

About the new licensing system of the mining activities in Hungary

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O novom licenčnom systéme banských aktivít v Maďarsku

The paper deals with the main changes of the licensing system of the mining activities according to the amendments of the Mining Act, Nr. XLVIII. of 1993. The rules of the licensing of the prospecting for certain mineral raw materials, of the establishing of the mining plot and of the planning of the reclamation have changed. The paper also shows what kind of mining maps must be prepared by the mining entrepreneurs for the individual licensing procedures.

Key words: Mining Act, licensing of mining activities, prospecting for mineral raw materials, mining plot, reclamation, mining maps.

Mining activities in Hungary

The Hungarian Act XLVIII of 1993 on Mining (hereinafter: Mining Act) has been changing since its coming into force. Very important sections of the Mining Act were changed by the Hungarian Parliament in 2005 too. Similar sections of the Mining Act were changed not only in their rules but in their philosophy as well. I would like to deal with the amendments of the Mining Act regarding the prospecting and production of mineral raw materials in an over-simple form.

Such changed sections are the following:

- granting of right for prospect exists instead of the earlier license for prospect,
- an environment protection licence is needed before the establishing of the mining plot,
- landscape rehabilitation should be planned in the technical operation plan.

The basic rules of the Mining Act and other laws are the following:

1. The tasks of specialized state direction of mining shall be provided for by the Hungarian Mining Bureau of Hungary and its regional organs, the district mining authorities (referred to collectively as mine supervision).
2. The Mining Act states that the activities falling under the effect of the Mining Act may be performed in a way that provides for the enforcement of the requirements concerning the protection of human life, health, the environment and property as well as the management of mineral and geothermal energy resources. In Hungary there the mining entrepreneurs may commence mining activities in possession of the licence issued by the mine supervision, and in compliance with the conditions contained therein. All the licenses are written and issued as authority resolutions; and persons determined in laws and regulations have the right of legal remedy.
3. In Hungary there exists the Ministerial Decree 69/1995. of which attachment was the Mining Safety Regulation about the measure and content of the mining maps. This Decree states what kind of mining maps should be prepared for the different mining activities carried out by the mining entrepreneurs. The mining maps should be authorised by a chartered mine surveyor. The legislative institution of chartered mine surveyors is stated by the Ministerial Decree 70/1995.

Now I would like to explain the differences of the former and present regulations in my paper.

Granting of right for prospect:

Earlier the mine supervision licensed the prospecting for certain mineral raw materials within the framework of the concession by approving the work programme written in the concession contract, in other cases the authority issued **prospecting licence**. The deadline of the licence was stated in the licence and it could be max. 4 years. This period could be prolonged by half of the period licensed initially. The prolongation was accepted for the prospecting license only. The mining entrepreneur could submit not only one technical operation plan during the period of the prospecting license but the mine supervision approved technical operation plan was prolongable too if the circumstances made it possible and if the conditions written in the mining laws were fulfilled. The mining entrepreneur had to carry out

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the mining prospecting activity based on a technical operation plan during these 4 years and in its prolongation.

Prospecting was licensed by the mine supervision with the approval of the special authorities. If prospecting affects a nature protection area, firstly, the mining entrepreneur will obtain the permit of the nature protection authority in advance, in other cases, the nature protection authorities shall take part in the procedure as a special authority. The special authorities supervise the environmental protection, nature protection, water management, communication, archaeology, property register and so on. Prospecting as mining activities should be performed on the basis of an approved technological operation plan. The technical operation plan for prospecting must be approved by the mine supervision with the assistance and approval of the special authorities.

You can see that to possess both licenses, one for prospecting and the other for the technical operation plan, needed two difficult and long authority procedures of the mining entrepreneur and of the authorities in the same topics.

Today the mine supervision grants the mining entrepreneur the right for prospecting in a decision by the mining supervision at request of the mining entrepreneur. The application should contain among others the administrative designation of the area of prospecting, its delimitation with the coordinates according to the EOV (Hungarian abbreviation of the Unitary National Projection System) system, in case of solid mineral raw materials the topographical lot numbers of the real properties covered by the requested area of prospecting. The application should contain also a topographical map and layout plan of the area of prospecting made in the EOV system

The mining supervision has to investigate only the possibilities of the prospecting without the approval of the special authorities and the mining supervision grant the right for prospecting as an authority license written in a resolution. The mining entrepreneur has 6 months after granting to submit the technical operation plan. The granting of the right for prospecting gives the mining entrepreneur only the exclusive right to submit the technical operation plan. The rivaling mining entrepreneurs do not have the possibility to submit a technical operation plan for the same area during these 6 months. If the mining entrepreneur has not submitted the technical operation plan, he loses his right for prospecting. The mining entrepreneur can start a new authority procedure if he wants to have the right for prospecting. The technical operation plan should be approved by the mining supervision with the approval of the special authorities but it means one process only. This approbation of the mining supervision means the license for itself of the prospecting activity.

The prospecting activity may be licensed for a period of no more than 4 years in the technical operation plan, and this period may be extended on two occasions, by half of the period licensed initially. The extension of the period of prospecting may be licensed by the modification of the technological operation plan of prospecting if the circumstances make it possible and the conditions written in the mining laws are fulfilled.

The technological operation plan of prospecting will consist of a textual part and of a map of technological operation plan (target map). The main content of this mining map are the prospecting area and the earlier and the planned prospecting projects.

Applications for mining plots.

Mineral raw materials may be explored and exploited in the part of the surface and depth of the ground enclosed for that purpose, this area is the **mining plot**. Earlier the status of the mining plot had been established by the mine supervision on application of the mining entrepreneur, based on the approval of the special authorities concerned. In the course of the procedure the concerned parties shall also make a statement on the **purpose of re-utilization** used as a basis for the **reclamation plan**. Preparation of application for mining plot can be very expensive and it is not sure that the mining entrepreneur can have the **environment protection licence**. The mining activity cannot be carried out without environment protection licence and the mining plot is to cancel in that case. The mining entrepreneur loses a lot of time and money.

The mine plot is a theoretical permit, because the mining activity, the exploitation can be started only on the basis of an approved **technological operation plan**. The technological operation plan for exploitation of mineral raw materials, the completion of exploitation (closing of mine) is approved by the mine supervision taking into consideration the aspects of the special authorities.

The technological operation plan could be approved by the mining authority only in that case when the mining entrepreneur possesses the **environment protection licence** issued by the environment protection supervision for the whole mining plot. The environment protection licence had to be attached by the mining entrepreneur to the application for the approving of the technological operation plan.

Today the regulation is that the mining entrepreneur has to apply for the environment protection licence to the environment protection authority after successful prospecting at first. If the mining entrepreneur possesses the environment protection licence it must be attached to the application for mining plot except if the environment protection licence is not necessary for the given mining activity based on statutes.

You can see that the order of the processes is changed and the mining entrepreneur can apply for mining plot on the fix base of the **environment protection licence**. The application for mining plot should contain among others the administrative designation of the area of production, its delimitation with the coordinates according to the EOVS system. The mining plot will be delimited by perpendicular planes crossing each other, as well as by the definition of basic and covering planes (lying and covering levels). The line of the state border or a natural formation may also define the boundary-line of a mining plot. The task of the map of mining plot is to show the vertical and horizontal area for carrying out the mining activity.

The application for mining plot should contain among others also the map of mining plot. This map is also a mining map as it is stated by the Ministerial Decree 69/1995. The main content of the map of mining plot are briefly as follows: the boundary-lines of the mining plot and the properties, the lot numbers, the protecting and boundary pillars, the covering planes (lying and covering levels), the data of heights and so on. The map of mining plot is one of the basic documents for the mining activity.

Preparing of the landscape rehabilitation, reclamation plan.

The former rules of the Mining Act stated that the reclamation plan should be prepared by the mining entrepreneur in three years after the establishing of the mining plot. It was a good intention of the enactment to determine in advance what the post mining landscape would be like, but mining plots were and are without term, and it can be in possession of the mining entrepreneur for long time, for example for 50 year long, and who knows today what requirements will exist in the future.

The reclamation plan was approved by the mine supervision in a separated authority process taking the aspects of the special authorities into consideration. The mining entrepreneur could apply to the mine supervision for amendment of the reclamation plan but it was a new whole authority process. The reclamation plan consists of a description and a map of reclamation tasks. This map, namely, is not a mining map.

The mining activity and the reclamation tasks was carried out by the mining entrepreneur according to the technological operation plan which relating to exploitation may be prepared for the period of no more than 2 years in case of underground mining, and for no more than 5 years in case of crude oil and natural gas mining and open air mining. The technological operation plan could contain only such tasks which answer to the requirements of the reclamation plan. The technological operation plan consisted of the description and the map of the mining activities in the past and future. This map is a mining map stated by the Ministerial Decree 69/1995.

You can see that it meant two authorities' procedures to approve the reclamation plan and the technological operation plan.

Today the tasks of the reclamation must be planned in the technological operation plan and these tasks should serve the accomplishment of the purpose of re-utilization. Today instead of two authority processes there is only one to approve the technological operation plans. The mining entrepreneur does not have to prepare the reclamation plan.

One can see that the target of the amendments of the Mining Act to make simpler the authorities' procedures.