

DECISION OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 132 OF FEBRUARY 2, 1998 ON THE APPROVAL OF THE REGULATIONS FOR STATE CONTROL OVER THE GEOLOGICAL SURVEY, RATIONAL UTILIZATION AND PROTECTION OF SUBSOIL

The Government of the Russian Federation hereby resolves:

1. To approve the appended Regulations for State Control over the Geological Survey, Rational Utilization and Protection of Subsoil.
2. To recognize as invalid the Decision of the Government of the Russian Federation No. 1124 of November 20, 1995 on the Approval of the Regulations for the State Geological Control Agencies of the Russian Federation (Collected Legislation of the Russian Federation, No. 48, 1995, Item 4678).

Chairman of the Government of the Russian Federation

Viktor Chernomyrdin

REGULATIONS

FOR STATE CONTROL OVER THE GEOLOGICAL SURVEY,
RATIONAL UTILIZATION AND PROTECTION OF SUBSOIL

(Approved by the Decision of the Government

of the Russian Federation No. 132 of February 2, 1998)

1. In keeping with the Law of the Russian Federation on Subsoil, the present Regulations determine the procedure of exercising state control over the geological survey, rational utilization and protection of subsoil (state geological control), state geological survey agencies, their powers, rights, duties and work procedures.
2. State geological control sets itself the task of ensuring the observance by all users of the established procedure for the use of subsoil and compliance with the legislation and the standards (norms, rules) approved in the established procedure, in the sphere of geological survey, the use and protection of subsoil and with the rules of keeping state records and of reporting.
3. State geological control shall be exercised by the Ministry of Natural Resources of the Russian Federation and the state mining supervision agencies jointly with nature protection and other supervisory agencies.
4. The Ministry of Natural Resources of the Russian Federation shall exercise state geological control directly or via the subdivision of the central staff of the Ministry in charge of state geological control matters and the state geological control departments of the territorial bodies of the state subsoil stock management (hereinafter referred to as the state geological control agencies).
5. In the exercising state geological control the Ministry of Natural Resources of the Russian Federation shall be guided in its activity by the Constitution of the Russian Federation and the federal laws, the decrees and orders of the President of the Russian Federation, the decisions and orders of the Government of the Russian Federation, the present Regulations and other legal acts.
6. The state geological control agencies shall exercise state control over:

compliance with the requirements of the legislation of the Russian Federation on subsoil, standards (norms, rules) approved in the established procedure, and with other normative legal acts, obligatory for all subsoil users for their performance of all kinds of works, associated with subsoil use and protection, including on the continental shelf of the Russian Federation;

the observance of the procedure for the issue of licenses for the use of subsoil, established by the legislation;

the observance by the subsoil users of the conditions in the license for subsoil use;

the performance of works in the sphere of geological survey and use of subsoil by the methods and ways ruling out the economically unjustified losses of minerals in subsoil and the deterioration of their quality;

compliance with requirements of the licenses for all kinds of activity, associated with the geological survey of subsoil;

the preservation of exploratory underground workings and boreholes, geological and technical documentation, ore, rock and drill samples, duplicates of the tests of minerals which may be used for the further survey of subsoil, prospecting and development of mineral deposits, and also for the use of subsoil for the purposes not associated with the output of minerals;

the timely and proper state registration and records of works in the sphere of geological survey of subsoil, state stock-taking of the mineral reserves and prognosticated mineral resources;

the protection of the subsoil sections of special scientific and cultural value, compliance with the requirements for the maintenance of natural and geological preserves, stratotypical and key sections, individual geological monuments of nature, unique concentrations of fossilized fauna and flora.

the observance of the established procedure for the acquisition and the formalization of the export deliveries of mineralogical, palaeontological and other geological collection materials;

compliance with the established criteria and requirements for the geological and economical appraisal of mineral deposits, including the exhaustive study of the mining-and-technical, hydrogeological, engineering-and-geological and other requirements for the development of the prospected mineral deposits, the construction and operation of underground structures, not associated with the output of minerals;

the compliance of the applied methods and technology with the established requirements; measures to ensure stadial, high-quality, comprehensive and efficient search, prospecting and other works in the sphere of geological survey of subsoil;

the liquidation in the established procedure of the prospecting mining workings and holes, not fit for further use;

the compliance with the procedure and requirements for the use of geological information about subsoil, obtained at the expense of the federal budgetary resources.

7. The Ministry of Natural Resources of the Russian Federation shall exercise state geological control jointly:

with the Federal Mining and Industrial Supervision Agency of Russia on the aspects:

of trustworthiness and validity of the materials, presented by the subsoil users for striking off the enterprises' records the mineral reserves which have lost their commercial importance, those lost in the process of output or not confirmed in the process of subsequent geological prospecting or of development of deposits;

of prevention of the arbitrary use of subsoil, the unjustified and arbitrary construction of building on mineral-rich areas;

with the State Committee of the Russian Federation for Environmental Protection - on the aspects of control over the distribution of rock and minerals, extracted from subsoil, in order to rule out their harmful effect on the environment;

with the appropriate federal executive bodies - on the aspects of compliance with the normative acts on the procedure and requirements for the collection of charges for the use of subsoil and of the purposive expenditure of the deductions for the reproduction of the mineral reserves and raw material resources.

The said bodies' concerned action for the exercise of state geological control shall be regulated by the agreements between the Ministry of Natural Resources of the Russian Federation and the respective federal executive body.

8. The Minister of Natural Resources of the Russian Federation shall combine his duties with those of the Chief State Inspector of the Russian Federation for Geological Control;

the deputy Minister and the head of the subdivision of the central staff of the Ministry of Natural Resources of the Russian Federation, both of whom are in charge of state geological control matters, shall be ex-officio deputy chiefs the State Inspector of the Russian Federation for Geological Control;

the deputy head of the subdivision of the central staff of the Ministry of Natural Resources of the Russian Federation, who is in charge of state geological control matters, shall be ex-officio Senior State Inspector of the Russian Federation for Geological Control;

the department chief and the chief specialists of the subdivision of the central staff of the Ministry of Natural Resources of the Russian Federation, which is in charge of state geological control matters, shall be ex-officio State Inspectors of the Russian Federation for Geological Control;

the heads of the territorial bodies of the Ministry of Natural Resources of the Russian Federation shall be ex-officio State Inspectors for Geological Control on the respective territory, and the department heads of the state geological control agency, shall be respectively, Deputy Chiefs of the State Inspectors for Geological Control on the respective territory;

the deputy department heads of the state geological control agencies of the territorial control agencies of the territorial bodies of the Ministry of Natural Resources of the Russian Federation shall be ex-officio Senior State Inspectors for Geological Control, and chief and leading specialists of these departments shall be ex-officio State Inspectors for Geological Control on the respective territory.

9. The functional duties and rights of the officials, employed in the sphere of state geological control, shall be determined by the Minister of Natural Resources of the Russian Federation in accordance with the present Regulations.

10. Certificates of the standard form shall be issued to the state inspectorates for geological control. The form of the official certificates and the procedure for their issue shall be determined by the Ministry of Natural Resources of the Russian Federation.

11. The Chief State Inspector of the Russian Federation for Geological Control and his deputies, the Senior State Inspector of the Russian Federation for Geological Control, the Chief and Senior State Inspectors for Geological Control on the respective territories and their deputies shall be authorized:

to issue instructions to be obeyed by the subsoil users, the officials in charge of the performance of works in the sphere of geological survey, rational utilization and protection of subsoil for the removal of the violations of the procedure for the removal of the violations of the procedure for the performance of those works;

to suspend all kinds of works in the sphere of geological survey, rational utilization and protection of subsoil, if they are performed in violation of the norms and rules, established by current legislation;

to notify in writing the subsoil user and the agencies which have issued a license to him for the use of subsoil about the results of the inspection, the revealed violations of the requirements for the use of subsoil, including in the part of making payments for the use of subsoil and of making deductions for the reproduction of the mineral resources and raw material reserves, of compliance with the standards (norms, rules) and, if necessary, submit proposals on the suspension, restriction or termination of the right to use subsoil.

the request the subsoil user for written explanations on the aspects of the geological survey, rational utilization and protection of subsoil;

to send materials to the State Tax Service of the Russian Federation about failure by the subsoil users to make payments within the fixed periods and in fixed amounts for the use of subsoil and make deductions for the reproduction of the mineral resources and raw material reserves;

to cut short in the established procedure, jointly with the federal mining and industrial supervision agencies, the arbitrary use of subsoil and the construction of building on mineral-rich areas;

to restrict, suspend or prohibit, jointly with environmental protection agencies of the State Committee of the Russian Federation for Environmental Protection, the unsanctioned discharge of waste waters, deleterious substances and industrial wastes to subsoil;

to submit, if necessary, proposals in the established procedure on bringing the normative legal and other acts of the subjects of the Russian Federation into line with the federal legislation on subsoil;

to raise the question of making answerable the persons, guilty of the violation of the procedure, established by the legislation, for works in the sphere of the geological survey, rational utilization and protection of subsoil to the heads of executive bodies, local self-government bodies and organizations, regardless of the form of their property and departmental subordination, and also transfer, if necessary, the materials to the appropriate bodies for the consideration of the question of making them bear administrative responsibility or of instituting proceedings against them on criminal charges;

to examine in the case and in the procedure, stipulated by the legislation, the cases of administrative offenses in the sphere of the use of subsoil;

to attract in the established procedure audit organizations for checking the subsoil users' activity;

to submit, is necessary, proposals to the appropriate bodies on the termination of funding (crediting) the works in the sphere of geological survey of subsoil, performed at the expense of the deductions for the reproduction of the material resources and raw material reserves;

to suspend (if violations have been revealed) and cancel in established procedure the licenses for the kinds of activity, associated with the geological survey of subsoil;

to attract with the consent of the organizations' managers specialists for participation on th work of the state geological control agencies.

12. The state inspectors for Geological Control shall be authorized:

to inspect in the established procedure all works in the sphere of geological survey and use of subsoil (including those not associated with the output of minerals) and also geological, production-technical and financial documents and design estimates;

to visit for conducting inspections, without preliminary notification, by showing their official certificate, the enterprises, institutions and other facilities, regardless of the form of their property and departmental subordination, engaged in the sphere of geological survey and use of subsoil, except for the military, defence and other special secret facilities the procedure for visits to which by the State Inspectors for Geological Control is determined by the Ministry of Natural Resources of the Russian Federation jointly with the respective federal executive bodies;

to draw up documents about the violations of the legislation on subsoil and of other normative acts in the process of works in the sphere of geological survey and use of subsoil, about failure to make payments within the fixed periods and in the fixed amounts for the use of subsoil and make deductions for the reproduction of the mineral resources and raw material reserves, with a notification of the official, guilty of the violation;

to issue instructions to the subsoil users on the removal of the revealed violations in the performance of works in the sphere of the geological survey and use of subsoil, on compliance with the requirements of the license, and on the improvement of the quality and efficiency of geological works.

13. The subsoil users shall provide the necessary working conditions for the State Inspectors of Geological Control carrying out an inspection, present the geological, production-and-technical and financial documents and design estimates and offer explanations on the matters within the sphere of jurisdiction of the state geological control agencies.

14. Persons obstructing the process of state geological control, resorting to threats of violence or to violent actions with respect to the State Inspectors of Geological Control shall bear responsibility, established by the legislation of the Russian Federation.

15. The State Inspectors of Geological Control shall bear responsibility for the objective nature of the materials of the inspections carried out by them.

16. Decisions of the state geological control agencies may be appealed against in the court of law or in the arbitration court in the procedure, established by the legislation of the Russian Federation.

17. The state geological control agencies shall have slips of documents and seals with their names.