|  |  |  |
| --- | --- | --- |
| 发文机关  Promulgator | ：  : | 全国人民代表大会常务委员会  The Standing Committee of the National People's Congress |
| 发布日期  Date of Issue | ：  : | 2009.08.27  2009.08.27 |
| 生效日期  Effective Date | ：  : | 2009.08.27  2009.08.27 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |

# 中华人民共和国矿产资源法（2009修正）

# Mineral Resources Law of the People’s Republic of China (2009 Revision)

中华人民共和国矿产资源法（2009修正）

Mineral Resources Law of the People’s Republic of China (2009 Revision)

（1986年3月19日第六届全国人民代表大会常务委员会第十五次会议通过 根据1996年8月29日第八届全国人民代表大会常务委员会第二十一次会议《关于修改〈中华人民共和国矿产资源法〉的决定》第一次修正 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第二次修正）

(Adopted at the 15th Meeting of the Standing Committee of the Sixth National People's Congress on March 19, 1986; amended for the first time in accordance with the Decision on Revising the Mineral Resources Law of the People's Republic of China adopted at the 21st Meeting of the Standing Committee of the Eighth National People's Congress on August 29, 1996; and amended for the second time in accordance with the Decision on Revising Certain Laws adopted at the 10th Meeting of the Standing Committee of the 11th National People's Congress on August 27, 2009)

第一章 总 则

Chapter 1 General Provisions

第一条   为了发展矿业，加强矿产资源的勘查、开发利用和保护工作，保障社会主义现代化建设的当前和长远的需要，根据中华人民共和国宪法，特制定本法。

Article 1 This Law is enacted in accordance with the Constitution of the People's Republic of China, with a view to developing the mining industry, promoting the exploration, development, utilization and protection of mineral resources and ensuring the present and long-term needs of the socialist modernization programme.

第二条   在中华人民共和国领域及管辖海域勘查、开采矿产资源，必须遵守本法。

Article 2 This Law must be observed in exploring and mining mineral resources within the territory of the People's Republic of China and the sea areas under its jurisdiction.

第三条   矿产资源属于国家所有，由国务院行使国家对矿产资源的所有权。地表或者地下的矿产资源的国家所有权，不因其所依附的土地的所有权或者使用权的不同而改变。

Article 3 Mineral resources belong to the State. The State Council exercises the State's ownership of mineral resources. State ownership of mineral resources, either near the earth's surface or underground, shall not change with the alteration of ownership or right to the use of the land which the mineral resources are attached to.

国家保障矿产资源的合理开发利用。禁止任何组织或者个人用任何手段侵占或者破坏矿产资源。各级人民政府必须加强矿产资源的保护工作。

The State shall guarantee the rational development and utilization of mineral resources. Seizing or damaging mineral resources by any means and by any organization or individual shall be prohibited. People's governments at various levels must improve their work in the protection of mineral resources.

勘查、开采矿产资源，必须依法分别申请、经批准取得探矿权、采矿权，并办理登记；但是，已经依法申请取得采矿权的矿山企业在划定的矿区范围内为本企业的生产而进行的勘查除外。

Anyone who wishes to explore or mine mineral resources shall separately make an application according to law and shall register after obtaining the right of exploration or mining upon approval, with the exception of the mining enterprises that have, in accordance with law, applied for and obtained the right of mining and are conducting exploration within the designated mining area for the purpose of their own production.

国家保护探矿权和采矿权不受侵犯，保障矿区和勘查作业区的生产秩序、工作秩序不受影响和破坏。

The state shall protect rights of exploration and mining from violation and protect order in production and other work in the mining and exploration areas from interference and disruption.

从事矿产资源勘查和开采的，必须符合规定的资质条件。

Those engaging in the exploration and mining of mineral resources must meet the prescribed qualification conditions.

第四条   国家保障依法设立的矿山企业开采矿产资源的合法权益。

Article 4 The State protects the lawful rights and interests of mining enterprises, established in accordance with law, in mining of mineral resources.

国有矿山企业是开采矿产资源的主体。国家保障国有矿业经济的巩固和发展。

The state-owned mining enterprises are the main body of mining mineral resources. The state shall guarantee the consolidation and expansion of state-owned mining industry.

第五条   国家实行探矿权、采矿权有偿取得的制度；但是，国家对探矿权、采矿权有偿取得的费用，可以根据不同情况规定予以减缴、免缴。具体办法和实施步骤由国务院规定。

Article 5 The State practises a system wherein the exploration right and mining right shall be obtained with compensation; however, the State may, in light of specific conditions, prescribe reduction of or exemption from the compensation for acquiring the exploration right and mining right. Specific measures and implementation procedures shall be formulated by the State Council.

开采矿产资源，必须按照国家有关规定缴纳资源税和资源补偿费。

Anyone who exploits mineral resources must pay resource tax and compensation in accordance with relevant State regulations.

第六条   除按下列规定可以转让外，探矿权、采矿权不得转让：

Article 6 Exploration right and mining right shall not be transferred except for the transfers made according to the following provisions:

（一）探矿权人有权在划定的勘查作业区内进行规定的勘查作业，有权优先取得勘查作业区内矿产资源的采矿权。探矿权人在完成规定的最低勘查投入后，经依法批准，可以将探矿权转让他

(I) A person with mineral exploration right has the right to conduct specified exploration and survey operations within the designated exploration and survey operations area (s) and has the priority to obtain the right to mine the mineral resources in the exploration and survey operations area (s). A person entitled to prospect the mineral may, upon fulfillment of the prescribed minimum exploration and survey input and approval in accordance with the law, assign his prospecting right.

人。

People.

（二）已取得采矿权的矿山企业，因企业合并、分立，与他人合资、合作经营，或者因企业资产出售以及有其他变更企业资产产权的情形而需要变更采矿权主体的，经依法批准可以将采矿权

(II) Where a mining enterprise that has obtained the mining right needs to change the subject of the mining right due to its merger or division, joint venture or cooperation with others, sale of its assets, or other changes in its property rights to the assets of the enterprise, it may, upon approval in accordance with law, change the subject of the mining right.

转让他人采矿。

Transfer to Other Mines.

前款规定的具体办法和实施步骤由国务院规定。

The specific measures and implementation procedures for the preceding paragraph shall be formulated by the State Council.

禁止将探矿权、采矿权倒卖牟利。

It is prohibited to resell rights of exploration and mining for profit.

第七条   国家对矿产资源的勘查、开发实行统一规划、合理布局、综合勘查、合理开采和综合利用的方针。

Article 7 In the exploration and development of mineral resources, the State applies the principles of unified planning, rational geographical distribution, multi-purpose exploration, rational mining and multi-purpose utilization.

第八条   国家鼓励矿产资源勘查、开发的科学技术研究，推广先进技术，提高矿产资源勘查、开发的科学技术水平。

Article 8 The State encourages scientific and technological research on the exploration and development of mineral resources, promotes advanced technology so as to raise the scientific and technological level of mineral exploration and development.

第九条   在勘查、开发、保护矿产资源和进行科学技术研究等方面成绩显著的单位和个人，由各级人民政府给予奖励。

Article 9 Any organization or individual that has achieved outstanding successes in the exploration, development and protection of mineral resources and in scientific and technological research shall be awarded by relevant people's government.

第十条   国家在民族自治地方开采矿产资源，应当照顾民族自治地方的利益，作出有利于民族自治地方经济建设的安排，照顾当地少数民族群众的生产和生活。

Article 10 In mining mineral resources in national autonomous areas, the State should give consideration to the interests of those areas and make arrangements favourable to the areas' economic development and to the production and well-being of the local minority nationalities.

民族自治地方的自治机关根据法律规定和国家的统一规划，对可以由本地方开发的矿产资源，优先合理开发利用。

In accordance with legal stipulations and unified State plans, the organs of self-government of national autonomous areas may give priority to the rational exploitation and utilization of the mineral resources that the local authorities are entitled to develop.

第十一条   国务院地质矿产主管部门主管全国矿产资源勘查、开采的监督管理工作。国务院有关主管部门协助国务院地质矿产主管部门进行矿产资源勘查、开采的监督管理工作。

Article 11 The department in charge of geology and mineral resources under the State Council shall be responsible for supervision and administration of the exploration and mining of the mineral resources throughout the country. Other relevant competent State Council departments shall assist the State Council department in charge of geology and mineral resources in supervising and administering the exploration and mining of mineral resources.

省、自治区、直辖市人民政府地质矿产主管部门主管本行政区域内矿产资源勘查、开采的监督管理工作。省、自治区、直辖市人民政府有关主管部门协助同级地质矿产主管部门进行矿产资源

The departments in charge of geology and mineral resources under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for supervision and administration of the exploration and mining of the mineral resources within their respective administrative areas. Relevant competent departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall assist the departments in charge of geology and mineral resources at the same level in mineral resources.

勘查、开采的监督管理工作。

The supervision and administration of exploration and mining.

第二章 矿产资源勘查的登记和开采的审批

Chapter 2 Registration for Exploration of Mineral Resources and Examination and Approval of Mining

第十二条   国家对矿产资源勘查实行统一的区块登记管理制度。矿产资源勘查登记工作，由国务院地质矿产主管部门负责；特定矿种的矿产资源勘查登记工作，可以由国务院授权有关主管部

Article 12 The State practises a unified regional registration system for exploration of mineral resources. The department in charge of geology and mineral resources under the State Council shall be responsible for registering the exploration of mineral resources.

门负责。矿产资源勘查区块登记管理办法由国务院制定。

The door shall be responsible. Measures for regional registration of exploration of mineral resources shall be formulated by the State Council.

第十三条   国务院矿产储量审批机构或者省、自治区、直辖市矿产储量审批机构负责审查批准供矿山建设设计使用的勘探报告，并在规定的期限内批复报送单位。勘探报告未经批准，不得作

Article 13 The department in charge of examination and approval of mineral reserves under the State Council or departments in charge of examination and approval of mineral reserves of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for the examination and approval of the prospecting reports to be used for mining construction designing and shall, within the prescribed time limit, give official replies to the units that submitted the reports. Exploration reports shall not be prepared without prior approval.

为矿山建设设计的依据。

The design basis for mine construction.

第十四条   矿产资源勘查成果档案资料和各类矿产储量的统计资料，实行统一的管理制度，按照国务院规定汇交或者填报。

Article 14 Archives of mineral exploration results and statistical data of reserves of various minerals shall be subject to unified management, and shall be collected or compiled for submission in accordance with the regulations of the State Council.

第十五条   设立矿山企业，必须符合国家规定的资质条件，并依照法律和国家有关规定，由审批机关对其矿区范围、矿山设计或者开采方案、生产技术条件、安全措施和环境保护措施等进行

Article 15 Anyone who wishes to establish a mining enterprise must meet the qualifications prescribed by the State, and the department in charge of examination and approval shall, in accordance with law and relevant State regulations conduct examination of the enterprise's mining area, its mining design or mining plan, production and technical conditions and safety and environmental protection measures.

审查；审查合格的，方予批准。

Examination. Approval shall be granted only after the application passes the examination.

第十六条   开采下列矿产资源的，由国务院地质矿产主管部门审批，并颁发采矿许可证：

Article 16 Anyone who wishes to mine the following mineral resources shall be subject to examination and approval by the department in charge of geology and mineral resources under the State Council, which shall also issue a mining license:

（一）国家规划矿区和对国民经济具有重要价值的矿区内的矿产资源；

1. mineral resources within the mining areas that are embraced in the State plans or within the mining areas that are of great value to the national economy;

（二）前项规定区域以外可供开采的矿产储量规模在大型以上的矿产资源；

(II) Those outside the areas stipulated in the preceding item, and the mineable mineral reserves of which are large in scale;

（三）国家规定实行保护性开采的特定矿种；

(III) specified minerals of which protective mining is prescribed by the State;

（四）领海及中国管辖的其他海域的矿产资源；

(IV) Mineral resources in the territorial sea or other sea areas under China's jurisdiction;

（五）国务院规定的其他矿产资源。

(V) other mineral resources prescribed by the State Council.

开采石油、天然气、放射性矿产等特定矿种的，可以由国务院授权的有关主管部门审批，并颁发采矿许可证。

Relevant competent departments authorized by the State Council may conduct examination of and grant approval to mining of such specified minerals as petroleum, natural gas and radioactive minerals, and issue the mining licenses.

开采第一款、第二款规定以外的矿产资源，其可供开采的矿产的储量规模为中型的，由省、自治区、直辖市人民政府地质矿产主管部门审批和颁发采矿许可证。

The mining of mineral resources that are not covered by the provisions of paragraphs 1 and 2 and the mineable reserves of which are of medium quantity shall be subject to examination and approval by the departments in charge of geology and mineral resources under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, which shall issue mining licenses.

开采第一款、第二款和第三款规定以外的矿产资源的管理办法，由省、自治区、直辖市人民代表大会常务委员会依法制定。

The administrative measures on mining of mineral resources other than those stipulated in the first, second and third paragraphs shall be formulated by the standing committees of the people's congresses of provinces, autonomous regions and centrally-administered municipalities pursuant to law.

依照第三款、第四款的规定审批和颁发采矿许可证的，由省、自治区、直辖市人民政府地质矿产主管部门汇总向国务院地质矿产主管部门备案。

Where examination and approval are conducted and mining licenses are issued under the provisions of paragraph 3 and paragraph 4, the departments in charge of geology and mineral resources under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall collect the cases and submit them to the department in charge of geology and mineral resources under the State Council for the record.

矿产储量规模的大型、中型的划分标准，由国务院矿产储量审批机构规定。

The standard for dividing mineral reserves into large- and medium-scale reserves shall be set by the mineral reserves approval agency of the State Council.

第十七条   国家对国家规划矿区、对国民经济具有重要价值的矿区和国家规定实行保护性开采的特定矿种，实行有计划的开采；未经国务院有关主管部门批准，任何单位和个人不得开采。

Article 17 The State institutes a policy of planned mining with regard to mining areas that are embraced in State plans, mining areas that are of great value to the national economy and the specified minerals of which protective mining is prescribed by the State. Unless approved by the competent department under the State Council, no unit or individual may carry out such mining.

第十八条   国家规划矿区的范围、对国民经济具有重要价值的矿区的范围、矿山企业矿区的范围依法划定后，由划定矿区范围的主管机关通知有关县级人民政府予以公告。

Article 18 After the limits for the mining areas that are embraced in State plans, the limits for mining areas that are of great value to the national economy, and the limits for mining areas of mining enterprises have been defined according to law, the competent departments that defined the limits of the mining areas shall notify the relevant people's governments at the county level to announce them.

矿山企业变更矿区范围，必须报请原审批机关批准，并报请原颁发采矿许可证的机关重新核发采矿许可证。

In order to alter the limits of its mining area, a mining enterprise must apply to the original examination and approval authority for approval and apply to the authority which issued the original mining licence for the issue of a new mining licence.

第十九条   地方各级人民政府应当采取措施，维护本行政区域内的国有矿山企业和其他矿山企业矿区范围内的正常秩序。

Article 19 The local people's governments at various levels shall take measures to maintain normal order in the mining areas of State-owned mining enterprises and other mining enterprises within their respective administrative areas.

禁止任何单位和个人进入他人依法设立的国有矿山企业和其他矿山企业矿区范围内采矿。

No unit and individual may enter and mine in mining areas of State-owned mining enterprises and other mining enterprises which are established by others in accordance with law.

第二十条   非经国务院授权的有关主管部门同意，不得在下列地区开采矿产资源：

Article 20 Unless approved by the competent departments authorized by the State Council, no one may mine mineral resources in the following places:

（一）港口、机场、国防工程设施圈定地区以内；

1. within delimited areas of harbours, airports and national defence projects or installations;

（二）重要工业区、大型水利工程设施、城镇市政工程设施附近一定距离以内；

2. within a certain distance from important industrial parks, large-scale water conservancy works or municipal engineering installations of cities and towns;

（三）铁路、重要公路两侧一定距离以内；

3. within certain limits on both sides of railways and important highways;

（四）重要河流、堤坝两侧一定距离以内；

4. within certain limits on both sides of important rivers and embankments;

（五）国家划定的自然保护区、重要风景区，国家重点保护的不能移动的历史文物和名胜古迹所在地；

(V) nature reserves and important scenic spots designated by the State, major sites of immovable historical relics and places of historical interest and scenic beauty that are under State key protection; and

（六）国家规定不得开采矿产资源的其他地区。

(VI) other areas where mineral mining is prohibited by the State.

第二十一条   关闭矿山，必须提出矿山闭坑报告及有关采掘工程、不安全隐患、土地复垦利用、环境保护的资料，并按照国家规定报请审查批准。

Article 21 If a mine is to be closed down, a report must be prepared with information about the mining operations, hidden dangers, land reclamation and utilization, and environmental protection, and an application for examination and approval must be filed in accordance with relevant State regulations.

第二十二条   勘查、开采矿产资源时，发现具有重大科学文化价值的罕见地质现象以及文化古迹，应当加以保护并及时报告有关部门。

Article 22 If, in the course of mineral exploration or mining, rare geological phenomena or ancient cultural remains of significant scientific and cultural value are discovered, they shall be protected and reported immediately to the relevant departments.

第三章 矿产资源的勘查

Chapter III Exploration of Mineral Resources

第二十三条   区域地质调查按照国家统一规划进行。区域地质调查的报告和图件按照国家规定验收，提供有关部门使用。

Article 23 Regional geological surveys shall be carried out in accordance with the unified State plan. Reports and maps on regional geological surveys shall be checked for acceptance in accordance with State regulations and then provided to the relevant departments for use.

第二十四条   矿产资源普查在完成主要矿种普查任务的同时，应当对工作区内包括共生或者伴生矿产的成矿地质条件和矿床工业远景作出初步综合评价。

Article 24 In conducting a general survey of mineral resources, after completing survey of the major minerals, a preliminary comprehensive assessment shall be made of the minerogenetic conditions involving all paragenetic or associated minerals and of the industrial perspective of the mineral deposits in the area being surveyed.

第二十五条   矿床勘探必须对矿区内具有工业价值的共生和伴生矿产进行综合评价，并计算其储量。未作综合评价的勘探报告不予批准。但是，国务院计划部门另有规定的矿床勘探项目除外

Article 25 In prospecting for mineral deposits, a comprehensive assessment of the paragenetic and associated minerals of commercial value within the mining area must be made and their reserves calculated. Any prospecting report without such comprehensive assessment shall not be approved. However, an exception will apply to those deposit exploration projects otherwise specified by the planning department under the State Council.

。

。

第二十六条   普查、勘探易损坏的特种非金属矿产、流体矿产、易燃易爆易溶矿产和含有放射性元素的矿产，必须采用省级以上人民政府有关主管部门规定的普查、勘探方法，并有必要的技

Article 26 In conducting general surveys and prospecting for special fragile nonmetallic minerals, fluid minerals, flammable, explosive and soluble minerals and minerals containing radioactive elements, methods prescribed by the relevant departments under the people's governments at or above the provincial level must be used, and necessary skills must be used.

术装备和安全措施。

Technical equipment and safety measures.

第二十七条   矿产资源勘查的原始地质编录和图件，岩矿心、测试样品和其他实物标本资料，各种勘查标志，应当按照有关规定保护和保存。

Article 27 The original geological record, maps and other data of mineral exploration, rock cores, test samples, specimens of other material objects, and various exploration marks shall be protected and preserved in accordance with relevant regulations.

第二十八条   矿床勘探报告及其他有价值的勘查资料，按照国务院规定实行有偿使用。

Article 28. Payment will be required, in accordance with State Council regulations, for the use of mineral deposit exploration reports and other valuable exploration information.

第四章 矿产资源的开采

Chapter 4 Mining of Mineral Resources

第二十九条   开采矿产资源，必须采取合理的开采顺序、开采方法和选矿工艺。矿山企业的开采回采率、采矿贫化率和选矿回收率应当达到设计要求。

Article 29 In mining mineral resources, a mining enterprise must adopt rational mining sequence and methods and proper ore-dressing technique. A mining enterprise's recovery rate, impoverishment rate and recovery rate from ore beneficiation shall meet design requirements.

第三十条   在开采主要矿产的同时，对具有工业价值的共生和伴生矿产应当统一规划，综合开采，综合利用，防止浪费；对暂时不能综合开采或者必须同时采出而暂时还不能综合利用的矿产

Article 30 While mining major minerals, a mining enterprise shall, in accordance with a unified plan, carry out comprehensive mining and utilization of paragenetic and associated minerals that are of industrial value, so as to avoid waste. It shall also, for minerals that cannot be comprehensively mined at the time or that must be mined at the same time but cannot be comprehensively utilized at the time.

以及含有有用组分的尾矿，应当采取有效的保护措施，防止损失破坏。

And for tailings containing useful components, effective protection measures shall be taken to prevent any loss or damage.

第三十一条   开采矿产资源，必须遵守国家劳动安全卫生规定，具备保障安全生产的必要条件。

Article 31 In mining mineral resources, a mining enterprise or individual must abide by State regulations regarding labour, safety and health and have the necessary conditions to ensure safety in production.

第三十二条   开采矿产资源，必须遵守有关环境保护的法律规定，防止污染环境。

Article 32 In mining mineral resources, a mining enterprise or individual must observe the legal provisions on environmental protection to prevent pollution of the environment.

开采矿产资源，应当节约用地。耕地、草原、林地因采矿受到破坏的，矿山企业应当因地制宜地采取复垦利用、植树种草或者其他利用措施。

When mining mineral resources, land must be used economically. In case cultivated land, grassland or forest land is damaged due to mining, the mining enterprise concerned shall take measures to utilize the land affected, such as by reclamation, tree and grass planting, as appropriate to the local conditions.

开采矿产资源给他人生产、生活造成损失的，应当负责赔偿，并采取必要的补救措施。

Anyone who, in mining mineral resources, causes losses to the production and well-being of other persons shall be liable for compensation and shall adopt necessary remedial measures.

第三十三条   在建设铁路、工厂、水库、输油管道、输电线路和各种大型建筑物或者建筑群之前，建设单位必须向所在省、自治区、直辖市地质矿产主管部门了解拟建工程所在地区的矿产资

Article 33 Before the construction of railways, factories, reservoirs, oil pipelines, transmission lines and various large structures or architectural complexes, the units responsible for the construction must obtain information from the departments in charge of geology and mineral resources under the local people's governments of provinces, autonomous regions, or municipalities directly under the Central government about the mineral resources in the areas where the construction projects are to be built.

源分布和开采情况。非经国务院授权的部门批准，不得压覆重要矿床。

Source distribution and mining. Those projects shall not be constructed over important mineral deposits unless approved by departments authorized by the State Council.

第三十四条   国务院规定由指定的单位统一收购的矿产品，任何其他单位或者个人不得收购；开采者不得向非指定单位销售。

Article 34 Mineral products to be purchased exclusively by designated units, as prescribed by the State Council, may not be purchased by any other units or individuals; mining enterprises and individuals shall not sell their products to non-designated units.

第五章 集体矿山企业和个体采矿

Chapter 5 Collectively-owned Mining Enterprises and Privately-owned Mining Undertakings

第三十五条   国家对集体矿山企业和个体采矿实行积极扶持、合理规划、正确引导、加强管理的方针，鼓励集体矿山企业开采国家指定范围内的矿产资源，允许个人采挖零星分散资源和只能

Article 35 The State applies the principles of vigorous support, rational planning, correct guidance and effective administration with regard to collectively-owned mining enterprises and privately-owned mining undertakings, encourages collectively-owned mining enterprises to mine mineral resources within the areas designated by the State, and permits individuals to mine scattered and dispersed mineral resources and allow them to mine only such resources.

用作普通建筑材料的砂、石、粘土以及为生活自用采挖少量矿产。

Sand, stone and clay used as ordinary building materials and a small amount of minerals for daily use.

矿产储量规模适宜由矿山企业开采的矿产资源、国家规定实行保护性开采的特定矿种和国家规定禁止个人开采的其他矿产资源，个人不得开采。

Mineral resources that are suited to mining by mining enterprises in terms of the quantity of reserves, specified minerals of which protective mining is prescribed by the State, and other mineral resources of which mining by individuals is prohibited by the State may not be mined by individuals.

国家指导、帮助集体矿山企业和个体采矿不断提高技术水平、资源利用率和经济效益。

The State provides guidance and assistance to collectively-owned mining enterprises and privately-owned mining undertakings in continuously raising their technical level and in increasing utilization rate of the mineral resources and the economic results.

地质矿产主管部门、地质工作单位和国有矿山企业应当按照积极支持、有偿互惠的原则向集体矿山企业和个体采矿提供地质资料和技术服务。

Departments in charge of geology and mineral resources, units engaged in geological work and State-owned mining enterprises shall provide geological data and technical services to collectively owned mining enterprises and individual mining operations in accordance with the principles of active support and mutual benefit through payment for services provided.

第三十六条   国务院和国务院有关主管部门批准开办的矿山企业矿区范围内已有的集体矿山企业，应当关闭或者到指定的其他地点开采，由矿山建设单位给予合理的补偿，并妥善安置群众生

Article 36 Existing collectively-owned mining enterprises, located within the mining area of a mining enterprise to be established with the approval of the State Council or the relevant competent departments under the State Council, shall be closed down or shall conduct mining in other designated areas. The unit that undertakes to open the mine shall give them reasonable compensation and make proper arrangements for the livelihood of the masses.

活；也可以按照该矿山企业的统筹安排，实行联合经营。

Live; Or else, according to the overall arrangement of that mining enterprise, may also adopt joint operation.

第三十七条   集体矿山企业和个体采矿应当提高技术水平，提高矿产资源回收率。禁止乱挖滥采，破坏矿产资源。

Article 37 Collectively-owned mining enterprises and privately-owned mining undertakings shall raise their technical level and increase the recovery rate of the mineral resources. Indiscriminate mining or the destruction of mineral resources shall be prohibited.

集体矿山企业必须测绘井上、井下工程对照图。

Collectively-owned mining enterprises must survey and draw maps showing the correlation between surface and underground workings.

第三十八条   县级以上人民政府应当指导、帮助集体矿山企业和个体采矿进行技术改造，改善经营管理，加强安全生产。

Article 38 People's governments at or above the county level shall provide guidance and assistance to collectively-owned mining enterprises and privately-owned mining undertakings in carrying out technological updating, improving business management and ensuring safety in production.

第六章 法律责任

Chapter 6 Legal Liabilities

第三十九条   违反本法规定，未取得采矿许可证擅自采矿的，擅自进入国家规划矿区、对国民经济具有重要价值的矿区范围采矿的，擅自开采国家规定实行保护性开采的特定矿种的，责令停

Article 39. A party which violates the provisions of this Law by mining without a licence, by entering a State designated mining area or a mining area of significant value to the national economy to undertake mining without authorisation, or by mining specific mineral resources subject to State stipulated protective mining measures without authorisation will be ordered to suspend operations.

止开采、赔偿损失，没收采出的矿产品和违法所得，可以并处罚款；拒不停止开采，造成矿产资源破坏的，依照刑法第一百五十六条的规定对直接责任人员追究刑事责任。

In the case of stopping mining, paying compensation, confiscating mined products and illegal gains, a fine may be imposed concurrently; in the case of refusing to stop mining, thus causing damages to mineral resources, the persons who are directly responsible shall be investigated for criminal responsibility in accordance with Article 156 of the Criminal Law.

单位和个人进入他人依法设立的国有矿山企业和其他矿山企业矿区范围内采矿的，依照前款规定处罚。

Any unit or individual who enters and mines in the mining areas of a State-owned mining enterprise or other mining enterprise established by others in accordance with law shall be punished in accordance with the provisions of the preceding paragraph.

第四十条   超越批准的矿区范围采矿的，责令退回本矿区范围内开采、赔偿损失，没收越界开采的矿产品和违法所得，可以并处罚款；拒不退回本矿区范围内开采，造成矿产资源破坏的，吊

Article 40. A party which mines outside its approved mining area will be ordered to return to its own area and compensate others for any loss. Authorities will confiscate any mineral products obtained outside approved areas, as well as any illegal income. Fines may also be imposed. If the party concerned refuses to return to its own mining area or has damaged mineral resources, a condole will be held.

销采矿许可证，依照刑法第一百五十六条的规定对直接责任人员追究刑事责任。

In selling mining licenses, the persons who are directly responsible shall be investigated for criminal responsibility in accordance with Article 156 of the Criminal Law.

第四十一条   盗窃、抢夺矿山企业和勘查单位的矿产品和其他财物的，破坏采矿、勘查设施的，扰乱矿区和勘查作业区的生产秩序、工作秩序的，分别依照刑法有关规定追究刑事责任；情节

Article 41 if a person steals or plunders mineral products or other property of mining enterprises or exploration units, damages mining or exploration facilities, or disrupts order in production and other work in mining areas or areas under exploration, he shall be investigated for criminal responsibility in accordance with relevant provisions of the Criminal Law;

显著轻微的，依照治安管理处罚法有关规定予以处罚。

Where the offence is obviously minor, the offender shall be punished pursuant to the relevant provisions of the Law on Security Administration and Punishment.

第四十二条   买卖、出租或者以其他形式转让矿产资源的，没收违法所得，处以罚款。

Article 42 If a person purchases, sells or leases mineral resources or transfers them by other means, his unlawful proceeds shall be confiscated and he shall be fined.

违反本法第六条的规定将探矿权、采矿权倒卖牟利的，吊销勘查许可证、采矿许可证，没收违法所得，处以罚款。

If the provisions of Article 6 of this Law are violated through the sale of exploration rights or mining rights, authorities will revoke the exploration licence or mining licence, confiscate any illegal income and impose a fine.

第四十三条   违反本法规定收购和销售国家统一收购的矿产品的，没收矿产品和违法所得，可以并处罚款；情节严重的，依照刑法第一百一十七条、第一百一十八条的规定，追究刑事责任。

Article 43 If a person, in violation of the provisions of this Law, purchases or sells mineral products which are to be purchased exclusively by the State, such products and his unlawful proceeds shall be confiscated, and he may also be fined. If the case is serious, criminal responsibility shall be investigated in accordance with the provisions of Articles 117 and 118 of the Criminal Law.

第四十四条   违反本法规定，采取破坏性的开采方法开采矿产资源的，处以罚款，可以吊销采矿许可证；造成矿产资源严重破坏的，依照刑法第一百五十六条的规定对直接责任人员追究刑事

Article 44. If the provisions of this Law are violated through the use of destructive mining methods to mine mineral resources, authorities will impose a fine and may revoke the mining licence. If these destructive methods result in serious damage to mineral resources, the criminal liability of the persons directly responsible will be pursued in accordance with the relevant provisions of the Criminal Law.

责任。

Responsibility.

第四十五条   本法第三十九条、第四十条、第四十二条规定的行政处罚，由县级以上人民政府负责地质矿产管理工作的部门按照国务院地质矿产主管部门规定的权限决定。第四十三条规定的

Article 45 The administrative penalties prescribed in Articles 39, 40 and 42 of this Law shall be meted out by the department in charge of geology and mineral resources under the people's government at or above the county level in accordance with the limits of authority prescribed by the department in charge of geology and mineral resources under the State Council. Article 43 specified

行政处罚，由县级以上人民政府工商行政管理部门决定。

Administrative punishment shall be decided by the administration for industry and commerce of a People's Government of county level and above.

第四十四条规定的行政处罚，由省、自治区、直辖市人民政府地质矿产主管部门决定。给予吊销勘查许可证或者采矿许可证处罚的，须由原发证机关决定。

The administrative penalties stipulated in Article 44 of this Law will be determined by departments in charge of geology and mineral resources of people's governments at provincial, autonomous regional and directly administered municipal level. The penalty of revoking the exploration or mining licenses shall be decided by the departments that issue such licenses.

依照第三十九条、第四十条、第四十二条、第四十四条规定应当给予行政处罚而不给予行政处罚的，上级人民政府地质矿产主管部门有权责令改正或者直接给予行政处罚。

If any department fails to give an administrative penalty, when it ought to do so in accordance with the provisions of Articles 39, 40, 42 and 44, the department in charge of geology and mineral resources under the people's government at the higher level shall have the authority to order it to make corrections or shall directly give the administrative penalty.

第四十六条   当事人对行政处罚决定不服的，可以依法申请复议，也可以依法直接向人民法院起诉。

Article 46 A party concerned who disagrees with an administrative punishment decision may apply for review pursuant to the law, or may file a lawsuit directly with a People's Court pursuant to the law.

当事人逾期不申请复议也不向人民法院起诉，又不履行处罚决定的，由作出处罚决定的机关申请人民法院强制执行。

If the party concerned has failed to apply for review after the deadline and has neither taken a legal action at the people's court nor carried out the decision of sanction, the office which made the decision of sanction shall apply to the people's court for enforcement.

第四十七条   负责矿产资源勘查、开采监督管理工作的国家工作人员和其他有关国家工作人员徇私舞弊、滥用职权或者玩忽职守，违反本法规定批准勘查、开采矿产资源和颁发勘查许可证、

Article 47 State functionaries in charge of supervision and administration of exploration and mining of mineral resources or other relevant State functionaries who engage in malpractices for personal gain, abuse their powers or neglect their duties, approve exploration and mining of mineral resources or issue exploration licenses in violation of the provisions of this Law

采矿许可证，或者对违法采矿行为不依法予以制止、处罚，构成犯罪的，依法追究刑事责任；不构成犯罪的，给予行政处分。违法颁发的勘查许可证、采矿许可证，上级人民政府地质矿产主

Anyone who has a mining license, or fails to check and punish the illegal mining activities, which constitutes a crime, shall be investigated for criminal liabilities in accordance with the law; if a crime is not constituted, he shall be given administrative sanctions. Exploration and mining licenses issued in violation of laws, and chief geology and mineral resources by people's governments at higher levels

管部门有权予以撤销。

The management has the right to cancel it.

第四十八条   以暴力、威胁方法阻碍从事矿产资源勘查、开采监督管理工作的国家工作人员依法执行职务的，依照刑法第一百五十七条的规定追究刑事责任；拒绝、阻碍从事矿产资源勘查、

Article 48 If anyone resorts to violence or intimidation when obstructing State functionaries engaged in supervision and administration of exploration and mining of mineral resources from performing their duties according to law, he shall be investigated for criminal responsibility in accordance with the provisions of Article 157 of the Criminal Law.

开采监督管理工作的国家工作人员依法执行职务未使用暴力、威胁方法的，由公安机关依照治安管理处罚法的规定处罚。

State functionaries in charge of supervision and control over exploitation who execute their duties without resorting to violence or threat shall be punished by public security organs in accordance with the Law on Administrative Penalties for Public Security.

第四十九条   矿山企业之间的矿区范围的争议，由当事人协商解决，协商不成的，由有关县级以上地方人民政府根据依法核定的矿区范围处理；跨省、自治区、直辖市的矿区范围的争议，由

Article 49 Disputes over the limits of mining areas between mining enterprises shall be settled by the parties involved through consultation; if consultation fails, the relevant local people's government at or above the county level shall handle the matter on the basis of the limits that have been verified and fixed according to law. Disputes over the limits of mining areas that straddle two or more provinces, autonomous regions, or municipalities directly under the Central Government shall be settled by the parties involved through consultation.

有关省、自治区、直辖市人民政府协商解决，协商不成的，由国务院处理。

People's governments of the relevant provinces, autonomous regions and municipalities directly under the Central Government shall settle the matter through consultation. If consultation fails, the matter shall be handled by the State Council.

第七章 附 则

Chapter 7 Supplementary Provisions

第五十条   外商投资勘查、开采矿产资源，法律、行政法规另有规定的，从其规定。

Article 50 Where the laws and administrative regulations provide otherwise on foreign-funded exploration and mining of mineral resources, such provisions shall prevail.

第五十一条   本法施行以前，未办理批准手续、未划定矿区范围、未取得采矿许可证开采矿产资源的，应当依照本法有关规定申请补办手续。

Article 51 Before this Law goes into effect, anyone who mined mineral resources without going through approval procedures, without having the mining area delimited and without obtaining a mining license shall apply for completion of the formalities in accordance with relevant provisions of this Law.

第五十二条   本法实施细则由国务院制定。

Article 52 Rules for the implementation of this Law shall be formulated by the State Council.

第五十三条   本法自1986年10月1日起施行。

Article 53 This Law shall go into effect on October 1, 1986.