

GOVERNMENTAL ORDER no. 155
of the Government of the Slovak Republic
dated 14 June 1994

on payment for mining reservation and on payment for mined minerals

The Government of the Slovak Republic orders according to Cl. 32a par. 10 of the Act no. 44/1988 Coll. on protection and utilisation of mineral resources (the Mining Act) in wording of the Act of the Slovak National Council no. 498/1991 Coll.:

Article 1
Calculation of payment for the mining reservation

- (1) The legal entity or natural person (hereinafter referred to as the "organisation" only¹) shall calculate the annual payment for the mining reservation according to the area of the mining reservation on the surface.
- (2) Calculation of the annual payment for the mining reservation shall include the name of this reservation, data on the type of mineral, for which it was determined, on its area and on the amount of the annual payment.
- (3) Calculation of the payment according to par. 2 is a part of the documentation submitted with the proposal for determination of the mining reservation or with the proposal for its change.

Article 2
Payment for mining reservation

- (1) The organisation shall pay the calculated payment for the mining reservation into the state budget of the Slovak Republic through the Subdistrict Mining Office²), in which scope of competence the mining reservation is. The payment shall be paid each year starting from the calendar year, which follows after the year, in which the decision on determination of the mining reservation or on its change entered into force, however, at the latest by the end of February of the calendar year. Within this term the organisation shall submit the declaration of the payment for the mining reservation.
- (2) The payment for mining reservation is also related to the year, in which the abrogation of the mining reservation entered into force.

Article 3
Calculation of payment for mined minerals

- (1) The organisation, which exploits the exclusive deposit, shall calculate the payment for mined minerals as the percentage share of the total revenues for mined minerals or minerals after their dressing and beneficiation carried out in relation with their mining (hereinafter referred to as the "mined minerals" only), evaluated by the market price in the period, for which calculation of the payment was made. The method of calculation of the payment is given in Annex no. 1 to this Order.
- (2) If the organisation does not sell the mined minerals, but it processed them into products and the market price of the mined minerals is not known due to the above reason, the base for calculation of the payment for the mined minerals shall be determined as the product of share of the costs of mining of minerals to the total costs of the products made from the mined minerals and revenues for sold products during the

¹Art. 7 of the Act no. 44/1988 Coll. on protection and utilisation of mineral resources (the Mining Act) in wording of the Act of Slovak National Council no. 498/1991 Coll.

² The Order of the Slovak Mining Agency no. 535/1991 Coll., which specifies the subdistricts for the Subdistrict Mining Offices.

period of calculation of the payment. The method of calculation of the payment is given in Annex no. 1 to this Order.

- (3) The amount of rates for the mined minerals for calculation of payments according to types of minerals is given in Annex 2 to this Order.
- (4) The market price of the mined minerals is the price of 1 tone (m³) of the mined mineral or the price of 1 tone (m³) of the mineral dressed or beneficiated in relation to its mining, for which the organisation sold these minerals in the calendar year or a part thereof.³
- (5) If the organisation has used the mined minerals or products made from the mined minerals for its own purposes, or if it has not sold them, the anticipated incomes, which would be obtained by sale of these mined minerals or products in the period, for which calculation is performed, shall also be included into total incomes according to par. 1 and 2.
- (6) The payment for mined minerals shall be calculated based on the document on the capacity of mining, document on incomes, documents on the costs spent for mining of minerals and on the total costs spent for production of the products from the mined minerals, or permission for reduction of this payment according to Article 5 for the period of calculation.
- (7) The organisation shall calculate the payment for mined minerals for each quarter of the calendar year. The first calculation shall be made for the quarter, in which the organisation mined the reserved mineral, or dressed or beneficiated it in relation with its mining. Calculation of the payment for the fourth quarter shall include, in addition to calculated payment for this quarter, the total payment for the calendar year.

Article 4

Payment for mined minerals

- (1) The payment for the mined minerals shall be performed by the organisation quarterly in the amount calculated according to Article 3, always by the end of the second month of the next quarter. The payment after final account for the calendar year is due by the end of February in the next year. The organisation shall submit the declaration of payment for mined minerals to the Subdistrict Mining Office within the above terms.
- (2) The payment for mined minerals shall be paid by the organisation to the state budget of the Slovak Republic through the Subdistrict Mining Office within whose scope of competence the mining reservation belongs.

Article 5

Reduction of payment for mined minerals

- (1) The reduction of payment for mined minerals can be permitted by the Ministry of Finance of the Slovak Republic based on the request of the organisation after the agreement with the Ministry of Economy of the Slovak Republic. The organisation shall send this request to the Ministry of Finance of the Slovak Republic through the Ministry of Economy of the Slovak Republic, which will enclose its written standpoint to this request.
- (2) The reduction of payment for mined minerals may be permitted in the following cases:
 - a) utilisation of non-economic reserves of the exclusive deposit,
 - b) granting state subsidy for mining of the exclusive deposit,
 - c) mining of the exclusive deposit with complicated mine-technological, safety or geological conditions⁴
 - d) proved use of financial means for the establishment and operation of environmental construction works,

³ The Act no. 526/1990 on prices

⁴ For instance Article 14a par. 2 letter a) of the Mining Act.

- e) when the organisation was affected by the serious emergency event or break down⁵ during mining of the exclusive deposit, which caused it damages exceeding SKK 10 mil.

Article 6

Exemption from payment for mined minerals

- (1) The exemption from payment for mined minerals can be granted by the Ministry of Finance of the Slovak Republic after agreement with the Ministry of Economy of the Slovak Republic for the definite period of time in the cases specified in Article 5 par. 2, if the mining of the deposit is in public interest. The provision of Article 5 par. 1 is in force here in a similar way.
- (2) The exemption from payment for mined minerals can be granted for the period of three years.

Article 7

Cessation of the reason for reduction of or exemption from payment for mined minerals

- (1) Should the reason for reduction of or exemption from the payment for mined minerals cease to exist for the organisation, the organisation shall this fact announce to the Ministry of Finance of the Slovak Republic and to the Subdistrict Mining Office within the end of the next month.
- (2) Should the organisation fail to fulfill this duty according to par. 1, it shall pay the payment for mined minerals in the full amount from the date, on which the reason for reduction of or exemption from payment ceased to exist.

Article 8

Administration of payments

- (1) Payments for mining reservations and payments for mined minerals are administered by the Subdistrict Mining Offices.⁶
- (2) In administration of payments, the Subdistrict Mining Offices shall proceed according to regulations on administration of taxes and duties.⁷

Article 9

Keeping payment accounts

- (1) The Subdistrict Mining Office shall keep payment accounts for mining reservations and payment accounts for mined minerals.
- (2) Declarations of payments are documents, which are necessary for keeping payment accounts according to par. 1. They shall be submitted by the organisations to the Subdistrict mining Offices (Article 2 par. 1, Article 4 par. 1).

Article 10

Transitional provision

The first calculation of payment for mined minerals according to this Order shall be carried out for the third quarter 1994.

Article 11

Repealing provision

⁵ Article 5 and 6 of the Act of Slovak National Council no. 51/1988 Coll. on mining activity, explosives and State Mining Administration in wording of the Act of Slovak National Council no. 499/1991 Coll.

⁶ Article 32a par. 3 of the Mining Act.

⁷ The Act of Slovak National Council no. 511/1922 Coll. on administration of taxes and duties and on changes in the system of territorial financial authorities in wording of the Act of National Council of the Slovak Republic no. 165/1993 Coll., the Act of National Council of the Slovak Republic no. 253/1993 Coll. and the Act of National Council of the Slovak Republic no. 254/1993 Coll.

The Governmental Order of the Government of the Slovak Republic no. 532/1992 Coll. on payment for the mining reservation and on payment for mined minerals is repealed.

Article 12
Force

This Order shall enter into force on 1st July, 1994.

Jozef Moravčík, sign manual

Annex no. 1
to the Governmental Order of the Government of the Slovak Republic
no. 155/1994 Coll.

MANNER OF CALCULATION OF PAYMENT
FOR MINED MINERALS OF THE EXCLUSIVE DEPOSIT

A. Manner of calculation of payment for mined minerals according to Article 3 par. 1 of the Governmental Order:

$$\dot{U} = \frac{T \cdot s}{100}$$

U - payment for mined minerals (thous. SKK)
T - total revenues for mined minerals (thous. SKK)
S - rate of payment (%)

B. Manner of calculation of payment for mined minerals according to Article 3 par. 2 of the Governmental Order:

$$\dot{U} = \frac{Nd}{Nc} \cdot \frac{T \cdot s}{100}$$

U - payment for mined minerals (thous. SKK)
Nd - cost of mining (thous. SKK)
Nc - total cost of products made of mined minerals (thous. SKK)
T - total revenues for products (thous. SKK)
S - rate of payment (%)

Annex no. 2
to the Governmental Order of the Government of the Slovak Republic
no. 155/1994 Coll.

AMOUNT OF PAYMENT RATE FOR MINED MINERALS BY TYPE OF MINERALS

Type of mineral	Rate in %
a) radioactive minerals	10
b) minerals, from which it is possible to produce metals with exception of gold and silver ores	2
c) gold and silver ores	5
d) magnesite	3
e) lignite and coal	2
f) oil and combustible natural gas	5
g) halite, potassium, boron, bromine and iodine salts,	5
h) minerals, from which it is possible to obtain phosphorus, sulphur and fluorine or their compounds	4

Type of mineral	Rate in %
in the industrial manner	
i) graphite, barite, asbestos, mica, talc, diatomite, mineral pigments, bentonite,	3
j) barite, talc	4
k) glass sand and foundry sand	6
l) quartz, quartzite, limestone, dolomite, marl, basalt, phonolite, trachyte, if these minerals are suitable for chemical-technological processing by melting	6
m) granite, granodiorite, diorite, gabbro, diabase, serpentine, dolomite and limestone, if they are workable in blocks and polishable and travertine	7
n) technically usable crystals of minerals and gemstones	8
o) minerals, from which it is possible to obtain rare earth elements and elements with properties of semi-conductors in the industrial manner,	6
p) halloysite, gypsum, anhydrite, perlite, zeolite	4
q) ceramic and refractory clays and claystones	4
r) kaolin	6
s) feldspar pegmatites	2
t) mineralized waters, from which reserved minerals can be obtained in the industrial manner,	4
u) technically usable natural gases, which do not belong among gases specified under letter b).	5

Non-reserved minerals of the exclusive deposits (Article 32a par. 9 of the Mining Act in wording of the Act of Slovak National Council no. 498/1991 Coll.)

a) gravel sands and sands	0.5
b) aggregates	0.3
c) brick-clays, clays, claystones and other correction minerals for production of cement	0.4
d) minerals for production of abrasives	1