

Granting of exploration licences and production licences according to the Federal Mining Law

Unofficial translation prepared by order of the LBEG

Decree of the Ministry of Economics, Technology and Transport of Lower Saxony from 29th January 1993 (Nds. MBl. S. 192 or Ministerial Gazette for Lower Saxony p. 192)

With applications for granting exploration and production licences the directives printed in [Appendices 1](#) and [2](#) are to be observed.

Appendix 1

Directives for the application for granting an exploration licence for freely mineable resources

For the application for granting an exploration licence for freely mineable resources the following details and documents are required. The structure should be adhered to. The application is to be handed in to the Oberbergamt (State Mining Authority) responsible for granting licences in Clausthal-Zellerfeld, Hindenburgplatz 9, 3392 Clausthal-Zellerfeld *). The paragraphs given refer to the corresponding conditions of the Federal Mining Law from 13th August 1980 (BGBl. I S. 1310 or Federal Law Gazette I p. 1310) last altered with article 3 of the law from 26th August 1992 (BGBl. I S. 1564 or Federal Law Gazette I p. 1564):

1. Applicant:
Company name and headquarters, management board, excerpt from the commercial register.
2. Exact definition of mineable resources that are to be explored (§ 11 No. 1).
3. Illustration of the licence area applied for (§ 4 para. 7). The type of illustration and the definition from the map results from the [Mining Regulation on Surveying and Safety Documents](#) from 11th November 1982 (BGBl. I S. 1553 or Federal Law Gazette I p. 1554).
4. The applicant has to commit to make the results from exploration known to the Oberbergamt on demand and without delay on completion or at the latest with the expiry of the licence (see § 11 No. 4).

Should a licence be applied for scientific purposes or large-scale prospecting then the applicant has to commit according to regulation of § 11 No. 5 to allow other owners of mining authorizations at the request of

* Nowadays: State Authority for Mining, Energy and Geology (LBEG)
Office in Hannover, Stilleweg 2, 30655 Hannover or
Office in Clausthal, An der Marktkirche 9, 38669 Clausthal-Zellerfeld

the Oberbergamt to participate in the exploration in the applied licence area.

5. Work program:

According to § 11 No. 3 the applicant has to produce a work program in which it is stated that the intended exploration activities with respect to the type, scope and purpose are sufficient for the exploration of the supposed deposit and can be carried out in the appropriate time frame.

The work program must make allowance for the planned licence area size and comprise of a sensible prospecting according to plan if possible for the entire applied licence area.

It will be indicated that the work program produced will be an essential criterion for the decision of the Oberbergamt and should therefore be described accurately and in detail. In this respect the priority regulation according to § 14 para. 2 is to be referred to.

Depending on the planned timeframe of the exploration activities, the timeframe is to be specified for which the licence is applied for. According to § 16 para. 4 a period may not extend 5 years.

If the applicant has already carried out exploration at an earlier date in an applied licence area, this work should be referred to in the application. A description of earlier work is compulsory.

The proof of technical performance competencies of the applicant can for example be carried out as follows:

- a) through a description of mining activities of the applicant over the last 5 years;
- b) through a declaration which explains which equipment and which technical equipment the applicant has at his disposal to execute the work;
- c) by describing the measures of the applicant to guarantee the planned prospecting in the licence area.

6. Financial competence:

Financial competence can generally be proven by providing details on the extent to which expenditure is financed by equity capital, loans or public authority grants with the explanation that the resources are also available for the restoration of the surface. The details must be credible. Likewise, financial statements, bank statements, loan approvals and similar statements can be included (§ 11 No. 7).

Directives for the application for granting a production licence for freely mineable resources

For the application for granting a production licence for freely mineable resources the following details and documents are required. The structure should be adhered to. The application is to be handed in to the Oberbergamt (Mining Authority) responsible for granting licences in Clausthal-Zellerfeld, Hindenburgplatz 9, 3392 Clausthal-Zellerfeld^{*}). The paragraphs given refer to the corresponding conditions of the Federal Mining Law from 13th August 1980 (BGBl. I S. 1310 or Federal Law Gazette I p. 1310) last altered with article 3 of the law from 26th August 1992 (BGBl. I S. 1564 or Federal Law Gazette I p. 1564):

1. Applicant:
Company name and headquarters, management board, excerpt from the commercial register.
2. Exact definition of mineable resources that are to be mined (§ 12 para. 1 in conjunction with § 11 No. 1).
3. Illustration of the licence area applied for (§ 4 para. 7). The type of illustration and the drafts results from the [Mining Regulation on Surveying and Safety Documents](#) from 11th November 1982 (BGBl. I S. 1553 or Federal Law Gazette I p. 1553).
4. Details of the points according to the site depth at which the mineable resources were discovered are to be shown in a special illustration on the draft.
5. Proof that the mineable resources discovered are extractable according to their position and properties. Here details on the contents, the properties, the depth of the deposit, and the technical extraction possibilities are required. Likewise the opinion of a qualified surveyor might come into consideration (§ 12 para. 1 No. 3).
6. Work program:
According to § 12 para. 1 No. 4 the applicant has to produce a work program in which it is stated that the technical execution of the mining and the aboveground and belowground facilities required are sufficient and the mining can be carried out in an appropriate time frame.

The work program must make allowance for the planned licence area size and from it it should be recognizable that a mining is aspired for the entire applied licence area.

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Depending on the planned timeframe of the mining the timeframe is to be specified for which the licence is applied for (limitation). According to § 16 para. 5 the licence is granted to carry out mining over an appropriate time period. Here 50 years can only be extended as long as this is necessary considering the investment usually required for the mining. An extension up to the anticipated depletion of the resource is possible if the mining is according to the law and the plans.

The proof of technical performance competencies of the applicant can for example be carried out as follows:

- a) through a description of mining activities of the applicant over the last 5 years;
- b) through a declaration which explains which equipment and which technical equipment the applicant has at his disposal to execute the work;
- c) by describing the measures of the applicant to guarantee an optimal use of the deposit for which the licence was granted.

7. Financial competence:

Financial competence can generally be proven by providing details on the extent to which expenditure is financed by equity capital, loans or public authority grants with the explanation that the resources are also available for the restoration of the surface. The details must be credible. Likewise, financial statements, bank statements, loan approvals and similar statements can be included (§ 11 No. 7).

**Mining Regulation
on Surveying and Safety Documents
(Documents-Mining Regulation)
as of: 10th August 2005**

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1. Chapter

Maps and mining plans for mining authorizations

§ 1 - General requirements

(1) The maps for the application for granting a mining authorization according to § 7 of the Federal Mining Law as well as the plans for the application for

1. granting a production licence according to § 8 of the Federal Mining Law,
2. granting of mining proprietorship according to § 9 of the Federal Mining Law,
3. the unification and division of mining proprietorship areas as well as the exchange of parts of mining proprietorship areas according to § 24, 28 and 29 of the Federal Mining Law,
4. gaining of mining authorizations according to § 35 of the Federal Mining Law

supported by the latest version of official maps from the state survey agency or the estate register. Unpublished survey documentations or the charts from an authority must be certified by it.

- (2) Characters, colours and inscriptions must correspond to the requirements of the [appendix](#). Any drawings must be durable.
- (3) Sufficient space is to be kept free on the maps and mining plans for official notes.

§ 2 - Changes to the maps and plans

- (1) Registrations, that are required for checking the correct and complete representation of a mining authorization area on the maps and plans, may not be omitted or altered in such a way so that they are no longer recognizable in their original form.
- (2) Alterations are to be marked with a date and signature from the person who made them.

§ 3 - Scale of the maps and plans

The choice of the scale depends on the size of the field as well as the necessary accuracy, clarity and legibility of the illustrations. The maps and plans should be produced

1. for an exploration licence with a scale of 1:25000, 1:50000 or 1:100000,
2. in remaining cases with a scale of 1:5000, 1:10000 or 1:25000

§ 4 - Title of the maps and plans

The title of the maps and plans must contain

1. the type and the name of the authorization,
2. the names of the natural resources which the application refers to,
3. the information about the size of the mining authorization area,
4. the scale and
5. the production note.

§ 5 - Boundary and area of a mining authorization

- (1) The corner points of the mining authorization area are to be specified using Gauss-Krueger coordinates. Another coordinate system is only permissible if it used for state surveys and a conversion to Gauss-Krueger coordinates is unreasonable.
- (2) The size of the mining authorization area is to be calculated from the coordinates of the field corner points taking into account any projection distortion and rounded off to the nearest hundred square metres. An auxiliary polygon necessary for computation does not need to be measured.
- (3) The corner points of the mining authorization area are to be sequentially numbered on the maps and plans and to be listed in a numerical table specifying the details of the associated coordinates. Coordinates, which have solely been determined for the computation of the area, are likewise to be specified and marked in the numerical table.
- (4) Inside the boundary the following are to be registered
 1. the corner points of the site, as far as this is possible
 2. the mining authorization (name) and
 3. the natural resources, to which the application refers.
- (5) On the plans for the unification and division of mining proprietorship areas as well as for the exchange of parts of mining proprietorship areas, previous boundaries and names of the mining proprietorship areas are to be registered.

§ 6 - Places of discovery

- (1) With an application for a production licence the positions of the places where the resources were discovered (places of discovery), are to be determined using coordinates. Here reference points from the state survey must be adhered to. For their coordinates § 5 para. 1 and 3 and sentence 1 apply accordingly. The ground level elevation of the places of discovery can be taken from an official map, the scale of which must not be smaller than 1:25000. Deviations between the places of discovery and the places of drillings are to be determined and represented as far as possible in the plans.
- (2) The location of the places of discovery is to be represented separately using a scale that is not smaller than 1:5000. The following are to be included in this illustration
 1. with above-ground places of discovery the closest objects and
 2. with underground places of discovery the closest pits.

If the places of discovery are not above-ground, their position is to be shown as a cross-section.

§ 7 - Documents

The maps and plans are to include any calculation and survey documents with explanatory hand-written remarks. If these are not in the original form or officially certified then they are to be dated and signed by those who produced them.

§ 8 - Special regulation for the continental shelf and territorial waters

- (1) For the area of the continental shelf and for mining authorization areas that are exclusively or predominantly in territorial waters, § 1 para. 1 sentence 2, para. 2 and 3, § 2, 4, 5 para. 2 to 5 and § 7 as well as paragraphs 2 to 5 are applicable.
- (2) The maps and plans are to refer to recent sea charts /topographic maps of the seabed (working maps) of the Bundesamt für Seeschifffahrt und Hydrographie (Federal Maritime and Hydrographic Agency).
- (3) The maps and plans are to be produced at the largest scale, that sea charts or working maps are available for the area concerning the application.
- (4) The field corner points are to be indicated as geographical coordinates (European datum) and the corner points of the mining authorization areas that are exclusively or predominantly in territorial waters, additionally given in Gauss-Krueger coordinates.

- (5) With an application for a production licence the places of discovery are to be determined as geographical coordinates (European datum) and additionally with Gauss-Kruger coordinates, when the mining authorization area to which the application refers is exclusively or predominantly in territorial waters

1. by connection to reference points from the state survey,
2. with the help of the non-navigational radiolocation or
3. with the help of satellite geodesy

The most accurate procedures for the respective place of discovery are to be applied and the obtained accuracy proven. The coordinates of the places of discovery are to be specified in a numerical table. Deviations between the places of discovery and those of the well surface location are to be represented as far as possible in the plans. The water depth corresponding to the places of discovery are to be indicated. § 6 para. 2 applies with the condition that the closest objects are to be registered. If the place of discovery is in the proximity to the border of the continental shelf, then the borderline is also to be recorded.

2. Chapter

Reports and proof from the mining entrepreneurs

§ 9 - Reports on persons employed and operational procedures

The entrepreneurs have to report the following to the authority in accordance with the regulation of this official published form

1. up until the end of February,
 - a) related to 15th September of the previous year, the safety-relevant important operating resources in the coal-mining underground,
 - b) related to the month of October of the previous year, the operating condition of the development work and production in the coal-mining underground,
 - c) related to the month of November of the previous year, the condition of the measures regarding dust and silicosis minimization in companies that affected by these,
 - d) related to the month of November of the previous year, the number of underground operating points, in which the noise level exceeded 85 dB(A) as well as the number of shifts worked there,
 - e) related to 31st December of the previous year, the number of all persons employed and those in training,
 - f) related to 31st December of the previous year, the size and composition of the mine and gas protection brigades,
 - g) related to the previous year, the number of metres drilled from above-ground from drillings requiring operating plans,
 - h) related to the previous year, operating sites greater than 1 ha for open-cast mining and the recultivated sites of these as well as for the underground production for sites greater than 1 ha used for mining dumps and ponds,

2. up until 15th of the months of April and October, referring to January and July respectively, the number of underground operating points, in which the prescribed lower limit temperature or climatic values were exceeded, as well as the number of shifts worked there.
3. up until the end of February, related to 31st December of the previous year, the number of persons employed, including employees joining and those leaving, and the total amount of time worked,
4. up until the end of each month, relating in each case to the previous month, the utilisable output for coal and lignite mining and the quantity of the products in the processing according to § 4 para. 3 of the Federal Mining Law,
5. up until the end of February, related to the previous year, for the remaining mining industry the utilisable output as well as the quantity of the products in the processing according to § 4 para. 3 of the Federal Mining Law.

The reports can also be delivered by appointed associations of the entrepreneurs.

§ 10 - Reporting accidents

The entrepreneurs have to report an accident, that happened in their branches of exploration, production, processing or other operation and in which a person was totally or partly unable to work for more than three days, to the responsible authority. This does not apply, if the accident is already to be reported to the responsible authority due to other legal reasons.

§ 11 – Proof of persons employed

(1) The entrepreneurs must show proof of

1. the forenames and surnames,
2. the dates of birth,
3. the addresses and
4. the day of the start and completion of the work contract of the persons employed in their company.

(2) The proof is to be kept for two years after the work contract has ended.

3. Chapter

Concluding clauses

§ 12 - Berlin clause

irrelevant

§ 13 - Replacing of regulations

With the effect of this regulation the following regulations cease to apply:

1. Baden-Wuerttemberg

§ 41 to 54 of the regulation on the management of the mine surveyors and the technical specification of the mine surveyor's work of 6th February 1974 (Law Gazette for Baden-Württemberg p. 118, 124).

2. Bavaria

§ 33 to 45 of the regulation on the management of the mine surveyors and the technical specification of the mine surveyor's work in the companies under the supervision of the mining authorities from 20th September 1978 (Law and Ordinance Gazette for Bavaria p. 734, 739).

3. Hessen

§ 41 to 54 of the regulation on the management of mine surveyors and the technical specification of the mine surveyor's work from 7th January 1974 (Law and Ordinance Gazette for Hessen I p. 18, 24).

4. Lower Saxony

§ 32 to 44 of the regulation on the management of mine surveyors and the technical specification of the mine surveyor's work from 8th February 1979 (Law and Ordinance Gazette for Lower Saxony p. 39, 44).

5. North Rhine-Westphalia

§ 32 to 45 of the regulation on the management of mine surveyors and the technical specification of the mine surveyor's work from 25th October 1977 (Law and Ordinance Gazette for North Rhine-Westphalia from 5th December 1977 p. 410, 414).

6. Rhineland-Palatinate

§ 41 to 54 of regulation on the management of mine surveyors and the technical specification of the mine surveyor's work from 7th August 1974 (Law and Ordinance Gazette for Rhineland-Palatinate p. 353, 359).


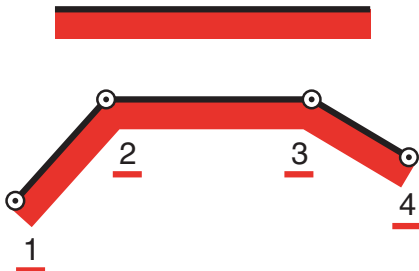


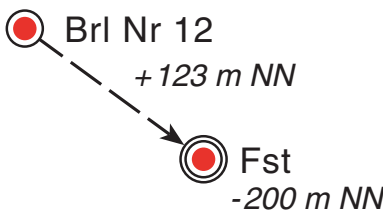
7. Saarland

§ 41 to 54 of the regulation on the management of mine surveyors and the technical specification of the mine surveyor's work from 3rd September 1968 (Official Gazette of Saarland p. 655, 660), changed by regulation from 11th August 1972 (Official Gazette of Saarland p. 478).

Appendix
(to § 1 Documents-Mining Regulations)

Symbols, colours and labels for maps and plans of mining authorizations

Mining authorization area applied for
1 Specification

Name	Illustration Symbol	Colour
Corner point of the mining authorization area with number		<u>black</u> crimson
Boundary of the mining authorization area		<u>black</u> crimson
Name of mining authorization	<u>Union</u>	<u>black</u> crimson
Natural resource of the mining authorization	<u>Braunkohle</u>	<u>black</u> crimson
Borehole (Brl)	 Brl	<u>black</u> crimson
Place of discovery (Fst)	 Fst	<u>black</u> crimson
Place of discovery deviating from well surface location		<u>black</u> crimson