

51/1988 Collection of Laws
ACT
of the Slovak National Council
dated 20 April 1988
on Mining Activities, Explosives and on State Mining Administration

Amendment: 499/1991 Collection of Laws
Amendment: 154/1995 Collection of Laws

The Slovak National Council has passed the following Act :

PART ONE
BASIC PROVISION

Article 1

The Purpose of the Act

The purpose of this Act is to enact conditions for execution of mining activities and activities executed in a mining way especially from the standpoint of rational utilisation of minerals, safety at work and operation, protection of environment of work as well as to enact conditions for using explosives and to regularise organisation and competency of institutions of state mining administration.

PART TWO
MINING ACTIVITIES AND ACTIVITIES EXECUTED IN A MINING WAY

SECTION ONE
Basic Concepts

Article 2

Mining Activities

Under this Act under mining activities the following is understood

- a) searching out and survey of deposits of listed minerals (hereinafter only "exclusive deposits"),1).
- b) opening, preparation and extraction of exclusive deposits
- c) setting up, safeguarding and liquidation of mining works and quarries
- d) treatment and refining of minerals executed in connection with their extraction
- e) setting up and operation of pit tips, hoppers and setting pits for activities entered in a) to d),
- f) special interventions into earth crust, 2)
- g) safeguarding and liquidation of old mining works. 3)

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- 1) Article 5 and 11 of the Act No. 44/1988 Collection of Laws on Protection and Utilisation of Mineral Resources (Mining Act) in wording of the Act of the Slovak National Council No. 498/1991 Collection of Laws, Act of the Slovak National Council No. 52/1988 Collection of Laws on Geological Work and on Slovak Geological Agency in wording of the Act No. 497/1991 Collection of Laws
 - 2) Article 34 of the Mining Act
 - 3) Article 35 of the Mining Act

Article 3

Activities Carried Out in a Mining Way

Under activities carried out in a mining way under this Act the following is understood

- a) mining out of deposits of unlisted minerals inclusive treatment and refining of minerals executed in connection with their extraction, safeguarding and liquidation of mining works and quarries as well as searching out and survey of unlisted minerals
- b) engineering - geological and hydrogeological survey except for geological work executed with the purpose of obtaining additional data for documentation of structures
- c) extraction of sand and sandy gravel in beds of water streams by means of floating machines inclusive treatment and refining of this raw material executed in connection with its extraction, except for removing of sediments of sand and sandy gravel in maintenance of water streams
- d) underground work carried out in a mining way, especially shaft and pit sinking, cutting of galleries and tunnels as well of other underground area of the volume above 500 m³,
- e) work for ensuring of stability of underground areas (underground rehabilitation work)
- f) work on making caves accessible and work in maintaining them in safe conditions
- g) terreous work executed with use of machines and explosives, if in one locality more than 100 000 m³ of rock is being relocated
- h) machine aided drilling of wells of the length above 30 m and boreholes of the length above 30 m for other purposes than work entered in Article 2 and in Article 3a) to g)
- i) pumping of natural medicinal and table mineral waters in mining works

Article 3a

Organisation

Under this Act under organisation are understood legal entities and natural persons that within their business activities 3a) execute mining activities or activities carried out in a mining way or as the case may be other activities enacted by this Act.

3a) For example Commercial Code

Article 4

Removing of Doubts

In case of doubts, whether it is a mining activity or whether it is an activity carried out in a mining way, the decision will be taken by the Slovak Mining Agency after deliberation with the Slovak Geological Agency. If the decision also affects the execution of main inspection of institutions of state mining administration, the procedure will be under Article 39 paragraph 3.

SECTION TWO

Authorisation for Execution of some Mining Activities and Activities Carried Out in a Mining Way

Article 4a

Mining Authorisation

- (1) Mining activities entered in Article 2 b) to g) and activities executed in a mining way entered in Article 3 a) with exception of searching out and survey of deposits of unlisted minerals can be executed only on basis of an authorisation issued by a Subdistrict Mining Office (hereinafter "mining authorisation").
- (2) Mining authorisation can also be issued to a natural person that has legal capacity and will demonstrate professional qualifications of an executive for the required activities 3b) or if these requirements of qualifications are met by a worker, who is employed by a natural person in the position of a responsible representative. If the mining authorisation is issued to the law entity then the requirements of qualifications must be met by the person that is a statutory body or its representative.
- (3) Mining authorisation can only be issued to a natural person that has permanent residence in the area of the Slovak Republic or to a law entity that has the place of business in the area of the Slovak Republic.
- (4) In the application for issuance of mining authorisation or as the case may be for its amendment the natural person will enter the following
 - a) name and surname, date of birth, birth No. and place of permanent residence (hereinafter only "personal data"); if the natural person will appoint his/her representative his/her personal data will also be entered
 - b) business name and place of business
 - c) activities, the issuance of mining authorisation has been applied for
 - d) identification No., if it has already been assigned to him/her
- (5) In an application for issuance of a mining authorisation or as the case may be for its amendment the law entity will enter
 - a) business name
 - b) place of business
 - c) activities, the issuance of mining authorisation has been applied for
 - d) name, surname and place of permanent residence of the statutory body and a manner in which it will be acted on behalf of the law entity
 - e) personal data of a responsible executive
 - f) identification No., if it has already been assigned to the law entity
- (6) To the application in accordance with paragraphs 4 and 5 the following will be attached : certification on professional qualifications of the responsible executive, excerpt from the criminal register of the natural person and for a law entity excerpt from the criminal register of a person that is its statutory body
- (7) If at the same time with application for issuance of a mining authorisation for activities according to paragraph 1 the organisation also applies for permission of these activities (Articles 10, 11 and 13) or for determination of mining areas 3c), the Subdistrict Mining Office can decide in one common proceedings about both applications.

(8) In the mining authorisation issued to the natural person the following will be entered:

- a) personal data
- b) business name and place of business
- c) activities for which the mining authorisation has been issued
- d) personal data of a responsible executive, if it is not the entrepreneur himself/herself, inclusive data on certification of professional qualifications
- e) date of issuance of mining authorisation
- f) identification No.

(9) In the mining authorisation issued to the law entity the following will be entered

- a) business name
- b) place of business
- c) activities for which the mining authorisation has been issued
- d) name, surname and place of permanent residence of the statutory body
- e) personal data of a responsible executive inclusive data on certification on professional qualifications
- f) date of issuance of mining authorisation
- g) identification No.

(10) A copy of the mining authorisation will be sent by the Subdistrict Mining Office to the competent tax office and to the competent statistics bureau.

(11) A copy of the mining authorisation issued to the natural person will be sent by the Subdistrict Mining Office also to the competent institution of Social Insurance Company, General Health Insurance Company, Employment Office, Fond of Employment and to the institution competent to paying out of benefits of social care.

(12) A natural person will be assigned an identification No. by the Subdistrict Mining Office that has issued the authorisation. The competent statistics bureau will notify the necessary identification numbers to the Subdistrict Mining Office.

(13) A holder of the mining authorisation is obligated to notify to the to the Subdistrict Mining Office all changes concerning the data, on basis of which the mining authorisation has been issued, namely within 15 days from appearance of these changes. On basis of this notification the Subdistrict Mining Office, according to relevance of new facts, will decide about an amendment or cancellation of a mining authorisation; the copy of decision on amendment or cancellation of a mining authorisation will be sent to the institutions entered in paragraphs 10 and 11.

 3b) Order of the Ministry of Economy of the Slovak Republic No. 208/1993 Collection of Laws on Qualifications Requirements and on Testing of Professional Competence of Workers for Mining Activities and for Activities executed in a Mining Way

3c) Article 27 of the Mining Act

Article 4b

Extinction of a Mining Authorisation

(1) A mining authorisation extincts

- a) by death of a natural person, to which it had been issued, if the execution of a mining authorisation is not continued by heirs or by an appointed guardian
 - b) by extinction of a law entity for which it has been issued
 - c) on basis of a decision of the mining office
- (2) If within seven days from the death of the holder of the mining authorisation that was at the same time also a responsible executive, a new responsible executive for performed activities will not be appointed, the Mining Subdistrict Office will suspend these activities until a new executive has been appointed.
- (3) Within 30 days from ending of inheritance proceedings, the heir of a mining authorisation or an appointed guardian, if s/he wants to continue in execution of activities entered in the mining authorisation, will notify data, under Article 4a paragraph 4 a), to the Subdistrict Mining Office, which has issued a mining authorisation to the devisor,
- (4) The Subdistrict Mining Office will cancel the mining authorisation, if
- a) the holder of the authorisation does not fulfil conditions under Article 4a paragraph 2 any more
 - b) the holder of the authorisation applies for it
- (5) The Subdistrict Mining Office can cancel the mining authorisation, if the holder of the authorisation
- a) significantly infringes conditions set in the mining authorisation or duties resulting from this Act and regulations entered in Article 39 paragraph 1
 - b) s/he has not been executing mining activities or activities carried out in a mining way, for which a mining authorisation has been issued to him/her within the time limit, which longer than two years
- (6) The copy of the decision on amendment or cancellation of a mining authorisation will be sent by the Subdistrict Mining Office to the institutions entered in Article 4a paragraph 10 and 11.

Article 4c

Mining Register

- (1) The Subdistrict Mining Office keeps a mining register (hereinafter only "register"), into which natural persons and legal entities are entered for which a mining authorisation has been issued.
- (2) The following is entered into the register
- a) in case of a natural person personal data of an entrepreneur and the business name, identification No. and place of business as well as personal data concerning the executive (Article 4a paragraph 2), if the executive is not an entrepreneur himself/herself
 - b) in case of a law entity business name, seat, place of business, identification No. and name, surname and place of permanent residence of a statutory body as well as personal data of a responsible executive
 - c) activities for which the mining authorisation has been issued
 - d) changes in entered data
 - e) date of issuance and extinction of a mining authorisation
- (3) Everybody can have a look into the register

- (4) A part of the register is also a collection of documents containing copies of issued mining authorisations. The subdistrict mining offices inform each other about the issued mining authorisations always before the end of the calendar year

SECTION THREE

Basic Conditions of Mining Activities and Activities Executed in a Mining Way

Obligations of Organisations for Mining Activities and Activities Executed in a Mining Way

Article 5

- (1) The principles of protection and utilisation of mineral resources, requirements for rational utilisation of deposits of minerals, safety and protection of health at work and safety of operation, principles of mining technology, as well as requirements of protection of environment for life and work must be observed during mining activities and activities executed in a mining way.
- (2) Mining activities and activities executed in a mining way can be performed on basis of authorisation or permission issued according to this Act, mining act or according to special regulations. 4)
- (3) The Slovak Mining Agency, by means of a generally binding legal regulation, will enact the requirements on qualifications and testing of the professional competency of workers that execute mining activities or activities executed in a mining way, carry out projects and design objects, equipment and work that form a part of mining activities or activities executed in a mining way, if this has not been enacted by a special regulation otherwise. 5)
- (4) The organisation is obligated to notify to the subdistrict mining office the beginning, interruption and ending of the mining activities or activities executed in a mining way, namely within the range and time limits, which have been enacted by the Slovak Mining Agency by means of the generally binding legal regulation.
- (5) An organisation is obligated to notify immediately to the subdistrict mining office the significant events and dangerous states, which could endanger operation of the organisation or universal interest, in particular safety of life and health of people, as well as all significant accidents in operation (breakdowns), significant injuries at work and deficiencies on technical equipment.
- (6) An organisation is obligated to inform the subdistrict mining office on its principal measures for ensuring of rational utilisation of mineral deposits, its protection, safety and protection of health at work and safety of operation, observing of specified working conditions as well as on solution of conflicts of interests with other universal interests within mining activities.

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- 4) For example Act No. 138/1973 Collection of Laws on waters (Water Act), Act No. 50/1976 Collection of Laws on Spatial planning and Building Order (Building Act), Act No. 20/1966 Collection of Laws on Care for Health of People, Act of the Slovak National Council No. 52/1988 Collection of Laws
- 5) For example Act of the Slovak National Council No. 52/1988 Collection of Laws, Order of the Federal Ministry for Technical and Investment Development No. 8/1983 Collection of Laws on Specialised Competency for some Activities in the Construction in wording of the Order of State Commission for Scientific, Technical and Investment Development No. 73/1987 Collection of Laws, Order of the State

Article 6

- (1) The organisation is obligated to ensure and check observing of this act, mining act and regulations issued on their basis, as well as observing of other generally binding legal regulations specifying safety and protection of health at work and safety of operation and working conditions for mining activities and activities executed in a mining way. The organisation is obligated to appoint a responsible executive for ensuring of professional and safe control of mining activities and activities executed in a mining way.
- (2) The organisation is obligated to carry out on time necessary preventive and safeguarding measures and to remove immediately dangerous situations, which could endanger operation of the organisation or an universal interest, particularly safety of life and health of people. Within the prevention of breakdowns, the organisation is obligated to carry out measures, especially for prevention of appearance of fires and explosions, break-through of waters and marshes, bursts of rocks, coal and gases, as well as appearance of mining quakes and eruptions.
- (3) The organisation is obligated to find out causes of accidents in operation and injuries at work, to record and register them and to submit the results to the subdistrict mining office together with stating of measures, which have been carried out in order to remove the deficiencies.
- (4) The organisation performing mining activities is obligated to set up a unit or as the case may be to appoint a professionally qualified employee for fulfilling of tasks in the area of safety and protection of health at work and safety of operation, an employee for management of liquidation of significant accidents in operation (break-downs) and to elaborate plans for mastering them.
- (5) Taking into consideration the nature of work, its hazard and local conditions the Slovak mining agency can specify, when during activities executed in a mining way the organisation is obligated to set up a unit or as the case may be to appoint a professionally qualified employee for fulfilling of tasks in the area of safety and protection of health at work and safety of operation, an employee for management of liquidation of significant accidents in operation (break-downs) and to elaborate plans for mastering them.
- (6) The Slovak Mining Agency by means of a generally binding regulation will specify in more details the following :
 - a) requirements for ensuring of safety and protection of health at work and safety of operation for mining activities and activities executed in a mining way inclusive safety of used technical equipment and fire protection in underground
 - b) requirements for prevention of break-downs and for plans of mastering significant accidents in operation (break-downs)
 - c) finding out of causes of significant accidents in operation (break-downs) and injuries at work and their recording and registration
 - d) notification of significant events and dangerous situations, significant accidents in operation (break-downs), significant injuries at work and deficiencies of technical equipment.

Article 7

Mining Rescue Service

- (1) The organisation performing mining activities is obligated to ensure mining rescue service, if it carries out underground work and in cases specified by the Slovak mining agency.
- (2) The task of the mining rescue service is to execute work in order to rescue people's lives and property during significant accidents during operation (break-downs) inclusive providing of the first aid in the underground. The mining rescue service fulfils also specified tasks in the area of prevention of accidents and safety and protection of health at work and safety of operation. Provision of medical service of first aid in underground has been enacted by means of special regulations. 6)
- (3) The mining rescue service is carried out by mining rescue stations. Under paragraph 1 and 4 the organisations are obligated, within their common tasks in the area of mining rescue service, to set up and maintain the main mining rescue station and to participate in covering of costs for its establishment, equipment and activities.
- (4) Taking into consideration the nature of work, its hazard and local conditions the Slovak Mining Agency can order to the organisation to ensure the mining rescue service for activities carried out in a mining way.
- (5) Providing of Mining Rescue Service, its organisation and tasks and requirements for professional qualifications of its workers will be enacted by the Slovak Mining Agency in a generally binding legal regulation.

6) Act No. 20/1966 Collection of Laws

Article 7a

Mutual Assistance for Accidents

- (1) On request of the affected organisation, the organisation is obligated to provide it necessary assistance in liquidation of the accident, especially in rescuing of peoples' lives and property, namely by providing material, technical equipment and workers, particularly mining rescue workers. The request for assistance can be refused by the organisation in case, when this would endanger the safety of its own operation, especially life and health of people.
- (2) The organisation is entitled to compensation of costs connected with provision of assistance under paragraph 1. The right for compensation of costs can be applied by the competent organisation within three months from the day when they were discovered, at the latest within two years from their appearance otherwise the right extincts.

Article 8

Technical Facilities

- (1) For mining activities and activities executed in a mining way only such technical facilities and aids can be used that comply with the regulation for ensuring of safety and protection of health at work and safety of operation.
- (2) The capability of technical facilities and aids is tested by their regular inspections, examinations and checks, which can be carried out only by workers that are authorised and professionally qualified for it.
- (3) The types of selected mining machines, facilities, devices and aids can be used only on basis of the permission of the Slovak Mining Agency. Performing of examinations and submitting of experts'

opinions, which are necessary for issuance of the permission will be ordered by the Slovak Mining Agency and ensured by that person or organisation that is applying for this permission in which intervals of inspections and examinations can also be specified.

- (4) Organisations executing mining activities and activities executed in a mining way can design and produce listed technical facilities serving for executing of mining activities and activities executed in a mining way only on basis of a permit of the Subdistrict Mining Office. The permit can be revoked by the Subdistrict Mining Office, if the organisation loses capacity to carry out properly the permitted activities.
- (5) Authorisation for natural persons and legal entities for working out of experts' opinions and for carrying out of inspections and examinations of selected mining machines, equipment, devices and aids and listed technical facilities is issued by the Ministry of Economy of the Slovak Republic.
- (6) The Slovak Mining Agency will enact in a binding legal regulation the following
 - a) selected mining machines, equipment, devices and aids as well as conditions for using them and procedure for permitting of their types
 - b) listed technical equipment and procedure for permitting according to paragraph 4
 - c) procedure and conditions for obtaining of authorisation for execution of activities under paragraph 5

PART FOUR Permitting of Mining Activities

Article 9

Searching out and Survey of Exclusive Deposits by means of Mining Works

- (1) Searching out and survey of exclusive deposits by means of mining works inclusive safeguarding and liquidation of these mining works is in specified cases permitted by the Subdistrict Mining Office. Together with the application for permit the organisation submits prescribed documentation.
- (2) The Slovak Mining Agency will enact in a generally binding legal regulation, in which cases of searching out and survey of exclusive deposits by means of mining works the permission of the Subdistrict Mining Agency is necessary, then the procedure for issuance of this permit and the permit for safeguarding or liquidation of these mining works as well as prescribed documentation.

Article 10

Opening, Preparation and Extraction of Exclusive Deposits, Safeguarding and Liquidation of Mining Works and Quarries

- (1) Opening, preparation and extraction of exclusive deposits 7) are being permitted by the Subdistrict Mining Agency. Together with an application for permission the organisation submits a schedule of opening, preparation and extraction and prescribed documentation. Without permission of the Subdistrict Mining Agency opening, preparation and extraction of exclusive deposits must not be started.
- (2) Schedules of opening, preparation and extraction are being worked out for the whole exclusive deposit or for its continual part; in cases of newly constructed or reconstructed mines or quarries, the schedules can be worked out gradually according to individual stages of work on opening, preparation or extraction.

- (3) For opening of exclusive deposits only those extraction methods can be used, which ensure safety and protection of health at work and safety of operation, rational extraction, required recovery and permissible degree of pollution. Kinds of extraction methods and range of their use must be entered in schedules of opening, preparation and extraction. New extraction methods must be tested and evaluated by the organisation; they can be introduced into the technology of extraction only with the approval of the Subdistrict Mining Agency.
- (4) During temporary suspension of operation in mining works and quarries their safeguarding will be carried out so as to make it possible to renew extraction of an exclusive deposit.
- (5) For permanent stopping of operation in mining works and quarries their liquidation will be carried out so as not to endanger life and health of people or property.
- (6) Safeguarding of mining works and quarries and liquidation of main mining works and quarries is being permitted by the Subdistrict Mining Agency. Together with the application for permission the organisation submits also a plan for their safeguarding of liquidation.
- (7) Under the main mining works under this Act are understood all mining works, which mouth to the surface and mining works opening an exclusive deposit or its continuous part.
- (8) Details on procedure for permitting of opening, preparation and extraction of exclusive deposits, for safeguarding of mining works and quarries and liquidation of main mining works and quarries as well prescribed documentation will be enacted by the Slovak Mining Agency by means of a generally binding legal regulation.

7) Article 32 of the Mining Act

Article 11

Special Interventions into Earth Crust

- (1) Special interventions into earth crust 2) are being permitted by the Subdistrict Mining Agency. Together with the application for permission the organisation also submits a prescribed documentation.
- (2) If special intervention into earth crust could make extraction of the exclusive deposit of another organisation impossible or more difficult, it is necessary to attach to the application also a standpoint from this organisation.
- (3) Details on procedure for permitting of special interventions into earth crust and a prescribed documentation will be enacted by the Slovak Mining Agency in a generally binding legal regulation.

2) Article 34 of the Mining Act

Article 12

Cancelled from 1.1.1992

Article 13

Safeguarding and Liquidation of Old Mining Works

- (1) Safeguarding or liquidation of old mining works 3) is being permitted by the Subdistrict Mining Agency. Together with an application for permission the organisation submits a schedule of safeguarding or liquidation of old mining works and a prescribed documentation.
- (2) Details on schedule of safeguarding and liquidation and on procedure for permitting of safeguarding and liquidation of old mining works, as well as prescribed documentation will be enacted by the Slovak Mining Agency in a generally binding legal regulation.

3) Article 35 of the Mining Act

Article 14

Mining Surveying and Geological Documentation

- (1) Mining surveying and geological documentation 10) must include especially data on deposit, all mining works, mine dumps, hoppers and setting pits, as well as surface situation within the limits of all extraction area; if because of attitude of the deposit the effects of extraction can also be expected outside the borders of the extraction area, mining surveying and geological documentation must contain surface situation also within the range of these effects. If mining works or facilities are located outside extraction area, the documentation must include also these works and facilities.
- (2) If mining surveying or geological documentation is absent or as the case may be incomplete or if there are faults in it the Subdistrict Mining Office can order elaboration or completing of this documentation on costs of the organisation.

10) Article 39 of the Mining Act

Admission to Other Persons' Properties

Article 15

- (1) During opening, preparation and extraction of exclusive deposits as well as during treatment and refinement of minerals executed in connection with their extraction, during setting up, safeguarding of mining works and quarries or liquidation of main mining works and quarries inclusive their facilities, during setting up and operation of dumps, hoppers and setting pits, during safeguarding or liquidation of old mining works and during special interventions into earth crust the workers of institutions and organisations are authorised, within necessary limits and after prior notification to the owner (user), to enter other persons' properties, to carry out inspection or as the case may be surveying and to use them for setting up and maintaining of surveying and border marks and protective signs, signals and other surveying facilities.
- (2) The institutions and organisations with the purpose of execution of authorisations according to paragraph 1 can also, within the necessary limits, if this is not carried out on their request and on their costs within appropriate time limit by an the owner (user) of the property, execute on their own costs necessary modifications of soil, remove branches from bushes and remove bushes obstructing the inspection and use of surveying and border and protective marks, signals and other surveying facilities.

- (3) In execution of authorisations according to paragraphs 1 and 2 institutions and organisations are obligated to see to it that they interfere with the rights and the protected interests by law of the owners (users) of the properties as little as possible.
- (4) The owners (users) of properties are obligated to bear positioning of surveying and border marks and protective signs, signals and other surveying facilities on properties and to abstain from everything, which could destroy them, damage them or make them not usable.
- (5) Special regulations, 11) according to which, execution of activities entered in paragraphs 1 and 2 is excluded, limited or bound by a special agreement or permission, remain unaffected.

 11) For example Act No. 169/1949 Collection of Laws on Military Districts, Act No. 40/1961 Collection of Laws on Defence of the Czechoslovak Socialist Republic in wording of later regulations.

Article 16

- (1) General regulations on liquidating damages, 12) apply to liquidating damages caused by activities under Article 15 paragraph 1 and 2, if it has not been enacted by this Act otherwise.
- (2) After completing of activities under Article 15 paragraphs 1 and 2 the institutions and organisations are obligated to bring the used properties into original condition and to notify this to the owner (user) of the property.
- (3) If it is not possible or economically purposeful to cover the caused damages by bringing it into the original condition, the owner (user) of the property is entitled to compensation for damages paid in money.
- (4) If the owner (user) of the property has been substantially limited in his customary use of the property by activities under Article 15 paragraphs 1 and 2, he is also entitled to appropriate single compensation for this limitation from the institution or organisation for which the activities are being carried out or the facilities are being set up. This right has to be enforced on the institution or organisation within one year from the day of service of notification on completing of activities, otherwise the right extincts. The disputes concerning single compensation are decided by the subdistrict office, in the spatial district of which the property is situated.

 12) Economic Code No. 109/1964 Collection of Laws in wording of later regulations.
 Civil Code No. 40/1964 Collection of Laws in wording of later regulations (complete wording No. 70/1983 Collection of Laws)
 Government Decree No. 46/1967 Collection of Laws on Settlement of Damages Caused by Operational Economic Activities of Socialist Organisations on Tangible Assets of Other Socialist Organisations and on Compensation in Investment Building Activities.

Proceedings concerning Permission of Mining Activities

Article 17

- (1) The application for permission of mining activities under Articles 9 to 11 and Article 13 with prescribed documentation and documents shall be submitted by the organisation to the Subdistrict Mining Office at the latest 3 months before the planned beginning of work.

- (2) If by mining activities the objects and interests protected by law have been endangered, together with the application must be submitted the documents on solution of clashes of interests.
- (3) If the submitted application and documentation do not provide sufficient data for consideration of the proposed mining activities or if the application for permitting of mining activities under Article 10 is not in accordance with conditions stated in the decision concerning determination of the protected deposit area and extraction area, then the Subdistrict Mining Office will invite the organisation to complement the application within the given deadline or to bring it into compliance with these decisions; a similar procedure is used, when the application does not contain all documents on solution of clashes of interests.
- (4) The Subdistrict Mining Office will decide about the application at the latest within 2 months from filing it or as the case may be from its complementation under paragraph 3.
- (5) The Subdistrict Mining Office will stop proceedings concerning permitting of mining activities, if the application has not been complemented within the time limit set under paragraph 3.

Article 18

- (1) The participants of the proceedings concerning permitting of mining activities are applicant, natural persons and legal entities whose rights and interests protected by law or obligations can be affected by the permission and the community in the spatial district of which the mining activities are to be executed.
- (2) The permission for mining activities under paragraph 1 is issued by the Subdistrict Mining Office in the proceedings connected with inspection on place; the costs for experts' opinions that are necessary in the proceedings will be covered by the applicant.
- (3) The Subdistrict Mining Office will notify the beginning of the proceedings to the concerned institutions of state administration and to the participants of the proceedings at the latest 10 days before oral hearing or as the case may be before inspection on place. At the same time it will draw their attention to the fact that they can apply their standpoints or objections during oral proceedings at the latest, or as the case may be during inspection on place and that the standpoints or objections filed later do not have to be taken into consideration. If one of the institutions of state administration, in well-founded cases, needs longer time for considering the matter, on basis of its application, the Subdistrict Mining Office will appropriately extend the set time limit before its expiration.
- (4) The notification concerning the inspection on place will not be sent by the Subdistrict Mining Office to those participants of the proceedings, whose rights and interests protected by law have already been solved at determination of protected deposit area or extraction area, in the stage of design, Building Activities or reconstruction of mines and quarries or if the document on solution of clashes of interests is a part of documentation, which has been attached to the application.

PART FIVE

Activities Executed in a Mining Way

Article 19

Extraction of a Deposit of Unlisted Minerals

- (1) Extraction of a deposit of unlisted minerals, as well as safeguarding and liquidation of mining works and quarries can be executed only on basis of a permission from the Subdistrict Mining Office.

- (2) The owner of the piece of land has preference for permission for extraction of deposit of the unlisted mineral.
- (3) Together with the application for permission for extraction of the deposit of unlisted minerals the organisation shall submit a spatial decision 13) and a plan of utilisation of the deposit. Together with application for permission of safeguarding or liquidation of mining works and quarries the organisation also submits a plan of its safeguarding or liquidation.
- (4) Articles 17 and 18 apply in a similar way to proceedings concerning permission of extraction of the deposit of unlisted minerals, safeguarding or liquidation of mining works and quarries.
- (5) If the owner of a piece of land does not agree, not even for the appropriate compensation, with using of the piece of land during the time, which is necessary for extraction of the deposit and if the public interest in extraction of the deposit of unspecified minerals prevails over the justified interest of the owner of the piece of land, the organisation can acquire the right to use the land also by expropriation. 13a) A similar procedure is used for structures or for other rights, which are to be affected by extraction.
- (6) At expropriation according to paragraph 5, the owner of a piece of land is also entitled to the appropriate compensation for the deposit of unlisted mineral, which is a part of this piece of land.
- (7) The organisation, which extracts the deposit of unlisted mineral or in connection with extraction treats or refines minerals, is obligated to observe the conditions of economic and safe extraction of the deposit and protection of the environment.
- (8) In order to specify the knowledge on the amount and quality of reserves, on geological and mining and technical conditions of extraction, the organisation is entitled, during extraction, to carry out further survey of the deposit within the limits of the area delimited in the decision on utilisation of the area for extraction of the deposit of unlisted mineral. 13)
- (9) The government of the Slovak Republic will in its decree enact more detailed conditions of utilisation of deposits of unlisted minerals.

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- 13) Article 32 and following Act No. 50/1976 Collection of Laws
 - 13a) Articles 108 to 116 Act No. 50/1976 Collection of Laws
Articles 56 and 57 Order of the Federal Ministry for Technical and Investment Development No. 85/1976 Collection of Laws on More Detailed Amendment of spatial Proceedings and Building Order in wording of the Order of the Federal Ministry for Technical and Investment Development No. 155/1980 Collection of Laws
 - 13b) Act No. 147/1983 Collection of Laws on Weapons and Ammunition in wording of the Act No. 49/1990 Collection of Laws

Article 20

Other Activities Executed in a Mining Way

- (1) Activities executed in a mining way entered in Article 3 b) to i) are executed by organisations according to special regulations. 4)
- (2) In order to ensure safety and protection of health at work and safety of operation the Slovak Mining Agency will enact, in a generally binding legal regulation, for which activities executed in a mining way and in what extent the organisation is obligated to keep mining and surveying and geological

documentation, such regulation will be issued by the Slovak Geological Agency after an agreement with the Slovak Mining Agency.

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- 4) For example Act No. 138/1973 Collection of Laws on Waters (Water Act), Act No. 50/1976 Collection of Laws on Spatial planning and on Building Order (Building Act), Act No. 20/1966 Collection of Laws on Care for Health of People, Act of the Slovak National Council No. 52/1988 Collection of Laws

PART THREE EXPLOSIVES

Article 21

Basic Concepts

- (1) Explosives under this Act are substances (compounds or mixtures) in solid or liquid state that have properties of explosives, propellant or explosive pyrotechnical tracers.
- (2) This Act also applies to pyrotechnical products and products containing explosives, if by explosion they can endanger safety of people and property (hereinafter "explosive articles"). This Act does not apply to ammunition. 13b)
- (3) Work at fireworks is considered to be such work, at which the energy of chemical explosive transformation of explosives and explosive articles are used for elicitation of light or as the case may be sound effects.
- (4) The aid for using of explosives is considered to be equipment or facility, which comes into contact with explosive, acts on it by its chemical and physical properties and is necessary for execution of explosive work or work at fireworks (hereinafter only "aid").
- (5) In case of doubts, whether it is an explosive, explosive article, pyrotechnical product or aid or whether it is explosive work, the decision will be taken by the Ministry of Economy of the Slovak Republic. Performance of examinations and working out of experts' opinions, which are necessary for decision will be ensured in the examination centre, which has been established by the Slovak Mining Agency by that entity, which has applied for this decision.
- (6) Details on pyrotechnical products will be enacted by the Slovak Mining Agency in a generally binding legal regulation.

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- 13b) Act No. 147/1983 Collection of Laws on Weapons and Ammunition in wording of Act No. 49/1990 Collection of Laws
- 13c) Article 3, 8 and 24 of the Act of the Slovak National council No. 347/1990 Collection of Laws on organisation of ministries and other central institutions of state administration of the Slovak Republic in wording of the Act of the Slovak National Council No. 197/1991 Collection of Laws and Act of the Slovak National Council No. 298/1991 Collection of Laws

Article 22

Explosives Handling

- (1) Everyone, who comes into contact with an explosive, is obligated to proceed with utmost care and to observe regulations and instructions for using of explosives in order not to endanger his own safety and the safety of other persons and property.
- (2) Objects and premises in which explosives are located or in which explosives are produced, processed or used must be safeguarded against larceny or abuse of explosives and must be equipped and safeguarded so that the possible explosion of explosives could not endanger safety of people and property. Necessary measures must be included already into the design documentation.
- (3) Organisations that produce, process, prepare, use, test or store explosives are obligated to safeguard the explosives against larceny or misuse in a way corresponding to local conditions; the way of safeguarding will be agreed with the appropriate unit of Police Force.
- (4) Each larceny, loss or finding of an explosive on the premises of the organisation must be immediately reported to the organisation by the person, who discovers it and who is obligated to report it immediately and the organisation will report it to the police unit and outside the premises of the organisation to the Police Force. The same procedure must be kept by the person, who discovered that damage of transportation cover of explosives appeared during transportation of explosives.
- (5) During work with explosives, the persons not participating in this work are obligated to obey the instructions of the workers or as the case may be of persons executing this work in the interest of ensuring safety of life and health of people and protection of property,
- (6) At explosive work or at work with fireworks the owners (users) of properties are obligated to bear positioning of warning or information boards in order to ensure safety of life and health of people and protection of the property.

Article 23

Production of Explosives and Aids

- (1) Explosives can be produced and processed and research, development or trial production of explosives can be executed only by an organisation that has approval for it from the Ministry of Economy of the Slovak Republic.
- (2) Other organisations than those entered in paragraph 1, can make simple kinds of explosives for explosive work only on basis of permission from the Ministry of Economy of the Slovak Republic.
- (3) The organisation, which produces, processes, makes or imports explosives or aids is obligated in relation to the buyer to do the following
 - a) to hand over a certificate on quality of the supplied explosive or aid, in case of imported explosives or aids a document on their properties
 - b) to attach to the supplied explosive or aid an instruction for their use approved by the Slovak Mining Agency
- (4) The buyer, who resells explosives and aids to another buyer has also the obligation to attach instructions for use under paragraph 3 b).

- (5) The buyer is obligated to obey the instructions for use of explosives and aids and to inform appropriate workers about the contents of explosives and to make a protocol about this schooling.
- (6) Institutions of higher learning can execute research, development and testing of new explosives for fulfilling of their pedagogical and scientific tasks. Within the range set by the curriculum they can also prepare explosives for purposes of teaching.
- (7) Requirements for ensuring of safety and protection of health at work and safety of operation in production and processing of explosives inclusive records, defusing and destroying of explosives in their production will be enacted in a generally binding legal regulation by the Ministry of Economy of the Slovak Republic.

Article 24

Introduction of Explosives and Aids into Circulation

- (1) Only explosives and aids that have been permitted by the Slovak Mining Agency can be introduced into circulation.
- (2) Performance of examinations and submitting of experts' opinions, which are necessary for permission for introducing of explosives and aids into circulation and their testing will be ordered by the Slovak Mining Agency and ensured by the entity that has applied for this permission.
- (3) Procedure and more detailed conditions of permitting of explosives and aids into circulation and their testing will be enacted in a generally binding legal regulation by the Slovak Mining Agency.

Article 25

Acquisition and Collection of Explosives

- (1) Explosives can be acquired only on basis of a permission for collection of explosives issued by the Mining Office. This permission is necessary also for collection of smokeless powder or black hunting powder, if explosive or work at fireworks will be used.
- (2) The permission for collection of explosives can be issued for longer time period to the organisations that regularly use explosives in their activities however not for longer period than five years.
- (3) On basis of the permission for collection of explosives, it is possible to acquire explosives from the producer, importer or any other authorised buyer.
- (4) Permission for collection of explosives is not required
 - a) in organisations authorised to produce and process explosives or to execute research, development, testing or trial production of explosives
 - b) in organisations authorised to import and export explosives
- (5) It is allowed to import only explosives and aids the introduction into circulation of which has been permitted by the Ministry of Economy of the Slovak Republic. This applies also to import of smokeless powder and black hunting powder, if it will be used for explosive work and work at fireworks and to import of pyrotechnical products. 13d)

- (6) A single permission for import of samples of products entered in paragraph 5, which is necessary for performance of tests before permission of their introduction into circulation is issued by the Ministry of Economy of the Slovak Republic.

 13d) Order of the Slovak Mining Agency No. 536/1991 Collection of Laws on Pyrotechnical Products.

Article 26

Transportation and Carrying of Explosives

- (1) Transportation of explosives is considered to be transport of hazardous objects. For transportation of explosives special regulations 14) apply.
- (2) The way of transportation of explosives on the premises of the organisation will be specified by the organisation in its transportation order.
- (3) Explosives can be carried only in closed covers.
- (4) The Slovak Mining Agency will specify the conditions for transportation of explosives on the premises of the organisation and for carrying of explosives in a generally binding legal regulation.

 14) Act No. 68/1979 Collection of Laws on Road Transport and on Interstate Dispatching in wording of the Act of the Slovak National Council No. 52/1982 Collection of Laws.
 Order of the Federal Ministry of Transport No. 122/1979 Collection of Laws through which an Act on Road Transport and Interstate dispatching is executed.
 Order of the Ministry of Transport No. 127/1964 Collection of Laws on Municipal Transportation Order in wording of later regulations
 Order of the Ministry of Transport No. 132/1964 Collection of Laws on Railway Transportation Order in wording of later regulations.
 Order of the Ministry of Transport No. 133/1964 Collection of Laws on Road Transportation Order in wording of later regulations.
 Order of the Ministry of Transport No. 134/1964 Collection of Laws on Transportation Order in Water Transport in wording of later regulations.
 Order of the Ministry of Transport No. 17/1966 Collection of Laws on Airway Transportation Order in wording of Order No. 15/1971 Collection of Laws.
 Order of the Ministry of Transport No. 3/1977 Collection of Laws on Transportation Order of Cable Ways in wording of Order No. 35/1985 Collection of Laws.
 Decree of the Central Administration of Telecommunication in which a Postal Order is issued announced in Part 8/1968 Collection of Laws in wording of later regulations.

Execution of Work Connected with Use of Explosives

Article 27

- (1) Explosive work or work at fireworks can be executed only on basis of a permit from the Subdistrict Mining Office.
- (2) The decision on permission of explosive work of great extent and work at fireworks is also sent from the Subdistrict Mining Office to the competent department of police; this does not apply to mining activities and activities executed in a mining way.

- (3) Explosive work can be executed without permission only in cases, when it cannot be avoided and it is necessary for saving of lives of people or property and if there is a danger of delay.
- (4) A technical project of explosion must be worked out for explosion work of great extent, for explosion work of small extent, work at fireworks and other work connected with use of explosives technological procedure must be worked out.
- (5) The Slovak Mining Agency will enact in a generally binding legal regulation, which explosive work is considered to be explosive work of great extent and small extent, details of the technical project of the explosion, details of technological procedure of explosion work and work at fireworks and will specify in more details execution of explosive work and work at fireworks.

Article 28

- (1) An application for permission of explosive work or work at fireworks is filed by that entity, for who this work is supposed to be carried out or with his agreement the entity that will execute this work.
- (2) The following is attached to the application
 - a) Documentation of explosive work with proposal of technical conditions for execution of explosive work or work at fireworks
 - b) Proposal for measures for protection of rights and interests of organisations and citizens protected by law
 - c) List of organisations and citizens, whose rights or interests protected by law could be endangered by using explosives
- (3) The costs for the possible expert's opinion, which is necessary in the proceedings concerning permission of explosive work or work at fireworks will be covered by the applicant.

Article 29

Storing of Explosives

- (1) Explosives can be stored only in objects, which have been permitted for this purpose (hereinafter only "storage of explosives").
- (2) For explosive work of great extent, the explosive, which can be used only once, can be temporarily stored on free area, however not for longer than for 48 hours before starting of explosive work; in this case the organisation preparing explosive work is obligated to take necessary measures against impermissible influence of effect of weather, against larceny of explosives and to ensure protection of persons and property before unrequired explosion of explosives. Storing of explosives on free area and executed measures must be immediately notified to the competent police department by the organisation.
- (3) In the storage of explosives, it is allowed to store only such kinds and quantity of explosives, which have been specified in an official approval or in the decision, which permits using of storage for explosives.
- (4) For short time it is possible to keep explosives also in special repositories, which have been set up on a work place. The details on special repositories will be specified by the Slovak Mining Agency in a generally binding legal regulation.

Storage of Explosives

Article 30

General regulations on Investment Construction apply to designing and construction of storage for explosives if it has not been enacted otherwise by this Act.

Article 31

- (1) The decision for positioning of the structure for the storage of explosives is issued
 - a) for mining activities under surface - by the Subdistrict Mining Office
 - b) in other cases than it has been stated in letter a) - by the institution competent according to special regulations 17) after an agreement with the Subdistrict Mining Office.
- (2) To the application for positioning of the storage for explosives according to paragraph 1 a) the situation sketch is attached showing location of storage for explosives with marking of neighbouring underground and surface objects, system of ventilation and protection against fire and explosions and manifestations of mountainous pressures.

17) Article 32 to 42 Act No. 50/1976 Collection of Laws

Article 32

- (1) The structures of storage for explosives, their amendments and their use are permitted by the Subdistrict Mining Office.
- (2) The decision according to paragraph 1 is sent by the Subdistrict Mining Office also to the competent department of the police force.
- (3) To the application for permitting of the structure of storage of explosives according to the paragraph 1 the following is attached
 - a) design documentation according to general regulations on documentation of structures
 - b) situation sketch of positioning of storage of explosives on the surface with stating of distance from neighbouring objects, in the underground from neighbouring mining works
 - c) decision on positioning of the structure for storage of explosives
- (4) To the application for permission to use the storage of explosives under paragraph 1 the following is attached
 - a) Statement that the construction of storage of explosives has been executed according to design documentation
 - b) Protocol about specification of the environment and degree of danger of fire or explosion of explosives
 - c) Report on basic revision of electrical equipment
 - d) For storage of explosives on the surface a report on basic revision of lightning arrestors
- (5) Conditions for positioning, foundation and operation of storage of explosives under the surface will be specified in more details by the ministry of Economy of the Slovak Republic in a generally binding legal regulation.

Article 33

Recording of Explosives

- (1) For production, processing, making, using, storing, research, development, examinations and trial production of explosives records of explosives must be kept in such a way so that there is clear information about where the explosive is located and what is the amount of explosive and how it has been used.
- (2) Each kind of explosive must be recorded individually.
- (3) The documents on records concerning explosives are kept for three years.
- (4) If the differences will be discovered between recorded and real amount of explosives, the organisation is obligated to report this fact immediately to the competent department of the police force.
- (5) Details of records of explosives for making simple explosives, for use and storing of explosives will be enacted by the Slovak Mining Agency in a generally binding legal regulation.

Article 34

Competency for Explosives Handling

- (1) Only adult persons with clear criminal register, healthy and professionally qualified can handle explosives.
- (2) The civil probity of workers is considered by the organisation, with which they are in employment or similar relation; civilian probity of other persons is considered by the Subdistrict Office competent according to the place of permanent residence of these persons.
- (3) Health competency of employees and other persons is considered by institutions of state health administration.
- (4) Professional qualifications of employees for handling with explosives, except from bringing of explosives to explosion, defusing them or destroying them, are considered by the organisation with which they are in employment or similar relation. The organisation is obligated to acquaint these persons, in a demonstrable way, with properties of materials, with which they work, from the point of view of their explosion and fire safety and hygienic protection within the limit, which is necessary for safe execution of work.

Bringing of Explosives to Explosion, Defusing and Destroying of Explosives

Article 35

- (1) The following persons are allowed individually to bring explosives to explosion, to defuse them or to destroy them and to execute or control professional work connected with it.
 - a) for explosive work of small extent only persons older than 21 years, who have licence of a shot-firer; these persons are authorised also to execute some acts of explosive work of great extent
 - b) for explosive work of great extent only persons older than 24 years that have licence of technical head of explosions.

- (2) To prepare, fire, defuse and destroy explosives specified for work at fireworks can be executed only by firer of fireworks; if for this purpose explosive specified for explosion work will be used, it can be brought to explosion only by a shot-firer, who is authorised to bring it to explosion in explosion work.
- (3) Destroying and defusing of explosives in their production or processing inclusive research, development and trial production can be done only by persons older than 21 years who have a licence of a pyrotechnist.
- (4) For the purpose of training the work entered in paragraphs 1 to 3 can be also done by other persons than shot-firers, technical heads of explosions, firers of fireworks and pyrotechnists, who have been instructed by the organisation in writing. This work can be executed only under the supervision of a shot-firer, technical head of explosions, firer of fireworks or a pyrotechnist.

Article 36

- (1) Professional qualifications are assessed and licence for execution of the position of a shot-firer is issued by the Subdistrict Mining Office and for the execution of the position of a technical head of explosions by the Slovak Mining Agency.
- (2) Professional qualifications are assessed and licence for execution of the position of a fireworks firer and a pyrotechnist is issued by the Ministry of Economy of the Slovak Republic.
- (3) Licences according to paragraphs 1 and 2 are issued to persons that have prescribed experience and by passing the examination successfully they have demonstrated theoretical and practical knowledge necessary for safe bringing of explosives to explosion, defusing and destroying them.
- (4) Training of shot-firers, technical heads of explosions, firers of fireworks and pyrotechnists is organised by the organisation commissioned by the Ministry of Economy of the Slovak Republic. Curriculum and texts for training are approved and examination orders are issued by the Ministry of Economy of the Slovak Republic.
- (5) Extent and conditions of instruction and conditions of acquiring competency for explosives handling in explosion work, work at fireworks and in defusing and destroying of explosives in production and processing will be specified in more details by the Ministry of Economy of the Slovak Republic in a generally binding regulation.

Article 37

Special Provision

Provisions of Articles 21 to 36 do not apply to using of explosives, pyrotechnical products and aids in armed forces and in armed security corps.

PART FOUR

STATE MINING ADMINISTRATION

Article 38

Organisation of State Mining Administration

- (1) The bodies of state mining administration are
- a) The Slovak Mining Agency as central institution of state administration of the Slovak Republic for protection and utilisation of raw minerals and for state professional supervision over safety and protection of health at work and safety of operation in mining activities, activities carried out in a mining way and for production of explosives and for use of explosives
 - b) subdistrict mining offices, namely
 1. The Subdistrict Mining Office in Bratislava
 2. The Subdistrict Mining Office in Banská Bystrica
 3. The Subdistrict Mining Office in Košice
 4. The Subdistrict Mining Office in Prievidza
 5. The Subdistrict Mining Office in Spišská Nová Ves
- (2) The circuits of competency of the subdistricts mining offices will be specified by the Slovak Mining Agency in a generally binding legal regulation.
- (3) A chairman is in charge of the Subdistrict Mining Office.
- (4) In the interest of economising of execution of state mining administration or in a different important interest the Slovak Mining Agency can
- a) commission a different office than the locally competent subdistrict mining office by fulfilling of some tasks of the state mining administration or take them over
 - b) commission the Subdistrict Mining Office by some tasks that otherwise belong to the Slovak Mining Agency
- (5) The Slovak Mining Agency ensures personal and factual needs of the subdistrict mining offices.

Article 39

Competency of Bodies of State Mining Administration

- (1) Bodies of State Mining Administration execute main supervision
- a) over observing of the Mining Act, this Act and regulations issued on the basis of these Acts, if they specify protection and utilisation of deposits of minerals, safety of operation, safeguarding of protected objects and interests before effects of mining activities as well as production of explosives and using of explosives for explosion work and work at fireworks
 - b) over observing of the Mining Act, this Act and regulations issued on the basis of these Acts if they specify safety and protection of health at work, safety of technical equipment, fire protection in underground and working conditions, in organisations during execution of mining activities or activities executed in a mining way and during production of explosives and use of explosives for explosive work and for work at fireworks.
- (2) The main supervision under paragraph 1 does not apply to cases, when activities and technical equipment entered in paragraph 1 are subject to similar supervision of the institutions of the Ministry of Defence of the Slovak Republic, Ministry of Transport, Posts and Telecommunications of the Slovak Republic, Ministry of the Interior of the Slovak Republic and Ministry of Justice of the Slovak Republic.

- (3) In case of doubts, whether the main supervision under paragraph 1 belongs to competency of institutions of state mining administration, the decision will be taken by the Slovak Mining Agency after an agreement with another concerned institution of the state specialised or similar supervision.
- (4) The organisations are obligated to enable the admission to the objects, facilities and to workplaces to the institutions of state mining administration for the purposes of their main supervision at any time and to submit necessary materials, documentation, experts' opinions and provide necessary co-ordination to the institutions of state mining administration and to create conditions for them for their undisturbed and fast execution of the main supervision and to use the results of their findings in their work.
- (5) The institutions of state mining administration notify significant faults found out in the organisation and measures ordered for removing them to the central institution, into the competency of which belongs the organisation and to other concerned institutions.

Article 40

The Slovak Mining Agency

- (1) The Slovak Mining Agency fulfils tasks of the main supervision of the institutions of state mining administration.
- (2) The Slovak Mining Agency controls the execution of state mining administration and activities of the subdistrict mining offices and decides about appeals against their decisions.
- (3) In execution of main supervision the Slovak Mining Agency does the following :
- a) orders measures for ensuring of rational utilisation of deposits of minerals and for ensuring of safety and protection of health at work and safety of operation and with that purpose organises, controls and executes special inspections
 - b) executes inspections at workplaces, inspections of activities and technical equipment and in doing this it ascertains how the Subdistrict Mining Offices fulfil their obligations resulting for them from the Mining Act, from this Act and from regulations issued on basis of these Acts
 - c) gives approval for foundation or as the case be orders foundation of main mining rescue stations, specifies their places of business and delimits competency, approves their regulations of service, sets conditions for appointment into positions and tests professional competency of their executives and checks the condition, organisation and equipment of main and subdistrict mining rescue stations; because of the nature of work, its amount of risk and taking into consideration the local conditions it can also order to the organisation to ensure the mining rescue service for activities carried out in a mining way
- (4) In fulfilling the tasks according to paragraph 3 the Slovak Mining Agency has rights and obligations entered in Article 41 paragraph 1 a) and c).
- (5) The Slovak Mining Agency
- a) keeps overall records of extraction areas and their amendments
 - b) issues permits for use of the types of selected mining machines, equipment, devices and aids to the organisations executing mining activities and activities executed in a mining way
 - c) assesses professional competency of workers within the range specified by the Mining Act, this Act and regulations issued on basis of these Acts and issues to these workers appropriate certificates or licences for execution of positions or deprives them of these certificate or licences

(6) The Slovak Mining Agency further

- a) in co-operation with competent central institutions ensures and co-ordinates the tasks of international co-operation in the area of state mining administration
- b) fulfils other tasks resulting from the Mining Act, this Act and other generally binding legal regulations for the Agency

Article 41

Subdistrict Mining Offices

(1) In execution of the main supervision the subdistrict mining offices do the following

- a) execute inspections of objects, facilities and workplaces and in doing this they check, how duties resulting from Mining Act, this Act and regulations issued on the basis of them are fulfilled, if they decree protection and utilisation of deposits of minerals, safety and protection of health at work and safety of operation, safeguarding of protected objects and interests against the effects of mining activities, production of explosives and use of explosives for explosion work and work at fireworks, as well as resulting from other generally binding legal regulations for ensuring of safety and protection of health at work, safety of technical facilities and working conditions inclusive regulations on fire protection in underground
- b) ascertain the state, reasons and consequences of significant operation accidents (breakdowns) and significant injuries at work in organisations, as well as significant menace of the safety of operation of the organisation or the universal interest, especially safety and protection of health at work,
- c) order removing of ascertained deficiencies and faults. In order to ensure safety and protection of health at work and safety of operation they are authorised to order necessary measures. If they ascertain deficiencies, which apparently and immediately endanger universal interest, especially safety and protection of health at work, safety of operation and technical equipment or as the case be property and which cannot be removed immediately, they order shutting down of operation of organisation or one of its parts or as the case be its technical facilities i.e. within necessary scope until the deficiencies have been removed
- d) inspect the state, equipment and activities of the mining rescue service and test professional competency of key workers except from workers of main mining rescue stations and subdistrict mining rescue stations
- e) inspect whether the organisations properly keep records and registration of injuries at work and assess sources and reasons of appearance of injuries
- f) inspect whether the organisation executing mining activities or activities executed in a mining way is competent to design and produce listed technical equipment serving for execution of mining activities or activities executed in a mining way, issue to the organisation appropriate permission or as the case may be deprive the organisation of this permission
- g) check execution of inspections and tests of technical equipment
- h) test by means of examinations the knowledge of employees of regulations entered in letter a), this knowledge is needed by the workers for execution of control and inspection positions. They assess professional competency of workers for execution of selected positions and issue certificates or licences for them for execution of positions or as the case may be they deprive them of these certificates and licences.

(2) The Subdistrict Mining Offices do these further activities

- a) specify, alter or cancel the protected deposit areas and extraction areas and keep records of them

- b) permit opening, preparation and extraction of exclusive deposits and in specified cases searching out and survey of exclusive deposits in mining works; before stopping of operation in mining works and quarries they permit safeguarding of liquidation of the main mining works and quarries
- c) specify necessary measures, especially order and manner of mining out of exclusive deposits, if the operation, preparation and extraction would endanger operation or utilisation of an exclusive deposit in extraction area of a different organisation
- d) order, if it is necessary from the point of view of safety of operation, so that a part of exclusive deposit in the extraction area of one organisation is mined out by another organisation, or if it is necessary they order so that the organisation sets up a mining work in the extraction area of another organisation; the same procedure is used if common use of mining works and equipment is necessary
- e) permit extraction of deposits of unlisted mineral as well as safeguarding of mining works and quarries and liquidation of main mining works and quarries
- f) issue approval for permitting of structures and equipment in the protected deposit area
- g) can order preparation or complementation of mining surveying and geological documentation, if it is absent, if it is incomplete or if there are faults in it
- h) permit special intervention into earth crust and safeguarding or liquidation of old mining works
- i) permit explosion work and work at fireworks
- j) permit positioning, structure and use of storage of explosives in cases and under conditions enacted in Articles 31 and 32
- k) fulfil other tasks resulting for them from the Mining Act, this Act and other generally binding legal regulations

Mining Inspectors

Article 42

(1) The tasks of the institutions on state mining administration in the area of main supervision are executed by the Slovak Mining Agency by means of mining inspectors and the Subdistrict Mining Offices by means of subdistrict mining inspectors (hereinafter only "mining inspector"). Mining inspectors are appointed by the minister of economy of the Slovak Republic.

(2) Mining inspector is authorised

- a) to enter at any time into objects, facilities and premises, to carry out inspections and investigations in them, to require submitting of appropriate documents, information and explanations, in case of technical workers to make sure of their knowledge of regulations entered in Article 41 paragraph 1 a), as well to make photographs and copies of operation maps and other documentation, which is necessary for ascertaining of deficiencies and ascertaining of state, causes and consequences of significant accidents (breakdowns) in operation and significant injuries at work
- b) to issue binding orders for removing of ascertained deficiencies and faults and in case of apparent and immediate menace of universal interests, in particular in cases of safety and protection of health at work, safety of operation and technical equipment, or as the case may be property to issue binding orders for stopping of operation of organisation or one of its parts, or as the case may be of their technical equipment, namely within necessary range until the deficiencies have been removed, inclusive orders for bringing the workers to safety; further he is authorised to order necessary measures for ensuring of safety and protection of health at work and safety of operation. A binding order can be issued orally or in writing; if it has been issued orally, after completing of inspection or check the inspector is obligated to enter it in writing
- c) to forbid overtime work, work at night and work of women and juvenile workers, if he finds out that it has been executed in contradiction to the legal regulations, 19)

d) to withhold certificate of professional competence, which has been issued by the institution of state mining administration in cases of gross or repeated breach of regulations for ensuring of safety and protection of health at work and safety of operation.

(3) In execution of his activities the mining inspector proves his identity by the identity card of the Slovak Mining Agency.

 19) Labour Code No. 65/1965 Collection of Laws in wording of later regulations. Government Decree of the Czechoslovak Socialist Republic No. 54/1975 Collection of Laws by which the Labour Code is executed in wording of later regulations.

Article 43

(1) Against the binding order of the mining inspector it is possible to file objections to the competent Subdistrict Mining Office or to the Slovak Mining Agency within 15 days from its issuance, if the binding order has been issued by the central mining inspector. In their decision these institutions will confirm or change or cancel the binding order. Filing of objections has suspensory effect, if it has not been excluded by the mining inspector in the binding order. Suspensory effect can be excluded only in case, when lives and health of people or property have been endangered and there is a danger of delay. An appeal or refutation can be filed against the decision of the Subdistrict Mining Office concerning objections or as the case may be against the Slovak Mining Agency.

(2) The withheld certificate of professional competency will be submitted for further proceedings by the subdistrict mining inspector to the Subdistrict Mining Office and by the central mining inspector to the Slovak Mining Agency.

PART FIVE COMMON, TEMPORARY AND CONCLUSIVE PROVISIONS

Sanctions

Article 44

(1) The institution of the state mining administration can impose a penalty up to the amount of 100 000 Sk upon the organisation, which has broken the regulations entered in Article 39 paragraph 1 or which has not fulfilled measures, which were ordered to the organisation by the decision of the institution of state mining administration (hereinafter only "breach of duties").

(2) Another penalty up to the double amount of the imposed penalty can be imposed upon the organisation, which within the specified time limit has not removed faults, for which the penalty has been imposed.

(3) The penalty can be imposed upon the organisation within one year from the day, when the institution of state mining administration found out the breach of duties, however at the latest within three years from the day, when this breach of duties appeared.

(4) The institution of state mining administration can impose a fine up to the amount of 5000 Sk upon the employee of the organisation, who is guilty for breaking significant duties resulting from regulations entered in Article 39 paragraph 1 or who concealed facts important for execution of the main supervision.

- (5) The penalty can be imposed upon the employee within one year from the day, when this breach of duties appeared.
- (6) The mining inspector is authorised, within ticket proceedings, to impose a penalty up to the amount of 200 Sk upon the employee of the organisation, who is guilty for breaking duties resulting from regulations for ensuring of safety and protection of health at work and safety of operation or upon the employee, who by his activities made difficult the execution of the main supervision of the institutions of state mining administration; this fine can be imposed also upon other unknown persons who, with the approval of the organisation, waste their time at workplaces of organisations.
- (7) The penalty within ticket proceedings can be imposed without further proceedings, if the guilt for breach of duties was reliably ascertained and the employee is willing to pay the fine. An appeal cannot be filed against imposing of this kind of penalty; the employee must be instructed about this in advance. The mining inspector is authorised to collect the penalty imposed in this way; for imposing and collection of the penalty the tickets will be used, which are used for imposing and collection of penalties within ticket proceedings concerning offences.
- (8) When specifying the amount of penalty, attention is paid especially to the significance, way, time of duration and possible consequences of breach of duties, and in case of an employee also a degree of his guilt.
- (9) By imposing a penalty upon the organisation, the criminal responsibility of its employees remains unaffected, as well as responsibility of the organisation and employees of the organisation according to the regulations concerning compensation for damages.
- (10) The penalty will not be imposed if upon the organisation or upon the employee and for the same breach duties the penalty has already been imposed according to other legal regulations or if the employee has been punished under other legal regulations. 20)
- (11) The fines are income for the state budget of the Slovak Republic.

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- 20) Criminal Act No. 140/1961 Collection of Laws in wording of later regulations.
Act No. 150/1969 Collection of Laws on Offences in wording of later regulations.

Article 45

For gross or repeated breach of regulations for ensuring of safety and protection of health at work and safety of operation the institutions of state mining administration can revoke from the employees licences for execution of activities for the period of up to three years,

Article 45a

Proceedings on Offences

The institutions of state mining administration execute proceedings on offences on the area of protection and utilisation of mineral resources and use of explosives. 20a)

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- 20a) Act of the Slovak National Council No. 372/1990 Collection of Laws on Offences in wording of the Act of the Slovak national Council No. 524/1990 Collection of Laws

Article 46

Relation to Administrative Order

General regulations on administrative order 21) do not apply to proceedings under Articles 4, 8, Article 21 paragraph 5, Article 23 paragraph 2, Articles 24,25 and Article 40 paragraph 5 b).

21) Act No. 71/1967 Collection of Laws on Administrative Proceedings (Administrative Order).

Article 47

Temporary Provisions

Permission under this Act is not required for

- a) Opening, preparation and extraction of exclusive deposits, as well as for safeguarding or liquidation of main mining works and quarries executed on bases of plans approved by the Subdistrict Mining Offices before this Act shall enter into force
- b) searching out and survey of deposits of minerals in mining works as well as safeguarding and liquidation of these works executed on basis of projects discussed with subdistrict mining offices before this Act shall enter into force
- c) special intervention into earth crust and work for ensuring or liquidation of old mining works, which began before this Act entered into force.

Article 48

Provision of Cancellation

The following has been cancelled

1. Act of the Slovak National Council No. 42/1972 Collection of Laws on Organisation and on Extending of Supervision of the State Mining Administration
2. Order of the chairman of the Central Mining Agency No. 259/1957 Ú.v., through which the statute of the state mining administration has been declared
3. Order of the Central Mining Agency, Ministry of Chemical Industry and Ministry of General Mechanical Engineering No. 62/1965 Collection of Laws on Explosives.

Article 49

Force

This Act shall enter into force from 1st July 1988.

Act No. 499/1991 Collection of Laws shall enter into force from 1st January 1992.

Act No. 154/1995 Collection of Laws shall enter into force from 1st September 1995.

V. Šalgovič, sign manual

P.Colotka, sign manual

Passage II

Preliminary Provision

(Introduced by Act No. 499/1991 Collection of Laws)

- (1) Permission for extraction work under hitherto regulations 22) is considered to be a permission for extraction of the deposit of unlisted mineral under this Act.
- (2) Permission for collection of explosives issued by competent institutions under hitherto regulations are considered to be permissions issued according to this Act.
- (3) Licences of firers of fireworks and pyrotechnists issued by competent institutions under hitherto regulations are considered to be licences issued under this Act.

22) Articles 71 to 74 Act No. 50/1976 Collection of Laws

Passage IIa

Temporary Provision

(Introduced by Act No. 154/1995 Collection of Laws)

- (1) Licences or permits for business in activities entered in Passage I Article 4a paragraph 1 issued under hitherto regulations are considered to be a mining authorisation issued under this Act.
- (2) Organisations, which execute activities entered in Passage I Article 4a paragraph 1 on basis of licence or permission issued under hitherto regulations, will apply at the Subdistrict Mining Office for entry into the mining register within three months from the day of force of this Act. In the application the data according to Passage I Article 4c paragraph 2a) to c) and e) will be entered.

If in the Act the name "Slovak Mining Agency", "The Slovak Geological Agency" and " Department of Police" are used, by this is meant "The Ministry of Economy of the Slovak Republic", The Ministry of Environment of the Slovak Republic" and "the Department of Police Force" in appropriate form.

Passage III

Cancelling Provision

(Introduced by Act No. 499/1991 Collection of Laws)

The following has been cancelled

1. Government Decree No. 20/1954 Collection of Laws on organisation of state mining administration in wording of Act No. 61/1965 Collection of Laws and Act of the Slovak National Council No. 42/1972 Collection of Laws
2. Item No. 2 Annexes C, Item No. 28, 29 and 30 Annexes D, Item No. 1 Annexes E and Item No. 1 Annexes G of the Act of the Slovak National Council No. 472/1990 Collection of Laws on Organisation of Local State Administration.