

415/1992 Coll.

Regulation Of the Slovak Geological Institute

From July 7, 1992

on granting the license on the execution of the geological works and verification of the expert competence of the workers

The Slovak Geological Institute, according to Article 3 sec. 7 and Article 26 sec. 1 of the Slovak National Council Act No. 52/1988 Coll. on geological works and on the Slovak Geological Institute in wording of the Slovak National Council Act No. 497/1991 Coll. establishes:

Article 1 *Basic Provisions*

(1) This Regulation modifies the details:

- a. on granting the license on the execution of geological works and administration of persons,
1)
- b. on the expert competence of workers to project, execute and evaluate geological works, the way how to evaluate the expert competence of workers and specification of their sphere.

(2) This Regulation is related to geological works, 2) that are mining activities 3) or activities executed in a mining way. 4)

(3) The execution, projection and evaluation of such geological works that are not mining activities or activities executed in a mining way, is related to a separate legal order. 5)

(1) Article 3 sec. 1 let. a) of the Slovak National Council Act No. 52/1988 Coll. on geological works and on the Slovak Geological Institute in wording of the Slovak National Council Act No. 497/1991 Coll.

(2) Article 2 of the SNR Act No. 52/1988 Coll. in wording of the SNR Act No. 497/1991 Coll.

(3) Article 2 let. a), f) and g) of the Slovak National Council Act No. 51/1988 Coll. on mining competence, explosives and on the state mining administration in wording of the Slovak National Council Act No. 499/1991 Coll.

Article 3 sec. 2 let. c) of the Act No. 455/1991 Coll. on trade enterprising (Commercial Code).

(4) Article 3 sec. a) and b) of the SNR Act No. 51/1988 Coll. in wording of the SNR Act No. 499/1991 Coll.

Article 3 sec. 2 let. c) of the Commercial Code,

5) Annex No. 3 group 314: the rest, of the Commercial Code.

Article 2

Application for Granting the License on the Execution of Geological Works

(1) The application for granting the permission to execute geological works 6) or the application for its change will be delivered to the Slovak Geological Institute.

(2) In the application for granting the permission to execute geological works, the natural person will state:

- a. name and surname, permanent residence, personal identification number, if a responsible representative has been named, also the data relative to that person; if the application is submitted by a person registered in the trade register, the printout from this register will be attached too,
- b. the trade name,
- c. the basic subject of competence
- d. the kind of geological works, 7)
- e. identification number, if it was allocated,
- f. material equipment 8)
- g. time of completion of the execution, projection and evaluation of geological works, if the person intends to perform the competence within a specified period.

(3) In the application for granting the permission to execute geological works, the legal unit will state:

- a. the trade name, headquarters, the legal form, as well as the name and residence of the person or persons who are a statutory representative of the legal unit, the way how they will act in the name of the person and other data on the responsible representative,
- b. identification number,
- c. the basic subject of competence,
- d. the kind of geological works, 7)
- e. the material equipment 8)
- f. time of completion of the competence, if assumed that the geological works are indented to be projected, executed and evaluated within a specified period.

(4) On request of the founders, or the organs or persons authorized to render the entry of a Czechoslovak legal unit into the trade register, the license on the execution, projection and evaluation of geological works will be issued before the entry into the register and proof of the founding of the legal unit will be attached.

(5) To the application for granting the permission to execute geological works, the following items will be attached by:

- a. the natural person – document indicating expert competence (Article 8), if need be the document indicating the expert competence of the statutory representative,
- b. the legal unit – the document indicating the expert competence of the statutory representative.

6) Article 3 sec.1 let. a) of the SNR Act No. 52/1988 Coll. in wording of the SNR Act No. 497/1991 Coll.

7) For instance, the complex solution of geological works of the deposit, hydro-geological, engineering-technological survey and the survey of environmental geo-factors, output of technical works in the scope of geological works such as holes, mining works and excavations, geo-physics, laboratory works, the monitoring and control of geological works, geological documentation, geological mapping, concluding report workout and calculation of supplies, reviewing competence (except reviewing of the concluding reports, projects, technical and scientific articles, etc.).

8) For instance the instruments and equipment necessary for the realization of geophysical, laboratory and other technical works.

Article 3

License on the Execution of Geological Works

(1) In the license on the execution of geological works issued to a natural person will be stated as follows:

- a. the name and surname, permanent residence and personal identification number, and if a statutory representative has been appointed, also the data concerning this person,
- b. the trade name,
- c. the kind of geological works, 7)
- d. the conditions of the execution of geological works,
- e. the period of validity of the issued license,
- f. the issue date of the license

(2) In the license on the execution of geological works issued to a legal unit it will be stated as follows:

- a. the trade name, headquarters and identification number if the legal unit was registered in the trade register before submitting the application, and personal data of the statutory representative,
- b. the kind of geological works, 7)
- c. the conditions of the execution of geological works,
- d. the period of validity of the issued license,
- e. the issue date of the license.

3. All changes concerning the data and papers, respective to the application for granting the license, should be delivered within 15 days of their origination to the Slovak Geological Institute and submit the documents on it.

4. A copy of the license on the execution of geological works, its change or cancellation will be sent to the tax administration executive organ, the state statistical organ and the sub-district mining institution.

7) For instance, the complex solution of geological works of the deposit, hydro-geological, engineering-technological survey and the survey of environmental geo-factors, output of technical works in the scope of geological works such as holes, mining works and excavations, geo-physics,

laboratory works, the monitoring and control of geological works, geological documentation, geological mapping, concluding report workout and calculation of supplies, reviewing competence (except reviewing of the concluding reports, projects, technical and scientific articles, etc.).

8) For instance the instruments and equipment necessary for the realization of geophysical, laboratory and other technical works.

Article 4 ***Evidence***

1. The persons, 1) who were granted the license on the execution of geological works, are registered.
2. The following data will be entered into the register:
 - a. with a natural person, the name and surname, personal identification number and identification number and if a statutory representative has been appointed, also the data concerning this person; with a legal unit, the name, trade name, headquarters, identification number and the data concerning the statutory representative,
 - b. the kind of geological works, 7)
 - c. the conditions of the execution of geological works as long as assigned before,
 - d. the period of validity of the license on the execution of geological works,
 - e. the changes in the data stated above,
 - f. the expiration date of the license on the execution of geological works.

1. Anyone who proves legal interest can look into the register.

1. Article 3 sec. 1 let. a) of the Slovak National Council Act No. 52/1988 Coll. on geological works and on the Slovak Geological Institute in wording of the Slovak National Council Act No. 497/1991 Coll.

7) For instance, the complex solution of geological works of the deposit, hydro-geological, engineering-technological survey and the survey of environmental geo-factors, output of technical works in the scope of geological works such as holes, mining works and excavations, geo-physics, laboratory works, the monitoring and control of geological works, geological documentation, geological mapping, concluding report workout and calculation of supplies, reviewing competence (except reviewing of the concluding reports, projects, technical and scientific articles etc.).

Article 5 ***Technical Competence***

(1) Technical competence is understood to be a summary of theoretical knowledge, practical experience and knowledge of the general obligatory legal orders and other orders revising the projection, execution and evaluation of geological works; proved by a test.

(2) The verification of technical competence according to section 1 will be repeated every four years.

(3) The verification will be proved with:

(a) the natural person, who executes the geological works on the basis of a license, his or her statutory representative if appointed,

(b) the statutory representative of the legal unit, who executes the geological works on the basis of a license,

(c) the person responsible for geological problem solving, 9)

(4) If a person is technically capable, having a university degree in the sphere of natural or technical sciences and has at least three years of experience in the sphere, or is a responsible person with technical secondary education in the appropriate geological or technical sphere and has at least eight years of experience in the sphere, he may be appointed as the person responsible for geological problem solving.

(5) This Regulation does not cover the verification of technical competence, according to special orders. 10)

9) Article 1 sec. 6 of the Slovak Geological Institute Act No. 127/1989 Coll. on the projection, execution and evaluation of geological works, granting the license and on technical competence on the execution of.

10) For instance the Regulation of the Slovak Mine Institution No. 104/1989 Coll. on the verification of technical competence of the workers in mining activities performed in a mining way.

Article 6 ***Application for the Examination***

1. The applications for an examination are submitted to the Slovak Geological Institute. The name, surname, degree, education, years of experience in the sphere and in the operation function, as well as the date of the last examination will be stated in the application.

(2) The Slovak Geological Institution will announce the date and place of the examination one month before at the latest.

Article 7 ***Examining Body***

(1) The examination will be done before an examining body. The examining body will be constituted from within experts in theory and practice, representatives of professional associations 11) and workers of the Slovak Geological Institute. Its chairman is also a worker of the Slovak Geological Institute. Membership in the examining body is considered to be another operation in the common interest. 12)

(2) The examining body acts and decides with no less than a three-member assembly and passes resolutions with a majority of votes.

(3) The results of the examination will be evaluated by the marks “pass” and “fail”. These results are then put on a list where the posed questions, the evaluation of answers and the results of the test will be stated.

(4) If a worker fails the exam, he may repeat it on the basis of a new application, submitted within the term specified by the chairman of the examining body. The term must not be shorter than three months.

11) The Slovak Association of Engineers of Geology, The Slovak Association of Hydro-geologists, the Slovak Geological Society for instance.

12) Article 124 sec. 2 of the Labor Code.

Article 22 sec. 4 of the Government of the Czechoslovak Socialist Republic Act No. 223/1988 Coll. by which the Labor Code is administered.

The part I let. d) of the supplement of the Regulation of the Federal Ministry of Labor and Social Affairs No. 18/1991 Coll. on other common interest sequences.

Article 8 *Document on Technical Competence*

(1) The Slovak Geological Institute will issue the papers on technical competence to a person who successfully passes the examination before the examining body according to Article 7, where the competence and function of the license will be stated. Repeated evaluation of technical competence according to Article 5 sec. 2 will be noted in the issued license.

(2) The applicant appointed to the function according to Article 5 sec. 3 satisfy additional assumption on the administration of the function, if he gets possession of technical competence within six months of the appointment to the function.

(3) The Slovak Geological Institute shall suspend the license on technical competence of workers who did not comply with the new evaluation of technical competence or did not submit to repeated evaluation. The suspension of the license on technical competence during the execution, projection and evaluation of geological works according to Article 1 sec. 3 shall be notified by the Slovak Geological Institute to the competent trade institution, 13) or if need be to the registered court 14) and organization.

(4) If someone did not get possession of the license on technical competence or he did not submit to repeated evaluation according to Article 5 sec. 2, he is not allowed to perform the functions requiring technical competence according to Article 5 sec. 3. If the worker performs such a function, this circumstance is the reason for transferal to some other position 15) or dismissal. 16)

13) Article 59 of the Commercial Code.

14) Article 27 sec. 3 of the Commercial Code

15) Article 37 sec. 2 let. a) and Article 37 sec. 3 of the Labor Code.

16) Article 46 sec. 1 let. e) of the Labor Code.

Article 9

Ensuring Preparation for the Examination

- (1) The applicant bears the expenses related to the examination preparation and participation.
- (2) Participation in the examination is considered to be an interruption at work from the side of the worker.

17) Article 126 sec. 2 of the Labor Code.

Common, Temporary and Concluding Provisions

Article 10

On the execution, projection and evaluation of geological works, which are not mining activities or activities, performed in a mining way, the provisions Article 4 to Article 9 of this Regulation are related likewise.

Article 11

Anybody, who performs the function according to Article 6 sec. 3 the time when this Regulation comes into effect, he satisfies further assumption for the administration of the function, if he gets possession of technical competence within one year of this Regulation coming into effect.

Article 12

Abrogated Provision

The sixth part of the Slovak Geological Institute Regulation No. 127/1989 Coll. on the projection, execution and evaluation of geological works, granting the license and on the technical competence on their execution is abrogated.

Article 13

Effectiveness

This Regulation comes into force on the day of its declaration.

Chairman: **RNDr. Jablonský** sign. manual.