

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

MINES AND QUARRIES ACT

Promulgated, Izvestiya No. 92/15.11.1957
Amended, No. 17/1958; Amended & Supplemented Nos. 68/1959, 104/1960,
State Gazette Nos. 84/1963, 27/1973, 36/1979, 27 & 56/1986; 35/1996

I. GENERAL PROVISIONS

Article 1

(1) (Amnd, *Izv.* 104/1960) All deposits, or fields, of mineral resources — ie, fossil fuels (solid, liquid or gaseous); natural gases; metalliferous or non-metalliferous ores, or salts, and ore-containing effluents; salt from sea water, or from lakes or marshes; precious and semi-precious stones; and rock deposits, whether compact or naturally fragmented, from which construction materials can be extracted — shall be the exclusive property of the State.

(2) No one whosoever may exploit or appropriate mineral resources, except as herein provided.

Article 2

The State's exclusive ownership of mineral resources shall preclude any land-owner's rights to such resources on, or below, the surface of the land.

Article 3

(1) According to their economic use and their location, mineral resources shall be defined as mined or quarried.

(2) Mined resources shall include: all fossil fuels (solid, liquid or gaseous); metalliferous or non-metalliferous ores, or salts, and ore-containing effluents; natural gases; precious and semi-precious stones; high-grade clays, ie, refractory clay, acid-resistant clay, ball clay, and filtrating clay; chalk, graphite, aragonite, strontianite, gypsum, alabaster, marine glass, mica, natural mineral pigments, barite, veterite???, fluorite, magnetite sand, quartz crystals (piezoquartz), asbestos, crude kaoline, feldspar, talc, native sulphur, kieselguhr, iceland spar, phosphates; and all such others as are used for industrial purposes, except quarried resources used for the production of construction materials.

(3) (Emnd, *Izv.* 17/1958) Quarried resources shall include commonly found minerals used in construction and decoration; rock formations, whether compact, naturally fragmented or alluvial; sand and all kinds of sandstone, gravel; stones, whether facing or lithographic slabs; limestone and dolomite; malm, common clays, common quartz, quartz sand; slag and cinders.

(4) (Amnd, *Izv.* 68/1959; *SG* 84/1963 & 36/1979) Inclusions of other mineral resources to either of the above categories shall be subject to a joint order by the Minister of the Metal

Industry and Mineral Resources, the Minister of Energy, and the Minister of Construction and Construction Materials.

Article 4

(1) (Amnd, *Izv.* 68/1959 & 104/1960; *SG* 84/1963 & 36/1979) The Ministry of the Metal Industry and Mineral Resources shall guide:

- a) the exploration of mineral resources;
- b) the prospecting for, and extraction of, all ore deposits of non-ferrous, ferrous or rare metals; liquid or other fuels; other mineral resources; rock materials, marble, granite, gabbro, facing limestone, muschelkalk, conglomerate, breccia, etc.;
- c) the prospecting for, and extraction of, common salt, rare elements, and salts from sea or lake or ground water.

(2) The Ministry of Energy shall guide the prospecting for, and extraction of, coal, including coal dressing and the making of coal bricks.

(3) The Ministry of Construction and Construction Materials shall guide the prospecting for, and extraction of, common rock materials used for construction in-fills or pavings or facings, and not dealt with by any enterprise under the Ministry of the Metal Industry and Mineral Resources.

(4) The exploitation of mineral resources shall be carried on by State-owned business entities and units under the Ministries or other agencies responsible for the management of such resources.

(5) The Council of Ministers may re-assign any of the activities under the foregoing paragraphs from one Ministry to another.

Article 5

(1) (Amnd, *SG* 84/1963 & 36/1979) Any State-owned land required for the purposes of prospecting for, or extraction of, mineral resources shall be granted to the relevant agency or enterprise under the procedure established by the Property Act.

(2) The right being granted to an enterprise or entity to exploit mineral resources shall not include the granting of the tract wherein such resources are located.

Article 6

(1) The exploration of, and prospecting for, mineral resources shall be carried on by State-owned geological exploration entities and services.

(2) The exploration of mineral resources by private persons shall be governed by a set of secondary rules.

Article 7

Every owner shall allow exploration and prospecting by State-owned geological exploration entities and services on its land, as necessary and insofar as such activities do not preclude the ordinary use of the property. Failing that, the necessary land may be seized in pursuance of the provisions hereunder.

Article 8

(1) (Amnd, *Izv.* 68/1959) Industrial gold extraction shall be done by State-owned enterprises.

(2) (Amnd, *Izv.* 68/1959) Gold extraction by manual or lightly mechanised washing of gold-bearing sand from existing river beds shall not be deemed to constitute prospecting for, or exploitation of, mined resources. It can be done by local industries, producers' co-operatives or private persons subject to the permission of the Executive Committee of the local District People's Council.

Article 9

(Amnd, *Izv.* 104/1960; *SG* 84/1963 & 36/1979) Works relating to the exploration and operation of mines or quarries within the limits of the State Forest Reserve shall be undertaken subject to prior consultation with the Ministry of Forests and the Forest Industry.

II. MINES

Article 10

(1) Every mine shall be delimited by the outline of its subject deposits.

(2) Where two or more kinds of mineral deposits are discovered on the same site, the mine shall be delimited by the common outline of all deposits.

(3) (Amnd, *Izv.* 68/1959) Deposits covering a larger area shall be subdivided into several mines, the limits of each to be defined by the overall design of the site.

Article 11

Every mine shall have:

- a) an accurate contour map of the surface of the mine field on the scale of 1:5000 at least, showing limits and cartographic symbols (triangulation or others) defining the mine's position, the nature of the site, and all installations and facilities thereon;
- b) accurate underground plans on the scale of 1:1000 at least, showing annual exploitation sections, current and planned, and the limits of the field;
- c) general and detailed plans of the mine, showing the extent of deposits and mining works;
- d) geological map of the mine with the necessary profiles, the shafts, the boreholes, etc;
- e) technical and scientific data derived from monitoring the works done;

f) all registers, plans, papers, statistics, and any others, as prescribed by rules, regulations or orders relating to the operation of mines and the relevant safety requirements.

Article 12

(Amnd, *Izv.* 68/1959) Supervision of technical safety rules, and such others to prevent health and life hazards, shall be performed by trade-union labour safety authorities.

Article 13

(Repld, *Izv.* 68/1959; New *Izv.* 104/1960) Protecting the subsurface environment shall be the main duty of all whosoever explore it, or design mines or do preparatory works for the exploitation of mineral resources or extract such resources.

III. QUARRIES

Article 14

(1) (Amnd, *Izv.* 68/1959; *SG* 84/1963 & 36/1979) Opencast, underwater, or underground operation of quarries shall be carried on, as a general rule, by the Ministry.

(2) Every quarry shall be developed with such precise limits as determined by the Ministry of Construction and Construction Materials.

Article 15

(1) (Para 1 amnd, *Izv.* 68/1959 & 101/1960; *SG* 84/1963 & 36/1979) Subject to the permission of the Minister of Construction and Construction Materials, any existing quarry, or any undeveloped deposit of quarried materials, may, on a temporary basis, be granted for operation or development to:

- a) any other Ministry or agency for its needs related to construction or other business activities;
- b) (Amnd, *Izv.* 68/1959) any Municipal People's Council for its needs and those of the local public;
- c) any State-owned enterprise;
- d) (Suppl, *SG* 84/1963) any farming co-operative, to be limited to opencast quarries;
- e) (Suppl, *SG* 84/1963) any industrial producers' co-operative, consumers' co-operative, or any association of such, to be limited to opencast quarries.

(2) Extraction of quarried materials (ie, sand, gravel, and cobble-stone washed up along watersheds or sea beaches, and clay and rock) for individuals' personal needs shall be subject to the permission of the local Municipal People's Council.

(3) Without a permit, the above agencies, enterprises or individuals may not commence the operation of new quarries or resume the operation of closed or abandoned quarries, whether opencast or deep.

Article 16

(1) (Amnd, *Izv.* 68/1959 & 104/1960; *SG* 84/1963) Ministries, agencies, Municipal People's Councils, State-owned enterprises, and co-operative entities shall address requests for permits to develop quarries to the Ministry of Construction and Construction Materials.

(2) Such requests shall set out: the nature of quarried materials proposed for extraction, a description of the deposit and its surface, and of the proposed manner of development, the type of construction or business projects for which access to the deposit is required, the type of farming crops or vegetation covering the surface whereupon or below the deposit is located, the ownership of the land.

(3) Attached to the above shall be a report on estimated quantities of materials to be extracted and a situational contour map on an appropriate scale showing development limits, surface cadastral lines, existing roads, canals and other facilities, factories, etc, located over the deposit or adjacent thereto.

Article 17

(Amnd, *Izv.* 68/1959 & 104/1960; *SG* 84/1963) The use of quarries for construction and maintenance purposes of roads, railroads and their ancillary facilities by the Ministry of Transport shall be subject only to the latter notifying the Ministry of Construction and Construction Materials.

Article 18

(1) Permits to operate quarries in the immediate vicinity of facilities operated by another agency, such as roads, railroads, canals, warehouses, reservoirs, salt-works on the sea or a lake, etc, shall be granted subject to consultations with such other agency concerned.

(2) (Amnd, *Izv.* 104/1960; *SG* 84/1963; repld, 27/1973.)

(3) The permit shall set out the terms and conditions governing the development of the quarry or deposit, the permitted duration of such works, the materials to be extracted, the needs to be met, and the limits of the development.

(4) The holder of such permit may not change the purpose of the development therein set out.

Article 19

(Amnd, *Izv.* 68/1959 & 104/1960; *SG* 84/1963) The Minister of Construction and Construction Materials may revoke a permit for non-compliance with the provisions hereunder or the prescribed Technical Safety Rules, or any other safety provisions or instructions, or if operation proceeds in a wasteful manner, or if revocation is necessary in the interest of the national economy.

Article 20

The People's Council for the area where a quarry is located shall collect quarried materials fee from the agencies, enterprises, entities and individuals concerned in pursuance of the Local Taxes and Fees Act.

IV. PROPERTY RESTRICTIONS, SEIZURES AND TAKINGS

Article 21

(1) (Amnd, *Izv.* 68/1959; *SG* 84/1963) The agency-manager of mineral resources may restrict or ban any new construction or land cultivation, etc, to be carried out on, or below the surface of, any site being operated, or planned to be operated, as a mine field.

(2) The precise limits of the restricted zone, and the types of restricted development, shall be determined and announced by order.

(3) The operator and the Municipal People's Council concerned shall monitor compliance with such bans or restrictions.

(4) Any construction or cultivation done within a restricted zone shall not create any right to compensation in the event of taking by condemnation or in the event of any surface damage caused by deep or opencast quarrying.

Article 22

(1) As necessitated by the nature of works, and their duration and impact on ground strata and surface relief, any private or co-operative property so affected may be seized temporarily for the purposes of exploration and exploitation of mineral resources or for the purposes of meeting the social, cultural and housing needs of the workforce therein employed.

(2) (Amnd, *Izv.* 68/1959; *SG* 84/1963) Such temporary seizure shall be effected upon the request of the operating agency, enterprise or entity, and by the written order of the agency-manager concerned.

(3) (Amnd, *SG* 36/1979) The above request must set out: the properties, their type, area and boundaries, the names of the owners from municipal or Mayor's records, any existing improvements, the type of works proposed on the properties, and the duration of seizure. Attached to the above must be a plan of the properties showing their relative location to the mine or quarry. Where seizure is requested for a quarry, the relevant operation permit must also be specified.

(4) Any seizure of farm land for any of the purposes under paragraph 1 above shall be governed by the Conservation of Farm Land Act.

(5) Any deep underground operation shall not be deemed to constitute seizure.

(6) The seizure order shall be notified to the owners concerned through the local Municipal People's Council and shall be brought into execution under the relevant administrative procedure as requested by the beneficiary.

Article 23

Private or co-operative property may be so seized for a maximum duration of three years. If found that the seized property will be needed for any period in excess of three years, or that, upon the end of three years, it will no longer be capable of serving its original economic purpose, the property shall be taken by condemnation.

Article 24

(1) For temporary seizure, and for any damage to the property so seized, the enterprise or entity for whose purposes the property had been seized, or which had caused the damage, shall pay compensation accordingly.

(2) The amount of such compensation shall be determined by a commission to be appointed by the Chairman of the Executive Committee of the local Municipal People's Council and to be chaired by a member of the Committee.

(3) The compensation for temporary seizure shall be based on the average annual income from the property for the last three years.

(4) Any damage to the property shall be estimated and compensated at market prices. Perennial plantations shall be valued on the basis of an indicative table made by the Ministry of Agriculture and Forests.

Article 25

(1) The Commission's decision shall be notified to the parties concerned by the People's Council in pursuance of the Code of Civil Procedure.

(2) Within two weeks of such notice, the Commission's decision may be appealed before the courts. The appeal shall be filed through the People's Council.

(3) The court's ruling whereby the amount of compensation is confirmed or amended shall not be subject to any further appeal.

Article 26

(1) The taking by condemnation of private or co-operative real property for the purposes of mines or quarries shall be governed by the Property Act.

(2) Any development zoning amendments concerning farm land shall be governed by the Conservation of Farm Land Act.

(3) (Repld, *Izv.* 68/1959) Any property so taken that, upon the passing of the need, is still capable of serving its original purpose, or any other agricultural purpose, shall be transferred to the local Municipal People's Council for inclusion into the State Land Reserve.

V. OFFENCES

Article 27

(1) (Amnd, *Izv.* 104/1960; *SG* 84/1963 & 27/1986) For non-compliance with the provisions of Articles 1, 11, 15 and 21 hereof, and for non-compliance with the operation of mines and quarries rules, and those relating to the protection of the subsurface environment, offenders shall be liable to a fine from BGL4 to BGL100. In the cases of offences against Articles 1 or 15, any materials extracted shall be confiscated.

(2) (Amnd, *Izv.* 68/1959; *SG* 84/1963) Offences shall be established by a statement of the authorities under the agency-manager concerned. Offences related to the operation of quarries may be established, alternatively, by a statement of the local People's Council, and, as to offences against technical safety, and health and life hazards prevention, rules, by a statement of trade union labour safety authorities. Statements concerning offences against operation rules may also be made by subsurface environmental protection authorities.

(3) (Amnd, *Izv.* 68/1959 & 104/1960; *SG* 84/1963) In pursuance of the above statement, the executive officer concerned, or an officer designated by him, shall issue a penal order.

(4) Penal orders are subject to appeal under the Administrative Offences and Penalties Act.

(5) (Amnd, *SG 84/1963*) Penal orders imposing a fine of up to BGL20 shall not be subject to appeal.

(6) As to the assessment, collection and payment of quarry fees, penal orders shall be made and issued under the Local Taxes and Fees Act.

Article 28

To support the implementation of this Act, there may be issued rules as approved by the Council of Ministers.

Article 29

(1) Hereby repealed is the Decree on Mines and Mineral Resources of 1948 and the Implementation Rules thereto.

(2) The Rules of Technical Safety and Operation concerning Coal Mines shall remain in force until totally or partially repealed, or amended, following the due procedure.

(3) (Para 3 repld, *SG 84/1963*.)