, aquaculture farm, greenhouse, or livestock enclosure, a house or any other building or structure.

第三十一条   在管道线路中心线两侧和本法第五十八条第一项所列管道附属设施周边修建下列建筑物、构筑物的，建筑物、构筑物与管道线路和管道附属设施的距离应当符合国家技术规范的强制性要求：

Article 31 Where the following buildings or structures are constructed on either side of a pipeline center line or around the pipeline auxiliary facilities as listed in Item 1 of Article 58 of this Law, the distance of buildings or structures from pipelines or pipeline auxiliary facilities shall meet the compulsory requirements of national technical standards:

（一）居民小区、学校、医院、娱乐场所、车站、商场等人口密集的建筑物；

1. densely populated buildings, such as residential quarters, schools, hospitals, entertainment places, stations, shopping malls, etc.;

（二）变电站、加油站、加气站、储油罐、储气罐等易燃易爆物品的生产、经营、存储场所。

(II) sites for production, operation, or storage of inflammables or explosives, including substations, gas stations, gas filling stations, oil storage tanks, and gas storage tanks.

前款规定的国家技术规范的强制性要求，应当按照保障管道及建筑物、构筑物安全和节约用地的原则确定。

The mandatory requirements of the national technical specifications as mentioned in the preceding paragraph shall be determined according to the principle of ensuring the safety of pipelines, buildings and structures, as well as economical use of land.

第三十二条   在穿越河流的管道线路中心线两侧各五百米地域范围内，禁止抛锚、拖锚、挖砂、挖泥、采石、水下爆破。但是，在保障管道安全的条件下，为防洪和航道通畅而进行的养护疏浚作业除外。

Article 32 It is prohibited to conduct any anchor-dropping, anchor-dragging, sand-digging, mud-dredging, quarrying or under-water explosion activities within the area of 500 meters to either side of a pipeline center line which passes through a river. However, with the exception of maintenance and dredging operations for flood prevention and channel accessibility subject to ensuring pipeline safety.

第三十三条   在管道专用隧道中心线两侧各一千米地域范围内，除本条第二款规定的情形外，禁止采石、采矿、爆破。

Article 33 It is prohibited to conduct any quarrying, mining, or explosion activities within the area of one kilometer to either side of the center line of a pipeline tunnel, except for the circumstances as specified in the second paragraph of this Article.

在前款规定的地域范围内，因修建铁路、公路、水利工程等公共工程，确需实施采石、爆破作业的，应当经管道所在地县级人民政府主管管道保护工作的部门批准，并采取必要的安全防护措施，方可实施。

Where it is necessary to conduct any quarrying or explosion activities within the area as stated in the preceding paragraph due to the construction of a railway, highway, water conservancy project or any other public project, such activities may be carried out only after they have been approved by the pipeline protection department of the local people's government at or above the county level where the pipeline is located and after necessary safety protection measures have been taken.

第三十四条   未经管道企业同意，其他单位不得使用管道专用伴行道路、管道水工防护设施、管道专用隧道等管道附属设施。

Article 34 No other entity may use any special sideway, hydraulic protection facility, special tunnel or any other auxiliary facility of a pipeline without the consent of the pipeline enterprise.

第三十五条   进行下列施工作业，施工单位应当向管道所在地县级人民政府主管管道保护工作的部门提出申请：

Article 35 A construction unit shall file an application with the pipeline protection department of the local people's government at or above the county level where a pipeline is located before conducting any of the following construction works:

（一）穿跨越管道的施工作业；

(I) Construction operation across pipes;

（二）在管道线路中心线两侧各五米至五十米和本法第五十八条第一项所列管道附属设施周边一百米地域范围内，新建、改建、扩建铁路、公路、河渠，架设电力线路，埋设地下电缆、光缆，设置安全接地体、避雷接地体；

(II) constructing, reconstructing or expanding a railway, highway, waterway, erecting an electric line, laying an underground cable or optical cable, or installing a safety or lightening arrester grounding device within the area of five to fifty meters to either side of a pipeline center line or within the 100-meter radius of any of the pipeline's auxiliary facilities as listed in Item 1 of Article 58; or

（三）在管道线路中心线两侧各二百米和本法第五十八条第一项所列管道附属设施周边五百米地域范围内，进行爆破、地震法勘探或者工程挖掘、工程钻探、采矿。

3. conducting any explosion, seismic exploration or excavation or drilling engineering or mining activity within the area of 200 meters to either side of a pipeline center line or 500 meters to the pipeline's auxiliary facilities as listed in Item 1 of Article 58.

县级人民政府主管管道保护工作的部门接到申请后，应当组织施工单位与管道企业协商确定施工作业方案，并签订安全防护协议；协商不成的，主管管道保护工作的部门应当组织进行安全评审，作出是否批准作业的决定。

Upon receipt of the application, the pipeline protection department of the local people's government at or above the county level shall organize the construction unit and the pipeline enterprise to negotiate to determine the construction work plan and sign a safety protection agreement; if the negotiation fails, the pipeline protection department shall conduct a safety assessment and make a decision on whether to approve the construction work.

第三十六条   申请进行本法第三十三条第二款、第三十五条规定的施工作业，应当符合下列条件：

Article 36 An applicant for conducting any construction works as specified in the second paragraph of Article 33 and Article 35 of this Law shall meet the following conditions:

（一）具有符合管道安全和公共安全要求的施工作业方案；

(I) To prepare construction scheme in accordance with requirements on pipeline safety and public safety;

（二）已制定事故应急预案；

(II) Having made an emergency response plan;

（三）施工作业人员具备管道保护知识；

(III) Construction workers have the knowledge of pipeline protection;

（四）具有保障安全施工作业的设备、设施。

(IV) Having equipment and facilities that can ensure the work safety.

第三十七条   进行本法第三十三条第二款、第三十五条规定的施工作业，应当在开工七日前书面通知管道企业。管道企业应当指派专门人员到现场进行管道保护安全指导。

Article 37 A written notice shall be given to pipeline enterprises seven days prior to the commencement of any construction operation as specified in the second paragraph of Article 33 and Article 35 of this Law. Pipeline enterprises shall assign special personnel to provide on-site guidance on pipeline protection and safety.

第三十八条   管道企业在紧急情况下进行管道抢修作业，可以先行使用他人土地或者设施，但应当及时告知土地或者设施的所有权人或者使用权人。给土地或者设施的所有权人或者使用权人造成损失的，管道企业应当依法给予赔偿。

Article 38 Where a pipeline enterprise conducts an emergency pipeline repair, it may use the land or facilities of others first, but shall inform the owner or user of the land or facilities in time. Where losses are caused to the owners or users of land or facilities, pipeline enterprises shall compensate for such losses according to law.

第三十九条   管道企业应当制定本企业管道事故应急预案，并报管道所在地县级人民政府主管管道保护工作的部门备案；配备抢险救援人员和设备，并定期进行管道事故应急救援演练。

Article 39 Pipeline enterprises shall formulate their own pipeline contingent plans and submit such plans to the pipeline protection departments of local people's governments at or above the county level where the pipelines are located for record filing. Such enterprises shall also be equipped with the personnel and equipment for emergency rescue and relief, and shall conduct emergency rescue drills for pipeline accidents on a regular basis.

发生管道事故，管道企业应当立即启动本企业管道事故应急预案，按照规定及时通报可能受到事故危害的单位和居民，采取有效措施消除或者减轻事故危害，并依照有关事故调查处理的法律、行政法规的规定，向事故发生地县级人民政府主管管道保护工作的部门、安全生产监督管理部门和其他有关部门报告。

Where a pipeline accident occurs, the pipeline enterprise shall immediately initiate its pipeline contingent plan, inform the organizations and residents that are likely to be affected by the accident, take effective measures to eliminate or reduce the harm of the accident, and report to the pipeline protection departments, work safety supervision and administration departments and other relevant departments of local people's governments at or above the county level where the accident occurs in accordance with the relevant laws and regulations concerning the investigation and handling of the accident.

接到报告的主管管道保护工作的部门应当按照规定及时上报事故情况，并根据管道事故的实际情况组织采取事故处置措施或者报请人民政府及时启动本行政区域管道事故应急预案，组织进行事故应急处置与救援。

The pipeline protection departments which have received the report shall make a timely report on the accident to a superior authority in accordance with the relevant provisions, and shall adopt relevant measures to handle the accident or report to and request the people's governments to initiate the pipeline contingent plans of their own administrative regions in a timely manner in line with the actual situation of the pipeline accident, and to handle the accident and provide rescue.

第四十条   管道泄漏的石油和因管道抢修排放的石油造成环境污染的，管道企业应当及时治理。因第三人的行为致使管道泄漏造成环境污染的，管道企业有权向第三人追偿治理费用。

Article 40 Where the petroleum leaked from the pipelines or the petroleum discharged due to repair of pipelines has caused environmental pollution, the pipeline enterprise shall treat it in a timely manner. Where the act of a third party has caused the pipeline leakage and the environmental pollution, the pipeline enterprises shall have the right to recover the treatment expenses from the third party.

环境污染损害的赔偿责任，适用《中华人民共和国侵权责任法》和防治环境污染的法律的有关规定。

The compensation liabilities for damages caused by environmental pollution shall be governed by the Tort Law of the People's Republic of China and the relevant provisions of the environmental pollution prevention law.

第四十一条   管道泄漏的石油和因管道抢修排放的石油，由管道企业回收、处理，任何单位和个人不得侵占、盗窃、哄抢。

Article 41 The petroleum leaked from a pipeline or discharged from a pipeline due to an emergency repair of the pipeline shall be recovered or disposed of by the pipeline enterprise concerned. No entity or individual may misappropriate, steal, or loot such petroleum.

第四十二条   管道停止运行、封存、报废的，管道企业应当采取必要的安全防护措施，并报县级以上地方人民政府主管管道保护工作的部门备案。

Article 42 Where a pipeline is disused, sealed or scrapped, the pipeline enterprise shall take necessary safety protection measures and report the matter to the pipeline protection departments of local people's governments at or above the county level for the record.

第四十三条   管道重点保护部位，需要由中国人民武装警察部队负责守卫的，依照《中华人民共和国人民武装警察法》和国务院、中央军事委员会的有关规定执行。

Article 43 The Chinese People's Armed Police Force shall be responsible for safeguarding the sections of a pipeline under key protection in accordance with the People's Armed Police Law of the People's Republic of China and other relevant provisions promulgated by the State Council and the Central Military Commission.

第四章 管道建设工程与其他建设工程相遇关系的处理

Chapter 4 Handling of Relations between Pipeline Construction Projects and Other Construction Projects

第四十四条   管道建设工程与其他建设工程的相遇关系，依照法律的规定处理；法律没有规定的，由建设工程双方按照下列原则协商处理，并为对方提供必要的便利：

Article 44 The relations between a pipeline construction project and other construction projects shall be handled according to law; where law has not provided for such relations, both parties to the construction project shall handle them through negotiation pursuant to the following principles and provide necessary convenience to the other party:

（一）后开工的建设工程服从先开工或者已建成的建设工程；

1. the construction project that starts at a later time shall be subordinate to the one that has started earlier or has already been completed; and

（二）同时开工的建设工程，后批准的建设工程服从先批准的建设工程。

(II) Where the construction projects commence at the same time, the one which is approved later shall be subordinate to the one which is approved earlier.

依照前款规定，后开工或者后批准的建设工程，应当符合先开工、已建成或者先批准的建设工程的安全防护要求；需要先开工、已建成或者先批准的建设工程改建、搬迁或者增加防护设施的，后开工或者后批准的建设工程一方应当承担由此增加的费用。

According to the provisions of the preceding paragraph, for a construction project that commences or is approved at a later time, the safety protection requirements of the construction project that commences or is approved at a earlier time shall be satisfied; where it is necessary for the construction project that commences or is approved at a earlier time to re-construct, relocate or to increase the protection facilities, the construction project that commences or is approved at a later time shall bear the expenses incurred due to such reconstruction, relocation or increase of protection facilities.

管道建设工程与其他建设工程相遇的，建设工程双方应当协商确定施工作业方案并签订安全防护协议，指派专门人员现场监督、指导对方施工。

Where pipeline construction project meets with any other construction project, the two parties of the construction project shall determine the construction scheme through negotiation and conclude a safety protection agreement, designating special personnel to supervise and instruct the construction site of the other party.

第四十五条   经依法批准的管道建设工程，需要通过正在建设的其他建设工程的，其他工程建设单位应当按照管道建设工程的需要，预留管道通道或者预建管道通过设施，管道企业应当承担由此增加的费用。

Article 45 Where it is necessary for a pipeline construction project which is approved in line with law to pass through another construction project which is under construction, the latter one shall reserve a passage way for the pipelines or pre-construct a pipeline passing facilities on the basis of the requirement of pipeline construction project. The pipeline enterprise shall bear the additional expenses incurred thereof.

经依法批准的其他建设工程，需要通过正在建设的管道建设工程的，管道建设单位应当按照其他建设工程的需要，预留通道或者预建相关设施，其他工程建设单位应当承担由此增加的费用。

Where it is necessary for another construction project which is approved in line with law to pass through a pipeline construction project which is under construction, the pipeline construction unit shall reserve a passage way or pre-construct relevant facilities on the basis of the requirements of the said construction project. The latter unit shall bear the additional expenses incurred thereof.

第四十六条   管道建设工程通过矿产资源开采区域的，管道企业应当与矿产资源开采企业协商确定管道的安全防护方案，需要矿产资源开采企业按照管道安全防护要求预建防护设施或者采取其他防护措施的，管道企业应当承担由此增加的费用。

Article 46 Where a pipeline construction project passes through the mineral resources exploitation area, the pipeline enterprise shall determine the pipeline safety protection scheme with the mineral resources exploitation enterprise through negotiation. Where it is necessary for the mineral resources exploitation enterprise to pre-construct protection facilities or adopt other protection measures on the basis of the requirements for pipeline safety protection, the pipeline enterprise shall bear the additional expenses incurred thereof.

矿产资源开采企业未按照约定预建防护设施或者采取其他防护措施，造成地面塌陷、裂缝、沉降等地质灾害，致使管道需要改建、搬迁或者采取其他防护措施的，矿产资源开采企业应当承担由此增加的费用。

Where any of the mineral resources exploitation enterprises fails to pre-construct the protection facilities or adopt other protection measures, and cause ground collapse, fissures, subsidence and other geological disasters, and therefore the pipeline must be re-constructed, relocated or other protection measures must be adopted, the mineral resources exploitation enterprise shall bear the additional expenses incurred thereof.

第四十七条   铁路、公路等建设工程修建防洪、分流等水工防护设施，可能影响管道保护的，应当事先通知管道企业并注意保护下游已建成的管道水工防护设施。

Article 47 Where such hydraulic protection facilities as the flood prevention and water diversion facilities shall be constructed for a railway or highway construction project, and construction of such facilities may affect the pipeline protection, the pipeline enterprise shall be informed in advance and attention shall be paid to the already-constructed pipeline hydraulic protection facilities downstream.

建设工程修建防洪、分流等水工防护设施，使下游已建成的管道水工防护设施的功能受到影响，需要新建、改建、扩建管道水工防护设施的，工程建设单位应当承担由此增加的费用。

Where such hydraulic protection facilities as the flood prevention and water diversion facilities shall be constructed for a construction project, and the functions of the already-constructed pipeline hydraulic protection facilities downstream are affected, and therefore it is necessary to construct, reconstruct or expand such facilities, the construction unit shall bear the additional expenses incurred thereof.

第四十八条   县级以上地方人民政府水行政主管部门制定防洪、泄洪方案应当兼顾管道的保护。

Article 48 The water administration departments of the local people's governments at or above the county level shall give overall consideration to the protection of pipelines in formulating flood prevention and flood discharge plans.

需要在管道通过的区域泄洪的，县级以上地方人民政府水行政主管部门应当在泄洪方案确定后，及时将泄洪量和泄洪时间通知本级人民政府主管管道保护工作的部门和管道企业或者向社会公告。主管管道保护工作的部门和管道企业应当对管道采取防洪保护措施。

Where it is necessary to discharge flood through the areas with pipelines, the departments for water resources administration of local people's governments at or above the county level shall, after the flood discharge plan is determined, notify the pipeline protection departments of people's governments at the same level and the pipeline enterprises of the flood discharge volume and time in a timely manner or make a public announcement to society. The pipeline protection departments and the pipeline enterprises shall adopt the flood prevention protection measures for the pipelines.

第四十九条   管道与航道相遇，确需在航道中修建管道防护设施的，应当进行通航标准技术论证，并经航道主管部门批准。管道防护设施完工后，应经航道主管部门验收。

Article 49 Where a pipeline meets a navigation channel and it is really necessary to construct protection facilities in the channel, a technical verification on the navigation standards shall be conducted and the approval shall be obtained from the department in charge of the channels. The competent channel administration shall conduct an acceptance inspection after the pipeline protection facilities are completed.

进行前款规定的施工作业，应当在批准的施工区域内设置航标，航标的设置和维护费用由管道企业承担。

Navigation marks shall be set within the approved construction area in the course of construction as prescribed in the preceding paragraph. The expenses for setting and maintaining those navigation marks shall be borne by the pipeline enterprises.

第五章 法律责任

Chapter 5 Legal Liabilities

第五十条   管道企业有下列行为之一的，由县级以上地方人民政府主管管道保护工作的部门责令限期改正；逾期不改正的，处二万元以上十万元以下的罚款；对直接负责的主管人员和其他直接责任人员给予处分：

Article 50 Where a pipeline enterprise commits any of the following acts, it shall be ordered by the pipeline protection department of the local people's government at or above the county level to make corrections within a time limit; if it fails to make corrections within the prescribed time limit, it shall be fined not less than CNY20,000 but not more than CNY100 ,000; the directly responsible person in charge and other directly responsible persons shall be subject to sanctions:

（一）未依照本法规定对管道进行巡护、检测和维修的；

1. Fail to conduct inspection, testing and maintenance to the pipelines in accordance with the provisions hereof;

（二）对不符合安全使用条件的管道未及时更新、改造或者停止使用的；

(II) Fail to timely update, renovate or disuse the pipelines which do not meet the conditions for safety use;

（三）未依照本法规定设置、修复或者更新有关管道标志的；

(III) Fail to set, restore or update the pipeline marks in accordance with the provisions of this Law;

（四）未依照本法规定将管道竣工测量图报人民政府主管管道保护工作的部门备案的；

(IV) Fail to submit the pipeline completion measurement drawings to the pipeline protection departments of local people's governments for record-filing in accordance with the provisions of this Law; or

（五）未制定本企业管道事故应急预案，或者未将本企业管道事故应急预案报人民政府主管管道保护工作的部门备案的；

(V) Fail to formulate its own pipeline contingent plan, or fail to submit its pipeline contingent plan to the pipeline protection departments of local people's governments for record filing;

（六）发生管道事故，未采取有效措施消除或者减轻事故危害的；

(VI) in case of a pipeline accident, failing to take effective measures to eliminate or reduce the harm of the accident; or

（七）未对停止运行、封存、报废的管道采取必要的安全防护措施的。

(VII) Fail to take necessary safety protection measures to the discontinued, sealed or scrapped pipelines.

管道企业违反本法规定的行为同时违反建设工程质量管理、安全生产、消防等其他法律的，依照其他法律的规定处罚。

Where the acts of a pipeline enterprise that violates the provisions of this Law also violate laws on construction project quality management, work safety, fire protection and so on, penalties shall be imposed in accordance with such other laws.

管道企业给他人合法权益造成损害的，依法承担民事责任。

Where a pipeline enterprise has caused damage to the lawful rights and interests of others, it shall assume the corresponding civil liabilities.

第五十一条   采用移动、切割、打孔、砸撬、拆卸等手段损坏管道或者盗窃、哄抢管道输送、泄漏、排放的石油、天然气，尚不构成犯罪的，依法给予治安管理处罚。

Article 51 Where anyone damages a pipeline, steals or loots the petroleum or natural gas transmitted, leaked or discharged from a pipeline by means of moving, cutting, drilling, smashing, prizing or dismantling the pipeline, but such act does not constitute a crime, he/she shall be subject to public security administrative penalties.

第五十二条   违反本法第二十九条、第三十条、第三十二条或者第三十三条第一款的规定，实施危害管道安全行为的，由县级以上地方人民政府主管管道保护工作的部门责令停止违法行为；情节较重的，对单位处一万元以上十万元以下的罚款，对个人处二百元以上二千元以下的罚款；对违法修建的建筑物、构筑物或者其他设施限期拆除；逾期未拆除的，由县级以上地方人民政府主管管道保护工作的部门组织拆除，所需费用由违法行为人承担。

Article 52 Where an entity, in violation of Article 29, Article 30, Article 32 or Paragraph 1 of Article 33 of this Law, commits any act endangering pipeline safety, the pipeline protection department of the local people's government at or above the county level shall order it to stop the illegal act; if the circumstances are relatively serious, a fine of not less than 10,000 yuan and not more than 100,000 yuan shall be imposed on the entity and a fine of not less than 200 yuan and not more than 2,000 yuan shall be imposed on the individual; if the illegal buildings, structures or other facilities are not dismantled within a time limit, the pipeline protection department of the local people's government at or above the county level shall dismantle them at the expenses of the violator.

第五十三条   未经依法批准，进行本法第三十三条第二款或者第三十五条规定的施工作业的，由县级以上地方人民政府主管管道保护工作的部门责令停止违法行为；情节较重的，处一万元以上五万元以下的罚款；对违法修建的危害管道安全的建筑物、构筑物或者其他设施限期拆除；逾期未拆除的，由县级以上地方人民政府主管管道保护工作的部门组织拆除，所需费用由违法行为人承担。

Article 53 Where any entity conducts construction operations specified in Paragraph 2 of Article 33 or Article 35 of this Law without approval in accordance with the law, the pipeline protection departments of local people's governments at or above the county level shall order it to stop the illegal acts. In serious cases, a fine of no less than 10,000 yuan and no more than 50,000 yuan shall be imposed. Buildings, structures or other facilities illegally built that endanger pipeline safety shall be dismantled within a specified time limit. If they are not dismantled within the specified time limit, dismantling shall be organised by the pipeline protection departments of local people's governments at or above the county level, and all necessary costs shall be borne by the operator.

第五十四条   违反本法规定，有下列行为之一的，由县级以上地方人民政府主管管道保护工作的部门责令改正；情节严重的，处二百元以上一千元以下的罚款：

Article 54 Where any entity violates this Law and commits any of the following acts, the pipeline protection departments of local people's governments at or above the county level shall order the entity to make corrections. Where the circumstances are serious, a fine of no less than CNY200 but no more than CNY1,000 shall be imposed:

（一）擅自开启、关闭管道阀门的；

1. opening or closing pipeline valves without authorization;

（二）移动、毁损、涂改管道标志的；

2. Move, damage or alter the pipeline markers;

（三）在埋地管道上方巡查便道上行驶重型车辆的；

(III) driving a heavy vehicle on the patrol pavement above a buried pipeline;

（四）在地面管道线路、架空管道线路和管桥上行走或者放置重物的；

(IV) walking or placing a heavy item on a ground or overhead pipeline route or a pipeline bridge; or

（五）阻碍依法进行的管道建设的。

(V) Where it obstructs pipeline construction conducted in accordance with the law.

第五十五条   违反本法规定，实施危害管道安全的行为，给管道企业造成损害的，依法承担民事责任。

Article 55 Anyone who, in violation of this Law, commits an act endangering pipeline safety, thus causing damage to pipeline enterprises, shall bear civil liability in accordance with the law.

第五十六条   县级以上地方人民政府及其主管管道保护工作的部门或者其他有关部门，违反本法规定，对应当组织排除的管道外部安全隐患不及时组织排除，发现危害管道安全的行为或者接到对危害管道安全行为的举报后不依法予以查处，或者有其他不依照本法规定履行职责的行为的，由其上级机关责令改正，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。

Article 56 Where a local people's government at or above the county level, its pipeline protection department or any other relevant department, in violation of this Law, fails to promptly remove an external pipeline safety hazard that should have been eliminated, fails to investigate into and punish in accordance with the law any activity endangering pipeline safety upon discovering such activity or receiving a report on any activity endangering pipeline safety, or fails to perform its duties in accordance with this Law, its superior authority shall order it to make corrections and punish the person directly in charge and other directly liable persons.

第五十七条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 57 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be imposed according to the law.

第六章 附 则

Chapter 6 Supplementary Provisions

第五十八条   本法所称管道附属设施包括：

Article 58 For the purposes of this Law, auxiliary facilities for pipelines shall include:

（一）管道的加压站、加热站、计量站、集油站、集气站、输油站、输气站、配气站、处理场、清管站、阀室、阀井、放空设施、油库、储气库、装卸栈桥、装卸场；

1. booster stations, heating stations, metering stations, petroleum gathering stations, gas gathering stations, petroleum transmission stations, gas transmission stations, gas distribution stations, processing sites, pigging stations, valve chambers, flare installations, petroleum stores, gas storages, loading and unloading jetties and loading and unloading yards;

（二）管道的水工防护设施、防风设施、防雷设施、抗震设施、通信设施、安全监控设施、电力设施、管堤、管桥以及管道专用涵洞、隧道等穿跨越设施；

(II) Hydraulic protection facilities, wind-proof facilities, thunder-proof facilities, anti-seismic facilities, telecommunications facilities, safety monitoring facilities, electric facilities, embankments, bridges and special culverts and tunnels for pipelines and other crossing facilities;

（三）管道的阴极保护站、阴极保护测试桩、阳极地床、杂散电流排流站等防腐设施；

(III) anticorrosion protection facilities for pipelines, such as cathode protection stations, cathode protection test piles, anode ground beds and stray current drain stations;

（四）管道穿越铁路、公路的检漏装置；

4. leakage detection devices for the pipelines passing through the railways or roads; and

（五）管道的其他附属设施。

5. other auxiliary facilities for pipelines.

第五十九条   本法施行前在管道保护距离内已建成的人口密集场所和易燃易爆物品的生产、经营、存储场所，应当由所在地人民政府根据当地的实际情况，有计划、分步骤地进行搬迁、清理或者采取必要的防护措施。需要已建成的管道改建、搬迁或者采取必要的防护措施的，应当与管道企业协商确定补偿方案。

Article 59 Local people's governments shall, on the basis of local realities, conduct the relocation or clearing of existing populated areas or sites for production, operation and storage of inflammables or explosives within the protective distance of a pipeline prior to the implementation of this Law in a planned or systematic way, or adopt necessary protective measures in this regard. Where it is necessary to re-construct or relocate an existing pipeline or to adopt necessary protection measures, the government shall reach a compensation plan with the pipeline enterprise concerned through consultation.

第六十条   国务院可以根据海上石油、天然气管道的具体情况，制定海上石油、天然气管道保护的特别规定。

Article 60 The State Council may formulate special provisions for the protection of offshore petroleum or natural gas pipelines on the basis of the specific situations of offshore petroleum or natural gas pipelines.

第六十一条   本法自2010年10月1日起施行。

Article 61 This Law shall come into effect on October 1, 2010.