

中华人民共和国主席令（第四十五号）

Order of the President of the People's Republic of China (No. 45)

《中华人民共和国民法典》已由中华人民共和国第十三届全国人民代表大会第三次会议于2020年5月28日通过，现予公布，自2021年1月1日起施行。

The Civil Code of the People's Republic of China, adopted at the Third Session of the Thirteenth National People's Congress of the People's Republic of China on May 28, 2020, is hereby promulgated and shall come into force as of January 1, 2021.

中华人民共和国主席 习近平

People's Republic of China President Xi Jinping

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民法典·侵权责任编

Book of Tort Liability of Civil Code of China

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第一章 一般规定

Chapter I. General Provisions

第一千一百六十四条 本编调整因侵害民事权益产生的民事关系。

Article 1164. This Book regulates civil regulations arising from infringing on the civil rights or interests.

第一千一百六十五条 行为人因过错侵害他人民事权益造成损害的，应当承担侵权责任。

Article 1165. An actor, who is at fault in infringing on another's civil rights or interests, causes harm, shall bear tort liability.

依照法律规定推定行为人有过错，其不能证明自己没有过错的，应当承担侵权责任。

If an actor is presumed to be at fault according to provisions of law, and he/she can not prove that he/she had no fault, he/she shall bear tort liability.

第一千一百六十六条 行为人造成他人民事权益损害，不论行为人有无过错，法律规定应当承担侵权责任的，依照其规定。

Article 1166. If an actor causes harm to another's civil rights or interests, no matter the actor is at fault or not, a provision of law requires him/her to bear tort liability shall govern.

第一千一百六十七条 侵权行为危及他人人身、财产安全的，被侵权人有权请求侵权人承担停止侵害、排除妨碍、消除危险等侵权责任。

Article 1167. If a tortious act endangers the safety of the person or property of another, the victim has the right to demand the tortfeasor to bear tort liabilities such as cession of infringement, removal of obstruction and elimination of danger.

第一千一百六十八条 二人以上共同实施侵权行为，造成他人损害的，应当承担连带责任。

Article 1168. If two or more persons together engage in a tortious act, cause harm to another, they shall bear joint and several liability.

第一千一百六十九条 教唆、帮助他人实施侵权行为的，应当与行为人承担连带责任。

Article 1169. [One who] instigates or assists another to engage in a tortious act shall bear joint and several liability with the actor.

教唆、帮助无民事行为能力人、限制民事行为能力人实施侵权行为的，应当承担侵权责任；该无民事行为能力人、限制民事行为能力人的监护人未尽到监护职责的，应当承担相应的责任。

[One who] instigates or assists a person without capacity for civil act or with limited capacity for civil act to engage in a tortious act, shall bear tort liability; if the guardian of the person without capacity for civil act or the person with limited capacity for civil act fails to fulfill the obligations of guardianship, [the guardian] shall

bear corresponding liability.

第一千一百七十条 二人以上实施危及他人人身、财产安全的行为，其中一人或者数人的行为造成他人损害，能够确定具体侵权人的，由侵权人承担责任；不能确定具体侵权人的，行为人承担连带责任。

Article 1170. If two or more persons engage in acts, which endanger the safety of the person or property of another, the acts of one or several of them [actually] cause harm to another, in case that the specific tortfeasor can be identified, the tortfeasor bears tort liability; in case that it is impossible to identify the specific tortfeasor, [each] actor shall bear joint and several liability.

第一千一百七十一条 二人以上分别实施侵权行为造成同一损害，每个人的侵权行为都足以造成全部损害的，行为人承担连带责任。

Article 1171. If two or more persons engage in tortious acts separately, cause a single harm, each person's tortious act is sufficient to cause the harm, [each] actor shall bear joint and several liability.

第一千一百七十二条 二人以上分别实施侵权行为造成同一损害，能够确定责任大小的，各自承担相应的责任；难以确定责任大小的，平均承担责任。

Article 1172. If two or more persons engage in tortious acts separately, cause a single harm, in case that the extent of responsibility can be determined, [each one] bears corresponding liability; in case that the extent of responsibility can not be determined, [each actor] shall equally bear the liability.

第一千一百七十三条 被侵权人对同一损害的发生或者扩大有过错的，可以减轻侵权人的责任。

Article 1173. If the victim is at fault for the occurrence or the expansion of the single harm, the tortfeasor's liability may be reduced.

第一千一百七十四条 损害是因受害人故意造成的，行为人不承担责任。

Article 1174. If the harm is [solely] due to the injured person's intentional [act], the actor shall not bear liability.

第一千一百七十五条 损害是因第三人造成的，第三人应当承担侵权责任。

Article 1175. If the harm is caused by a third party, the third party shall bear tort liability.

第一千一百七十六条 自愿参加具有一定风险的文体活动，因其他参加者的行为受到损害的，受害人不得请求其他参加者承担侵权责任；但是，其他参加者对损害的发生有故意或者重大过失的除外。活动组织者的责任适用本法第一千一百九十八条至第一千二百零一条的规定。

Article 1176. If one voluntarily participates in a substantially risk-taking culture or sport activity and

suffers harm from other participants, the injured person may not request other participants to bear tort liability, except if the other participants intentionally or gross negligently contributed to the occurrence of the harm.

The liability of the organizers of the activities shall be governed by the provisions of Article 1198 to Article 1201 of this Law.

第一千一百七十七条 合法权益受到侵害，情况紧迫且不能及时获得国家机关保护，不立即采取措施将使其合法权益受到难以弥补的损害的，受害人可以在保护自己合法权益的必要范围内采取扣留侵权人的财物等合理措施；但是，应当立即请求有关国家机关处理。

Article 1177. If the legitimate rights or interests are infringed and the situation is urgent and the injured person can not be timely protected by the state organs, and the failure of taking some measures would cause unrecoverable harm to the legitimate rights or interests, the injured person may take reasonable measures within the necessary scope of his/her own legitimate rights or interests, such as detaining the property of the tortfeasor; but he/she shall immediately request the relevant state organs to deal with it.

受害人采取的措施不当造成他人损害的，应当承担侵权责任。

If the injured person takes improper measures that cause harm to another person, he/she shall bear tort liability.

第一千一百七十八条 本法和其他法律对不承担责任或者减轻责任的情形另有规定的，依照其规定。

Article 1178. Where this law and other laws provide otherwise non-liability or mitigation of liability, such provisions shall govern.

第二章 损害赔偿

Chapter II. Compensation for Harms

第一千一百七十九条 侵害他人造成人身损害的，应当赔偿医疗费、护理费、交通费、营养费、住院伙食补助费等为治疗和康复支出的合理费用，以及因误工减少的收入。造成残疾的，还应当赔偿辅助器具费和残疾赔偿金；造成死亡的，还应当赔偿丧葬费和死亡赔偿金。

Article 1179. [One who] infringes on another, causes physical injury, shall compensate for the reasonable expenses of medical care, nursing, transportation, nutrition and food allowance of hospitalization, etc. for the purpose of therapy and restoring good health, as well as reduced income due to loss of working time. [One who] causes disability [to the injured person] shall also pay expense for assistance equipment and compensation for disability. [One who] causes death shall also pay funeral expenses and compensation for death.

第一千一百八十条 因同一侵权行为造成多人死亡的，可以以相同数额确定死亡赔偿金。

Article 1180. If a tortious act causes more than one person dead, compensation for death may be determined in the same amount.

第一千一百八十一条 被侵权人死亡的，其近亲属有权请求侵权人承担侵权责任。被侵权人为组织，该组织分立、合并的，承继权利的组织有权请求侵权人承担侵权责任。

Article 1181. If the victim is dead, his/her close relatives have the right to demand the tortfeasor to bear tort liability. In case that the victim is an organization, if the organization is separated or merged, the organization that inherits the rights has the right to demand the tortfeasor to bear tort liability.

被侵权人死亡的，支付被侵权人医疗费、丧葬费等合理费用的人有权请求侵权人赔偿费用，但是侵权人已经支付该费用的除外。

If the victim is dead, those who paid for the victim's medical expenses, funeral expenses, and related reasonable expenses have the right to claim indemnity from the tortfeasor, except that the tortfeasor has already paid such expenses.

第一千一百八十二条 侵害他人人身权益造成财产损失的，按照被侵权人因此受到的损失或者侵权人因此获得的利益赔偿；被侵权人因此受到的损失以及侵权人因此获得的利益难以确定，被侵权人和侵权人就赔偿数额协商不一致，向人民法院提起诉讼的，由人民法院根据实际情况确定赔偿数额。

Article 1182. [One who] infringes on another's personal rights or interests, causes property loss, [the tortfeasor] shall compensate according to the victim's loss suffered from the tort or the interests tortfeasor gains from the tort; if the tortfeasor's interests gained from the tort can not to be determined, and the victim and the tortfeasor can not reach an agreement on the amount of compensation, and bring lawsuit to a people's court, the people's court shall determine the amount of compensation according to the actual circumstances.

第一千一百八十三条 侵害自然人人身权益造成严重精神损害的，被侵权人有权请求精神损害赔偿。

Article 1183. If [one] infringes on another's personal rights or interests, causes serious emotional harm, the victim has the right to claim solatium for emotional harm.

因故意或者重大过失侵害自然人具有人身意义的特定物造成严重精神损害的，被侵权人有权请求精神损害赔偿。

[One who] intentionally or gross negligently infringes on a specific object of a natural person which has personal significance, causes serious emotional harm, the victim has the right to claim solatium for emotional harm.

第一千一百八十四条 侵害他人财产的，财产损失按照损失发生时的市场价格或者其他合理方式计算。

Article 1184. [One who] infringes on another's property, the property loss is calculated according to the market price at the time the loss occurred or [calculated by] other reasonable ways.

第一千一百八十五条 故意侵害他人知识产权，情节严重的，被侵权人有权请求相应的惩罚性赔偿。

Article 1185. [One who] intentionally infringes on another's intellectual property rights, if the circumstances are serious, the victim has the right to claim corresponding punitive damages.

第一千一百八十六条 受害人和行为人对损害的发生都没有过错的，依照法律的规定由双方分担损失。

Article 1186. If neither the injured person nor the actor is at fault for the occurrence of harm, they may share loss according to the provisions of the law.

第一千一百八十七条 损害发生后，当事人可以协商赔偿费用的支付方式。协商不一致的，赔偿费用应当一次性支付；一次性支付确有困难的，可以分期支付，但是被侵权人有权请求提供相应的担保。

Article 1187. When harm occurs, the parties may agree on how compensation is paid. If they can not reach an agreement, then the payment shall be made in a lump sum. If the lump sum payment proves to be burdensome, installment payments may be made, but the victim has the right to request corresponding security.

第三章 责任主体的特殊规定

Chapter III. Special Provisions on Imposition of Liability

第一千一百八十八条 无民事行为能力人、限制民事行为能力人造成他人损害的，由监护人承担侵权责任。监护人尽到监护职责的，可以减轻其侵权责任。

Article 1188. If a person without capacity for civil act or a person with limited capacity for civil act causes harm to another, the guardian shall bear tort liability. If the guardian fulfills the obligations of guardianship, his/her tort liability may be reduced.

有财产无民事行为能力人、限制民事行为能力人造成他人损害的，从本人财产中支付赔偿费用；不足部分，由监护人赔偿。

If a propertied person without capacity for civil act or with limited capacity for civil act causes harm to another, the compensation shall be paid from his/her own property; shortfall shall be compensated by the guardian.

第一千一百八十九条 无民事行为能力人、限制民事行为能力人造成他人损害，监护人将监护职责

委托给他人的，监护人应当承担侵权责任；受托人有过错的，承担相应的责任。

Article 1189. If a person without capacity for civil act or a person with limited capacity for civil act causes harm to another, and the guardian entrusts his/her obligations of guardianship to another person, the guardian shall bear tort liability; if the trustee is at fault, he/she shall bear corresponding liability.

第一千一百九十条 完全民事行为能力人对自己的行为暂时没有意识或者失去控制造成他人损害有过错的，应当承担侵权责任；没有过错的，根据行为人的经济状况对受害人适当补偿。

Article 1190. If a person with full capacity for civil act is at fault for causing harm to another during temporarily loss of consciousness or being out of control of his/her own conduct, [he/she] shall bear tort liability; if without fault, [he/she] shall pay for appropriate relief to the injured person according to the actor's economic status.

完全民事行为能力人因醉酒、滥用麻醉药品或者精神药品对自己的行为暂时没有意识或者失去控制造成他人损害的，应当承担侵权责任。

If a person with full capacity for civil act causes harm to another during temporarily loss of consciousness or being out of control of his/her own conduct due to intoxication, or abuse of anesthetic or psychopathic substance, he/she shall bear tort liability.

第一千一百九十一条 用人单位的工作人员因执行工作任务造成他人损害的，由用人单位承担侵权责任。用人单位承担侵权责任后，可以向有故意或者重大过失的工作人员追偿。

Article 1191. If an employee of an employing entity causes harm to another when performing a task, the employing entity shall bear tort liability. After the employing entity bore tort liability, it may claim indemnity from the employee who is of intention or gross negligence.

劳务派遣期间，被派遣的工作人员因执行工作任务造成他人损害的，由接受劳务派遣的用工单位承担侵权责任；劳务派遣单位有过错的，承担相应的责任。

In the course of labor dispatch, if the dispatched employee causes harm to another while performing a task, the employer entity, which receives labor dispatch, shall bear tort liability. If the labor dispatch entity is at fault, [it] shall bear corresponding liability.

第一千一百九十二条 个人之间形成劳务关系，提供劳务一方因劳务造成他人损害的，由接受劳务一方承担侵权责任。接受劳务一方承担侵权责任后，可以向有故意或者重大过失的提供劳务一方追偿。提供劳务一方因劳务受到损害的，根据双方各自的过错承担相应的责任。

Article 1192. For individuals under service relation, if the party who provides service causes harm to another on account of the service, the party who receives the service shall bear tort liability. After bore the tort liability, the party who received the service may claim indemnity from the party who provided the service when he/she caused the harm intentionally or gross negligently. The party who provides service, suffers harm on account of the service, the party who received service shall bear tort liability. If the party who provided the

service is at fault, [the parties] shall bear corresponding liability according to each party's fault.

提供劳务期间，因第三人的行为造成提供劳务一方损害的，提供劳务一方有权请求第三人承担侵权责任，也有权请求接受劳务一方给予补偿。接受劳务一方补偿后，可以向第三人追偿。

During the period of providing service, if the party who provides the service is harmed by the act of a third party, the party who provided the service has the right to demand the third party to bear tort liability or the party who received the service to pay for relief. After the party who received the service paid for relief, he/she may claim indemnity from the third party.

第一千一百九十三条 承揽人在完成工作过程中造成第三人损害或者自己损害的，定作人不承担侵权责任。但是，定作人对定作、指示或者选任有过错的，应当承担相应的责任。

Article 1193. If a contractor cause harm to a third party or to himself in the course of completing the work, the hirer shall not bear tort liability. However, if the hirer is at fault for ordering, instruction or selection, he/she shall bear corresponding liability.

第一千一百九十四条 网络用户、网络服务提供者利用网络侵害他人民事权益的，应当承担侵权责任。法律另有规定的，依照其规定。

Article 1194. If an Internet subscriber or an Internet service provider uses the Internet to infringe on civil rights or interests of another, [he/she/it] shall bear tort liability. If other laws contain [such] rules, then that law shall govern.

第一千一百九十五条 网络用户利用网络服务实施侵权行为的，权利人有权通知网络服务提供者采取删除、屏蔽、断开链接等必要措施。通知应当包括构成侵权的初步证据及权利人的真实身份信息。

Article 1195. If an Internet subscriber uses the Internet service to engage in tortious acts, the right holder has the right to request the Internet service provider to take necessary measures such as removing, blocking [the tortious content] or disconnecting the interlink. The request shall include the preliminary evidence constituting the infringement and the true identity information of the right holder.

网络服务提供者接到通知后，应当及时将该通知转送相关网络用户，并根据构成侵权的初步证据和服务类型采取必要措施；未及时采取必要措施的，对损害的扩大部分与该网络用户承担连带责任。

After receiving the request, the Internet service provider shall timely transmit the request to the relevant Internet subscriber and take necessary measures according to the preliminary evidence constituting the infringement and the type of service. If the Internet service provider does not timely take necessary measures, [it] is jointly and severally liable with the Internet subscriber for the expanded part of the harm.

权利人因错误通知造成网络用户或者网络服务提供者损害的，应当承担侵权责任。法律另有规定的，依照其规定。

If Internet subscribers or Internet service providers are harmed by false request, [the right holder] shall bear tort liability. If other laws contain [such] rules, then that law shall govern.

第一千一百九十六条 网络用户接到转送的通知后，可以向网络服务提供者提交不存在侵权行为的声明。声明应当包括不存在侵权行为的初步证据及网络用户的真实身份信息。

Article 1196. The Internet subscribers may submit a declaration of non-infringement to the Internet service provider after receiving the request of transfer. The declaration shall include preliminary evidence of the absence of a tortious act and the true identity information of the Internet subscribers.

网络服务提供者接到声明后，应当将该声明转送发出通知的权利人，并告知其可以向有关部门投诉或者向人民法院提起诉讼。网络服务提供者在转送声明到达权利人后的合理期限内，未收到权利人已经投诉或者提起诉讼通知的，应当及时终止所采取的措施。

After receiving the declaration, the Internet service provider shall transmit the declaration to the right holder who has issued the request, and inform him that he/she may complain to the relevant departments or bring a lawsuit in the people's court. If the Internet service provider receives no notice of complaint or prosecution from the right holder within a reasonable time limit after the transfer declaration arrives at the right holder, it shall timely terminate the measures it took.

第一千一百九十七条 网络服务提供者知道或者应当知道网络用户利用其网络服务侵害他人民事权益，未采取必要措施的，与该网络用户承担连带责任。

Article 1197. If an Internet service provider knows or should have known that an Internet subscriber uses its Internet service to infringe on another's civil rights or interests, but fails to take necessary measures, [it] is joint and several liable with the Internet subscriber.

第一千一百九十八条 宾馆、商场、银行、车站、机场、体育场馆、娱乐场所等经营场所、公共场所的经营者、管理者或者群众性活动的组织者，未尽到安全保障义务，造成他人损害的，应当承担侵权责任。

Article 1198. If the operator or administrator of commercial places or public places, such as hotel, store, bank, station, airport, gymnasium, entertainment place, or an organizer of mass activities fails to fulfill the duty of safety protection, causes harm to another, [it] shall bear tort liability.

因第三人的行为造成他人损害的，由第三人承担侵权责任；经营者、管理者或者组织者未尽到安全保障义务的，承担相应的补充责任。经营者、管理者或者组织者承担补充责任后，可以向第三人追偿。

If a third party's act causes another's harm, the third party shall bear tort liability; If the operator, administrator or organizer fails to fulfill its duty of safety protection, [it] shall bear corresponding secondary liability. After the operator, manager or organizer bore secondary liability, [it] may claim indemnity from the third party.

第一千一百九十九条 无民事行为能力人在幼儿园、学校或者其他教育机构学习、生活期间受到人身损害的，幼儿园、学校或者其他教育机构应当承担侵权责任；但是，能够证明尽到教育、管理职责的，不承担侵权责任。

Article 1199. If a person without capacity for civil act, while studying or living in a kindergarten, school or other educational institutions, suffers physical injury, the kindergarten, school or other educational institution shall bear tort liability; but if [it] can prove that [it] has fulfilled its educational and supervisory obligations, [it] shall not bear tort liability.

第一千二百条 限制民事行为能力人在学校或者其他教育机构学习、生活期间受到人身损害，学校或者其他教育机构未尽到教育、管理职责的，应当承担侵权责任。

Article 1200. If a person with limited capacity for civil act, while studying or living in a school or other educational institutions, suffers physical injury, [but] the school or other educational institution fails to fulfill its educational and supervisory obligations, [it] shall bear tort liability.

第一千二百零一条 无民事行为能力人或者限制民事行为能力人在幼儿园、学校或者其他教育机构学习、生活期间，受到幼儿园、学校或者其他教育机构以外的第三人人身损害的，由第三人承担侵权责任；幼儿园、学校或者其他教育机构未尽到管理职责的，承担相应的补充责任。

Article 1201. If a person without capacity for civil act or a person with limited capacity for civil act, while studying or living in a kindergarten, school or other educational institutions, suffers physical injury caused by a third party other than [the employee of] the kindergarten, school or other educational institution, the third party shall bear tort liability; If the kindergarten, school or other educational institution fails to fulfill its supervisory obligation, [it] shall bear corresponding secondary liability.

幼儿园、学校或者其他教育机构承担补充责任后，可以向第三人追偿。

After the kindergarten, school or other education institution bore the complementary liability, [it] may claim indemnity from the third party.

第四章 产品责任

Chapter IV. Products Liability

第一千二百零二条 因产品存在缺陷造成他人损害的，生产者应当承担侵权责任。

Article 1202. If a product defect causes harm to another, the producer shall bear tort liability.

第一千二百零三条 因产品存在缺陷造成他人损害的，被侵权人可以向产品的生产者请求赔偿，也可以向产品的销售者请求赔偿。

Article 1203. If a product defect causes harm to another, the victim may claim compensation from the

product producer, and may claim compensation from the seller.

产品缺陷由生产者造成的，销售者赔偿后，有权向生产者追偿。因销售者的过错使产品存在缺陷的，生产者赔偿后，有权向销售者追偿。

If the product defect is caused by the producer, after the seller paid compensation [to the victim], it has the right to claim indemnity from the producer. If the seller's fault causes the product defect, after the producer paid compensation [to the victim], it has the right to claim indemnity from the seller.

第一千二百零四条 因运输者、仓储者等第三人的过错使产品存在缺陷，造成他人损害的，产品的生产者、销售者赔偿后，有权向第三人追偿。

Article 1204. If a carrier, warehouseman, or other third party's fault causes a product defect, [which] causes harm to another, after the producer or seller of the product paid compensation [to the victim], it has the right to claim indemnity from the third party.

第一千二百零五条 因产品缺陷危及他人人身、财产安全的，被侵权人有权请求生产者、销售者承担停止侵害、排除妨碍、消除危险等侵权责任。

Article 1205. If a product defect endangers the safety of the personal or property safety of another, the victim has the right to demand the producer or seller to bear tort liabilities such as cession of infringement, removal of obstruction and elimination of danger.

第一千二百零六条 产品投入流通后发现存在缺陷的，生产者、销售者应当及时采取停止销售、警示、召回等补救措施；未及时采取补救措施或者补救措施不力造成损害扩大的，对扩大的损害也应当承担侵权责任。

Article 1206. If a defect is discovered after the product has been put in circulation, the producer and seller should take timely measures to stop selling, warn, recall and other remedial measures. [The producer or the seller] who fails to take timely or adequate remedial measures, causes expansion of harm, shall bear tort liability for the expansion of harm.

依据前款规定采取召回措施的，生产者、销售者应当负担被侵权人因此支出的必要费用。

The producer or the seller, who take the measure to recall products stipulated in the preceding paragraph, shall bear the necessary expenses incurred by victims.

第一千二百零七条 明知产品存在缺陷仍然生产、销售，或者没有依据前条规定采取有效补救措施，造成他人死亡或者健康严重损害的，被侵权人有权请求相应的惩罚性赔偿。

Article 1207. Despite knowledge that a product is defective, [the producer or the seller] still produces or sells [the product], or take no effective remedial measures in accordance with the preceding article, causes death or serious harm to the health of another, the victim has the right to claim corresponding punitive damages.

第五章 机动车交通事故责任

Chapter V. Liability for Motor Vehicle Traffic Accidents

第一千二百零八条 机动车发生交通事故造成损害的，依照道路交通安全法律和本法的有关规定承担赔偿责任。

Article 1208. If a motor vehicle causes harm in a traffic accident, [the tortfeasors] shall bear compensatory liability according to related rules in the Law on Road Traffic Safety and this law.

第一千二百零九条 因租赁、借用等情形机动车所有人、管理人与使用人不是同一人时，发生交通事故造成损害，属于该机动车一方责任的，由机动车使用人承担赔偿责任；机动车所有人、管理人对损害的发生有过错的，承担相应的赔偿责任。

Article 1209. If a motor vehicle is rented or borrowed or in other circumstances, [and therefore] the owner, keeper and user of a motor vehicle are not the same person [at the time of the accident], a traffic accident occurs and causes harm, and liability is assigned to the motor vehicle party, the user of the motor vehicle shall bear compensatory liability; if the owner or the keeper of the motor vehicle is at fault in causing harm, he/she shall bear corresponding compensatory liability.

第一千二百一十条 当事人之间已经以买卖或者其他方式转让并交付机动车但是未办理登记，发生交通事故造成损害，属于该机动车一方责任的，由受让人承担赔偿责任。

Article 1210. If the parties have transferred by sale or other means and delivered the motor vehicle [to the purchaser], but the transfer of ownership of the motor vehicle has not been registered, a traffic accident occurs and causes harm, and liability is assigned to the motor vehicle party, the purchaser shall bear compensatory liability.

第一千二百一十一条 以挂靠形式从事道路运输经营活动的机动车，发生交通事故造成损害，属于该机动车一方责任的，由挂靠人和被挂靠人承担连带责任。

Article 1211. If a motor vehicle engaged in road transport business activities in the form of affiliation causes harm due to a traffic accident, if the liability is assigned to the motor vehicle party, the affiliate and the affiliated person shall bear joint and several liability.

第一千二百一十二条 未经允许驾驶他人机动车，发生交通事故造成损害，属于该机动车一方责任的，由机动车使用人承担赔偿责任；机动车所有人、管理人对损害的发生有过错的，承担相应的赔偿责任，但是本章另有规定的除外。

Article 1212. [One who] drives motor vehicle of another without permission, a traffic accident occurs and

causes harm, if the liability is assigned to the motor vehicle party, the motor vehicle user shall bear compensatory liability; if the owner or the keeper of the motor vehicle is at fault in causing harm, he/she shall bear the corresponding compensatory liability, except as otherwise provided for by this chapter.

第一千二百一十三条 机动车发生交通事故造成损害，属于该机动车一方责任的，先由承保机动车强制保险的保险人在强制保险责任限额范围内予以赔偿；不足部分，由承保机动车商业保险的保险人按照保险合同的约定予以赔偿；仍然不足或者没有投保机动车商业保险的，由侵权人赔偿。

Article 1213. If the motor vehicle engages in a traffic accident and causes harm, if the liability of the traffic accident is assigned to the motor vehicle party, the insurer underwriting the compulsory motor vehicle insurance shall make the compensation within the liability limit of the mandatory motor vehicle insurance; the underwriters of motor vehicle commercial insurance shall compensate the underwriters according to the provisions of the insurance contract; if it is still insufficient or the vehicle is not insured by any motor vehicle commercial insurance, the tortfeasor shall pay compensation.

第一千二百一十四条 以买卖或者其他方式转让拼装或者已经达到报废标准的机动车，发生交通事故造成损害的，由转让人和受让人承担连带责任。

Article 1214. If an [illegally] assembled motor vehicle or a motor vehicle that has reached the discarding standard is transferred by sale or other means, a traffic accident occurs and causes the harm, the seller and the purchaser shall bear joint and several liability.

第一千二百一十五条 盗窃、抢劫或者抢夺的机动车发生交通事故造成损害的，由盗窃人、抢劫人或者抢夺人承担赔偿责任。盗窃人、抢劫人或者抢夺人与机动车使用人不是同一人，发生交通事故造成损害，属于该机动车一方责任的，由盗窃人、抢劫人或者抢夺人与机动车使用人承担连带责任。

Article 1215. If a stolen, robbed or seized motor vehicle causes harm in a traffic accident, the thief, robber or seizer shall bear compensatory liability. If the thief, the robber or the seizer are not the same person as the motor vehicle user, and the liability of the harm in the traffic accident is assigned to the motor vehicle party, the thief, the robber or the seizer and the motor vehicle user shall bear joint and several liability.

保险人在机动车强制保险责任限额范围内垫付抢救费用的，有权向交通事故责任人追偿。

The insurer, which paid vicariously for the emergency treatment expense up to the extent of limits of the compulsory motor vehicle liability insurance, has the right to claim indemnity from the liable person for the traffic accident.

第一千二百一十六条 机动车驾驶人发生交通事故后逃逸，该机动车参加强制保险的，由保险人在机动车强制保险责任限额范围内予以赔偿；机动车不明、该机动车未参加强制保险或者抢救费用超过机动车强制保险责任限额，需要支付被侵权人人身伤亡的抢救、丧葬等费用的，由道路交通事故社会救助基金垫付。道路交通事故社会救助基金垫付后，其管理机构有权向交通事故责任人追偿。

Article 1216. When the driver of the motor vehicle flees after causing the traffic accident, if the motor vehicle join the compulsory insurance, its insurer shall pay compensation up to the extent of limits of the compulsory motor vehicle liability insurance; If the motor vehicle is unidentified, or it did not join the compulsory insurance, or the salvage expense exceeds the limit of compulsory liability insurance for motor vehicle traffic accident liability, but the expenses for emergency treatment, funeral, etc. for injury or death to the victim shall be paid, the social assistance fund for road traffic accidents shall pay vicariously. After the social assistance fund for road traffic accidents paid vicariously, its administrative institution has the right to claim indemnity from the liable person for the traffic accident.

第一千二百一十七条 非营运机动车发生交通事故造成无偿搭乘人损害，属于该机动车一方责任的，应当减轻其赔偿责任，但是机动车使用人有故意或者重大过失的除外。

Article 1217. Where a traffic accident of a non-operating motor vehicle causes harm to the free passenger, if the liability of the traffic accident is assigned to the motor vehicle party, the liability for compensation shall be reduced, except where the motor vehicle user intentionally or gross negligently caused harms.

第六章 医疗损害责任

Chapter VI. Liability for Injury in Medical Treatment

第一千二百一十八条 患者在诊疗活动中受到损害，医疗机构或者其医务人员有过错的，由医疗机构承担赔偿责任。

Article 1218. If a patient suffers injury in the course of diagnosis and medical treatment activities, and the medical institution or its medical personnel are at fault, the medical institution shall bear compensatory liability.

第一千二百一十九条 医务人员在诊疗活动中应当向患者说明病情和医疗措施。需要实施手术、特殊检查、特殊治疗的，医务人员应当及时向患者具体说明医疗风险、替代医疗方案等情况，并取得其明确同意；不能或者不宜向患者说明的，应当向患者的近亲属说明，并取得其明确同意。

Article 1219. Medical personnel shall explain the state of illness and medical measures to the patient in diagnosis and medical treatment activities. If surgery, special examination, or special therapy needs to be carried out, medical personnel shall explain medical treatment risk timely and specifically, alternative medical treatment plans and other conditions to the patient and get his/her explicit consent. If it is not possible or not appropriate to explain to the patient, [medical personnel] shall explain to the close relatives of the patient and get their explicit consent.

医务人员未尽到前款义务，造成患者损害的，医疗机构应当承担赔偿责任。

If the medical personnel fail to fulfill the duties in the preceding paragraph, cause injury to the patient, its medical institution shall bear compensatory liability.

第一千二百二十条 因抢救生命垂危的患者等紧急情况，不能取得患者或者其近亲属意见的，经医疗机构负责人或者授权的负责人批准，可以立即实施相应的医疗措施。

Article 1220. Due to the emergency such as saving a patient on the verge of death, if it is impossible to get opinions from the patient or his/her close relatives, appropriate medical measures can be taken immediately after approved by the principal of the medical institution or any person in charge [authorized by the principal of the medical institution].

第一千二百二十一条 医务人员在诊疗活动中未尽到与当时的医疗水平相应的诊疗义务，造成患者损害的，医疗机构应当承担赔偿责任。

Article 1221. If medical personnel fail to fulfill the duty of diagnosis and medical treatment corresponding to the state of the medical treatment then and there in the course of diagnosis and medical treatment activities, cause injury to the patient, its medical institution shall bear compensatory liability.

第一千二百二十二条 患者在诊疗活动中受到损害，有下列情形之一的，推定医疗机构有过错：

Article 1222. If a patient suffers injury in the course of diagnosis and medical treatment activities, for any of the following circumstances, fault of medical institution is presumed:

(一) 违反法律、行政法规、规章以及其他有关诊疗规范的规定；

(1) Violation of provisions of laws, administrative regulations, ministerial rules, other standards regarding diagnosis and medical treatment;

(二) 隐匿或者拒绝提供与纠纷有关的病历资料；

(2) Concealing or refusing to provide medical record materials related to the dispute;

(三) 遗失、伪造、篡改或者违法销毁病历资料。

(3) Losing, falsifying, distorting or illegally destroying medical record materials.

第一千二百二十三条 因药品、消毒产品、医疗器械的缺陷，或者输入不合格的血液造成患者损害的，患者可以向药品上市许可持有人、生产者、血液提供机构请求赔偿，也可以向医疗机构请求赔偿。患者向医疗机构请求赔偿的，医疗机构赔偿后，有权向负有责任的药品上市许可持有人、生产者、血液提供机构追偿。

Article 1223. If defect in drugs, sterilizing products or medical equipment, or substandard blood transfusion causes injury to a patient, the patient may claim compensation from the drug marketing license holder, producer or the blood supplying institution, and may claim compensation from the medical institution. If the patient claims compensation from the medical institution, after the medical institution paid compensation [to the patient], it has the right to claim indemnity from the liable drug marketing license holder, producer or blood supplying institution.

第一千二百二十四条 患者在诊疗活动中受到损害，有下列情形之一的，医疗机构不承担赔偿责任：

Article 1224. If a patient suffers injury in the course of diagnosis and medical treatment activities, for any of the following circumstances, the medical institution shall not bear compensatory liability:

（一）患者或者其近亲属不配合医疗机构进行符合诊疗规范的诊疗；

(1) The patient or his/her close relatives fail to cooperate with medical institution for diagnosis and medical treatment in accordance with standards regarding diagnosis and medical treatment;

（二）医务人员在抢救生命垂危的患者等紧急情况下已经尽到合理诊疗义务；

(2) If the medical personnel have fulfilled the reasonable duty of diagnosis and medical treatment in the emergency such as saving a patient on the verge of death.

（三）限于当时的医疗水平难以诊疗。

(3) Limited to the state of the medical treatment then and there, can not diagnose and cure.

前款第一项情形中，医疗机构或者其医务人员也有过错的，应当承担相应的赔偿责任。

In the circumstances of item (1) of the preceding paragraph, if the medical institution or its medical personnel are at fault, [the medical institution] shall bear corresponding compensatory liability.

第一千二百二十五条 医疗机构及其医务人员应当按照规定填写并妥善保管住院志、医嘱单、检验报告、手术及麻醉记录、病理资料、护理记录等病历资料。

Article 1225. The medical institution and its medical personnel shall, according to provisions, fill out and properly maintain medical record materials such as in-hospital records, doctor's advice, testing reports, surgery and anesthesia records, pathological materials, nursing records.

患者要求查阅、复制前款规定的病历资料的，医疗机构应当及时提供。

If the patient demands to review or copy the medical record materials stipulated in the preceding paragraph, the medical institution shall timely provide them.

第一千二百二十六条 医疗机构及其医务人员应当对患者的隐私和个人信息保密。泄露患者的隐私和个人信息，或者未经患者同意公开其病历资料的，应当承担侵权责任。

Article 1226. The medical institution and its medical personnel shall maintain the privacy and personal information of patients secretly. [One who] reveals the privacy and personal information of a patient or makes public medical record materials of a patient without his/her permission, shall bear tort liability.

第一千二百二十七条 医疗机构及其医务人员不得违反诊疗规范实施不必要的检查。

Article 1227. The medical institution and its medical personnel shall not violate standards regarding diagnosis and medical treatment to carry out unnecessary examinations.

第一千二百二十八条 医疗机构及其医务人员的合法权益受法律保护。

Article 1228. The legitimate rights and interests of medical institution and its medical personnel are protected by law.

干扰医疗秩序，妨碍医务人员工作、生活，侵害医务人员合法权益的，应当依法承担法律责任。

[One who] upsets the medical order, disturbs the work or life of medical personnel, or infringes on the legitimate rights and interests of medical personnel, shall bear legal liability according to law.

第七章 环境污染和生态破坏责任

Chapter VII. Liability for Environmental Pollution and Ecological Destruction

第一千二百二十九条 因污染环境、破坏生态造成他人损害的，侵权人应当承担侵权责任。

Article 1229. If environmental pollution or ecological destruction causes harm to another, the tortfeasor shall bear tort liability.

第一千二百三十条 因污染环境、破坏生态发生纠纷，行为人应当就法律规定的不承担责任或者减轻责任的情形及其行为与损害之间不存在因果关系承担举证责任。

Article 1230. When a dispute arises from environmental pollution or ecological destruction, the actor shall bear the burden of proving exculpatory or extenuating circumstances stipulated in laws and the lack of causal relation between its act and the harm.

第一千二百三十一条 两个以上侵权人污染环境、破坏生态的，承担责任的大小，根据污染物的种类、浓度、排放量，破坏生态的方式、范围、程度，以及行为对损害后果所起的作用等因素确定。

Article 1231. If two or more tortfeasors cause environmental pollution or ecological destruction, each polluter's extent of liability is determined based on factors such as sort, concentration of pollutant, amount of discharged pollutant, way, scope, degree of ecological destruction and the role of act in the result of the harm.

第一千二百三十二条 侵权人违反法律规定故意污染环境、破坏生态造成严重后果的，被侵权人有权请求相应的惩罚性赔偿。

Article 1232. If the tortfeasor violates the provisions of law, intentionally pollutes the environment or destroys the ecology, and causes serious consequences, the victim has the right to claim corresponding punitive damages.

第一千二百三十三条 因第三人的过错污染环境、破坏生态的，被侵权人可以向侵权人请求赔偿，也可以向第三人请求赔偿。侵权人赔偿后，有权向第三人追偿。

Article 1233. If the environmental pollution or ecological destruction is caused by a third party's fault, the

victim may claim compensation from the tortfeasor, and may claim compensation from the third party. After the tortfeasor paid compensation [to the victim], it has the right to claim indemnity from the third party.

第一千二百三十四条 违反国家规定造成生态环境损害，生态环境能够修复的，国家规定的机关或者法律规定的组织有权请求侵权人在合理期限内承担修复责任。侵权人在期限内未修复的，国家规定的机关或者法律规定的组织可以自行或者委托他人进行修复，所需费用由侵权人负担。

Article 1234. If the ecology and environment is damaged in violation of the state regulations and it can be repaired, the organ stipulated by state or the organization stipulated by law has the right to require the tortfeasor to bear the liability for repairing within a reasonable time limit. If the tortfeasor fails to make the restoration within the time limit, the organ stipulated by state or the organization stipulated by law may repair it by itself or by entrusting others, and the required expenses shall be borne by the tortfeasor.

第一千二百三十五条 违反国家规定造成生态环境损害的，国家规定的机关或者法律规定的组织有权请求侵权人赔偿下列损失和费用：

Article 1235. [One who] violates the state regulations, causes damage to the ecology and environment, the organ stipulated by state or the organization stipulated by law has the right to require the tortfeasor to compensate for the following losses and expenses:

（一）生态环境受到损害至修复完成期间服务功能丧失导致的损失；

(1) Loss caused by loss of service function during the period from damage of ecological environment to completion of restoration,

（二）生态环境功能永久性损害造成的损失；

(2) Loss caused by permanent damage to the ecological and environmental function,

（三）生态环境损害调查、鉴定评估等费用；

(3) Costs of an ecology and environmental damage investigation, appraisal and evaluation, etc.

（四）清除污染、修复生态环境费用；

(4) Costs to eliminate pollution, repair ecology and environment,

（五）防止损害的发生和扩大所支出的合理费用。

(5) Reasonable costs to prevent the occurrence and expansion of damage.

第八章 高度危险责任

Chapter VIII. Liability for Ultra-hazardous Activities

第一千二百三十六条 从事高度危险作业造成他人损害的，应当承担侵权责任。

Article 1236. [One who] engages in an ultra-hazardous activity, causes harm to another, shall bear tort liability.

第一千二百三十七条 民用核设施或者运入运出核设施的核材料发生核事故造成他人损害的，民用核设施的营运单位应当承担侵权责任；但是，能够证明损害是因战争、武装冲突、暴乱等情形或者受害人故意造成的，不承担责任。

Article 1237. If a nuclear accident occurs to a civilian nuclear facility or the nuclear material transported in or out of it, causes harm to another, the operating entity of the civilian nuclear facility shall bear tort liability; except it can prove that the harm is caused by circumstances such as war, armed conflicts, riot or is intentionally caused by the injured person.

第一千二百三十八条 民用航空器造成他人损害的，民用航空器的经营者应当承担侵权责任；但是，能够证明损害是因受害人故意造成的，不承担责任。

Article 1238. If a civilian aircraft cause harm to another, the operator of the civilian aircraft shall bear tort liability; except it can prove that the harm is intentionally caused by the injured person.

第一千二百三十九条 占有或者使用易燃、易爆、剧毒、高放射性、强腐蚀性、高致病性等高度危险物造成他人损害的，占有人或者使用人应当承担侵权责任；但是，能够证明损害是因受害人故意或者不可抗力造成的，不承担责任。被侵权人对损害的发生有重大过失的，可以减轻占有人或者使用人的责任。

Article 1239. If possessing or using combustible, explosive, virulent, highly radioactive, strongly corrosive, high pathogenic or other sorts of ultra-hazardous materials causes harm to another, the possessor or the user shall bear tort liability; except it can prove that the harm is intentionally caused by the injured person or caused by force majeure. If the victim is of gross negligence for the occurrence of the harm, the possessor's or the user's liability may be reduced.

第一千二百四十条 从事高空、高压、地下挖掘活动或者使用高速轨道运输工具造成他人损害的，经营者应当承担侵权责任；但是，能够证明损害是因受害人故意或者不可抗力造成的，不承担责任。被侵权人对损害的发生有重大过失的，可以减轻经营者的责任。

Article 1240. If operating conducts high above the ground, of high voltage, underground excavating, or using high-speed track conveyance causes harm to another, the operator shall bear tort liability; except it can prove that the harm is intentionally caused by the injured person or caused by force majeure. If the victim is of gross negligence for the occurrence of the harm, the operator's liability may be reduced.

第一千二百四十一条 遗失、抛弃高度危险物造成他人损害的，由所有人承担侵权责任。所有人将高度危险物交由他人管理的，由管理人承担侵权责任；所有人有过错的，与管理人承担连带责任。

Article 1241. If lost or abandoned ultra-hazardous material causes harm to another, the owner shall bear tort liability. If the owner delivers the ultra-hazardous material to the another keeper, the keeper shall bear tort

liability; if the owner is at fault, [it] shall bear joint and several liability with the keeper.

第一千二百四十二条 非法占有高度危险物造成他人损害的，由非法占有人承担侵权责任。所有人、管理人不能证明对防止非法占有尽到高度注意义务的，与非法占有人承担连带责任。

Article 1242. If unlawful possession of ultra-hazardous materials causes harm to another, the unlawful possessor shall bear tort liability. If the owner or the keeper can not prove that it has fulfilled the high degree of duty of care to prevent unlawful possession, [it] shall bear joint and several liability with the unlawful possessor.

第一千二百四十三条 未经许可进入高度危险活动区域或者高度危险物存放区域受到损害，管理人能够证明已经采取足够安全措施并尽到充分警示义务的，可以减轻或者不承担责任。

Article 1243. If an unauthorized [trespasser] is harmed while entering area of ultra-hazardous activities or storage area of ultra-hazardous materials, the liability of the keeper may be reduced or exempted, if it can prove that it has taken sufficient safety measures and fulfilled its duty of adequate warning.

第一千二百四十四条 承担高度危险责任，法律规定赔偿限额的，依照其规定，但是行为人有故意或者重大过失的除外。

Article 1244. To bear liability for ultra-hazardous activities, if any law provides limitation of compensation, then that law shall govern, except the actor is of intention or gross negligence.

第九章 饲养动物损害责任

Chapter IX. Liability for Harm Caused by Domesticated Animals

第一千二百四十五条 饲养的动物造成他人损害的，动物饲养人或者管理人应当承担侵权责任；但是，能够证明损害是因被侵权人故意或者重大过失造成的，可以不承担或者减轻责任。

Article 1245. If a domesticated animal causes harm to another, the animal breeder or keeper shall bear tort liability; but if it can prove that the harm is caused by victim's intention or gross negligence, the liability may be exempted or reduced.

第一千二百四十六条 违反管理规定，未对动物采取安全措施造成他人损害的，动物饲养人或者管理人应当承担侵权责任；但是，能够证明损害是因被侵权人故意造成的，可以减轻责任。

Article 1246. If [an animal breeder or keeper] violates administrative provisions, fails to take safety measures to the animal, causes harm to another, the animal breeder or keeper shall bear tort liability; But if the animal breeder or manager can prove that the harm is caused intentionally by the victim, the liability may be reduced.

第一千二百四十七条 禁止饲养的烈性犬等危险动物造成他人损害的，动物饲养人或者管理人应当承担侵权责任。

Article 1247. If dangerous animals which are forbidden to be bred, such as a fierce dog, causes harm to another, the animal breeder or keeper shall bear tort liability.

第一千二百四十八条 动物园的动物造成他人损害的，动物园应当承担侵权责任；但是，能够证明尽到管理职责的，不承担侵权责任。

Article 1248. If a zoo animal causes harm to another, the zoo shall bear tort liability, except the fulfillment of administrative obligation can be proved.

第一千二百四十九条 遗弃、逃逸的动物在遗弃、逃逸期间造成他人损害的，由动物原饲养人或者管理人承担侵权责任。

Article 1249. If an abandoned or escaping animal causes harm to another in the period of abandonment or escape, its original breeder or keeper of the animal shall bear tort liability.

第一千二百五十条 因第三人的过错致使动物造成他人损害的，被侵权人可以向动物饲养人或者管理人请求赔偿，也可以向第三人请求赔偿。动物饲养人或者管理人赔偿后，有权向第三人追偿。

Article 1250. If a third party's fault results in an animal causing harm to another, the victim may claim compensation from the animal breeder or keeper, and may claim compensation from the third party. After the animal breeder or keeper paid the compensation [to the victim], he/she has the right to claim indemnity from the third party.

第一千二百五十一条 饲养动物应当遵守法律法规，尊重社会公德，不得妨碍他人生活。

Article 1251. Breeding animals shall be in compliance with the law and regulations, respect for the social ethics, shall not disturb the life of others.

第十章 建筑物和物件损害责任

Chapter X. Liability for Harm Caused by Buildings or Objects

第一千二百五十二条 建筑物、构筑物或者其他设施倒塌、塌陷造成他人损害的，由建设单位与施工单位承担连带责任，但是建设单位与施工单位能够证明不存在质量缺陷的除外。建设单位、施工单位赔偿后，有其他责任人的，有权向其他责任人追偿。

Article 1252. If a building, structure or any other facilities collapses or sinks, causes harm to another, the builder and the constructor shall bear joint and several liability. Except for that the builder and the constructor

can prove that there is no quality defect. After the builder or constructor compensated [to the victim], if there are any other liable persons, [the builder or constructor] has the right to claim indemnity from the other liable person.

因所有人、管理人、使用人或者第三人的原因，建筑物、构筑物或者其他设施倒塌、塌陷造成他人损害的，由所有人、管理人、使用人或者第三人承担侵权责任。

For the reason of the owner, administrator, user or a third person, a building, construction or any other facilities collapses or sinks, causes harm to another, the owner, administrator, user or the third person shall bear tort liability.

第一千二百五十三条 建筑物、构筑物或者其他设施及其搁置物、悬挂物发生脱落、坠落造成他人损害，所有人、管理人或者使用人不能证明自己没有过错的，应当承担侵权责任。所有人、管理人或者使用人赔偿后，有其他责任人的，有权向其他责任人追偿。

Article 1253. If a building, construction or any other facilities, or any fixture to it or thing hung on it falls off or falls down, causes harm to another, [but] the owner, administrator or user can not prove that he/she had no fault, [the owner, administrator or user] shall bear tort liability. After the owner, administrator or user compensated [to the victim], if there are any other liable persons, [the owner, administrator or user] has the right to claim indemnity from the other liable person.

第一千二百五十四条 禁止从建筑物中抛掷物品。从建筑物中抛掷物品或者从建筑物上坠落的物品造成他人损害的，由侵权人依法承担侵权责任；经调查难以确定具体侵权人的，除能够证明自己不是侵权人的外，由可能加害的建筑物使用人给予补偿。可能加害的建筑物使用人补偿后，有权向侵权人追偿。

Article 1254. Throwing things from buildings is forbidden. If an object is thrown from within a building or something hanging on a building falls off, causes harm to another, the tortfeasor shall bear tort liability according to the law; and if the specific tortfeasor can not be identified after investigation, those occupants of the building who may cause the harm shall pay for relief, except those who can prove that they are not tortfeasors. After those occupants of the building who may cause the harm paid for relief, they may claim indemnity from the tortfeasor.

物业服务企业等建筑物管理人应当采取必要的安全保障措施防止前款规定情形的发生；未采取必要的安全保障措施的，应当依法承担未履行安全保障义务的侵权责任。

The property service enterprises and other building managers shall take necessary safety protection measures to prevent the occurrence of the situations specified in the preceding paragraph; if they fail to take necessary safety protection measures, shall bear the tort liability for failing to perform the duty of safety protection according to the law.

发生本条第一款规定的情形的，公安等机关应当依法及时调查，查清责任人。

In case of the circumstances specified in the first paragraph of this article, the public security and similar

authorities shall investigate in time according to the law and ascertain the responsible person.

第一千二百五十五条 堆放物倒塌、滚落或者滑落造成他人损害，堆放人不能证明自己没有过错的，应当承担侵权责任。

Article 1255. If the collapse, rolling or sliding down of a stack of goods causes harm to another, [but] the person who stacks the goods can not prove that he/she had no fault, [he] shall bear tort liability.

第一千二百五十六条 在公共道路上堆放、倾倒、遗撒妨碍通行的物品造成他人损害的，由行为人承担侵权责任。公共道路管理人不能证明已经尽到清理、防护、警示等义务的，应当承担相应的责任。

Article 1256. [One who] heaps, dumps, spills things that obstruct passage on public road, causes harm to another, the actor shall bear tort liability. If the administrator of public road can not prove that it has fulfilled the duties of cleaning up, protection, warning, etc., it shall bear corresponding liability.

第一千二百五十七条 因林木折断、倾倒或者果实坠落等造成他人损害，林木的所有人或者管理人不能证明自己没有过错的，应当承担侵权责任。

Article 1257. If a tree breaks, falls down or a fruit drops, etc., causes harm to another, [but] the owner or the administrator of the tree who can not prove that he/she had no fault, [the owner or the administrator] shall bear tort liability.

第一千二百五十八条 在公共场所或者道路上挖掘、修缮安装地下设施等造成他人损害，施工人不能证明已经设置明显标志和采取安全措施的，应当承担侵权责任。

Article 1258. If [one] digs, repairs or installs underground facilities, etc., causes harm to another, if the constructor can not prove that obvious signs have been set up and safety measures have been taken, it shall bear tort liability.

窨井等地下设施造成他人损害，管理人不能证明尽到管理职责的，应当承担侵权责任。

If underground facilities such as inspection shaft, cause harm to another, [but] the administrator can not prove that it has fulfilled its administrative obligations, [the administrator] shall bear tort liability.