

**ACT no. 44/1988 Coll.**  
dated 19 April 1988  
on protection and utilisation of mineral resources  
(Mining Act)

Amendment: 498/1991 Coll.

Federal Assembly of the Czechoslovak Socialist Republic has passed the following act:

PART ONE  
BASIC PROVISIONS

Article 1  
Introductory provisions

The purpose of this act is to establish principles of protection and rational utilisation of mineral resources, mainly in prospecting, exploration, development, preparation and mining of deposits of minerals, dressing and benefit of minerals carried out in relation to their mining, as well as safety operation and protection of the environment during these activities.

Article 2  
Minerals

- (1) Solid, liquid and gaseous portions of the earth's crust are considered to be minerals according to this act.
- (2) The following is not considered to be a mineral according to this act:
  - a) Waters with exception of mineralised waters, from which reserved minerals can be obtained in the industrial manner,
  - b) natural medical waters and natural potable mineral waters, even if reserved minerals can be obtained from them in the industrial manner, further medical mud and other products of natural medical sources,
  - c) peat,
  - d) mud, sand, gravel and pebbles in beds of the rivers, until they contain reserved minerals in the workable quantity,
  - e) cultural layer of soil, which represents the vegetative environment of plants.

Article 3  
Division of minerals into reserved and non-reserved ones

- (1) The reserved minerals are
  - a) radioactive minerals
  - b) all types of coal, oil and combustible natural gas and bituminous rocks,
  - c) minerals, from which it is possible to obtain metals in the industrial manner,
  - d) magnesite,
  - e) minerals, from which it is possible to obtain phosphorus, sulphur and fluorine or their compounds in the industrial manner
  - f) halite, potassium, boron, bromine and iodine salts,
  - g) graphite, barite, asbestos, mica, talc, diatomite, glass sand and foundry sand, mineral pigments, bentonite,
  - h) minerals, from which it is possible to obtain rare earth elements and elements with properties of semi-conductors in the industrial manner,
  - i) granite, granodiorite, diorite, gabbro, diabase, serpentine, dolomite and limestone, until they are workable in blocks and polishable and travertine,
  - j) technically usable crystals of minerals and gemstones,

- k) halloysite, kaolin, ceramic and refractory clays and claystones, gypsum, anhydrite, feldspars, perlite and zeolite,
- l) quartz, quartzite, limestone, dolomite, marl, basalt, phonolite, trachyte, unless these minerals are suitable for chemical-technological processing by melting,
- m) mineralised waters, from which reserved minerals can be obtained in the industrial manner,
- n) technically usable natural gases, which do not belong among gases specified under letter b).

- (1) The other minerals are non-reserved ones.
- (2) In the case of any doubts of a mineral, if it is reserved or non-reserved one, the Slovak Geological Institute shall decide.

#### Article 4 Mineral deposit

According to this act, the mineral deposit (hereinafter referred to as the "deposit" only) is a natural accumulation of minerals, as well as the filling in underground mine, abandoned dump, stock pile or setting pit, which have been created by mining activity, and which contain minerals.<sup>1</sup>

#### Article 5 Mineral wealth

- (1) The deposits of reserved minerals (hereinafter referred to as the "exclusive deposits" only form mineral wealth according to this act.
- (2) Mineral wealth is owned by the Slovak Republic.

#### Article 6 Exclusive deposit

- (1) If a reserved mineral is ascertained in the quantity and quality allowing to expect reasonably its accumulation, the Slovak Geological Institute will issue the certificate of the exclusive deposit.
- (2) The certificate of the exclusive deposit will be sent by the Slovak Geological Institute to the Subdistrict Mining Office, to the respective municipality, District Environmental Office and Subdistrict Environmental Office<sup>2</sup>, geodesy and cartography authority and to the organisation, for which the Slovak Geological Institute has specified the area for prospecting and exploration of the exclusive deposit.<sup>2a)</sup>

#### Article 7 Deposit of non-reserved minerals

The deposit of non-reserved minerals is a part of the land.

#### Article 7a Organisation

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<sup>1</sup> Act of Slovak National Council no. 51/1988 Coll. on mining activity and on the State Mining Administration in wording of the Act of Slovak National Council no. 499/1991 Coll.

<sup>2</sup> Act of Slovak National Council no. 595/1990 Coll. on the State Administration of Environment.

<sup>2a</sup> Act of Slovak National Council no. 52/1988 Coll. on geological works and on the Slovak Geological Institute in wording of the Act of Slovak National Council no. 497/1991 Coll.

Prospecting, exploration or mining of exclusive deposits or other mining activities<sup>1</sup> can be performed by a law entity or a natural person within the scope of its business activity<sup>2b</sup> (hereinafter referred to as the "organisation" only) in the extent and under conditions stipulated by this act and by the special regulations.<sup>2c</sup>

Article 8  
Repealed

Article 9  
Repealed

Article 10  
Duties of the organisation in utilisation of the exclusive deposit

- (1) The organisation shall:
- a) propose the determination, change or cancellation of the deposit reservation,
  - b) keep surveying and geological documentation,
  - c) keep records on the quantity of reserves of the exclusive deposit and on their changes,
  - d) solve in time conflict of interests in determination of the mining reservation and in the planned development, preparation and mining of the exclusive deposit mainly with the objective to limit adverse impacts upon the environment,
  - e) propose determination, change or cancellation of the mining area,
  - f) keep records on recovery ratio and dilution at mining of the exclusive deposit and on the results achieved in dressing and beneficiation of minerals performed in relation to their mining,
  - g) care of the exclusive deposit protection,
  - h) fulfil other duties stipulated in this act and in other generally binding legal regulations.
- (1) If the exclusive deposit is not mined after completion of its prospecting and exploration, the Slovak Geological Institute will appoint an organisation that will keep records of the exclusive deposit and will ensure its protection (Article 17, par. 2).

## PART TWO

### EXPLORATION OF DEPOSITS AND MANAGEMENT OF RESERVES OF EXCLUSIVE DEPOSITS

Article 11  
Prospecting and exploration of exclusive deposits

- (1) During prospecting and exploration of exclusive deposits, the organisation shall, from the point of view of protection and rational utilisation of mineral wealth:
- a) explore the exclusive deposit in such a way to identify and assess all usable minerals of the deposit and their utility components,
  - b) verify the development and position of the exclusive deposit, in order the construction of mines and quarries and the development, preparation and mining of the exclusive deposit could be designed and implemented according to the principles of the mining technology and in order to assure rational utilisation of the reserves of the exclusive deposit,
  - c) use such methods and procedures that utilisation of the exclusive deposit or a part thereof will not be prevented or make more difficult and losses of the reserves of the exclusive deposit will not occur,
  - d) ascertain the facts, which are necessary for assessment of possible impacts upon other deposits, waters and other natural sources, upon the environment and other important public interests due to utilisation of the exclusive deposit,

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<sup>2b</sup> i. g. the Commercial Code

<sup>2c</sup> i. g. the Act of Slovak National Council no. 51/1988 Coll., the Act of Slovak National Council no. 52/1988 Coll.

- e) take necessary steps in order the workings were not destroyed and conducting further exploration and utilisation of the exclusive deposit would not made more difficult.
- (1) The organisation has the right of handling the minerals obtained at prospecting and exploration of exclusive deposits in the extent and under the conditions specified in the decision on determination of the area for prospecting and exploration of the exclusive deposit.<sup>2a</sup>
  - (2) The organisation, which the area for prospecting and exploration of the exclusive deposit has been determined for, is liable to pay an annual reimbursement for this area.<sup>2a</sup>
  - (3) Conducting of geological works is regulated by special regulations.<sup>4</sup>
  - (4) The Slovak Geological Institute will specify in detail by the generally binding legal regulation the procedure in prospecting and exploration of exclusive deposit from the point of view of protection and rational utilisation of the mineral wealth.

#### Article 12

##### Report on the occurrence of the reserved mineral deposit

- (1) Any person, who has found out the occurrence of the reserved mineral deposit, outside the organised prospecting, shall to notify this fact immediately to the Slovak Geological Institute.
- (2) After verification of the occurrence of the reserved mineral deposit, the Slovak Geological Institute will issue the certificate to its finder and remunerate him or her. The amount of this remuneration will be determined considering the scientific, technical and economical significance of such a finding. In the case of the organisation to be a finder, it is entitled only for reimbursement of the purposefully spent costs.
- (3) Details on notification, remuneration and reimbursement of the costs will be specified in the generally binding legal regulation issued by the Slovak Geological Institute after agreement with the Ministry of Finance of the Slovak Republic.

#### Article 13

##### Reserves of the exclusive deposit and conditions of their use

- (1) The reserves of the exclusive deposit are represented by the found out and verified quantities of reserved minerals of a deposit or a part thereof regardless any losses during its mining.
- (2) The conditions of utilisation of the exclusive deposit reserves are represented by a set of geological, mining-technical and economical indices, according to which the suitability of the exclusive deposit reserves for their utilisation is assessed. The conditions of utilisation of the exclusive deposit reserves are a base for assessment and estimation of reserves of the exclusive deposit.
- (3) The conditions of utilisation of the exclusive deposit reserves during its exploration and mining shall be specified by the organisation.

#### Article 14

##### Classification of exclusive deposit reserves, assessment and approval of the exclusive deposit reserves estimation

- (1) The results of prospecting and exploration of the exclusive deposit shall be assessed. The estimation of reserves, which shall be made by the organisation, is a part of such an assessment.
- (2) The reserves of the exclusive deposit shall be classified in the estimations of reserves:

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<sup>4</sup> Article 57 of the Act no. 133/1970 Coll. in wording of later regulations.

- a) by categories according to the level of exploration of the exclusive deposit and knowledge on its mode of deposition or a part thereof, quality and technological properties of minerals and mining surveying conditions,
  - b) to economic reserves (which are utilisable now) and non-economic reserves, which are not utilisable now, but they are assumed to be utilisable in the future) according to the conditions of their utilisation,
  - c) to free and bound reserves according to accessibility for their mining.
- (1) The estimation of reserves of the exclusive deposit shall be assessed and approved by the Slovak Geological Institute during prospecting and exploration. During mining of the exclusive deposit, the estimation of reserves and its assessment shall be assured by the organisation; the Slovak Geological Institute shall approve the estimation of reserves.
  - (2) The Slovak Geological Institute in the generally binding legal regulation will specify classification and estimation of reserves of the exclusive deposits in detail.

#### Article 14a

#### Writing off the exclusive deposit reserves

- (1) Writing off the exclusive deposit reserves means their withdrawal from the records of reserves, or their transfer from economic reserves to non-economic ones.
- (2) The reserves of the exclusive deposit can be written off
  - a) due to very complicated mining-technical, safety or geological circumstances related to the natural conditions or due to occurred unforeseen events,
  - b) should the question is about the reserves of a part of the exclusive deposit, whose mining is not purposeful from the economical point of view,
  - c) should the question is about the reserves, whose mining would endanger the important public interests, mainly the protection of the environment, and should the importance of this protection exceed the interest in mining these reserves.
- (1) The proposal for writing off the reserves of the exclusive deposit shall be submitted by the organisation. The Slovak Geological Institute shall decide on this proposal after agreement with the Ministry of Economy of the Slovak Republic or with the Ministry of Building Industry of the Slovak Republic,<sup>5a</sup> (hereinafter referred to as the "Ministry" only) and with the Slovak Mining Authority. The Subdistrict Mining Office shall decide on writing off a small quantity of reserves. The above authorities shall decide on the proposal for writing off the reserves within 1 month from the date, on which the proposal was submitted.
- (2) Details of writings off of the exclusive deposit reserves will be stipulated and the extent of the small quantity of reserves will be specified in the generally binding legal regulation issued by the Slovak Geological Institute.

### PART THREE

### PROTECTION OF MINERAL WEALTH

#### Article 15

#### Assurance of mineral wealth protection in territorial arrangements

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<sup>5a</sup> Article 3 and 10 of the Act of Slovak National Council no. 347/1990 Coll. on organisation of the ministries and other central authorities of the State Administration of the Slovak Republic in wording of the Act Of Slovak National Council no. 197/1991 Coll. and the Act of Slovak National Council no. 298/1991 Coll.

- (1) In order to assure timely protection of the mineral wealth, the territorial arrangement authorities and designers of the territorial arrangement documentation<sup>6</sup> shall use the documents on the found out and assumed exclusive deposits furnished by the Slovak Geological Institute in their territorial arrangement activity, while they shall proceed according to the special regulations to do so<sup>5</sup>, and they must propose the solution, which is the most advantageous one from the point of view of the protection and utilisation of the mineral wealth and other public interests.
- (2) Drafts of territorial arrangement documentation of large territorial areas, residential sectors and zones shall be negotiated with the Slovak Geological Institute and with the Subdistrict Mining Office as early as during the development of the solution concepts. These drafts must be agreed with the above authorities according to the special regulations<sup>7</sup> before their approval.

#### Article 16 Deposit reservation

- (1) The protection of the exclusive deposit in order its mining not to be prevented or made more difficult shall be assured by determination of the deposit reservation.
- (2) The deposit reservation includes the area, on which the buildings and equipment, which are not related to mining of the exclusive deposit, could prevent or make more difficult mining of the exclusive deposit.
- (3) The deposit reservation shall be determined for the reserved mineral deposit during prospecting or exploration stage, after the certificate of the exclusive deposit has been issued (Article 6).

#### Article 17 Determination of the deposit reservation

- (1) The deposit reservation shall be determined by the Subdistrict Mining Office in co-operation with the decision issued by the Slovak Geological Institute and after agreement with the District Environmental Office.
- (2) Proceedings in determination of the deposit reservation shall begin based on the proposal of the organisation, or on suggestion of the state administration authority. The proposal shall be accompanied with the certificate of the exclusive deposit and with the proposal of boundaries of the deposit reservation.
- (3) The applicant is a participant to the proceedings in determination of the deposit reservation. The beginning of proceedings shall be announced by the Subdistrict Mining Office to the Slovak Geological Institute, to the respective state administration authorities and to the Subdistrict Environmental Office. The Slovak Mining Agency shall order the oral negotiation conducted, if it is necessary, with the inspection in the site, and at the same time it shall point out that opinions of the above mentioned state administration authorities and comments and suggestions of the participants can be raised in oral negotiation at the latest, otherwise the authority of the State Mining Administration need not take them into account. Should some of the above state administration authorities need longer period of time for assessment, the authority of the State Mining Administration shall reasonably extend this period before its expiration based on the request of the respective authority.
- (4) During proceedings in determination of the deposit reservation, the Slovak Mining Agency shall assessed the proposal and documents from the point of view of the requirements for the protection of the

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<sup>6</sup> Article 16 of the Act no. 50/1976 Coll. on the territorial arrangements and on the building rules.

<sup>5</sup> The Act of Czech National Council no. 62/1988 Coll. on geological works and on the Czech Geological Institute

The Act of Slovak National Council no. 52/1988 on geological works and on the Slovak Geological Institute.

<sup>7</sup> Article 8, 12 and 21 of the Act no. 50/1976 Coll.

exclusive deposit and shall assure opinions of the state administration authorities specified in par. 3 and shall assess comments and suggestions of the participants.

- (5) The boundaries of the deposit reservation shall be marked in the territorial arrangements documentation.
- (6) The Slovak Mining Agency shall cancel the deposit reservation if the reasons for protection of the exclusive deposit ceased to exist.
- (7) The provisions of par. 1 to 5 are also in force in a reasonable extent for any changes and cancellation of the deposit reservation.
- (8) Details on determination, change and cancellation of the deposit reservation and on its recording will be specified in the generally binding legal regulation issued by the Slovak Mining Agency.

#### Article 18

##### Limitation of some activities in the deposit reservation

- (1) Any buildings and facilities, which are not related to the mining of the exclusive deposit must not be established in the deposit reservation in order to protect the mineral wealth, until the consent is given for it according to this law.
- (2) If it is necessary to situate a building or a facility, which is not related to the mining of the exclusive deposit, based on the nation-wide interest, in the deposit reservation, it is necessary to disturb the utilisation of the mineral wealth as little as possible. The mining of exclusive mineral deposits specified in Article 3, paragraph 1, letters a) to d) may be prevented or made more difficult only in the justified cases, should the question is about the very important building or facility, or if such a building or facility prevents or makes more difficult the mining of only a small portion of reserves of the exclusive deposit.

#### Article 19

##### Permission for buildings and facilities in the deposit reservation

- (1) Permission for buildings and facilities situated in the deposit reservation, which are not related to the mining, can be issued by the respective authority according to the special regulation<sup>10</sup> and only with the consent of the Slovak Mining Agency.
- (2) The consent of the Slovak Mining Agency according to par. 1 shall be requested for by the authority competent for permission of buildings and facilities. The application for permission of the building or facility must be completed by the applicant with the opinion of the organisation along with the proposal for conditions of the exclusive deposit protection.

#### Article 20

##### Exclusive deposit reserves management

- (1) The central authorities, within whose scope of competence the organisations mining the exclusive deposits belong, shall create the conditions for protection and rational utilisation of the mineral wealth in the organisations, which are controlled by them; at the same time, they must assess regularly the quantity and changes in the exclusive deposit reserves, which are under administration or in permanent utilisation of the organisations, effectiveness of the specified conditions of utilisation, achieved recovery and degradation and yielding of preparation.
- (2) The central authorities of the state administration shall stipulate, after agreement with the central authority of the state mining administration, with the central geological authority and with the respective central planning authority the principles of the exclusive deposit reserves management in the industries controlled by them.

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<sup>10</sup> Article 117 to 121 of the Act no. 50/1976 Coll.

Article 21  
Writing off the reserves of exclusive deposits

- (1) Writing off the reserves of exclusive deposits means their withdrawal from the records of reserves or their transfer from the economic reserves to the non-economic reserves.
- (2) The reserves of exclusive deposit can be written off:
  - a) due to very complicated mining-technical, safety or geological circumstances related to the natural conditions or to unforeseen events,
  - b) should the question is about reserves of a part of the exclusive deposit, whose mining is not economic,
  - c) should the question is about the reserves, whose mining would endanger the important public interests, and the importance of these interests exceed the interest in mining these reserves,
  - d) should the question is about the reserves, which have lost significance for the national economy.
- (1) The proposal for writing off the reserves of exclusive deposit shall be submitted by the administrator or by the permanent user of the exclusive deposit. The central geological authority shall decide on this proposal after agreement with the respective central authority of the state mining administration and with the respective central planning authority. The respective central authority or the authority authorized by it, shall decide on writing off the small quantity of reserves of exclusive deposit. The above authorities shall decide on the proposal for writing off the reserves of exclusive deposit within 1 month from the date on which this proposal was submitted.
- (2) Details on writing off the exclusive deposit reserves shall be specified and the extent of the small quantity of shall be limited by the generally binding legal regulation issued by the central geological authority of the Republic after agreement with the central authority of the mining administration of the Republic.

Article 22  
Recording of the exclusive deposit reserves

- (1) The quantities of the exclusive deposit reserves and changes in them shall be recorded by the administrators, or by the permanent users of the exclusive deposit.
- (2) Summary records on the exclusive deposit reserves shall be kept by the central geological authority of the Republic. The provision of Article 16, par. 6 is also in force in a similar manner.
- (3) The scope of competence in the area of writing off and keeping records of reserves of the radioactive minerals deposits according to special regulations<sup>4</sup> has not been affected.
- (4) The central geological authority of the Republic will regulate in detail the manner of keeping records of the exclusive deposit reserves by the generally binding legal regulation.

**PART FOUR**  
**CONSTRUCTION OF MINES AND QUARRIES**

Article 23  
Designing, construction and reconstruction of mines and quarries

- (1) Designing, construction or reconstruction of mines and quarries including waste dumps, waste banks and setting pits are regulated by the generally binding regulations on investment construction, until it is stated otherwise by this act.

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<sup>4</sup> Article 57 of the Act no. 133/1970 Coll. in wording of the later regulations.

- (2) In addition to the requirements specified in the general regulations, the documentation of construction works stated in par. 1 shall assure:
- a) rational utilisation of the exclusive deposits,
  - b) optimum layout of the surface and underground facilities,
  - c) buildings and workings and the use of the most suitable mining systems,
  - d) deposition and storage of the mined and temporary non-used minerals and deposition of wastes (waste dumps, waste banks and setting pits),
  - e) protection against destruction or deterioration in reserves of the adjacent exclusive deposits, protection of operation and occupational safety and health, security of workings, ventilation, pumping and discharging mine waters, protection against explosions, inrushes of water, fires and rock bursts, as well as against outbursts of rocks, coal and gases,
  - f) reduction of unfavourable impacts upon the environment,
  - g) solution of relation to other branches of national economy and to the public interests protected by the special regulations, 11) not only from the point of view of the direct impacts of the prepared investment construction, but from the point of view of the impacts related to the mining of the exclusive deposit as well, specifying the buildings and facilities, for which it will be necessary to plan reimbursement,
  - h) precision of the exclusive deposit reserves using necessary exploration.
- (1) The workings and mine underground constructions shall be permitted by the Slovak Mining Agency.
- (2) The Slovak Mining Agency also permits the mine constructions serving for the development and mining of the exclusive deposit, which are situated in quarries and strippings within the boundaries limited by the line of actual stripping of carried out mining, or in the area exposed to the direct impacts of mining, until the restoration of the land.
- (3) The workings and buildings specified in par. 3 and 4 are permitted by the Slovak Mining Agency, as a rule, within the permit of the development and mining of the exclusive deposit.<sup>11</sup>
- (4) Permits for constructions of stores for explosives and their use are regulated by special regulations.<sup>12</sup>

## PART FIVE

### MINING OF EXCLUSIVE DEPOSITS

#### Article 24

#### Power to mining the exclusive deposit

- (1) Power of organisation to mining the exclusive deposit is established by determination of the mining reservation.
- (2) The organisation, for which the area for prospecting and exploration of the exclusive deposit has been determined, 2a), has the right of priority as to determination of the mining area, within 6 months from the date, on which the reserves estimation, which was made during prospecting, was approved (Article 14 par. 3).

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<sup>11</sup> For example the Act no. 51/1964 Coll. on railways in wording of the Act no. 104/1974 Coll., the Order of the Ministry of Transport and of the Central Mining Agency no. 28/1967 Coll. stipulating the rules for contact of railways with the mining activity, the Act no. 110/1964 Coll. on telecommunications, the Act no.20/1966 Coll. on care of people health in wording of the later regulations, the Act. no. 53/1966 Coll. on protection of agricultural land in wording of the Act no. 75/1976 Coll. (the complete wording no. 124/1976 Coll.), the Act no. 138/1973 Coll. on waters (the Water Act), the Act no. 61/1977 Coll. on forests, the Act of Slovak National Council no. 1/1995 Coll. on state protection of the nature, the Act of Slovak National Council no. 27/1987 on state care of monuments, the Act of Slovak National Council no. 369/1990 on local government in wording of the later regulations.

<sup>12</sup> The Act of Czech National Council no. 61/1988 Coll., The Act of Slovak National Council no. 51/1988 Coll.

- (3) If several organisations have applied for determination of the mining area, the Subdistrict Mining Office will begin the proceedings in determination of the mining area based on the proposal of the organisation, which has the right of priority according to par. 2. If such an organisation fails to submit the proposal, or if such an organisation does not exist, the Subdistrict Mining Office shall decide, after agreement with the District Environmental Office, the beginning of proceedings in determination of the mining area based on the proposal of the organisation, whose proposal guarantees more rational utilisation of the exclusive deposit and considers the protection of the other public interests.
- (4) The organisation may mine the exclusive deposit in the determined mining area after it was granted the permit for mining activity issued by the Subdistrict Mining Office.<sup>12a</sup>
- (5) The organisation has the right of handling the mined minerals in the extent and under the conditions specified in the decision on determination of the mining reservation.
- (6) Should the organisation, which has the power to mine the exclusive deposit, fail to ask for permit for mining activity within three years from the date, on which the mining reservation was determined, the Subdistrict Mining Office may take off this power.

#### Article 25

##### Mining reservation

- (1) The mining reservation shall be determined based on the results of exploration of the deposit, according to the extent, position, shape and thickness of the exclusive deposit considering its reserves and mode of deposition in order the deposit could be rationally mined. The determination of the mining reservation must be based on the determined deposit reservation and must also take into account mining of the adjacent deposits and impacts upon their mining.
- (2) The mining reservation can include one or several exclusive deposits or only a part of the exclusive deposit, if it is purposeful considering the extent of the deposit.
- (3) The mining reservation will be determined for mining of the exclusive deposit of the determined mineral or a group of minerals. At the same time, it is necessary to determine, which minerals of the exclusive deposit will be temporary deposited. Should the separate mining of another mineral or a group of minerals by another organisation be more rational, a separate mining reservation shall be determined for their mining.

#### Article 26

##### Boundaries of the mining reservation

- (1) The boundaries of the mining reservation on the surface shall be determined by the closed geometrical figure with straight sides, whose apices shall be determined by the co-ordinates given in the valid co-ordinate system. Its spatial boundaries under the surface shall be determined, as a rule, by vertical planes passing through the surface boundaries. Exceptionally, these spatial boundaries can be determined according to the natural boundaries. The mining area can also be determined at the depth.
- (2) The Subdistrict Mining Office may ordered the boundaries of the mining area to be marked by the boundary marks on the surface, or in the workings, mainly if it is necessary from the point of view of public interests or from the point of view of the owners (users) of real estates, which are located within the boundaries of the mining area, or from the point of view of the organisations with adjacent mining reservations.
- (3) The boundaries of the determined mining reservation shall be marked by the territorial arrangements authority in the territorial arrangements documents.<sup>7</sup>

#### Article 27

##### Determination, changes and cancellation of the mining reservation

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<sup>12a</sup> Article 10 of the Act of Slovak national Council no. 51/1988 Coll.

<sup>7</sup> Article 8, 12 and 21 of the Act no. 50/1976 Coll.

- (1) The mining reservation and its changes shall be determined by the Subdistrict Mining Office after agreement with the District Environmental Office.
- (2) The proposal for determination of a special mining reservation (Article 25 par. 3) shall be accompanied by the opinion of the organisation, for which the mining reservation was determined. If it is necessary, from the point of view of rational mining, environmental impacts or safety of operation, the Subdistrict Mining Office shall stipulate any necessary measures, mainly the order and manner of mining of the exclusive deposits.
- (3) The term of the beginning of the exclusive deposit mining shall also been specified in the decision on the determination of the mining reservation.
- (4) The Subdistrict Mining Office may change the mining reservation based on the proposal of the organisation and after agreement with the District Environmental Office, as well as based on its own consideration, if there are important reasons to do so from the public standpoint.
- (5) If the proposal for determination or change of the mining reservation affects the interests, which are protected by special regulations<sup>11a</sup>, the organisation, which is going to mine the exclusive deposit, shall negotiate the conditions for determination of the mining reservation with the authorities, natural persons and legal entities, with the scope of competence to protect these interest in accordance with these regulations.
- (6) The decision on determination and change of the mining reservation is the decision on utilisation on the territory within its determination on the surface.<sup>13</sup>
- (7) The organisation may transfer by the contract the mining reservation to another organisation after previous consent of the Subdistrict Mining Office; the provision of Article 24 par. 5 is also valid for this case. The transferring organisation shall notify the Subdistrict Mining Office about the transfer of the mining reservation and enclose a copy of the contract to it.
- (8) The Subdistrict Mining Office after agreement with the District Environmental Office will cancel the mining reservation based on the proposal of the organisation, if the mining of the exclusive deposit was finished, or if it was definitely stopped.
- (9) Details of proposals for the mining areas and of procedure in their determination, changes, cancellations and recording will be specified in the generally binding legal regulation issued by the Slovak Mining Agency.

#### Article 28

##### Proceedings in determination, changes and cancellation of the mining reservation

- (1) Proceedings in determination, changes and cancellation of the mining reservation (hereinafter referred to as "proceedings in determination of the mining reservation") will begin based on the proposal of the organisation. This proposal shall be accompanied with:

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<sup>11a</sup> For example the Act no. 51/1964 Coll. on railways in wording of the Act no. 104/1974 Coll., the Order of the Ministry of Transport and of the Central Mining Agency no. 28/1967 Coll. stipulating the rules for contact of railways with the mining activity, the Act no. 110/1964 Coll. on telecommunications, the Act no. 20/1966 Coll. on care of people health in wording of the later regulations, the Act. no. 53/1966 Coll. on protection of agricultural land in wording of the Act no. 75/1976 Coll. (the comprehensive wording no. 124/1976 Coll.), the Act no. 138/1973 Coll. on waters (the Water Act), the Act no. 61/1977 Coll. on forests, the Act of Slovak National Council no. 1/1995 Coll. on state protection of the nature, the Act of Slovak National Council no. 27/1987 on state care of monuments, the Act of Slovak National Council no. 369/1990 on local government in wording of the later regulations.

<sup>13</sup> Article 32 of the Act no. 50/1976 Coll.

- a) the opinion of the respective ministry, mainly from the point of view of the implementation of raw materials policy,
  - b) the decision on determination of the deposit reservation,
  - c) certification that the organisation is authorised to conduct mining activity,
  - d) documents and documentation specified in the practices to this act,
  - e) the list of natural persons and legal entities that are considered to be participants in proceedings, and the proposing entity knows them.
- (1) The Subdistrict Mining Office may stipulate that other documents should be attached to the proposal, which are necessary for reliable assessment of the proposal, mainly from the point of view of protection and rational utilisation of the exclusive deposit and impacts of its mining, as well as from the point of view of demands of the national economy and public interests.
  - (2) The Subdistrict Mining Office can also begin proceedings in determination of the mining reservation in the case if some of necessary documents and documentation according to par. 1 letter d) and e) and par. 2. are not available. At the same time it will stipulate the term for the organisation to complete the proposal. If the proposal has not been completed within the stipulated period of time, the Subdistrict Mining Office shall stop proceedings in determination of the mining reservation.
  - (3) The applicant, natural persons and legal entities, whose ownership to the lands or buildings can be directly affected by determination of the mining reservation, and the municipality, in which the mining reservation is situated, are participants in proceedings in determination of the mining area.
  - (4) The Subdistrict Mining Office shall notify the respective authorities of state administration and all known participants in proceedings about the beginning of proceedings in determination of the mining area at the latest 7 days before oral proceeding and shall order the oral proceeding conjunct, as a rule, with local inspection. At the same time, it shall notify the participants that they may arise their comments and suggestion in the oral proceeding at the latest, otherwise they need not be taken into account. The authorities that have presented their opinions on the proposal for determination of the mining reservation according to special regulations, 11) will not be invited to the proceedings.
  - (5) The respective authorities of state administration shall submit their opinions within the term stipulated by the Subdistrict Mining Office, which must not be shorter than 15 days, otherwise these opinions may not be taken into account. Should some of the authorities of state administration need longer period of time for the proper assessment of the proposal, the Subdistrict Mining Office will reasonably extend this period before its expiration.
  - (6) The beginning of proceedings in determination of the mining reservation, if it is related to the extent territory, shall be announced by the Subdistrict Mining Office to the participants in proceedings by the public notice at the latest 15 days before oral proceeding. The beginning of proceedings shall also be announced by the Subdistrict Mining Office in the case that participants in proceedings are not known to it. When the beginning of the proceedings is announced by the public notice, it shall be proceeded in a similar manner as with the territorial proceedings according to the special regulations. 14)
  - (7) In proceedings in the determination of the mining reservation, the Subdistrict Mining Office shall assess the proposal from the point of view of protection and utilisation of mineral wealth and its impacts; than it shall judge if the proposal is in accordance with the decision on determination of the deposit reservation and if it meets general technical requirements for construction of mines or quarries and the requirements stipulated in the special regulations for protection of special interests. 11)
  - (8) In proceedings in determination of the mining area, the Subdistrict Mining Office shall assure the opinions of the respective authorities of the state administration and shall assess comments and suggestions of the participants.
  - (9) The Subdistrict Mining Office shall determine the mining reservation and specify the conditions, which are necessary for assurance of the public interests in the reservation and decide on objections of the participants in proceedings in its decision.

(10) For example the Act no. 69/1969 on peoples' councils in wording of later regulations (comprehensive wording for the Czech National Council no. 31/1983 Coll., comprehensive wording for the Slovak Socialist Republic no. 35/1983 Coll.), the Act no. 51/1964 Coll. on railways and, the Order of the Ministry of Transport and of the Central Mining Agency no. 28/1967 Coll. stipulating the rules for contact of railways with the mining activity, the Act no. 110/1964 Coll. on telecommunications, the Act no. 20/1966 Coll. on care of people health in wording of the later regulations, the Act. no. 53/1966 Coll. on protection of agricultural land in wording of the Act no. 75/1976 Coll. (the comprehensive wording no. 124/1976 Coll.), the Act no. 138/1973 Coll. on waters (the Water Act), the Act no. 61/1977 Coll. on forests, the Act of Slovak National Council no. 1/1995 Coll. on state protection of the nature in wording of later regulations, the Act of Czech National Council no. 20/1987 Coll. on state care of monuments, the Act of Slovak National Council no. 27/1987 on state care of monuments. 14) Article 58 of the Order of Federal Ministry for Technical and investment development no. 85/1976 Coll. on detail regulation of territorial proceedings and on the building proceedings in wording of the Order no. 155/1980 Coll.

#### Article 29 Keeping records

- (1) Records on certificates of the exclusive deposits are kept by the Slovak Geological Institute.
- (2) Records on deposit reservations are kept by the Subdistrict Mining Office.
- (3) Records on mining areas and any changes in them are kept by the Subdistrict Mining Office in the books of mining areas. The summary records on mining areas are kept by ...
- (4) Summary records on reserves of exclusive deposits and economic and non-economic reserves of mineral resources of the Slovak Republic are kept by the Slovak Geological Institute.
- (5) The authorities specified in par. 1 to 4 shall allow to consult these records or shall give the necessary information from these records or excerpts from these records to the natural persons and law entities, who will prove that they need them for fulfilling of their duties or for execution and protection of their rights. The regulations on protection of state, economic and professional secrets are not affected.<sup>14a</sup>
- (6) The Slovak Geological Institute will specify in detail the manner of keeping records on reserves of exclusive deposits in the general binding legal regulation.

#### Article 30 Rational utilisation of exclusive deposits

- (1) The exclusive deposits must be utilized in the rational way. The rational utilisation of the exclusive deposits means their mining and dressing and beneficiation of the mined minerals according to the principles specified in par. 2 taking into account the present technical and economical conditions; at the same time, it is necessary to observe the principles of mining technology, occupational safety and health and safety of operation<sup>15</sup>, and to eliminate unfavorable impacts upon the working environment and upon the nature.
- (2) In utilisation of the exclusive deposits, it is necessary:
  - a) to mine reserves of the exclusive deposits including accompanying minerals in the most complete way with the minimum losses and degradation; mining of the rich parts of the deposit only is forbidden,

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<sup>14a</sup> Act no. 102/1971 Coll. on protection of state secret in wording of the Act no. 383/1990 Coll. Decree of the Government of the Czechoslovak Socialist Republic no. 148/1971 Coll. on protection of economic and professional secret in wording of the Decree of the Government of the Czech and Slovak Federative Republic no. 420/1990 Coll.

Decree of the Government of the Czech and Slovak Federative Republic no. 419/1990 Coll. on the basic facts included in the state secret.

<sup>15</sup> Article 6 of the Act of Czech National Council no. 61/1988 Coll. Article 6 of the Act of Slovak National Council no. 51/1988 Coll.

- b) to utilize properly the mined minerals in their dressing and beneficiation performed in relation to their mining,
  - c) to deposit accompanying minerals, which are mined, but not utilized in a suitable manner, and to keep records on them,
  - d) to deposit overburden and waste rocks in a suitable manner and to utilize them purposefully, if it is possible.
- (1) If it is suitable to mine a part of the deposit, which is situated in the mining area of the organisation, by the other organisation, from the point of view of the mode of deposition of the deposit, economy or safety operations and technical and operating conditions of the organisation, or if it is necessary for the organisation to establish a working in the mining area of the other organisation, the both organisation shall agree upon it.
  - (2) The organisation may allow the other organisation the common use of its workings and facilities, should this contribute to more rational exploitation of the exclusive deposit and if it is possible from the point of view of its own operation.
  - (3) If one of the above procedures according to par. 3 and 4 is necessary from the point of view of safety of operation, it shall be ordered by the Subdistrict Mining Office.
  - (4) Mining of the exclusive deposit must not be stopped until it has been assured that its later mining will be technically possible, economically purposeful and safety, save if the stopping is required by the important public interest, such as safety of life and protection of health of people.
  - (5) Details on rational utilisation of exclusive deposits will be specified in the generally binding legal regulation issued by the Slovak Mining Agency.

#### Article 31

##### Duties and rights of the organisation in mining of the exclusive deposit

- (1) If during mining, the deposit of another reserved mineral will be discovered in the mining reservation, which is different from the reserved one, for which the mining area was determined, the organisation shall notify immediately the Slovak Geological Institute and the Subdistrict Mining Office. If it has been verified by exploration that the discovered deposit can be mined and its mining by the other organisation would not be rational, the Subdistrict Mining Office may order the organisation to mine this exclusive deposit (Article 27). In cases, when the mining of this exclusive deposit would not be rational, the organisation shall take necessary steps for its protection.
- (2) The organisation shall assure further exploration to precise knowledge on the quantity and quality of reserves, on geological and technical conditions of mining within the boundaries of its mining area in advance. The provision of Article 11 is also related to this exploration.
- (3) The organisation is entitled, in order to mine the exclusive deposit:
  - a) to establish buildings and facilities within the boundaries of the mining area, and if it is necessary, also outside these boundaries, which are necessary for the development and mining of the exclusive deposit and for dressing and beneficiation of minerals performed in relation with their mining and for transport of all necessary equipments and materials,
  - b) to purchase real estates or to acquire the rights to these real estates by the decision on foreclosure or by the establishment of the usufructuary right; the special regulations are in force for foreclosure proceedings.<sup>16</sup>

#### Article 32

Plans of the development and mining of the exclusive deposits and plans of security and liquidation of the main workings and quarries

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<sup>16</sup> Article 108 to 116 of the Act no. 50/1976 Coll.

- (1) The organisation, which is authorized for mining of the exclusive deposits shall prepare plans of the development and mining of these deposits.
- (2) The plans of the development and mining shall assure a sufficient start of the exclusive deposit development before its mining and its smooth mining using suitable mining methods and the safety of operation.
- (3) Should the development and mining endanger the operation or utilisation of the exclusive deposit in the mining area of the other organisation, the Subdistrict Mining Office shall determine necessary measures, mainly the order and manner of mining of the exclusive deposits.
- (4) Before stopping operation in the main workings or quarries, the organisation shall prepare the plans of their security and liquidation.
- (5) Details of the plans of the development and mining of exclusive deposits and of the plans of security and liquidation of main workings and quarries will be stipulated in the generally binding legal regulation issued by the Slovak Mining Agency.

#### Article 32a Reimbursements

- (1) The organisation shall pay annual reimbursement for the mining area in the amount of SKK 5,000.00 for each, even started 20<sup>2</sup> of the mining area within its boundaries on the surface.
- (2) The organisation shall pay reimbursement for the mined reserved minerals or for the reserved minerals after their dressing and beneficiation performed in relation to their mining (hereinafter referred to as the "mined minerals" only). This reimbursement is maximum 10% of the market price of the mined minerals. It is based on the market price in the year, when the reserved minerals were mined.
- (3) Reimbursement for the mining area and reimbursement for the mined minerals are incomes of the state budget of the Slovak Republic. These reimbursements are administered by the Subdistrict Mining Offices.
- (4) The Ministry of Finance of the Slovak Republic, after agreement with the Slovak Mining Agency, can reduce the amount of reimbursement for the mined minerals in justified cases to assure utilisation of mineral wealth, based on the request of the organisation, or to exempt the organisation from this reimbursement.
- (5) The liability to pay reimbursement for the mining area begins by the calendar year, in which the mining reservation was determined and finishes in the year, in which the mining reservation was canceled.
- (6) The liability to pay reimbursement for the mined minerals begins on the day of their mining, or their dressing and beneficiation performed in relation to their mining.
- (7) Reimbursements according to par. 1 and 2 shall be calculated by the organisation, which is authorized for mining of the exclusive deposit (Article 24 oar. 1).
- (8) Should the organisation fail to pay reimbursement for the mining area or reimbursement for the mined minerals in time, it is liable to pay penalty in the amount of 0.1% of the unpaid sum of reimbursement for each day of delay.
- (9) The provisions of par. 1 to 8 are also related to the mining reservations and mining of deposits of non-reserved minerals specified in Article II, par. 1.
- (10) Details of reimbursement for the mining area and of reimbursement for the mined minerals, their amount, manner of payment, reduction of reimbursement for the mined minerals and exemption from this reimbursement will be stipulated by the Governmental Decree of the Slovak Republic.

Article 33  
Solution of conflicts of interests

- (1) Should the buildings and interests protected according to the special regulations, 11) buildings and interests of natural persons or law entities be endangered by utilisation of the exclusive deposit, the organisations, authorities, natural persons and law entities, which should protect these buildings and interests, shall solve these conflicts of interests in mutual cooperation and suggest a procedure, which will allow utilisation of the exclusive deposit with assurance of necessary protection of the above buildings and interests.
- (2) Before including the respective works into the plan of the development and mining, the organisation shall come to an agreement with the authorities, natural persons and law entities that should protect the buildings and interests according to par. 1, if it is necessary to protect the endangered building or interest, in what extent, or for what period of time, and submit this agreement to the District Office to take a position. The agreement will be in force, should the District Office fail to issue any objection to it. The duty to conclude the agreement is not related to the cases, when the conflicts of interests were solved during determination of the deposit reservation, mining reservation, or during designing, construction or reconstruction of the mine or the quarry, until the procedure of their settlement is stated otherwise in the special regulations. 11)
- (3) If the agreement according to par. 2 has not been concluded, or if the District Office has not agreed with the agreement, the conflict of interests will be solved by the respective ministry after agreement with the Slovak Mining Agency in co-operation with the respective central authorities of state administration taking into account the opinion of the District Office.
- (4) If no agreement between the organisation and natural persons or law entities, who are the owners of the affected lands or other real estates, has been achieved, and if the public interest in utilisation of the exclusive deposit prevails over the eligible interests of the owner of lands and other real estates, it shall be proceeded according to Article 31 par. 3.
- (5) The organisation, which applies for permission for the development and mining of the exclusive deposit, shall prove the Subdistrict Mining Office that the conflicts of interests have been solved.
- (6) Protective actions that must be performed for buildings and facilities, which are not related to mining of the exclusive deposit shall be ordered by the Subdistrict Environmental Office after agreement with the Subdistrict Mining Office to the owner (user) of the affected buildings and facilities as necessary modification.<sup>17</sup> Should the question is about the buildings and facilities constructed before determination of the mining area, the protective actions shall be performed on the costs of the organisation.
- (7) The provisions of par. 1 to 6 are also related to inclusion of the respective works into the plan of security of workings and quarries and into the plan of liquidation of the main workings and quarries.

**PART SIX**

**OTHER INTERVENTIONS INTO THE EARTH'S CRUST**

Article 34  
Special interventions into the earth's crust

- (1) Special interventions into the earth's crust mean, according to this act, establishment, operation, security and liquidation of facilities for:
  - a) storage of gases or liquids in natural rock structures and in underground spaces (underground storage's of gases and liquids),
  - b) deposition of radioactive wastes and other wastes in underground spaces,<sup>18</sup>

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<sup>17</sup> Article 87 of the Act no. 50/1976 Coll.

<sup>18</sup> The Order of the Ministry of Health of the Slovak Socialist Republic no. 65/1972 Coll. on protection of health against ionising radiation.

- c) industrial utilisation of thermal energy of the earth's crust except thermal energy of water discharged on the surface.
- (1) The provisions of Article 11, 16, 17, 18, 23, 32, 33, 36 and 39 are reasonable related to the special interventions into the earth's crust as well as to prospecting and exploration conducted for these purposes.
  - (2) The underground spaces, who will be created by special interventions into the earth's crust are considered workings.

Article 35  
Old workings

- (1) The old working means, according to this act, the underground working, which was abandoned, and either its original operator or its successor does not exists or is not known.
- (2) The Slovak Mining Agency assures detection of the old workings and keeps their register. It may appoint the other organisation, managed by it, to keep this register.
- (3) The person, who will discover the old working or its impacts upon the surface shall immediately notify the Slovak Mining Agency.
- (4) Security or liquidation of the old workings and their impacts, which endanger public interest, shall be assured in necessary extent by the Slovak Geological Institute. The Slovak Geological Institute will settle any damages to tangible property<sup>19</sup> caused during assurance of security or liquidation of old workings.
- (5) The Slovak Mining Agency will regulate in detail by the generally binding legal regulation detection of old workings and keeping their register.

2) Article 55 and 62 of the Act no. 133/1970 Coll. on scope of competence of the Federal Ministries in wording of later regulations.
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**PART SEVEN**  
**MINING DAMAGES**

- (1) Mining damages are represented by those caused to tangible property during prospecting and exploration of deposits, until it is conducted by workings, by mining of exclusive deposits, by establishment, security and liquidation of workings and quarries including their equipment, by operation of mine dumps, waste dumps and setting pits of the organisations, by dressing and beneficiation of minerals performed in relation to their mining, as well as damages caused by special interventions into the earth's crust.
- (2) The loss of surface and underground water, essential decrease in yield of their sources and deterioration of their quality due to the activities specified in par. 1 are also consider mining damages.
- (3) The organisation, whose activity caused the mining damage is responsible for it with the exception of cases specified in Article 37 par. 73

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The Order of the Czechoslovak Commission for Atomic Energy no. 67/1987 on assurance of nuclear safety in handling with radioactive wastes.

<sup>19</sup> The Economic Code no. 109/1964 Coll. in wording of later regulations  
The Civil Code no. 40/1964 Coll. in wording of later regulations (comprehensive wording no. 70/1983 Coll.).  
Governmental Decree no. 46/1967 Coll. on settlement of damages caused by operation of socialistic organisations to tangible property of other socialistic organisations and on liquidated damages in the investment construction.

Article 37  
Liquidated mining damages

- (1) General regulations on indemnification are related to the mining damages, until this act specifies otherwise.
- (2) The organisation that has caused the loss of water, essential decrease in water yield of its source as well as deterioration of its quality, shall provide the spare source or water supply for the ill-conditioned, or to indemnify him or her offsetting the costs related to its provision, should they be expended by the ill-conditioned himself or herself in the purposeful and economic manner; in the other cases, the special regulations on recompensation of the loss of underground water are in force.<sup>20</sup>
- (3) The proved costs, which were purposefully expended for preventative security measures in order to avoid or to mitigate possible damages due to activities specified in Article 36, shall also be reimbursed. The measures conducted on construction works and facilities under conditions specified in the building permit or in the special regulations for the new established building or facility are not considered the preventative security measures from the point of view of possible impacts of the activities specified in Article 36.
- (4) In justified cases, mainly if it is necessary to solve in advance security and smoothness of transport, re-laying of public roads, technical networks, telecommunication lines and equipments, spare housing and special construction, it is possible to provide benefit in advance up to the amount of assumed damage and this benefit will be counted the liquidated damage. Should not the real amount of damage achieve the sum of benefit provided, the overpayment shall be returned back.
- (5) If it is not possible to bring the building in the previous state, because it lies in the territory of the building closure, or in the territory, where the impacts of the activities specified in Article 36 will be manifested, the organisation shall carry out temporary protection of the building; at the same time, the organisation shall agree with the owner of the building, if the indemnification should be implemented in cash, or if the organisation should provide a spare building, and of the amount of this indemnification. The movable property, which will become unserviceable after providing the spare building, shall be included in the indemnification. Should no agreement is achieved, it is necessary to proceed according to Article 33 par. 4.
- (6) Participants may also agree on another manner of indemnification for mine damages, until such an agreement is in contradiction to the stipulations of this act, or to the general regulations on indemnification.
- (7) The organisation shall not provide indemnification for damage or destruction of buildings and facilities, which were built in the deposit reservation or in the mining area without building permission, or if it fails to observe the conditions specified in the building permission from the point of view of protection against possible impacts of the activities specified in Article 36.

**PART EIGHT**  
**COMMON PROVISIONS**

Article 38  
Safety of operation

During mining activity<sup>12</sup>, the organisations and authorities shall assure safety of operation, including emergency prevention and fulfilling the tasks of the mine rescue service, remove immediately dangerous

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<sup>20</sup> Article 29 of the Act no. 138/1973 Coll. on waters (Water Act).

<sup>12</sup> The Act of Czech National Council no. 61/1988 Coll.  
The Act of Slovak National Council no. 51/1988 Coll.

conditions endangering public interests, mainly occupational safety and health and carry out any necessary preventive and protective measures.<sup>15</sup>

#### Article 39 Mine surveying and geological documentation

- (1) During mining activity, the organisation shall keep, timely update and archive the mine surveying and geological documentation.<sup>12</sup>
- (2) The organisations are entitled to reproduce and copy maps, which are necessary for conducting mining activity.
- (3) Details of the mine surveying documentation will be specified in the generally binding regulation issued by the Slovak Mining Agency. Details of the geological documentation will be specified in the generally binding regulation issued by the Slovak Geological Institute after agreement with the Slovak Mining Agency.

#### Article 40 Mine waters

- (1) Mine waters are represented by all underground, surface and rain waters that have penetrated into the underground and surface mines regardless if this has happened by percolation, gravitation from hanging wall, basement or from side or by simple inflow of rain water, until their connection with stable surface or underground waters.
- (2) The organisation is entitled during conducting mining activity<sup>1a</sup>:
  - a) to use mine waters for its own need free of charge,
  - b) to use mine water free of charge as a spare source for the needs of those, who were ill-conditioned by the loss of water due to activity of the organisation on the basis of the permit of the water management authority,
  - c) to discharge mine water, which the organisation does not need for its own activity, into surface or underground waters and to run it even through the foreign lands, as it is necessary, under the conditions specified by the water management authority and by the hygienic authority.
- (1) Should mine waters be used according to par. 2, letter a) and b), the organisation shall care of mine waters and use them economically. The use of mine waters for other purposes is regulated by special regulations.<sup>21</sup>
- (2) The permit of the water management authority issued after agreement with the Slovak Mining Agency is necessary for discharging other waters into mine waters.

#### Article 41 Relation to the Administrative Proceedings

The general regulations on the Administrative Proceedings<sup>22</sup> do not relate to the proceeding according to Article 3 par. 3, Article 6, 13, 14, 14a and Article 33 par. 3.

#### Article 42 repealed

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<sup>15</sup> Article 6 of the Act of Czech National Council no. 61/1988 Coll. Article 6 of the Act of Slovak National Council no. 51/1988 Coll.

<sup>1a</sup> Article 2 of the Act of Czech National Council no. 61/1988 Coll. on mining activity, explosives and State Mining Administration.

<sup>21</sup> Article 7 of the Act no. 138/1973 Coll.

<sup>22</sup> The Act no. 71/1967 Coll. on Administrative Proceedings (Administrative Proceeding Act)

**PART NINE**  
**TRANSIENT AND FINAL PROVISIONS**

Article 43  
Transient provisions

- (1) The deposits of non-reserved minerals, on which it has been decided that they are suitable for industrial mining according to the previous regulations, shall be considered since the date, on which this act entered into force, the suitable ones for the needs and development of the national economy according to Article 7.
- (2) The state organisations conducting prospecting and exploration of the exclusive deposits, as well as the state organisations, for which the mining area has been specified, are administrators of these exclusive deposits according to Article 9 since the date, on which this act entered into force.
- (3) The protected areas designed for protection of the exclusive deposits and of special interventions into the earth's crust are the deposit reservations according to Article 16 or protected areas according to Article 34 since the date, on which this act entered into force.
- (4) The mining reservations specified according to the previous regulations are considered to be the mining reservations according to this act and as the document of the territorial arrangements documentation. In the cases when the protected area has not been specified, the mining reservation specified according to the previous regulations is considered to be the deposit reservation according to this act. If the extent of the existing protected area or mining area does not ensure sufficient protection of the deposit, the administrator, or the permanent user of the exclusive deposit shall propose the deposit reservation within 1 year from the date, on which this act entered into force.
- (5) The protection or liquidation of the old workings, which started before the date, on which this act entered into force, shall be completed by the organisation, which has begun these works, until the central authority with its scope of competence according to Article 35 decides otherwise.

Article 44  
Abrogating provisions

The following is repealed:

1. The Act no. 41/1957 Coll. on utilisation of mineral resources (Mining Act),
2. Article 4 of the Governmental Decree no. 11/1958 Coll. on organisation of the state geological survey in wording of the Governmental Decree no. 82/1967 Coll., by which the Commission for Classification of Reserves of Mineral Deposit is subordinated to the Government.

Article 45  
Force

This act shall enter into force on 1st July, 1988.

The Act no. 498/1991 Coll. shall enter into force on 1st January, 1992.

Husák, sign manual  
Indra, sign manual  
Štrougal, sign manual

Article I  
(introduced by the Act no. 498/1991 Coll.)

Transient provisions

- (1) The deposits on non-reserved minerals, on which the respective central authorities of the state administration have decided that they are suitable for the needs and development of the national economy are considered to be the exclusive deposits according to this act.
- (2) The decisions of the respective central authorities of the state administration on specification of the mining areas issued according to the previous regulations are considered to be the decisions according to this act. The term according to Article 24 par. 6 shall start for these mining areas since the day, on which this act entered into force.
- (3) Estimations of the reserves of exclusive deposits approved according to the previous regulations are considered to be the estimations of reserves according to this act.
- (4) The liability to pay for the mining reservation according to the previous regulations shall start on the year following after the year, in which this act entered into force.
- (5) Payment for mined minerals shall be made for the first time for the minerals mined in 1993.