

Mining Code (new)

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Labour Code Maritime Labour Code Labour Code applicable in Mayotte Town Planning Code Code of Public Roads

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LEGISLATIVE PART

L.100-1

o *Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R*

Unless otherwise stipulated in this Code, the nature of the substances contained in a deposit of fossil or mineral substances shall be the sole factor determining whether the deposit is subject to the statutory regulations governing mines or the statutory regulations governing quarries.

L.100-2

o *Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R*

Any mineral or fossil substance that does not qualify as a mined substance under Book I of this Code shall be regarded as a quarried substance.

BOOK I: STATUTORY REGULATIONS GOVERNING MINES

TITLE I: SCOPE

Chapter I: Deposits containing mined substances

Section 1: General provisions

L.111-1

o *Ordinance No 2011-91 of 20 January 2011 – Article Annex*

Deposits in the Earth's crust or on its surface that are known to contain the following mineral or fossil substances shall be subject to the statutory regulations governing mines:

1. hydrocarbons and fossil fuels, with the exception of peat, in solid, liquid or gaseous form, graphite, diamond;
2. sodium and potassium salts in a solid state or in solution, with the exception of those

- contained in saline water used for therapeutic or leisure purposes;
3. alum, sulphates other than alkaline earth sulphates;
 4. bauxite, fluorine;
 5. iron, cobalt, nickel, chrome, manganese, vanadium, titanium, zirconium, molybdenum, tungsten, hafnium, rhenium;
 6. copper, lead, zinc, cadmium, germanium, tin, indium;
 7. cerium, scandium and other rare earth elements;
 8. niobium, tantalum;
 9. mercury, silver, gold, platinum, platinum group metals;
 10. helium, lithium, rubidium, caesium, radium, thorium, uranium and other radioactive elements;
 11. sulphur, selenium, tellurium;
 12. arsenic, antimony, bismuth;
 13. carbon dioxide, with the exception of the gas naturally contained in waters that are or will be used for human consumption or therapeutic purposes;
 14. phosphates;
 15. beryllium, gallium, thallium.

L.111-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

For the purpose of use within the economy, substances that are covered by the statutory regulations governing quarries in line with the principle outlined in Article *L.100-2* may be added to the mined substances listed in Article *L. 111-1*, under the conditions provided for in Article *L.312-1*.

Section 2: Provisions specific to deposits containing substances that can be used to generate nuclear power

L.111-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Without prejudice to the general competencies granted to it under Article *L.332-2* of the Research Code, the Atomic Energy and Alternative Energy Commission shall, in consultation with the ministries affected, organise and monitor prospecting and exploitation activities involving viable deposits of the substances referred to in Article *L.111-1* that have been identified as suitable for the generation of nuclear power in a decree by the Council of State.

Section 3: Phasing out of searches for and exploitation of hydrocarbons and coal

L.111-4

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By way of derogation from Titles II to IV of this Book, searches for and exploitation of liquid or gaseous hydrocarbons and coal shall be governed by the provisions of this section.

L.111-5

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For the purposes of this section, the term ‘mine gas’ shall be understood to mean gas located in coal seams that have been previously exploited, provided that the activities carried out to recover the gas are limited to those necessary to maintain a vacuum in the mine voids containing the gas for venting purposes.

For the purposes of this section, a gas whose recovery would require stimulation, cavitation or fracturing of a viable deposit may not be regarded as a ‘mine gas’.

L.111-6

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Searches for and exploitation of coal and all liquid or gaseous hydrocarbons shall be gradually phased out with a view to terminating these activities permanently, regardless of the method used, with the exception of mine gas as defined in Article *L.111-5*, and under the conditions and arrangements set out in this section.

Liquid or gaseous hydrocarbons associated (within the meaning of Article L.121-5) with a viable deposit covered by a mining exploitation permit for a substance not referred to in the first sub-paragraph of this article may not be exploited by the holder of the permit and must be left in the subsoil.

By way of exception to the second sub-paragraph of this article, the administrative authority shall allow the holder of the permit to incorporate these hydrocarbons into an industrial process insofar as their extraction is recognised as an essential prerequisite for use of the substances covered by the exploitation permit or as an essential component of a risk management plan. Any hydrocarbons extracted in this way must be used for strictly local purposes, and may not be fed into a transport network or liquefied.

L.111-7

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The holder of a mining exploitation permit for a substance referred to in the first sub-paragraph of Article *L.111-6* shall be entitled to convert this permit into an exploitation permit for a substance not referred to in this sub-paragraph or for a different subsoil use referred to in this Code, provided that the request is submitted no later than 4 years before expiry of the permit, and provided that the holder can prove to the administrative authority firstly that an association pursuant to Article *L.121-5* exists between the new substance or the new use and the hydrocarbons contained in the viable deposit, and secondly that exploitation of the viable deposit would be economically viable.

The permit shall be converted in line with the conditions provided for in Title IV, Chapter II, Section 1, Sub-Section 2 of this Book; the permit shall not be put out for competitive tender.

L.111-8	○
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Article *L.111-6* shall apply to searches and exploitation in the subsoil or on the surface of the land territory and of the public maritime domain, on the seabed and in the subsoil of the exclusive economic zone and the continental plate defined in Articles 11 and 14 respectively of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic.

L.111-9	○
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The competent authority shall no longer grant:

1. an exclusive search permit or a preliminary prospecting permit for the purpose of searches, including for experimental purposes, relating to one or more of the substances referred to in the first sub-paragraph of Article L.111-6;
2. a concession for exploitation of these substances, except in the cases provided for in Article L.132-6;
3. a renewal of a concession relating to these substances for a period ending after 1 January 2040.

Renewal of an exclusive search permit relating to these substances shall still be possible in application of Article L.142-1 and the second sub-paragraph of Article L.142-2.

L.111-10	○
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Where justified by environmental protection concerns, safety concerns, public health

concerns or concerns relating to other existing or planned uses of the soil or subsoil, specifications shall be drawn up that outline the specific requirements to be met by the holder of the mining permit.

The specifications shall be drawn up by the administrative authority responsible for issuing mining permits for hydrocarbon exploration or exploitation, or for extending or renewing such a permit. They must take into account the outcomes of the administrative examination of the application for a mining permit or the application for an extension or renewal of such a permit; in the event that a public participation procedure was carried out in connection with the application, the administrative authority may amend the specifications to take into consideration the outcomes of this procedure. The applicant shall be informed of the specifications.

L.111-11	○
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Mining permits and authorisations duly issued prior to the day following the publication date of *Law No 2017-1839* of 30 December 2017 phasing out hydrocarbon searches and exploitation and laying down various provisions relating to energy and the environment, and mining permits and authorisations that are still valid pursuant to this section shall, until their expiry, continue to be governed by the applicable provisions of this Code and by Book I, Title II, Chapter II of the Environmental Code and by *Law No 2011-835* of 13 July 2011 prohibiting the use of hydraulic fracking methods in connection with exploration for and exploitation of liquid or gaseous hydrocarbon mines and repealing exclusive search permits for projects involving such methods.

L.111-12	○
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Concessions granted in application of Article *L.132-6* as of the publication date of *Law No 2017-1839* of 30 December 2017 phasing out hydrocarbon searches and exploitation and laying down various provisions relating to energy and the environment may not have an expiry date later than 1 January 2040 unless the holder of an exclusive search permit can prove to the administrative authority that a concession expiring before this date would be too short to allow search and exploitation costs to be covered in an economically viable manner through exploitation of a profitable deposit discovered within the boundaries of the permit during its term of validity. If this is the case, the manner by which these search and exploitation costs are taken into consideration shall be decided on by the administrative authority and stipulated in a decree by the Council of State as provided for in Article *L.132-2*.

Section 4: Prohibition on the use of hydraulic fracking methods or any other non-conventional methods for hydrocarbon searches or

exploitation

L.111-13

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In application of the Environmental Charter of 2004 and in line with the principle of preventive and corrective action pursuant to Article *L.110-1* of the Environmental Code, searches for and exploitation of liquid or gaseous hydrocarbons through drilling followed by hydraulic fracking of the rock shall be prohibited on French territory. Searches for and exploitation of liquid or gaseous hydrocarbons through drilling followed by the use of any other method that results in the pore pressure of the geological formation exceeding its lithostatic pressure shall also be prohibited on French territory, with the exception of one-off measures carried out for the purpose of operational maintenance or well safety.

L.111-14

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I. -As of the publication date of *Law No 2017-1839* of 30 December 2017 phasing out hydrocarbon searches and exploitation and laying down various provisions relating to energy and the environment, any applicant for a permit or authorisation relating to one or more of the substances referred to in Article *L. 111-6* must submit to the administrative authority, along with the application, a report proving that no use will be made of the methods prohibited in application of Article *L.111-13*. The administrative authority shall publish this report before exploration or exploitation commences.

II. -If the applicant fails to submit the report required pursuant to I. of this article or if the report does not prove that no use will be made of the methods prohibited pursuant to Article L.111-13, the permit shall not be issued.

Chapter II: Geothermal deposits

L.112-1

○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Deposits in the Earth's crust from which thermal energy can be recovered, in particular through use of the underground steam and hot water they contain ('geothermal deposits') shall be subject to the statutory regulations governing mines.

However, geothermal activities or installations that involve exchanges of thermal energy with the subsoil shall not be subject to the statutory regulations governing mines if they have no significant impact on the environment and do not entail any specific measures aimed at protecting the interests referred to in Articles *L.161-1* et *L.161-2*. The activities or installations affected shall be stipulated in a decree by the Council of State, depending

on the nature of the structures and the heat transfer fluids used and the thresholds for the depth and thermal output of the structures, for the temperature of the environments concerned and for the flow rates of the water that is withdrawn, re-injected or discharged.

L.112-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Geothermal deposits shall be classified as low-temperature or high-temperature deposits according to the regulatory procedures adopted.

L.112-3	○
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Low-temperature geothermal deposits that are regarded as small-scale geothermal activities shall include geothermal activities carried out under this Code which involve exchanges of thermal energy with the subsoil but which do not pose any major inconvenience or risk to the interests referred to in Article *L.161-1* and which meet the requirements laid down in a decree by the Council of State on the basis of the characteristics referred to in the second sub-paragraph of Article *L.112-1*.

This decree by the Council of State shall also stipulate the cases in which derogations from Titles II, III, V and VI of this Book shall be granted for small-scale geothermal activities.

TITLE II: SEARCHES

Chapter I: General provisions

L.121-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Searches aimed at discovering mines may only be carried out:

1. by the owner of the land or with the latter's consent, after submitting a declaration to the competent administrative authority;
2. in the absence of any such consent, with the approval of the competent administrative authority, after the owner has been asked to submit observations and under the conditions set out in a decree by the Council of State;
3. by the holder of the exclusive search permit provided for in Chapter II of this Title.

L.121-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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Within the boundaries of a concession or state exploitation, the concession holder or the state as applicable shall hold the sole right (to the exclusion of all other parties, including the owner of the land) to carry out searches for the substance or substances covered by the concession or the state exploitation.

L.121-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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With the exception of searches for liquid or gaseous hydrocarbons, a party carrying out exploration activities which does not hold an exclusive search permit may only dispose freely of the products extracted as a result of the searches if authorised to do so by the administrative authority.

L.121-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any holder of an exclusive search permit or an authorisation granted pursuant to 2. of Article *L. 121-1* must, under penalty of the sanctions provided for in 4. of Article *L.512-1*, make available to the Atomic Energy and Alternative Energy Commission, upon request by the latter and in return for fair remuneration, any substances which have been identified as suitable for the generation of nuclear power in Articles *L.111-3* and *L.311-2* and which are covered by the permit or authorisation or which are in the same proven deposit and associated with the substances covered by the permit or authorisation.

L.121-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Substances contained in a mineral or fossil mass that must be blasted in order to allow the substances referred to in the permit or authorisation to be extracted shall be regarded as associated substances for the purposes of this Code.

Chapter II: Exclusive search permit

Section 1: General provisions

L.122-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An exclusive search permit for substances eligible for concessions shall grant its holder an exclusive right to carry out any searches within the boundaries defined in said permit

and to dispose freely of the products extracted as a result of searches and testing.

L-122-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Exclusive search permits may only be granted to parties with the technical and financial capabilities required to complete the searches successfully and to take on the obligations referred to in the decrees adopted for the purpose of protecting the interests referred to in Article *L.161-1* and Articles *L.161-1* and L.163-1 to L.163-9. A decree shall be adopted by the Council of State outlining the criteria for assessing these capabilities, the conditions under which the permits are granted and the procedure for examining applications.

L.122-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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After a competitive tendering procedure has been completed, an exclusive search permit shall be granted by the competent administrative authority for an initial term of no more than 5 years.

Chapter III: Maritime searches

Section 1: Searches for any mineral or fossil substances on the continental shelf and in the exclusive economic zone

L.123-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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Without prejudice to the applicable provisions of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic and any texts implementing this Ordinance, searches for and transport by pipeline of all mineral or fossil substances contained in the subsoil of the continental shelf as defined in Article 14 of said Ordinance, on the seabed and in the subsoil of the exclusive economic zone as defined in Article 11 of said Ordinance, or present on their surface, shall be subject to the statutory regulations applicable to mined substances pursuant to this Book.

L.123-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Applications for exclusive search permits for the mineral or fossil substances listed in Article *L.111-1* and relating in whole or in part to the continental shelf and the exclusive economic zone shall be examined in accordance with Article *L.122-3*.

In the case of applications for an exclusive search permit for mineral substances other than those listed in Article *L.111-1*, the examination shall (where applicable) include the public enquiry provided for in Article *L.123-8* and the preliminary consultation provided for in Article *L.123-10*.

L.123-2-1	○
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Without prejudice to Article *L.122-2*, an exclusive search permit for liquid or gaseous hydrocarbons may not be issued if the applicant has failed to supply evidence that appropriate precautions have been taken to cover the expenses that would be incurred if the applicant's liability were invoked in connection with a major accident, and to ensure prompt compensation of any damages suffered by third parties. These precautions may take the form of financial guarantees and must be valid and effective from the date on which work commences.

In an evaluation of the technical and financial capabilities of an applicant that has submitted an application for an exclusive search permit for liquid or gaseous hydrocarbons, particular attention must be paid to ecologically sensitive maritime and coastal environments, and in particular to ecosystems that play a major role in mitigating climate change and adapting to climate change, such as:

1. salt marshes;
2. seagrass meadows;
3. marine protected areas, such as special conservation zones and special protection zones within the meaning of Article *L.414-1* of the Environmental Code and the marine protected areas agreed by the European Union or the relevant Member States under the international or regional agreements to which they are party.

The conditions under which this article applies, and in particular the nature of the financial guarantees and the rules according to which the amount of these guarantees is decided, shall be stipulated in a decree by the Council of State.

L.123-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In addition to exclusive search permits, preliminary prospecting authorisations may be granted for searches on the continental shelf and in the exclusive economic zone for any mineral or fossil substances, whether or not referred to in Article *L.111-1*, under the conditions set out in a decree by the Council of State. Applications for preliminary prospecting authorisations shall be examined under the conditions laid down in Article *L.123-15*.

L.123-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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The provisions of this section shall not apply in the ecological protection zones created by the French authorities in application of the competencies granted to them under Article 13 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic.

Section 2: Searches for substances quarried from the public maritime domain

Sub-Section 1: General provisions

L.123-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Without prejudice to the provisions on the public maritime domain and subject to the provisions of this section, searches for mineral substances other than those referred to in Article *L.111-1* shall be subject to the statutory regulations that apply to searches for mined substances if the mineral substances are contained in the seabed of the public maritime domain.

L.123-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that an authorisation to use state-owned land required for exploration of the seabed of the public maritime domain is withdrawn or its scope is reduced, the holder of the search permit for the mineral substances referred to in Article *L.123-5* or of the preliminary prospecting authorisation provided for in Sub-Section 3 must, as appropriate, either suspend all activities or restrict these activities to areas that are still covered by the authorisation to use state-owned land.

L.123-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The procedure for examining applications for mining permits relating to searches for mineral substances other than those referred to in Article *L.111-1* and contained on the seabed of the public maritime domain, applications for preliminary prospecting authorisations and applications for authorisations to use state-owned land shall be stipulated in a decree by the Council of State.

Sub-Section 2: Public information and participation

L.123-8	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If the application for an exclusive search permit is submitted at the same time as the application for an authorisation required to commence work, the examination of the application for a permit shall occasion a single public enquiry carried out in accordance with Article *L.162-7* subject to the specific provisions outlined in Articles *L.123-9* and *L.123-10*.

L.123-9	<ul style="list-style-type: none">○
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The set of documents made available for the public enquiry shall not include any information which is covered by the discoverer's or industrial property rights of the applicant and which must not be publicly disclosed.

L.123-10	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A local consultation during which the applicant is heard must be held when an application is submitted for a mining permit. In particular, representatives of the local authorities affected and the official nature conservation and environmental protection associations referred to in Article *L.141-1* of the Environmental Code shall take part in this consultation.

L.123-11	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that the application for an exclusive permit and the application for an authorisation to commence work are not submitted at the same time, the public information and participation procedure shall be carried out when the application for an authorisation to commence work is examined, in accordance with Articles *L.162-8* and *L.162-9*.

L.123-12	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this section, in particular the provisions of this section relating to public information and participation, shall be stipulated in a decree by the Council of State.

Sub-Section 3: Provisions specific to preliminary prospecting authorisations

L.123-13	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In addition to exclusive search permits, preliminary prospecting authorisations may be granted for searches on the seabed of the public maritime domain for mineral substances other than those referred to in Article *L.111-1*.

L.123-14	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A preliminary prospecting authorisation shall grant to its holder, for a maximum duration of 2 years, a non-exclusive right to carry out all searches, excluding surveys below a depth of 300 metres from the seabed; it shall not grant any right to dispose of the product of the searches, with the exception of samples lacking commercial value.

L.123-15	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A preliminary prospecting authorisation shall be granted by the competent administrative authority without a competitive tendering procedure or public enquiry, and without the preliminary consultation procedure provided for in Article *L.123-10*.

Chapter IV: Searches for geothermal deposits

Section 1: Provisions applicable to both low-temperature and high-temperature geothermal deposits

L.124-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The obligations provided for in Article *L.121-4* shall apply to all geothermal deposits, regardless of their temperature.

Section 2: Searches for high-temperature geothermal deposits

L.124-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Without prejudice to the provisions of Article *L.124-1*, the provisions of Chapters I and II of this Title shall apply only to high-temperature geothermal deposits.

Section 3: Searches for low-temperature geothermal deposits

Sub-Section 1: Scope

L.124-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of this section shall not apply to low-temperature geothermal deposits whose waters are used for therapeutic purposes.

Sub-Section 2: General provisions

L.124-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Drilling may only be carried out in connection with searches for low-temperature geothermal deposits if the relevant party holds a search authorisation granted by the administrative authority.

This authorisation shall specify either the location of the drilling operation(s) which its holder (and only its holder) is authorised to carry out, or the boundaries of an area within which drilling may be carried out.

Its term of validity must not exceed 3 years.

L.124-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The initial authorisation decision or a later decision by the administrative authority may, upon request by the applicant, specify a protection zone within which all underground work likely to be detrimental to geothermal exploitation may be prohibited or regulated. In the event that the protection zone is not determined in the initial authorisation decision, it shall be determined according to a procedure stipulated in a decree by the Council of State. The protection zone may be amended or discontinued in accordance with the same procedures followed when it was established.

Sub-Section 3: Public information and participation

L.124-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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When an application for a search authorisation as provided for in Article *L.124-4* is examined, a public enquiry shall be carried out in accordance with Book I, Title II, Chapter III of the Environmental Code. Notice of the public enquiry carried out when examining an application for an authorisation to search for low-temperature geothermal deposits shall be given to the owners of dwellings within a radius of 50 metres as referred to in Article *L.153-2*.

L.124-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The set of documents made available for the public enquiry as provided for in Article *L.124-6* shall not include any confidential information relating to the outcomes of work that has already been carried out.

L.124-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A public enquiry as provided for in Article *L.124-6* shall be carried out in connection with applications for search authorisations submitted on the basis of a competitive tendering procedure.

Sub-Section 4: Miscellaneous

L.124-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules and conditions for the provisions of this section shall be set out in a decree by the Council of State.

Chapter V: Searches for geothermal deposits on the continental shelf and in the exclusive economic zone

L.125-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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Prior authorisation must be granted for search or exploration activities relating to any non-biological natural resource other than a mineral or fossil substance contained in the subsoil of the continental shelf as defined in Article 14 of *Ordinance No 2016-1687* of

8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic, or in the seabed and the subsoil of the exclusive economic zone as defined in Article 11 of this Ordinance.

A decree by the Council of State shall stipulate the conditions under which this section applies, in particular the rules according to which the competent administrative authority issues the authorisation required to carry out exploration activities relating to these resources.

Chapter VI: Searches for thermal energy stores

L.126-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Searches carried out prior to the establishment of an underground thermal energy store shall be subject to the provisions on low-temperature geothermal deposits in Articles *L.124-4* to *L. 124-9*.

L.126-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Decrees by the Council of State shall lay down the implementing rules and conditions for this chapter and the cases in which derogations from the provisions of Article *L.126-1* shall be permitted (in whole or in part) for small-scale stores, on the basis of the quantity of thermal energy stored therein.

TITLE III: EXPLOITATION

Chapter I: Right of exploitation

L.131-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Subject to the provisions of Article *L.131-2*, mines may only be exploited on the basis of a concession or by the state.

L.131-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The administrative authority may authorise a party exploiting a quarry to exploit freely the substances listed in Article *L.111-1* if they are associated within the meaning of

Article *L.121-5* or adjacent to an exploited mining deposit, provided that the quantities involved do not exceed the tonnage originating from blasting of the exploited mineral mass that qualifies as a quarried substance or the tonnages whose extraction is recognised as an essential consequence of this blasting.

L.131-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation of mines qualifies as a commercial activity.

This provision shall apply to civil-law companies in existence on 22 May 1955; these companies shall not be obliged to change their status.

L.131-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Mines shall be regarded as immovable property. In addition to the buildings used to exploit the mine, the following shall also be regarded as immovable property: machinery, wells, drifts and other permanent structures.

Machines and tools used for the purpose of exploitation shall be regarded as fixtures.

Shares or interests in a firm or corporation that exploits mines shall be regarded as movable property.

Extracted materials, supplies and other furnishings shall also be regarded as movable property.

L.131-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any concession holder or holder of an authorisation as referred to in Article *L.131-2* must, under penalty of the sanctions provided for in 4. of Article *L.512-1*, make available to the Atomic Energy and Alternative Energy Commission, upon request by the latter and in return for fair remuneration, the substances which have been identified as suitable for the generation of nuclear power in Articles *L.111-3* and *L.311-2*, and which are covered by the concession or authorisation or which are in the same proven deposit and associated with the substances covered by the mining permit or authorisation. However, the concession holder or holder of an authorisation shall not be obliged to make the substances identified as suitable for the generation of nuclear power available if separation of these substances would result in destruction of the main products for which the deposit is being exploited.

Chapter II: Concessions

Section 1: Granting of concessions

L.132-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A mining concession may only be granted to parties with the technical and financial capabilities required to complete the exploitation procedures and to take on the obligations referred to in the decrees issued for the purpose of protecting the interests referred to in Article *L.161-1* and Articles *L.161-1*, *L.161-2* and *L.163-1* to *L.163-9*. A decree shall be adopted by the Council of State outlining the criteria for assessing these capabilities, the conditions under which the permits are granted and the procedure for examining applications.

L.132-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The concession shall be granted by decree of the Council of State provided that the applicant has undertaken to comply with the general conditions, supplemented where applicable with special conditions laid down in specifications. The general and (where applicable) special conditions of the concession shall be defined in a decree by the Council of State and brought to the applicant's notice in advance.

L.132-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The concession shall be granted after a public enquiry carried out in accordance with Book I, Title II, Chapter III of the Environmental Code.

L.132-4	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The concession shall be granted following a competitive tendering procedure, with the exception of cases where the concession is granted on the basis of Article *L.132-6*. A public enquiry pursuant to Article *L.132-3* shall be carried out for applications for concessions submitted on the basis of a competitive tendering procedure.

L.132-5	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A joint concession may be granted to several commercial enterprises.

L.132-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Without prejudice to the provisions of Article *L.142-4*, the holder of an exclusive search permit may, throughout its term, obtain a concession relating to the substances referred to in this permit and within its boundaries. The holder of the exclusive search permit shall be entitled, provided that an application to this effect is submitted before the expiry of the permit, to obtain concessions for any exploitable deposits discovered within the boundaries of the permit and during its term of validity.

L.132-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that a discoverer fails to obtain a concession for a mine, the decree by the Council of State granting the concession shall stipulate the compensation due for payment by the concession holder to the discoverer after the latter has been invited to submit observations.

Section 2: Effects of concessions

L.132-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If a concession is granted, a property right separate to ownership of the land shall be conferred, even if the concession is granted to the owner of the land. This right may not be mortgaged.

L.132-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For purposes connected to exploitation, the concession holder shall be entitled to dispose of substances not eligible for a concession if the concession holder's works involve blasting of these substances. The owner of the land may request the disposal of any substances not used under these conditions, subject to payment to the party exploiting the mine of compensation corresponding to the normal costs that would be incurred for direct extraction.

L.132-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The scope of the concession shall be determined in the concession document. Its area shall be delimited by vertical lines of an unlimited depth and fixed boundaries on the surface.

L.132-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The duration of the concession shall be determined in the concession document. The initial duration may not exceed 50 years. Concessions of an unlimited duration granted prior to 17 June 1977 shall be deemed valid until the date set in Article *L.144-4*, however.

L.132-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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When a concession is established, the exclusive search permit for the substances referred to in the concession and within the boundaries fixed by the concession shall be cancelled, although it shall continue to apply outside these boundaries.

The holder shall, however, retain the exclusive right to carry out all searches within the boundaries of the concession.

L.132-12-1	○
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Five years before the expiry of a concession and subject to the conditions provided for in a decree by the Council of State, the exploiting party shall submit to the administrative authority documents outlining the redevelopment potential of its installations or their location for other subsoil uses, in particular geothermal purposes, or for other economic activities, in particular the deployment of renewable energies.

L.132-13	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Upon expiry of the concession and under the conditions provided for in a decree by the Council of State:

1. the deposit shall be returned free of charge to the state, after completion of the work required in application of this Code;
2. fixed assets may be handed over free of charge or assigned to the state if the deposit can still be exploited;
3. in the event that the exploiting party disappears or is in default, all of the concession holder's rights and obligations shall be transferred to the state.

Section 3: Rejection of concession applications

L.132-14	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The administrative authority shall reject concession applications in accordance with the rules outlined in a decree by the Council of State.

Section 4: Fees

L.132-15	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The concession document shall set the amount of the subsoil fee owed by the holder to the owners of the land.

L.132-15-1	○
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In the case of known offshore deposits located on the continental shelf or in the exclusive economic zone, holders of concessions other than those for liquid or gaseous hydrocarbon mines shall be obliged to pay an annual fee calculated on the basis of production. This fee shall fall due for payment on the date of the first sale of the substance(s) extracted within the boundaries fixed in the concession and shall be paid to the French Agency for Biodiversity.

When calculating the fee, account shall be taken of any benefits whatsoever that will accrue to the holder of the concession, the environmental impact of the activities in question and the risk to the environment, the nature of the products, the continent off whose coast the known deposit is located, the depth of the water, the distance of the known deposit from the coast of the territory in question and the approved level of expenditure during the exploration and development periods. The fee shall be increased if the activities in question are carried out within the boundaries of a marine protected area within the meaning of Article *L.334-1* of the Environmental Code. Articles *L.2321-1*, *L.2321-4*, *L.2321-5*, *L.2322-1*, *L.2322-4*, *L.2323-1*, *L.2323-2*, *L.2323-4*, *L.2323-4-1*, *L.2323-6*, *L.2323-8* and *L.2323-11* to *L.2323-13* of the General Code of Public Property, relating to the documentation, imposition, payment and collection of fees for the use of public property, shall apply to these fees.

The rules for calculating, apportioning, paying and using the proceeds from this fee shall be set out in a decree.

L.132-16	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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Holders of concessions for liquid or gaseous hydrocarbon mines, with the exception of

known offshore deposits, shall be obliged to pay to the state an annual sliding-scale fee calculated on the basis of production. The fee shall fall due for payment retroactively on the date of the first sale of hydrocarbons extracted within the boundaries stipulated in the concession. The Independent National Social Security Fund for Mines shall receive 28.5 % of the proceeds from this fee.

The sliding scale for the fee shall be as follows:

Nature of the products, as a percentage of the field value of production.

Raw oil:

By tranche of annual production (in tonnes):

Production	Rates
Below 1,500	0 %
Equal to or above 1,500	8 %

Gas:

By tranche of annual production (in millions of cubic metres):

Production	Rates
Below 150	0 %
Equal to or above 150	30 %

The fee imposed in this article, which shall be levied by the public accountants responsible for proceeds from state-owned land, shall be collected under the conditions laid down in respect of state-owned land in Article *L.2321-1* of the General Code of Public Property.

A decree by the Council of State, countersigned by the ministers responsible for hydrocarbons and the budget respectively, shall lay down the implementing rules for this article, in particular the guarantees provided to the holder of the exploitation permit as regards assessment of the basis for calculating the fee.

L.132-16-1	○
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For offshore deposits located within the limits of the continental shelf, with the exception

of offshore deposits exploited using land-based installations, the holders of concessions for liquid or gaseous hydrocarbon mines shall be obliged to pay to the state an annual sliding-scale fee, calculated on the basis of production; the proceeds of this fee shall benefit the state and the regions. The fee shall be due for payment on the date of the first sale of hydrocarbons extracted within the boundaries stipulated in the concession.

The fee shall be calculated by applying a rate to each fractional tranche of annual production. This rate shall be progressive and stipulated in a decree, depending on the nature of the products, the continent off whose coast the known deposit is located, the depth of the water, the distance of the known deposit from the coast of the territory in question and the approved level of expenditure during the exploration and development periods, up to a maximum limit of 12 %. It shall apply to the field value of production.

The proceeds of the levy shall be shared equally between the state and the region in which the tip of land closest to the known deposit is located.

The fee imposed in this article, which shall be levied by the public accountants responsible for proceeds from state-owned land, shall be collected under the conditions laid down in respect of state-owned land in Article *L.2321-1* of the General Code of Public Property.

The implementing rules for this article, in particular concerning the guarantees provided to the holder of the exploitation permit as regards assessment of the basis for calculating the fee, shall be laid down in a decree.

Section 5: Miscellaneous

L.132-17	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Concessions which are granted under the statutory regulations imposed by the Law of 9 September 1919 amending the Law of 21 April 1810 on mines as regards the duration of concessions and the sharing of profits with the state, and which remain valid under these statutory regulations, shall be subject to the conditions set out in the specifications annexed to the document establishing the concession.

The exploitation boundaries for liquid or gaseous hydrocarbons imposed in application of the Law of 18 July 1941 concerning hydrocarbon searches and exploitation in Aquitaine shall be subject to the provisions of Book I of this Code on concessions for liquid or gaseous hydrocarbon mines. The documents establishing these boundaries shall be deemed equivalent to concessions, without any change in their term of validity.

L.132-18	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter, in particular the procedure for examining applications for concessions, shall be laid down in a decree by the Council of State.

Chapter III: Offshore exploitation

Section 1: Exploitation of mineral or fossil substances on the continental shelf and in the exclusive economic zone

L.133-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

Without prejudice to the applicable provisions of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic and any texts implementing this Ordinance, exploitation and transport by pipeline of all mineral or fossil substances contained in the subsoil of the continental shelf as defined in Article 14 of said Ordinance, on the seabed and in the subsoil of the exclusive economic zone as defined in Article 11 of said Ordinance, or present on their surface, shall be subject to the statutory regulations applicable to mined substances pursuant to this Book.

L.133-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The procedure for examining applications for concessions relating in whole or in part to the continental shelf or the exclusive economic zone with a view to the exploitation of any mineral or fossil substance, whether or not referred to in Article *L.111-1* of the Mining Code, shall involve a public enquiry carried out in accordance with Articles *L.133-11* to *L.133-12*.

L.133-2-1

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Without prejudice to Article *L.132-1*, a concession for liquid or gaseous hydrocarbons may not be issued if the applicant has failed to supply evidence that appropriate precautions have been taken to cover the expenses that would be incurred if the applicant's liability were invoked in connection with a major accident, and to ensure prompt compensation of any damages suffered by third parties. These precautions may take the form of financial guarantees and must be valid and effective from the date on which work commences.

In the evaluation of the technical and financial capabilities of an applicant that has submitted an application for a concession for liquid or gaseous hydrocarbons, particular

attention must be paid to ecologically sensitive maritime and coastal environments, and in particular to ecosystems that play a major role in mitigating climate change and adapting to climate change, such as:

1. salt marshes;
2. seagrass meadows;
3. marine protected areas, such as special conservation zones and special protection zones within the meaning of Article *L.414-1* of the Environmental Code and the marine protected areas agreed by the European Union or the relevant Member States under the international or regional agreements to which they are party.

The conditions under which this article applies, and in particular the nature of the financial guarantees and the rules according to which the amount of these guarantees is decided, shall be stipulated in a decree by the Council of State.

L.133-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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The customs and tax provisions set out in Title II, Chapter V of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic shall apply to activities involving the exploitation of resources on the continental shelf and in the exclusive economic zone.

L.133-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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The provisions of this section shall not apply in the ecological protection zones created by the French authorities in application of the competencies granted to them under Article 13 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic.

Section 2: Exploitation of deposits containing quarried substances on the seabed of the public maritime domain

Sub-Section 1: Scope

L.133-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Small-scale land-based exploitation activities that extend offshore and that involve mineral substances other than those referred to in Article *L.III-1*, and maritime works carried out for non-commercial purposes in the interest of managing the public maritime domain, shall not be subject to the provisions of this section. The nature of these

exploitation activities and works shall be defined in a decree by the Council of State.

Sub-Section 2: General provisions

L.133-6	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Without prejudice to the provisions concerning the public maritime domain and subject to the provisions of this section, exploitation of mineral substances other than those referred to in Article *L.111-1* shall be subject to the statutory regulations that apply to exploitation of mined substances if they are contained in the seabed of the public maritime domain.

L.133-7	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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By way of derogation from Article *L.142-7*, the term of concessions relating to mineral substances other than those referred to in Article *L.111-1*, if they are contained in the seabed of the public maritime domain, must not exceed 50 years.

L.133-8	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that an authorisation to use state-owned land required for exploitation of the seabed of the public maritime domain is withdrawn or its scope is reduced, the holder of the permit for exploitation of the mineral substances other than those referred to in Article *L.111-1* must, as appropriate, either suspend all activities or restrict these activities to areas that are still covered by the authorisation to use state-owned land.

L.133-9	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The extraction of mineral substances other than those referred to in Article *L.111-1* and contained in the seabed of the public maritime domain shall be subject to a fee for the use of state-owned land under the conditions concerning state-owned land provided for in Article *L.2321-1* of the General Code of Public Property. The implementing rules for this article shall be stipulated in a decree by the Council of State.

L.133-10	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The procedure for examining applications for mining permits for the exploitation of mineral substances other than those referred to in Article *L.111-1* and contained on the

seabed of the public maritime domain and applications for authorisations to use state-owned land shall be stipulated in a decree by the Council of State.

Sub-Section 3: Public information and participation

L.133-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The procedure for examining applications for concessions relating to mineral substances other than those referred to in Article *L.111-1* shall involve a public enquiry carried out in accordance with Book I, Title II, Chapter III of the Environmental Code, subject to the special provisions outlined in Articles *L. 133-12* and *L.133-13* of this Code.

L.133-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that an applicant submits an application for a mining permit and a works authorisation application at the same time, a single public enquiry shall be carried out for both applications in line with the conditions provided for in Article *L.162-7*.

L.133-13	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The set of documents made available for the public enquiry concerning the application shall not include any information which is covered by the discoverer's or industrial property rights of the applicant and which must not be publicly disclosed.

Chapter IV: Exploitation of geothermal deposits

Section 1: Provisions applicable to both low-temperature and high-temperature geothermal deposits

L.134-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Article *L.131-5* shall apply to all geothermal deposits, regardless of their temperature.

Section 2: Exploitation of high-temperature geothermal deposits

L.134-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles *L.131-1*, *L.131-3*, *L.131-4* and those of Chapter II of this Title, with the exception of Articles *L.132-16* and *L.132-17*, shall apply only to high-temperature geothermal deposits.

Section 3: Exploitation of low-temperature geothermal deposits

Sub-Section 1: Scope

L.134-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of this section shall not apply to low-temperature geothermal deposits whose waters are used for therapeutic purposes.

Sub-Section 2: General provisions

L.134-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Low-temperature geothermal deposits may only be exploited on the basis of an exploitation permit granted by the administrative authority.

L.134-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The holder of a search authorisation shall have an exclusive right, during the term of this authorisation, to obtain an exploitation permit relating to the drill hole locations covered by the authorisation or located in whole or in part within the boundaries of the authorisation.

The holder of an authorisation shall also be entitled to obtain an exploitation permit if evidence is available (on the basis of work already carried out) that a deposit can be exploited and if the application is submitted before expiry of the authorisation.

L.134-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation permit shall grant an exclusive right of exploitation for a predefined volume (the ‘exploitation volume’) determined on the basis of a perimeter and two

depths.

The decision granting the exploitation permit may impose limits on the thermal output to be extracted. It may also contain provisions concerning in particular the extraction, use and re-injection of heat transfer fluids and any products contained therein and, more generally, obligations relating to protection of the interests referred to in Article *L.161-I*. It may also repeal the search authorisation upon which the exploitation permit is based, or restrict the rights granted under this authorisation.

L.134-7	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles *L.131-3* and *L.131-4* shall apply to the exploitation of low-temperature deposits.

L.134-8	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The initial term of validity of the exploitation permit may not exceed 30 years.

L.134-9	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The initial decision granting the exploitation permit or a later decision issued by the administrative authority may, upon request by the applicant, specify a protection zone within which all underground work likely to be detrimental to geothermal exploitation may be prohibited or regulated. In the event that a protection zone is not determined in the initial decision granting the exploitation permit, it shall be determined according to the procedure outlined in Article *L.124-5*. The protection zone may be amended or discontinued in accordance with the same procedures as were followed when it was established.

Sub-Section 3: Public information and participation

L.134-10	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Subject to the provisions of Article *L.134-II*, the exploitation permits referred to in Sub-Section 2 of this section shall be issued following a public enquiry carried out in accordance with the provisions of Book I, Title II, Chapter III of the Environmental Code.

L.134-11	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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A public enquiry shall not be carried out in connection with an application for an exploitation permit if the application is submitted before expiry of the search authorisation and if it meets the following conditions:

1. the drill holes are in the locations specified in the search authorisation documents submitted to the public enquiry;
2. the exploitation volume and (where applicable) the protection zone and thermal output requested are within the limits forecast in the authorisation documents submitted to the public enquiry.

Sub-Section 4: Miscellaneous

L.134-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The conditions and implementing rules for the provisions of this section shall be stipulated in a decree by the Council of State.

Section 4: exclusive economic zone

Sub-Section 1: General provisions

L.134-13	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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Prior authorisation must be granted for exploitation activities relating to any non-biological natural resource other than a mineral or fossil substance contained in the subsoil of the continental shelf as defined in Article 14 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic, or in the seabed and the subsoil of the exclusive economic zone as defined in Article 11 of this Ordinance.

The implementing conditions for this section, and in particular the rules according to which the administrative authority issues an authorisation required to exploit these resources, shall be stipulated in a decree by the Council of State.

Sub-Section 2: Customs and tax provisions

L.134-14	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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The customs and tax provisions set out in Title II, Chapter V of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic shall apply to activities involving the exploitation of resources on the continental shelf and in the exclusive economic zone.

Chapter V: Exploitation of thermal energy stores

L.135-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Exploitation of an underground thermal energy store shall be subject to the provisions of Articles *L.134-4* to *L.134-10* concerning low-temperature geothermal deposits.

L.135-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A decision authorising exploitation of a store as referred to in Article *L.135-1* shall stipulate in particular the maximum quantity of thermal energy that may be contained in the store.

L.135-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Decrees by the Council of State shall lay down the implementing rules and conditions for this chapter and the cases in which derogations from the provisions of Articles *L.135-1* and *L.135-2* shall be permitted (in whole or in part) for small-scale stores, based on the quantity of thermal energy stored therein.

Chapter VI: Exploitation of mines or known deposits belonging to the state

L.136-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Mines or known deposits belonging to the state may be exploited either directly, under third-party management or on the basis of any other model. The state may also dispose of the mines or known deposits with a view to granting new mining permits.

L.136-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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Mines belonging to the state that are not being exploited may be returned, through a joint decision by the administrative authorities, to the status of a known deposit open to searches under the conditions laid down in a decree by the Council of State.

L.136-3	
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| | <ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R |
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In cases where the state exploits known deposits that have been discovered but for which no concessions have been granted, a decree by the Council of State shall stipulate their boundaries and regulate the rights of the owners of the land and, where applicable, the compensation owed to the discoverers.

L.136-4	
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| | <ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R |
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The administrative bodies responsible for managing mines exploited by the state shall be subject to the same rights and obligations as private concession holders. The expenses associated with the commencement of works shall be included in their annual accounts. The redemption period for loans taken out by these bodies may not exceed 50 years.

Chapter VII: Exploitation by the holder of a mining permit for waste dumps and slag heaps

L.137-1	
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| | <ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R |
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In the cases outlined in a decree by the Council of State, exploitation by the holder of a mining permit of mined products contained in masses constituted of mine waste dumps and slag heaps shall be subject to the statutory regulations set out in this Book, according to the rules laid down in a decree by the Council of State.

TITLE IV: PROVISIONS CONCERNING MINING PERMITS AND AUTHORISATIONS

Chapter I: Amalgamation of adjacent exclusive search permits

Section 1: Exclusive search permits for mines

L.141-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If the same holder holds two or more exclusive search permits for adjacent mines and these permits have the same period of validity, an application to amalgamate these permits may be submitted.

L.141-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The amalgamation referred to in Article *L.141-1* shall be authorised by the administrative authority. The authorisation shall specify the additional funding that must be provided by the applicant and the expiry date of the new permit, which shall be midway between the expiry dates for the amalgamated permits.

Section 2: Exclusive search permits for geothermal deposits

L.141-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Section 1 of this chapter shall apply to permits relating to high-temperature geothermal deposits.

Section 3: Implementing provisions

L.141-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing conditions for this chapter shall be laid down in a decree by the Council of State.

Chapter II: Renewal and extension of mining permits

Section 1: Renewal

Sub-Section 1: Renewal of exclusive search permits for mines

L.142-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An exclusive search permit may be renewed twice, for no more than 5 years each time, without any obligation to hold another competitive tendering procedure.

Each of these renewals shall be carried out automatically, either for a period of at least 3 years or for the previous period of validity if the latter was less than 3 years, as long as the holder has met all the relevant obligations and, together with the renewal application, provided a financial undertaking at least equal to the financial undertaking provided for the previous period of validity, in proportion to the period of validity and area requested.

L.142-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The area of the exclusive search permit for liquid or gaseous hydrocarbons ('permit H') shall be halved upon the first renewal of the permit; upon the second renewal of the permit, it shall be one quarter of the remaining area. These reductions may not result in a permit being granted for an area less than the regulatory limit. The areas that remain shall be selected by the holder. They must be included within one or more boundaries that take the form of simple shapes.

In the event of exceptional circumstances invoked by the holder or by the administrative authority, the duration of one (and only one) of the periods of validity of a 'permit H' may be extended by a maximum of 3 years without any reduction in area.

L.142-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The area of an exclusive search permit for substances other than liquid or gaseous hydrocarbons ('permit M') may be reduced to up to half of its previous size by the renewal document. The remaining boundaries must enclose all recognised deposits. The applicant shall be consulted before these boundaries are fixed.

L.142-4	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If the final expiry date for an exclusive search permit occurs as per the standard procedure before a decision has been taken on an application for a concession submitted by its holder, the validity of this permit shall be automatically extended without a special

procedure until a decision has been taken regarding the application for a concession. This extension shall only apply to the substances defined by the application for a concession and located within the boundaries defined therein.

L.142-5	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An exclusive research permit shall be renewed by the administrative authority.

L.142-6	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that, upon the expiry date of the current term of validity, no decision has been taken on the application for a renewal, the holder of the permit shall be the only party authorised, until an express decision has been taken by the administrative authority, to carry out work within the boundaries referred to in the renewal application.

Sub-Section 2: Renewal of mining concessions

L.142-7	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A mining concession may be renewed multiple times; each renewal term shall be for a period less than or equal to 25 years.

L.142-8	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The renewal of a concession shall be granted in a decree by the Council of State.

L.142-9	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that, upon the expiry date of the current term of validity, no decision has been taken on the application for a renewal, the holder of the concession shall be the only party authorised, until a decision has been taken by the administrative authority, to carry out work within the boundaries referred to in the renewal application.

Sub-Section 3: Renewal of geothermal permits

L.142-10	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Sub-Sections 1 and 2 of Section 1 of this chapter, with the exception of Article *L.142-2*, shall apply to permits relating to high-temperature geothermal deposits.

L.142-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A permit for exploitation of a low-temperature geothermal deposit may be renewed; the renewal period may not exceed 50 years in each case.

Section 2: Extension of permits

Sub-Section 1: Extension of mining permits

L.142-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Mining permits may be expanded to cover new areas; in the case of the 'permit M' referred to in Article *L.142-3*, they may also be expanded to cover substances that are not associated within the meaning of Article *L.121-5*.

L.142-13	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An extension of a mining permit shall be granted by the administrative authority in accordance with the rules and conditions laid down in a decree by the Council of State and, unless it relates to an exclusive search permit, after a public enquiry has been carried out in accordance with Book I, Title II, Chapter III of the Environmental Code. In the event that the boundaries alone are extended, the public enquiry shall (where applicable) relate solely to the zones covered by the extension.

L.142-14	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The extension of a mining concession granted for an unlimited period may only be authorised subject to the provisions of Article *L.144-4* and provided that the applicant has agreed that the concession will be subject to the statutory regulations in force on the date upon which the application for an extension was submitted.

Sub-Section 2: Extension of geothermal permits

L.142-15	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Sub-Section 1, with the exception of Article *L.142-14* thereof, shall apply to high-temperature geothermal permits.

Section 3: Miscellaneous

L.142-16	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The conditions and implementing rules for this chapter shall be laid down in a decree by the Council of State.

Chapter III: Conversion and leasing of permits

Section 1: Conversion

Sub-Section 1: Conversion of mining permits

L.143-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The conversion of an exclusive search permit for mines or a mining concession shall be authorised by the administrative authority, without any obligation for a competitive tendering procedure. The conversion of a concession shall be authorised by the competent administrative authority, without any obligation for a competitive tendering procedure, public enquiry or consultation of the Council of State, in accordance with the rules stipulated in a decree by the Council of State.

L.143-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In order to become the holder of a mining permit through conversion, a party must meet the requirements to obtain a permit of the same kind.

L.143-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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The document authorising the conversion into a permit of a concession with an unlimited term shall set an expiry date for the permit. A permit of this kind may however be renewed upon its expiry date, under the conditions of ordinary law, provided that a profitable deposit has been exploited.

L.143-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If the conversion is the result of an *inter vivos* document, the authorisation must be requested by the assignor and assignee within a deadline laid down in a decree by the Council of State. The document must be drawn up under the condition precedent of this authorisation.

L.143-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that the conversion is the result of the holder's death, an application for the authorisation must be submitted within a deadline set in a decree by the Council of State, either by the beneficiaries or by a natural or legal person having replaced the beneficiaries in the meantime on the basis of a document adopted under the condition precedent of this authorisation.

A failure to submit an application for an authorisation within the prescribed deadlines may result in the permit's being withdrawn. Rejection of the application shall result in the permit's being withdrawn.

L.143-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Inter vivos documents adopted in violation of Articles *L.143-1* to *L.143-5* shall be deemed moot.

L.143-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If an exclusive search permit for mines or a mining concession is partially converted, the start date for each of the parts of the mining permit shall be deemed to be the date on which the first mining permit was granted.

Sub-Section 2: Conversion of geothermal permits

L.143-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Sub-Section 1 shall apply to all geothermal permits, regardless of the temperature of the deposits in question.

Section 2: Leasing of concessions

Sub-Section 1: Leasing of mining concessions

L.143-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The leasing of a mining concession may be authorised without any obligation for a competitive tendering procedure, public enquiry or consultation of the Council of State.

L.143-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An application for authorisation to lease an exploitation permit must be submitted by the holder of the permit and the lessee, within a deadline set in a decree by the Council of State. The lease document must be adopted under the condition precedent of this authorisation.

L.143-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In order to become the lessee of a mining permit, a party must meet the requirements to obtain a permit of the same kind.

L.143-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Inter vivos documents adopted in violation of Articles *L.143-9* to *L.143-11* shall be deemed moot.

L.143-13	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Early termination of the leasing arrangement shall be authorised by the administrative authority.

Sub-Section 2: Leasing of geothermal permits

L.143-14

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of Section 2 of this chapter shall apply to concessions for high-temperature geothermal deposits and exploitation permits for low-temperature geothermal deposits.

Section 3: Implementing provisions

L.143-15

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The implementing conditions for this chapter shall be laid down in a decree by the Council of State.

Chapter IV: Expiry of research and exploitation rights

Section 1: Waiver of rights

L.144-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

A waiver (whether in whole or in part) of rights to search for or exploit mines shall only become final once it has been approved by the administrative authority.

L.144-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The conditions under which the holder of a concession may waive the concession, either in whole or in part, shall be set out in a decree by the Council of State.

L.144-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The procedures for waiving exploitation permits associated with significant risks to the safety of property or persons that are known or that have emerged after completion of the procedure outlined in Article *L.163-9* shall be subject to the provisions of Articles *L.174-1* to *L.174-4*.

Section 2: End of concessions

L.144-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Mining concessions granted for an unlimited period shall expire on 31 December 2018. Concessions for proven deposits being exploited on this date shall be renewed automatically under the conditions provided for in Chapter 2, Section 1, Sub-Section 2 of this Title.

Section 3: Provisions specific to geothermal permits

L.144-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Section 1 of this chapter shall apply to all geothermal permits, regardless of the temperature of the deposits in question. For the purposes of implementing Article *L.144-2* in relation to low-temperature deposits, the term: ‘concession’ shall be regarded as equivalent to the term ‘exploitation permit’.

Section 4: Implementing provisions

L.144-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing conditions for this chapter shall be laid down in a decree by the Council of State.

TITLE V: RIGHTS AND OBLIGATIONS RELATING TO MINING ACTIVITIES

Chapter I: General provisions

L.151-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Disputes relating to compensation provided for by the provisions of Chapters II, III and V of this Title other than the compensation provided for in Articles *L.153-12* and *L.153-*

13 to be paid by concession holders in connection with searches or work prior to the granting of the concession shall be heard by the administrative courts.

Chapter II: Mutual rights and obligations of exploring and exploiting parties

L.152-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Parties exploiting mines adjacent to a mine where an accident occurs, or directors of such mines, shall supply all means of support at their disposal, whether in the form of manpower or otherwise. Upon appeal, compensation shall be paid for said support by the party responsible.

Chapter III: Mutual rights and obligations of exploring and exploiting parties vis-à-vis third parties

L.153-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A right to carry out search or exploitation activities in relation to a mine shall not, without the consent of the owner of the land, be deemed equivalent to an authorisation to carry out surveys, open up wells or drifts or install machinery, workshops or stores in enclosed spaces, courtyards and gardens.

L.153-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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Wells and surveys to depths of over 100 metres and drifts, with the exception of those relating to low-temperature geothermal deposits, may not be opened up within a radius of 50 metres from dwellings and the fenced-off land associated with these dwellings, without the consent of their owners.

L.153-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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I – Within the mining boundaries, and outside these boundaries subject to a declaration of public interest, the party exploiting a mine may be authorised by the administrative authority to occupy the areas necessary to exploit the mine and the installations required for this purpose, including:

1. emergency installations such as wells and drifts designed to improve ventilation and

the flow of water;

2. workshops for the preparation, washing and concentration of fuels and ores extracted from the mine;

3. installations designed for storage and safekeeping of the products and waste resulting from the activities referred to in 1. and 2.;

4. canals, roads, railways and all surface structures designed for the transport of the products and waste referred to in 1. and 2. or products being transported to the mine.

II – Without prejudice to the provisions of Articles *L.153-1* and *L.153-2*, the authorisations provided for in I. may not be granted for land associated with dwellings or enclosed within walls or fencing of an equivalent nature.

L.153-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The authorisations provided for in Article *L.153-3* may also be issued by the administrative authority:

1. to the exploring party authorised by the administrative authority, for the purpose of carrying out work within the plots covered by its right of exploration;

2. to the holder of an exclusive search permit, for the purpose of implementing (within the boundaries of the permit) searches and installations aimed at storing and removing products that have been extracted or that are required to carry out the work.

L.153-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The authorisations provided for in Articles *L.153-3* and *L.153-4* may only take effect once the owners and, where applicable, the parties exploiting the land have been able to present their observations. The owners shall be responsible in this connection for notifying the parties exploiting the land.

L.153-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Their holder may only occupy a plot of land covered by the authorisations provided for in Articles *L.153-3* and *L.153-4* after having paid the compensation for occupation assessed under the conditions provided for in Articles *L.153-12* and *L.153-13* or having provided a guarantee of payment in this respect.

L.153-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that occupation deprives the owner of enjoyment of the land for more than 1 year or if, after completion of the work, the occupied land is no longer suitable for normal use, either in its entirety or across the majority of its area, the owner may request that the holder of the authorisation provided for in Articles *L.153-3* and *L.153-4* purchase the land in whole or in part.

L.153-8

○ Ordinance No 2011-91 of 20 January 2011 – Article Annex

I – The holder of a mining permit, within the boundaries defined in this permit and outside these boundaries subject to a declaration of public interest issued according to the procedures provided for in Book I, Title II of the Code on Compulsory Purchases in the Public Interest, may also, within the limits referred to in II of Article *L.153-3*, be authorised to:

1. establish permanently, at a minimum height above the ground stipulated in a decree by the Council of State, cables, pipelines or transportation apparatus and the pylons and masts necessary to support them;
2. bury in the ground, to a minimum depth stipulated in a decree by the Council of State, cables or pipelines, and to install surface structures measuring less than four square metres required for the operation of these cables or pipelines as well as boundary markers;
3. remove from the land all trees, bushes or other obstacles.

II – The width of the strip of land affected by the easements referred to in I. may not exceed a limit stipulated in a decree by the Council of State and shall be determined, according to the individual circumstances, either in the document establishing the easements or the document in which the public interest is declared.

A wider strip of land encompassing the strip provided for in II. and not exceeding a width stipulated in a decree by the Council of State shall also be determined under the same conditions (the ‘wide strip’); movements of persons responsible for installing, monitoring, maintaining, repairing or removing the equipment listed in I. and of apparatus used for this purpose shall be authorised within this strip.

In forested areas, clearing may be authorised up to the limits of the wide strip where necessary.

III – Once the work has been completed, the exploiting party shall be obliged to restore land previously used to grow crops to its former condition by replacing the topsoil layer and the roadways.

L.153-9

○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
NOR: INDI1009820R

The holder of the authorisation shall be responsible for removing any obstacles at its

own expense. The owner of the land may ask to remove the obstacles himself or herself.

L.153-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The owner of the land affected by the easements referred to in Articles *L.153-3*, *L.153-4* and *L.153-8* may demand purchase or compulsory purchase of the land if said easements make its normal use impossible. In cases where the owner demands purchase, the purchase shall cover the entire area of land.

L.153-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles *L.153-3* to *L.153-10* shall apply to installations that use imported mined products.

L.153-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Easements established in application of Articles *L.153-3*, *L.153-4* and *L.153-8* in relation to occupation and movements shall entitle the owner of the land, the latter's beneficiaries and, in particular, parties exploiting the land to compensation for any damages suffered. To this end, the owner of the land shall be obliged to notify the holder of the easements or the permit of the identity of his or her beneficiaries.

L.153-13	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If an amicable agreement cannot be reached, the price of the land or the compensation owed in connection with the establishment of easements or other separations of chattels (real or occupation) shall be determined using the procedures followed for compulsory purchases. When determining the amount of compensation, the compulsory purchase judge shall investigate whether the rights to the land were acquired with a view to receiving a greater amount of compensation (given the time of the acquisition or any other circumstance).

The provisions of this article shall not apply to other damages caused to the property by searches and exploitation; compensation for these damages shall be governed by common law.

L.153-14	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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Notwithstanding the provisions of Articles *L.153-1* and L.153-2, and if the public interest so demands, a compulsory purchase of property required for the works and installations referred to in Articles *L.153-3* and L.153-4 shall be possible both inside and outside the boundaries of a mining permit, after the public interest has been declared in line with the procedures provided for in Book I, Title II of the Code on Compulsory Purchases in the Public Interest, upon request by the holder of the permit, on the holder's behalf or on behalf of a person or company appointed by the holder to this end.

L.153-15

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The same procedures can also be followed to declare a public interest in the case of pipelines and installations designed to transport or store the products of exploitation up to the point where these products are processed, wholesaled or exported, in the case of facilities and installations required for proper development of the mine and, in particular, in the case of housing estates for personnel and sintering, carbonisation and gasification plants, as well as in the case of power stations, electrical substations and power lines, including installations designed for the transport, storage and safekeeping of the products or waste resulting from the activities carried out in these plants. Communication links, pipelines and transport installations declared to be of public interest in this way may be subject to public service obligations under the conditions laid down in the specifications.

L.153-16

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The conditions and implementing rules for this chapter shall be laid down in a decree by the Council of State.

Chapter IV: Rights and obligations of the owners of the land

L.154-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Owners likely to benefit from the guarantee referred to in Article *L.155-1* may form an association, under the conditions of the Law of 1 July 1901, to petition the court jointly for lodging of this guarantee. These petitions shall be examined and adjudicated on the basis of the fast-track procedure.

L.154-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

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A party selling land in whose subsoil a mine has been exploited shall be obliged to inform the purchaser thereof in writing. He or she shall also inform the purchaser of any major inconveniences or risks resulting from the exploitation of which he or she is aware. If this information is not provided, the purchaser may choose to request either cancellation of the sale or a refund of part of the price. The purchaser may also request, at the seller's expense, the removal of any inconveniences or risks which interfere with normal use of the land, provided that the cost of said removal is not disproportionate to the price paid.

The provisions of this article shall also apply to any form of property transfer other than sale.

The implementing rules for this article shall be laid down in a decree by the Council of State.

Chapter V: Rights and obligations in the event of damages

L.155-1	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Parties exploring and exploiting mines must, before the commencement of work below houses, dwelling places or other exploitations or in their vicinity, provide a payment guarantee covering all compensation in the event of damage.

L.155-2	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Compensation must be paid by one mine to another mine in the event that the exploitation of the first mine (either because of its proximity to the second mine or for other reasons) interferes with the exploitation of the second mine as a result of the penetration of large quantities of water into the second mine or, conversely, the drainage of all or part of the water from the second mine. The amount of compensation shall be decided on by experts.

L.155-3	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploring or exploiting party or, in the absence of these latter, the holder of the mining permit shall be responsible for any damages caused by its activities. He or she may be exempted from this responsibility if evidence of an external cause is supplied.

His or her responsibility shall not be limited either to the boundaries of the mining permit or to its term of validity.

In the event that the party responsible disappears or is in default, the state shall be liable to pay compensation for any damages caused by the party's mining activities. It shall be subrogated to the victim's rights vis-à-vis the party responsible.

L.155-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Any clause in a property transfer contract concluded after 17 July 1994 with a local authority or a non-professional natural person that exempts the exploiting party from responsibility for damages associated with its mining activities shall be void under public policy principles.

L.155-5

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

If a valid clause is present in a property transfer contract with a local authority or a non-professional natural person that exempts the exploiting party from responsibility for damages associated with its mining activities, the state shall pay compensation as soon as possible for any direct and substantial damages to property that are not otherwise covered and that are attributable primarily to a mining disaster. It shall be subrogated to the victims' rights arising from this disaster up to the amounts that it would be obliged to pay in application of this sub-paragraph.

For the purposes of this article, a mining disaster shall be defined as a sudden mining accident or subsidence originating from non-natural causes that results in the collapse of one or more buildings or damages these buildings in such a way that their repair would involve complete or partial reconstruction. The accident or subsidence shall be confirmed by the state representative, who shall declare that a mining disaster has occurred.

L.155-6

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Compensation for property damage relating to past or present mining activities shall involve refurbishment of the building affected. In the event that the extent of the damage suffered by the building is such that it cannot be repaired under normal circumstances, the compensation must allow the owner of the building affected to regain ownership of a building of a similar situation and level of comfort as soon as possible.

L.155-7

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The implementing rules for this chapter shall be stipulated in a decree by the Council of

State.

Chapter VI: Provisions specific to geothermal deposits

L.156-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of this Title shall apply to all geothermal deposits, regardless of their temperature.

Chapter VII: Provisions specific to underground thermal energy stores

L.157-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of this Title shall apply to underground thermal energy stores.

TITLE VI: MINING WORKS

Chapter I: General rules governing extraction activities

L.161-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Subject to the rules on occupational health and safety provided for in the Labour Code, work involving mining searches or exploitation must comply with the constraints and obligations required to protect public health and safety, the structural stability of public and private buildings, communication links, the mine itself and other mines, the characteristic features of the surrounding environment (whether land-based or maritime), and more generally to protect natural spaces and landscapes, fauna and flora, the biological balance and natural resources, and in particular the interests referred to in Articles *L.211-1*, *L.331-1*, *L.332-1* and *L.341-1* of the Environmental Code, to protect archaeological interests, in particular those referred to in Articles *L.621-7* and *L.621-30* of the Heritage Code, and to protect the agriculture interests of the sites and locations affected by the works and the installations associated with exploitation. It must also guarantee proper use of the deposit and mine conservation.

L.161-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Any party exploiting mines shall be obliged, when exploiting proven deposits, to use the methods generally regarded as most likely to maximise the final yield of these deposits given the current state of the economy, subject to protection of the interests outlined in Article *L.161-1*.

Chapter II: Commencement of work

Section 1: General provisions

L.162-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The commencement of work involving mining searches or exploitation shall be subject either to an administrative authorisation or declaration, depending on the severity of the potential inconveniences or risks to the interests referred to in Article *L.161-1*. Work involving searches and exploitation that falls under one or more of these categories shall be defined in a decree by the Council of State.

L.162-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The commencement of work involving mining searches or exploitation shall be subject to the provision of financial guarantees for mines incorporating waste management installations in cases where (on the basis of a risk assessment taking into account factors such as the current or future size, the location and the environmental impact of the installation) a malfunction or exploitation error, such as the collapse of a slag heap or the breach of a dam, might cause a major accident.

The purpose of these guarantees shall be to provide for monitoring of the site and safekeeping of the installation, any interventions required in the event of an accident before or after closure, and rehabilitation after closure, taking into account the nature of the risks or inconveniences associated with each category of installation. The guarantees shall not cover compensation owed by the exploiting party to any third parties having suffered damages in connection with pollution or an accident caused by the installation.

The nature of the guarantees and the rules for calculating their amount shall be stipulated in a decree by the Council of State.

Mining exploitations in operation on 13 July 2010 must have complied with the

obligation to provide financial guarantees by 1 May 2014 at the latest.

Section 2: Works subject to an authorisation

Sub-Section 1: General provisions

L.162-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Work involving searches and exploitation that poses major inconveniences and risks to the interests referred to in Article *L.161-1* shall be subject to an authorisation.

L.162-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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An authorisation for the commencement of work involving searches or exploitation shall be granted by the competent administrative authority after the municipalities have been consulted and a public enquiry has been carried out in line with Book I, Title II, Chapter III of the Environmental Code, an environmental impact assessment has been carried out in accordance with Book I, Title II, Chapter II of the same Code has been carried out and, where applicable, the risks provided for in Article L.181-25 of this Code have been assessed. The documentation for the public enquiry shall not contain any information which is covered by a discoverer's right or industrial property right and which the applicant does not wish to make public, nor any information whose disclosure is likely to compromise public safety.

Any modifications to works, installations or methods that are likely to result in substantial amendments to the original information in the authorisation shall, under the conditions stipulated in a decree by the Council of State, necessitate the submission of an application for a new authorisation; a public enquiry must also be carried out in accordance with Book I, Title II, Chapter III of the Environmental Code to this end.

L.162-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The works authorisation shall stipulate the specific conditions under which works involving searches and exploitation shall be carried out with a view to protecting the interests referred to in Articles *L.161-1* and *L.161-2*; the authorisation may be supplemented at a later date.

For the mines referred to in Article *L.162-2*, it shall define the amount of financial guarantees, the arrangements for provision of these guarantees, and the arrangements for updating their amount.

Sub-Section 2: Provisions specific to offshore works authorisations

L.162-6

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: IND11009820R

The commencement of works involving prospecting, searches or exploitation in relation to the mineral or fossil substances referred to in Article *L.111-1* within the 12-nautical-mile zone or in internal waterways shall be subject to the rules on authorisations or declarations provided for under this Title, under the conditions stipulated in a decree by the Council of State.

The provisions of Sub-Section 1 of this section shall apply to an authorisation to commence works on the seabed involving the mineral or fossil substances referred to in Article *L.111-1*.

L.162-6-1

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As regards the commencement of work involving searches or exploitation of liquid or gaseous hydrocarbons in territorial waters, in the exclusive economic zone or on the continental shelf, the authorisation referred to in Article *L.162-4* shall be subject to assessment and approval by the competent administrative authority of the report on major hazards and a description of the independent verification programme produced for the installations defined in Article 2(19) of Directive 2013/30/EU of the European Parliament and the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC, without prejudice to the applicant's liability.

In the case of authorisations for commencement of the works referred to in the first subparagraph of this article, the report on major hazards shall replace the hazard study provided for in Article *L.162-4*.

Worker representatives shall be consulted as part of the process for producing a report on major hazards.

The report on major hazards shall be subject to a thorough review by the exploiting party at least every 5 years, or earlier if requested by the competent administrative authority.

L.162-6-2

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The exploiting party and owner of one of the above-mentioned installations, as defined in Article 2(19) of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013, that is located in territorial waters, in the exclusive economic zone or on the continental shelf, shall jointly produce an independent verification programme.

A description of the independent verification programme shall be forwarded to the competent administrative authority in the event that an application is submitted for an

authorisation for commencement of works involving searches or exploitation, or in the event of any substantial modification to operations.

The independent verification shall be carried out by an external body or by an internal body that is not under the control or influence of the exploiting party or the owner of the installation.

The independent verifier shall be involved in planning and preparing for any substantial modification to notifications of well operations.

The results of the independent verification shall not release the party exploiting the installation or the owner or, in the absence of these latter, the holder of the mining permit from responsibility for the correct and safe functioning of the equipment and systems under verification.

L.162-6-3

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The competent administrative authority may request companies registered within the national territory that carry out, either directly or through subsidiaries, offshore operations involving searches or exploitation of liquid or gaseous hydrocarbons outside the European Union, either as holders of an authorisation or as exploiting parties, to submit to it a report on the circumstances of any major accident in which they have been involved.

L.162-7

○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
NOR: INDI1009820R

In the event that the applicant submits an application for a concession to exploit mineral substances other than those referred to in Article *L.111-1* and contained on the seabed of the public maritime domain and on the continental shelf at the same time as an application relating to an authorisation for the commencement of works, examination of the applications shall include an environmental impact assessment in accordance with Book I, Title II, Chapter II of the Environmental Code and a single public enquiry carried out in accordance with Book I, Title II, Chapter III of the same Code. The consultation referred to in Article *L.123-7* must be carried out.

L.162-8

○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
NOR: INDI1009820R

In the event that an application relating to an authorisation for the commencement of works involving searches or exploitation of mineral substances other than those referred to in Article *L.111-1* and contained on the seabed of the public maritime domain and on the continental shelf is submitted on its own, the examination procedure shall include an environmental impact assessment, a public enquiry and the consultation provided for in

Article *L.123-7*, without prejudice to the public information and participation process already carried out when examining the application for a permit.

L.162-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If the administrative authority plans to issue an authorisation for the commencement of works involving mineral substances other than those referred to in Article *L.111-1* and contained on the seabed of the public maritime domain and on the continental shelf, the draft authorisation together with the applicant's observations shall be made available to the public, prior to its issuance and by any means, for a period of 1 week in the locations where the public enquiry was carried out.

Section 3: Works subject to a declaration

L.162-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Works involving searches and exploitation that, although posing minor inconveniences or risks to the interests referred to in Article *L.161-1*, must nevertheless be monitored by the mining police and comply with the requirements imposed by the administrative authority, must be declared.

Section 4: Miscellaneous

L.162-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Subject to the specific procedures provided for by the legislative provisions of this Code and the regulatory provisions adopted for their implementation, the authorisations and declarations provided for under this Title shall be deemed equivalent to authorisations and declarations respectively pursuant to Article *L.214-3* of the Environmental Code.

L.162-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter III: Termination of works

L.163-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that a specific installation is no longer used for exploitation purposes, the procedure for terminating mining works shall be followed for all installations and works no longer required after completion of the end of a phase of works, and in any event for all installations and works for which the procedure was not followed upon completion of exploitation.

L.163-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Termination of the works referred to in Article *L.163-1* shall be subject to a declaration to a competent authority. These declarations must be submitted no later than the end of the term of validity of the mining permit. In the absence of such a declaration, the administrative authority shall remain authorised to require performance of the necessary measures beyond this term.

L.163-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

When the installations referred to in Article *L.175-1* cease to be used or at the end of each phase of works, or at the latest at the end of exploitation and in connection with the termination of works, the exploring or exploiting party shall give notification of the measures that it plans to take to protect the interests referred to in Article *L.161-1*, to repair damages or resolve nuisances of any kind caused by its activities in general terms, to prevent the risk of such damages occurring and, where applicable, to preserve the opportunities for resuming exploitation.

L.163-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

If there are no potential technical measures that can reasonably be taken to prevent or stop any damages, the exploring or exploiting party shall be responsible for investigating whether any major risks likely to jeopardise the safety of property or persons will continue to exist after work has been terminated. If any such risks continue to exist, it shall examine and present the measures it deems necessary according to the procedure referred to in the first sub-paragraph of Article *L.163-9*, in particular monitoring measures.

L.163-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploring or exploiting party shall in any case evaluate the impact of the works on the presence, accumulation, discharge, volume, flow and quality of waters of all kinds, assess the consequences of terminating work or exploitation on the situation caused by these impacts and on the uses of water, and specify the measures planned to remedy these consequences where necessary.

L.163-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Having received a declaration of the termination of works, and having consulted the municipal councils of the municipalities affected and the exploring or exploiting party, the administrative authority shall, where necessary, stipulate the measures to be carried out and any rules to be followed in this respect that have been omitted or covered in inadequate detail by the declaring party. This authority shall set a deadline within which the measures must be completed.

L.163-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If the exploring or exploiting party fails to carry out the measures stipulated in application of Article *L.163-6*, they shall be carried out on an *ex officio* basis by the administration at the party's expense. The administration may request that the amounts required to carry out the measures be deposited with a public accountant; where applicable, these amounts may be recovered as though they were non-tax and non-property debts owed to the state.

L.163-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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With a view to carrying out the stipulated measures and until they have been completed, the administrative authority may extend the scope of the provisions of Articles *L.153-3* to *L.153-15* to cover the exploring or exploiting party.

L.163-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Once the measures planned by the exploring or exploiting party or stipulated by the administrative authority have been carried out, the latter shall provide official confirmation thereof. Once this procedure has been completed, the activities of the exploring or exploiting party shall no longer be subject to oversight by the mining police.

As regards the activities regulated by this Code and in the event that significant risks likely to jeopardise the safety of property or persons emerge after completion of this procedure, however, the administrative authority may take action pursuant to the provisions of Article *L.173-2* until expiry of the mining permit and, in the cases provided for in Article *L.174-1*, until the transfer to the state of responsibility for monitoring and preventing mining risks.

L.163-10	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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All of the provisions of Articles *L.163-1* to *L.163-9* shall apply even in the absence of a mining permit.

L.163-11	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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The exploring or exploiting party shall be obliged to hand over to the local authorities affected or to the competent public establishments for inter-municipal cooperation the hydraulic installations that these public entities deem necessary or useful for the purposes of sanitation, water distribution or management of rain water, run-off and underground water. The rights and obligations associated with these installations shall be transferred along with them.

Upon request, the hydraulic installations required for safety purposes shall be transferred to the public entities listed in the previous sub-paragraph, under the same conditions. This transfer shall be approved by the administrative authority. At the same time, the exploiting party shall pay an amount corresponding to the estimated cost of the first 10 years of operation of these installations; the amount shall be determined by the administrative authority.

Any disputes arising under this article shall be settled as is customary for the field of public works. Without prejudice to the first two sub-paragraphs of this article, installations for the exploration or exploitation of liquid or gaseous hydrocarbons and installations required for mining purposes within the meaning of Articles *L.153-3* and *L.153-15* may (with a view to their deployment for other subsoil uses governed by this Code) be converted or assigned by the exploring or exploiting party to other public or private entities, in consultation with and after obtaining an opinion from the local authorities affected. This transfer shall also involve a transfer of the rights and obligations relating to the transferred installations referred to in Title V of this Book. It shall be approved by the administrative authority, subject to completion by the assignor of the procedure for terminating works in respect of all installations not required for the new intended use and subject to a mining permit for this new use being granted beforehand.

L.163-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter IV: Provisions specific to geothermal deposits

L.164-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Works involving searches and exploitation in relation to geothermal deposits shall be subject to the provisions of this Title.

L.164-1-1	○
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Experts involved in the commencement of works involving the exploitation of small-scale geothermal deposits through being tasked with producing feasibility studies in relation to the geological context of the site and designing or carrying out drilling operations shall be covered by an insurance policy intended to compensate any damage to property or linked instances of damage to property caused to third parties. This insurance policy shall also cover monitoring of the drilling site and performance of the works necessary to eliminate the cause of the damages.

When the works involving exploitation commence, the experts must be able to provide evidence that they have taken out an insurance policy covering this liability, citing the reference and the coverage amount.

The compulsory liability insurance defined in Book II, Title IV, Chapter I of the Insurance Code shall not be deemed an adequate replacement for the compulsory liability insurance guarantees provided for in the first sub-paragraph of this article.

The implementing rules for this article, in particular the minimum liability limits for any contracts concluded, their liability periods and the obligations incumbent upon experts in the course of works involving the exploitation of small-scale geothermal deposits, shall be stipulated in a decree by the Council of State.

L.164-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules and conditions for this chapter shall be stipulated in decrees by the Council of State.

Chapter V: Provisions specific to underground thermal energy stores

L.165-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Works involving searches to be carried out prior to the establishment of an underground thermal energy store and involving exploitation of such a store shall be subject to the provisions of this Title.

L.165-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules and conditions for this chapter and the cases in which derogations from the provisions of Article *L.165-1* shall be permitted (in whole or in part) for small-scale stores, based on the quantity of thermal energy stored therein, shall be stipulated in decrees by the Council of State.

TITLE VII: ADMINISTRATIVE OVERSIGHT AND MINING POLICE

Chapter I: Scope

L.171-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The task of the mining police shall be to prevent and halt any damages and inconveniences attributable to activities involving mining searches and exploitation, and in particular to enforce compliance with the constraints and obligations set out in the decrees adopted with a view to protecting the interests referred to in Article *L.161-1* as well as the obligations referred to in Article *L.161-2* and the texts adopted for their application.

L.171-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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All works involving searches or exploitation, regardless of whether they are carried out on the basis of an authorisation or declaration, and regardless of whether the party carrying them out is the holder of the mining permit, shall be subject to the administrative oversight defined in Article *L.171-1*, under the conditions stipulated in a decree by the Council of State. The remit of the mining police shall also cover additional surface installations that are required to carry out the works and all installations that are essential for exploitation purposes within the meaning of Article *L. 153-3*, without prejudice to the remits of other police departments.

Chapter II: Obligations incumbent upon exploiting parties

L.172-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

With a view to allowing the oversight provided for in Chapter I of this Title, the holders of the concession shall forward to the administrative authority, on an annual basis throughout the entire period of exploitation, a report relating to its impacts on land use and on the characteristic features of the surrounding environment. These reports shall be forwarded to the local authorities affected. The requirements to be met by the reports shall be defined in regulatory provisions.

L.172-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that a concession for exploitation is held by multiple persons or a company, the joint holders or the company must, on the basis of a special agreement, put in place arrangements to ensure that the works are managed uniformly and aligned with a common interest.

Similarly, they shall be obliged to appoint a representative who shall be served documents in person or by mail and who, generally speaking, shall represent the joint holders or the company in interactions with the administration, in the capacity of either the plaintiff or the defendant. Upon request by the administrative authority, evidence must be supplied that these obligations have been met.

Chapter III: Administrative penalties

L.173-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that the joint holders or the company in question fail to supply the evidence

required under Article **L.172-2** within the deadline set, or fail to comply with the provisions of their agreements designed to ensure that the works involving exploitation are managed uniformly, all or part of the works may be suspended by the administrative authority, without prejudice to the application of the provisions of Article **L.512-5**.

L.173-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that works involving mining searches or exploitation pose a risk to the interests outlined in Article **L.161-1**, the administrative authority may ask the party exploring or exploiting the mines to take all appropriate steps to protect these interests, within a specified deadline.

If the exploring or exploiting party fails to do so, the administrative authority shall take the steps itself on an *ex officio* basis, at the party's expense.

L.173-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that the exploiting party fails to comply with the obligation laid down in Article **L.161-2**, the competent administrative authority may ask the party to take all appropriate steps to achieve compliance.

In cases where there is a risk that exploitation will be limited or suspended and said limitation or suspension would affect the overall economy of the region or the country, the administrative authority shall take the appropriate steps and alert the local authorities in question.

L.173-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any wells, drifts or works involving exploitation of a mine opened up contrary to the provisions of this Code and their implementing texts may be prohibited by the administrative authority.

L.173-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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After formal notice has been given, a permit or authorisation may be withdrawn from any holder of an exclusive search permit, mining concession or one of the authorisations provided for under Articles **L.124-4** and **L.134-4** and any holder of an authorisation to lease a mining permit if the holder:

1. has defaulted on payment of mining fees owed to the state, to departments or to municipalities for more than 2 years;

2. is involved in conversion or leasing arrangements that do not comply with the rules laid down in Chapter III of this Title;
3. has committed a serious breach of requirements imposed by the police or of health and safety requirements, or has failed to take the steps imposed in application of Article *L.173-2*;
4. fails to carry out mining activities for a sustained period or carries out activities that are clearly disproportionate to the amounts invested and, more generally, fails to meet the commitments made and referred to in the memorandum of association, in the case of permits or authorisations for mining searches;
4. a. fails to comply with Article *L.111-13*;
5. fails to carry out exploitation activities for a sustained period or carries out exploitation activities that are clearly disproportionate to the opportunities afforded by the known deposit or contrary to the interests of consumers or the state of the market, or carries out exploitation activities under conditions that are likely to pose a serious risk to the profitability, conservation and later use of the deposit, in the case of exploitation authorisations or permits;
6. fails to comply with the provisions of Articles *L.121-4* et *L.131-5*;
7. fails to comply with the conditions laid down in the memorandum of association and fails to meet the commitments referred to in Article *L.132-2*;
8. fails to carry out exploitation activities for a period of more than 10 years, in the case of mining concessions.

L.173-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The decision to withdraw a permit or an authorisation shall be issued by the administrative authority according to the arrangements laid down in a decree by the Council of State.

L.173-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any equipment still in place may be removed by a holder whose permit or authorisation has been withdrawn if the latter has been released in advance from the obligations applicable under this Code. The known deposit covered by the withdrawn permit or authorisation shall acquire the status of a deposit open to searches.

Chapter IV: Risk prevention

L.174-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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In the event that significant risks likely to jeopardise the safety of property or persons are present involving ground subsidence or an accumulation of hazardous gases, and these risks are identified upon termination of the works, the exploiting party shall install the equipment necessary for their monitoring and prevention and operate this equipment.

L.174-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Upon expiry of the mining permit, responsibility for monitoring and preventing the risks referred to in Article *L.174-1* shall be transferred to the state, provided that the declarations provided for in Articles *L.163-1* to *L.163-3* have been submitted and the steps taken have been officially confirmed.

Responsibility shall however only be transferred once the exploring or exploiting party has forwarded to the state the equipment and research and all the information necessary to perform the monitoring and prevention tasks and after payment by the exploiting party of an amount corresponding to the estimated cost of the first 10 years of risk prevention and monitoring and operation of the equipment.

L.174-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The administrative authority may invoke the provisions of Articles *L.153-3*, *L.153-4*, *L.153-12* and *L.153-13* to allow its services to carry out monitoring and prevention measures in relation to mining risks or work aimed at ensuring the safety of persons and property.

L.174-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The administrative authority shall provide an annual update to local elected officials (in the form of a departmental or interdepartmental mining risk oversight committee) on the progress and outcomes of procedures to monitor these risks.

L.174-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The state shall produce and implement mining risk prevention plans under the conditions provided for in Articles *L.562-1* à *L.562-7* of the Environmental Code for predictable natural risk prevention plans. These plans shall have the same effect as the predictable natural risk prevention plans. The provisions of Article *L.561-3* of the same Code shall not apply to them, however.

L.174-6

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Without prejudice to the provisions of 5. of Article *L.2212-2* and Article *L.2212-4* of the General Local Authorities Code, in the event that a mining risk poses a serious threat to the safety of persons, the state may carry out a compulsory purchase of the property subject to this risk under the conditions provided for in the Code on Compulsory Purchases in the Public Interest in the event that it would cost more to safeguard and protect local populations than to carry out the compulsory purchase.

L.174-7

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The procedure provided for in Articles *L.521-1* to *L.521-8* of the Code on Compulsory Purchases in the Public Interest shall apply if a pressing emergency makes it necessary to carry out safeguarding measures immediately.

L.174-8

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The risk shall not be taken into consideration when determining the amount of compulsory purchase compensation owed in connection with the procedure provided for in Articles *L.174-6* and *L.174-7*.

Without prejudice to the provisions of Article L.13-14 of the Code on Compulsory Purchases in the Public Interest, no compensation or reduced compensation shall be paid for purchases of property if there is evidence (relating to the time of purchase) to suggest that the property was only purchased for the purpose of obtaining compensation higher than the purchase price paid.

In the absence of evidence to the contrary, purchases made after the commencement of a public enquiry relating to the approval of a mining risk prevention plan involving the withdrawal of planning permission in the area affected or, in the absence of such a plan, after the commencement of a public enquiry relating to compulsory purchases, shall be deemed to have been made for this reason.

As of the date of publication of the decision to commence a public enquiry relating to compulsory purchases in application of Articles *L.174-6* and *L.174-7*, planning permission or any administrative authorisation likely to increase the value of the property subject to compulsory purchase may not be issued until the end of the procedure.

L.174-9

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The legal person under public law on behalf of whom planning permission or an administrative authorisation has been issued contrary to the provisions of the last subparagraph of Article *L.174-8* or contrary to the provisions of an enforceable mining risk prevention plan shall be obliged to repay to the state the compulsory purchase price paid for the property covered by the planning permission or administrative authorisation.

L.174-10	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles *L.174-6* to *L.174-9* shall apply to property assets affected by subsidence if the cost of protecting, maintaining or repairing these assets exceeds the value at which the property would be assessed without taking the risk into consideration.

L.174-11	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A compulsory purchase made in application of Articles *L.174-6* and *L.174-7* shall result in the state's being subrogated to the owners' rights associated with property subject to compulsory purchase.

L.174-12	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter V: Authorities responsible for administrative oversight and the mining police

Section 1: Administrative police powers

L.175-1	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Representatives of the administrative authority who are responsible for matters relating to the mining police may at any time inspect mines, waste dumps and slag heaps where works involving prospecting, searches or exploitation are carried out, as well as all the installations required to carry out these works.

They may furthermore request the submission of documents of any kind and of any samples and equipment required to perform their remit.

L.175-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Without prejudice to the application of Articles *L.144-1*, *L.173-5* and *L.173-7* and of Book V, the administrative authority may call upon law enforcement agencies in cases where it is required to do so in connection with a suspension, prohibition or *ex officio* act carried out in application of Article *L.173-2*.

It may furthermore take all the appropriate measures, in particular seizing equipment and banning access to the site, at the expense and risk of the party responsible for the works.

L.175-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that an accident occurs in a mine that is being exploited, the administrative authority responsible for matters relating to the mining police shall take all the measures necessary to eliminate the existing hazards and prevent any further hazards. As in the case of a pressing emergency, the administrative authority may seize equipment and conscript workers, and arrange for work to be carried out under the leadership of the mining engineer or engineers under his or her command or, in their absence, under the leadership of experts delegated by the local authority.

L.175-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If a state of disaster associated with a mining disaster within the meaning of Article *L.155-5* is declared, the powers granted to the state pursuant to 5. of Article *L.2212-2* of the General Local Authorities Code in connection with the disaster shall be transferred to the state. This transfer may take place up until the date on which the state representative of the department declares the end of the state of disaster associated with the mining disaster.

Section 2: Guarantees applicable to visits carried out as part of administrative police missions

L.175-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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When visits are carried out by the representatives referred to in Article *L.175-1* with a view to performing the administrative police missions for which they are responsible, the parties visited shall be provided with the guarantees (and in particular the means of appeal) outlined in this section.

L.175-6	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The representatives and officials referred to in Article *L.175-1* may enter premises accessible to the public.

L.175-7	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The representatives referred to in Article *L.175-1* may also access premises that are not accessible to the public, with the exception of living quarters.

L.175-8	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Visits to premises that are living quarters may only be carried out by representatives in the presence of the occupant and with his or her consent.

L.175-9	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that access to business premises is refused or if parts of these premises are used as living quarters and the conditions laid down in Article *L.175-8* are not met, visits by representatives may, if they are deemed necessary to perform supervisory tasks, be authorised in a ruling by the custodial judge of the higher-level court for the jurisdiction in which the premises to be visited are located.

The ruling shall include the address of the premises to be visited, the name and role of the representative(s) or official(s) authorised to carry out the visit and the hours during which the visit is authorised. The ruling shall be enforceable upon simple presentation and without prior notification.

L.175-10	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The ruling referred to in Article *L.175-9* shall be notified in situ and at the time of the visit to the occupant of the premises or to his or her representative, who shall be given a full copy in return for an acknowledgement of receipt or signature on the report of the visit. If the occupant of the premises or his or her representative is absent, notification of the ruling shall be given after the visit by registered post with acknowledgement of receipt. Notification shall be deemed to have been given on the date of receipt that appears on the acknowledgement. In the event that it is not received, the ruling shall be served by a court bailiff. The notifying document shall include details of procedures and

deadlines for appealing against the ruling authorising the visit and against the execution of the visit itself. It must also state that an application for suspension or termination of the visit may be lodged with the judge who authorised the visit.

L.175-11

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The visit shall be carried out under the supervision and direction of the custodial judge who authorised it. The custodial judge may, if he or she deems it expedient, also be present during the visit to the premises. He or she may decide to suspend or terminate the visit at any time. An application to the custodial judge for suspension or termination of the visit shall not have suspensory effect.

L.175-12

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The visit shall be carried out in the presence of the occupant of the premises or his or her representative, who shall have the right to legal counsel of his or her choice. If the occupant of the premises is absent, the representatives and officials responsible may only carry out the visit in the presence of two witnesses who are not under their direction.

A report outlining the arrangements and procedure for the visit and recording any findings made shall be drafted on the spot by the representatives and officials carrying out the visit. The report shall be signed by these representatives and by the occupant of the premises or, where applicable, by his or her representative and by the witnesses. A refusal to sign the report shall be recorded in the report.

As soon as it has been completed, an original copy of the report shall be forwarded to the judge who authorised the visit. A copy of the same document shall be handed over or sent by registered post with acknowledgement of receipt to the occupant of the premises or to his or her representative.

The report shall specify the means of appeal and the related deadlines.

L.175-13

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

An appeal against the ruling authorising the visit may be lodged with the first president of the court of appeal, in accordance with the rules laid down in the Code of Civil Procedure. The parties shall not be obliged to instruct a lawyer. The appeal shall be lodged in the form of a declaration handed over or sent by registered post to the registry of the court within a deadline of 15 days. The deadline shall run from the date on which notification of the ruling is given. The appeal shall not have suspensory effect.

The registry of the high-level court shall forward the relevant case file without delay to the registry of the appeal court, where the parties can consult it.

The ruling by the first president of the court of appeal may be referred to the Court of Cassation, according to the rules laid down in the Code of Civil Procedure. The deadline for referring the ruling to the Court of Cassation shall be 15 days.

L.175-14

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The first president of the court of appeal shall hear remedy actions against the performance of visits authorised by the custodial judge in accordance with the rules laid down in the Code of Civil Procedure. The parties shall not be obliged to instruct a lawyer. The remedy action shall be lodged in the form of a declaration handed over or sent by registered post to the registry of the court within a deadline of 15 days. The deadline shall run from the date on which the report referred to in the first sub-paragraph is handed over or received. The remedy action shall not have suspensory effect.

The ruling by the first president of the court of appeal may be referred to the Court of Cassation, according to the rules laid down in the Code of Civil Procedure. The deadline for referring the ruling to the Court of Cassation shall be 15 days.

L.175-15

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Where necessary, this section shall be reproduced in the document giving notification of the ruling by the custodial judge that authorises the visit.

Chapter VI: Offshore mining police

L.176-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The task of the offshore mining police shall be to prevent or halt any damages and inconveniences attributable to activities involving searches and exploitation, and in particular to enforce compliance with the constraints and obligations set out in the decrees adopted with a view to protecting the interests referred to in Article *L.161-1* as well as those referred to in Article *L.161-2*.

L.176-1-1

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In order to allow tasks relating to administrative oversight and mining police matters to be performed, the exploiting party shall provide transport for inspectors and the

individuals acting under their direction, as well as for their equipment, so that they can travel to and from offshore facilities or vessels. The exploiting party shall also provide accommodation and catering for inspectors and the individuals acting under their direction during visits to offshore facilities. The expenses incurred by the competent administrative authority may otherwise be recovered from the exploiting party or the holder of the mining permit.

L.176-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Any activities involving searches or exploitation, whether or not in relation to the substances referred to in Article *L.111-1*, carried out in the public maritime domain or on the continental shelf and in the exclusive economic zone shall be subject to oversight by the offshore mining police under the conditions stipulated in a decree by the Council of State.

L.176-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of Articles 19, 29 to 32, 37, 39 and 52 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic shall apply to artificial islands, installations and structures and any associated installations as defined in III of Article 19 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic, located on the continental shelf and in the exclusive economic zone, as defined in Articles 15 and 11 of the same Ordinance respectively.

Chapter VII: Provisions applicable to geothermal deposits

L.177-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of this Title shall apply to all deposits, regardless of their temperature.

Chapter VIII: Provisions applicable to underground thermal energy stores

L.178-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of this Title shall apply to works involving searches prior to the establishment of an underground thermal energy store and involving exploitation of such a store in line with the rules stipulated in a decree by the Council of State.

TITLE VIII: OCCUPATIONAL HEALTH AND SAFETY

L.180-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of the fourth part of the Labour Code may be supplemented or adapted by a decree in order to take into consideration the specific features of undertakings and businesses operating mines and their outbuildings.

TITLE IX: OTHER WORKPLACE PROVISIONS

Chapter I: Working time

L.191-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the case of underground mine exploitations, the length of time for which each worker is present in the mine may not exceed 38 hours 40 minutes a week.

By way of derogation from the provisions of Articles *L.3121-1* et seqq. of the Labour Code, any time during which mine workers are underground shall be regarded as actual working time.

L.191-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

A decree by the Council of State, under the conditions provided for in Article *L.3121-67* of the Labour Code, shall stipulate the implementing rules for Article *L.191-1*, in particular the method for calculating the length of stay.

Chapter II: Miners' representatives

Section 1: Remit

L.192-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Representatives tasked with protecting miners' safety ('miners' representatives') shall be appointed to visit a mine's works and installations with a view to evaluating occupational health and safety conditions and, in the event of an accident, the circumstances in which the accident occurred.

These miners' representatives shall be responsible for reporting any violations they observe during their visits of the provisions on child labour and women's labour, working time and weekly rest times, in line with the procedures defined in regulatory provisions.

The tasks of staff representatives as defined in Book III, Title I of the second part of the Labour Code shall be performed by miners' representatives.

L.192-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The miners' representative shall visit all wells, drifts, work sites, workshops and other installations within his or her catchment area twice a month. He or she shall also inspect the apparatus used for the movement and transport of workers, the sanitary installations made available to workers at the face and stores of rescue equipment at production sites.

In addition to these planned visits, he or she may also carry out additional visits within his or her catchment area if there is reason to believe that occupational health and safety may be at risk.

L.192-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event of an accident resulting in death or serious injury of one or more workers or an accident that poses a potential safety hazard to workers, the exploiting party shall notify the miners' representative for the catchment area without delay of the accident.

The miners' representative shall visit the premises without delay.

L.192-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that the miners' representative deems the installations of the mining exploitation that he or she has just visited an immediate health and safety risk, irrespective of the reason, he or she shall immediately notify the exploiting party or his or her on-site representative. As soon as the exploiting party or his or her representative has been notified, he or she shall acknowledge or have acknowledged by an agent, in the presence of the miners' representative, the findings made by the latter and take the appropriate measures. The miners' representative shall also inform the representative of the labour inspectorate without delay.

L.192-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The miners' representative may carry out visits at any time of the day or night.

He or she may not exercise this right in a manner likely to interfere with the normal operation of the mine, however.

L.192-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The miners' representative shall be permitted to accompany the labour inspectorate representative at least once a quarter on his or her visits to mines with over 500 workers and at least once a year on his or her visits to mines with no more than 500 workers.

Section 2: Catchment areas

L.192-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that they are operated by the same exploiting party and a visit to them will not take longer than 6 days, the following shall make up a single catchment area:

1. a set of wells, drifts and work sites, for the election of a below-ground representative;
2. a set of installations or above-ground services not associated with an underground catchment area, for the election of a permanent above-ground representative.

In cases where the representative would represent over 1,500 workers, the administrative authority may create multiple below-ground or above-ground catchment areas.

L.192-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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After consulting the relevant stakeholders and setting a deadline of 15 days, the administrative authority may remove the role of miners' representative from any mining

concession or any group of adjacent mining concessions that are operated by the same exploiting party and that have fewer than 25 below-ground workers.

Section 3: Elections

L.192-9	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A regular and a substitute miners' representative shall be elected for each catchment area.

L.192-10	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that a single electoral college can be formed from the voters in at least three neighbouring catchment areas where the same substances are exploited, the miners' representatives and substitute representatives shall be elected on the basis of proportional representation using the list system in two rounds of voting, under the conditions provided for in this Sub-Section.

In such cases the administrative authority shall decide on the catchment areas to be grouped together for the purpose of the elections and the municipality closest to the geographical centre of this group of catchment areas, which is where the voting results will be compiled.

In the event that a single electoral college cannot be formed from the voters in at least three neighbouring catchment areas for miners' representatives, miners' representatives shall be elected using the majority list system in two rounds of voting, under the conditions laid down by regulatory means.

L.192-11	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Workers shall be eligible to vote provided that they have reached the age of 18, have worked in the catchment area for 1 month prior to the date of the decision calling the election and provided that they are not subject to a prohibition, forfeiture or loss of legal capacity in relation to their civic rights.

The miners' representative must be eligible to vote in his or her catchment area.

L.192-12	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The following shall be eligible to stand for election as representatives within a catchment area provided that they can read and write French, provided that they do not have a physical disability that makes it impossible for them to visit the installations within the catchment area and provided that they are not subject to any prohibition, forfeiture or loss of legal capacity in relation to their civic rights:

1. workers who have been employed for at least 5 years in the mines or quarries, including at least 3 years as a skilled miner, or as the practitioner of a profession that requires a working knowledge of the risks posed by the mine, provided that they have worked for at least 3 years in this catchment area or a catchment area of the same type operated by the same exploiting party;
2. former workers, provided that they have worked for at least 5 years in the mines or quarries, including at least 3 years as a skilled miner, or as the practitioner of a profession that requires a working knowledge of the risks posed by the mine, provided that they have worked for at least 3 years in this catchment area or a catchment area of the same type operated by the same exploiting party, provided that they have been employed as a miner or miners' representative at some point in the past 10 years, and provided that they are not already a miners' representative in a different catchment area.

In catchment areas including work sites defined by regulatory means, interested parties must be free of any silicosis-related symptoms that would prevent them from working for a significant period of time in the work sites within their catchment areas.

In the first 5 years following the opening of a new exploitation, the requirement to have worked for a minimum length of time in the catchment area shall not apply.

L.192-13

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Any miners' representative who, for a reason arising after his or her election, no longer meets the eligibility conditions provided for in Article *L.192-12*, shall immediately be deemed by the administrative authority to have resigned.

After obtaining an opinion from a medical committee, the administrative authority may however allow a miners' representative to remain in post until the end of his or her term of office in the event that he or she is diagnosed with a permanent disability (impairment rating over 60 %) or silicosis following his or her election.

The implementing rules for the previous two sub-paragraphs, in particular the procedures and deadlines for the application and any remedy by the party concerned, the deadlines within which the administrative authority shall take its decision and the members and rules of procedure of the medical committee, shall be stipulated in a decree.

L.192-14

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that the exploiting party fails to display the electoral roll or fails to submit

it to the mayor of each of the municipalities covered by the catchment area, or in the event that the party fails to distribute voting cards, the administrative authority shall do so at the expense of the exploiting party, without prejudice to any criminal penalties that may be imposed.

L.192-15

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The polling station shall be chaired by the mayor or his or her representative, with the help of one assistant appointed by each trade union organisation that has put forward a list of candidates.

Any time spent by assistants employed by the mining exploitation shall be credited to them as working time.

L.192-16

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Votes shall be counted by the election officials, who may be assisted by scrutineers nominated by each trade union organisation that has put forward a list of candidates.

Once the votes have been counted, the chair shall draw up a report of the electoral proceedings, which shall be forwarded if necessary to the mayor of the municipality referred to in Article *L.192-10*.

The latter, assisted by a representative of each trade union organisation that has put forward a list of candidates, shall tally up the results, announce the winners and forward to the state representative of the department a detailed report of the electoral proceedings.

L.192-17

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that the election is held on the basis of proportional representation and the number of voters during the first round of voting, not including blank or spoiled ballot papers, is less than half the number of registered voters, a second round of voting shall be carried out, during which voters may vote for lists other than those put forward by the trade union organisations.

The number of miners' representative catchment areas to be allocated to each list shall be determined by quota method.

L.192-18

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that the election takes place using the majority list system, no one shall be elected during the first round of voting unless he or she has obtained an absolute majority

of votes cast, whereby the number of votes must be at least equal to one quarter of the registered voters. During the second round of voting, a relative majority shall be adequate, irrespective of the number of voters. In the event that two candidates receive the same number of votes, the elder of the two shall be elected.

L.192-19	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that the election is cancelled, another election shall be carried out within 1 month.

L.192-20	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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New elections shall be carried out in the event that catchment areas are created or modified. These by-elections shall take place on the basis of proportional representation if at least three catchment areas are involved, or using the majority list system if fewer than three are involved.

New elections shall not take place in the event that a catchment area is simply abolished, even if the miners' representative for the catchment area was elected by voting on the basis of proportional representation.

L.192-21	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Miners' representatives shall be elected for 3 years. They shall continue to serve in their role until they have been replaced, however.

At the end of their 3-year term, new elections shall be held within a period of 1 month. The date of the new elections may be brought forward by the competent administrative authority; the new miners' representative may not take up his or her role before the end of the previous representative's term of office, however.

L.192-22	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that a miners' representative dies, resigns or is dismissed, he or she shall be replaced within 1 month under the following conditions:

1. in the event that the miners' representative was elected on the basis of proportional representation, his or her seat shall pass to the non-elected candidate on the same list put forward for election in the catchment area where the list gained the highest percentage of votes. In the event that this list gained the same percentage of votes in several different catchment areas, the seat shall pass to the candidate put forward for election in the

catchment area where the list gained the most votes. If the list gained the same number of votes in two or more catchment areas, the seat shall pass to the eldest of the candidates. In the event that all the candidates on the same list have been elected, new elections shall be carried out using the majority list system in two rounds of voting;

2. if the miners' representative was elected using the majority list system in two rounds of voting, new elections shall be carried out using the same method of voting.

Section 4: Protected status of miners' representatives

L.192-23	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any regular or substitute miners' representative found guilty of gross negligence or abuse in the performance of his or her duties may be suspended by the administrative authority for a period of no more than 3 months, under the conditions defined in a decree by the Council of State.

The decision suspending the miners' representative shall be referred to the higher administrative authority within a fortnight; the latter may cancel or reduce the suspension or, if necessary, announce the dismissal of the miners' representative.

A miners' representative who has been dismissed may not be re-elected within a period of 3 years.

L.192-24	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A miners' representative working within his or her catchment area or a neighbouring catchment area operated by the same exploiting party may only be made redundant on the grounds of a downturn in business after all the other workers in the occupational category to which he or she belongs have also been made redundant.

Section 5: Duties and remuneration

L.192-25	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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After their election, miners' representatives shall be obliged to attend vocational training sessions organised under the conditions laid down by the administrative authority.

L.192-26	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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Miners' representatives shall be paid for the visits provided for in Articles *L.192-2* to *L.192-6* according to the basis for calculation defined in Article *L.192-27*.

The vocational training sessions provided for in Article *L.192-25* shall entitle the parties involved to compensation under the same conditions as visits. The administrative authority shall determine the manner in which the various expenses incurred in connection with organising these sessions are shared between the exploiting parties.

Any travel costs incurred by the miners' representatives in the course of their duties shall be reimbursed in line with the conditions laid down by the administrative authority.

Miners' representatives shall be entitled to paid leave, to long-service benefits and to other welfare benefits under the same conditions as the other workers in the mines where they perform their duties. They shall be entitled to the same fringe benefits or to any allowances that are granted, in line with the rules laid down by the administrative authority.

L.192-27	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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On an annual basis and for each catchment area, the administrative authority shall specify the maximum number of days to be spent on planned visits and the cost per day of a visit.

The cost per day that serves as a basis for calculating the allowances to be paid to below-ground miners' representatives carrying out visits shall be determined with reference to the normal salary of a skilled miner working below ground. For permanent above-ground representatives, it shall be determined with reference to the normal salary of an unranked skilled miner working above ground.

The administrative authority shall also specify the minimum monthly allowance for catchment areas covering at least 250 workers. It may amend these rates during the year.

In catchment areas covering over 250 workers, the allowance to be paid to miners' representatives for planned visits shall be calculated on the basis of a number of days double the number of days actually spent on visits; this number may not be lower than 20.

Additional visits carried out by a miners' representative, either to accompany mining engineers, in the aftermath of an accident, or to monitor compliance with working time or occupational health and safety requirements, shall be paid at the same price.

In catchment areas covering no more than 250 workers, the allowance to be paid to a miners' representative for all of his or her planned and additional visits may not exceed the price for 20 days. This shall not include days paid for visits carried out in the aftermath of an accident.

The monthly allowance including visits carried out in the aftermath of an accident may

not exceed the price for 30 working days.

L.192-28

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The amounts owed on a monthly basis to each miners' representative in application of Article *L.192-26* shall be paid to him or her by the exploiting party in question according to the procedures laid down in regulatory provisions.

If the miners' representative is required to perform his or her duties at workplaces operated by different exploiting parties, the allowances for visits and other expenses shall be paid by a joint representative of the exploiting parties in question, appointed or approved by the administrative authority, who shall determine the manner in which costs are to be shared between the exploiting parties with a view to reimbursing this representative.

If the competent administrative authority becomes aware that an exploiting party has not paid the amounts owed to a miners' representative or has not duly reimbursed the representative, the administrative authority shall immediately carry out the steps necessary to make these payments on an *ex officio* basis at the expense of the exploiting party that owes the money, without prejudice to any stipulated sanctions that may be imposed on this latter in connection with violations of the provisions of this chapter.

L.192-29

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The amounts owed to miners' representatives pursuant to Article L.191-26 shall be deemed equivalent to the salaries paid in application of Articles L.3241-1, L.3245-1, L.3251-1, L.3251-2, L.3252-1 to L.3252-5, L.3253-1 to L.3253-4, L.3253-22 and L.3253-23 of the Labour Code.

These provisions shall not however result in miners' representatives being granted the status of employees of the exploiting parties in question on the grounds of the duties they perform.

L.192-30

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that miners are granted benefits in addition to those to which they are entitled under social security regulations, the safety representatives performing these duties in mines shall also be granted these benefits; the obligations incumbent upon the employer in each case as regards the representatives shall be incumbent upon the exploiting party or parties in question.

Section 6: Provisions specific to offshore miners' representatives

L.192-31

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Upon request by the offshore miners' representative after arriving at the platform, the exploiting party or the latter's representative shall provide him or her with a means of descent or ascent after completing the operations in progress.

On an exceptional basis, the exploiting party or the latter's representative shall not be obliged to comply with this request if the immediate transport of the below-ground miners' representative is deemed impossible on safety grounds. In these cases, the exploiting party or the latter's representative shall enter into the record of observations produced by the below-ground miners' representative the reasons for the delay in providing a means of descent.

No more 40 minutes (during the night shift) or 20 minutes (during other shifts) should elapse between the time when the below-ground miners' representative requests a means of descent and the time when the individual tasked by the exploiting party with accompanying him or her reports to the platform.

If the below-ground miners' representative requests a means of descent during a time scheduled for staff descents, the exploiting party shall take all the steps necessary to avoid his or her visit's being delayed in connection with the availability of the person tasked with accompanying him or her, without the below-ground miners' representative needing to provide notice of the visit.

Upon request by the above-ground miners' representative, the exploiting party shall be obliged to provide the latter with any measuring instruments required; a list of these instruments shall be set out in a decision. The below-ground miners' representative may consult records outlining the daily progress of work for each mining catchment area as well as occupational health and safety plans and records, under the conditions detailed in the decision.

Section 7: Miscellaneous

L.192-32

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the case of above-ground installations and services belonging to the same production site and employing fewer than 150 workers, the tasks of permanent above-ground representatives shall be carried out by the miners' representatives whose catchment area covers the relevant production site. The workers employed by these installations and services shall form part of the same electoral college as the below-ground voters in the catchment area covering these installations and services.

L.192-33

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

A collective labour agreement or convention may stipulate that the tasks of the staff representative as defined in Book III, Title I of the second part of the Labour Code, in respect of the above-ground workers at a production site, may be carried out respectively by the safety representatives of a catchment area covering the works of this production site but not including more than 250 workers.

L.192-34

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In view of the hazards they present, open-cast mining exploitations may be deemed equivalent to underground exploitations for the purpose of implementing the provisions of this chapter, under the conditions defined in a decree by the Council of State.

In such cases, workers involved in extraction activities shall be deemed equivalent to below-ground workers for voting and eligibility purposes.

L.192-35

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The implementing rules for this chapter shall be stipulated in a decree by the Council of State where applicable.

BOOK II: STATUTORY REGULATIONS GOVERNING UNDERGROUND STORES

TITLE I: SCOPE

Single chapter: General provisions

L.211-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The following shall not be governed by the statutory regulations provided for in this Book:

1. searches relating to underground formations suitable for the geological storage of carbon dioxide governed by the provisions of Book II, Title II, Chapter IX, Section 5 of the Environmental Code;
2. the establishment, testing, development or exploitation of underground formations with the characteristics required for safe and permanent geological storage of carbon dioxide, in particular from carbon capture procedures regulated by the provisions of Book II, Title II, Chapter IX, Section 6 of the Environmental Code;
3. activities involving searches and exploitation in relation to underground thermal energy stores governed by the provisions of Book I, Title II, Chapter VI; Book I, Title III, Chapter V; Book I, Title V, Chapter VII; Book I, Title VI, Chapter V; and Book I, Title VII, Chapter VIII of this Code.

L.211-2	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The statutory regulations provided for in this Book shall only apply to searches for and the establishment, testing, development or exploitation of natural or artificial underground cavities or natural underground formations with the characteristics required to act as watertight reservoirs or those with the potential to be turned into watertight reservoirs, with a view to the storage of natural gas, liquid, liquefied or gaseous hydrocarbons or chemical products for industrial purposes.

L.211-3	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For the purposes of implementing this Book, the cavities or formations referred to in Article *L.211-2* shall be deemed equivalent to known mining deposits, and searches in relation to them shall be deemed equivalent to searches for mined substances.

For the purposes of implementing the articles of the Mining Code referred to in this Book, the terms ‘mines’ and ‘known mining deposits’, ‘concession’ or ‘mining concession’, ‘boundaries of a concession’, ‘works involving searches in relation to mines’ and ‘works involving exploitation in relation to mines’ shall, in the case of underground stores, be understood to mean respectively ‘underground stores’, ‘underground store concession’, ‘boundaries of the store’, ‘works involving searches for underground stores’ and ‘works involving the establishment, testing, development and exploitation of underground stores’. In addition, the boundaries of the store and the boundaries specified in the decision granting an exclusive search permit for underground stores shall be deemed equivalent to mining boundaries.

TITLE II: SEARCHES IN RELATION TO

UNDERGROUND STORES

Single chapter: General conditions

L.221-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Searches in relation to underground stores shall be carried out in accordance with the provisions of Book I, Title II, Chapters I and II.

L.221-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The holder of an underground store concession or a concession for liquid or gaseous hydrocarbon mines shall have the exclusive right, within the same boundaries, to carry out searches without needing to request an exclusive search permit for underground stores.

L.221-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

TITLE III: EXPLOITATION OF UNDERGROUND STORES

Single chapter: General conditions

Section 1: Right of exploitation

L.231-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The underground stores referred to in Article *L.211-2* may only be exploited on the basis of a concession.

L.231-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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Articles *L.131-3*, *L.131-4* and *L.131-5* shall apply to the exploitation of underground stores.

Section 2: Granting of underground store concessions

L.231-3	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Without prejudice to Article *L.231-4*, the concession shall be granted under the conditions provided for in Book I, Title III, Chapter II, Section 1. The application shall be rejected in accordance with the provisions of Section 3 of the same Chapter.

L.231-4	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The holder of the underground store concession shall be released from the obligation to obtain a mining permit in advance if the works involving the establishment, testing and development of an underground store require the extraction of a substance referred to in Article *L.111-1*. In the event that one of the substances referred to in this article is covered by an existing mining permit, the holder of this permit and the applicant for the underground store concession shall outline their mutual rights and obligations in an amicable agreement subject to approval by the administrative authority. In the absence of any such agreement, these rights and obligations shall be outlined in the document granting an underground store concession.

L.231-5	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The concession shall be granted on the basis of a competitive tendering procedure, except in the cases provided for in Article *L.132-4* and *L.231-6*.

L.231-6	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

An underground store concession may be granted without a competitive tendering procedure to holders of a previous concession for an underground store or a liquid or gaseous hydrocarbon mine if the geological formations covered by the application are included within boundaries that have already been authorised.

Section 3: Effects of underground store concessions

L.231-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The concession document shall stipulate the boundaries of the concession and the geological formations to which it applies.

L.231-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The underground store concession shall give rise to the effects defined in Articles *L.132-8*, *L.132-9*, *L.132-11* and *L.132-12*.

Section 4: Fees

Section 5: Miscellaneous

L.231-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

TITLE IV: PROVISIONS RELATING TO PERMITS

Single chapter: General conditions

Section 1: Renewal of search permits for underground stores

L.241-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Exclusive search permits for underground stores shall be renewed in accordance with the provisions of the first sub-paragraph of Article *L.142-1* and Article *L.142-7*. The renewal of exclusive research permits shall be carried out automatically if the holder has

met the relevant obligations.

Section 2: Renewal of underground store concessions

L.241-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Underground store concessions shall be renewed in accordance with the conditions set out in Book I, Title IV, Chapter II, Section 1, Sub-Section 2.

Section 3: Conversion and leasing

L.241-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The conversion of an exclusive search permit for underground stores and the conversion and leasing of a concession for underground stores shall be permitted in accordance with the provisions of Section 1, Sub-Section 1, with the exception of Article *L.143-3* and of Book I, Title IV, Chapter III, Section 2, Sub-Section 1.

Section 4: Waiver of rights

L.241-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A waiver (whether in whole or in part) of rights to search for or exploit underground stores must comply with the provisions of Articles *L.144-1* and *L.144-2*.

Section 5: Miscellaneous

L.241-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

TITLE V: RIGHTS AND OBLIGATIONS ASSOCIATED WITH ACTIVITIES INVOLVING UNDERGROUND STORES

Chapter I: General provisions

L.251-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Article *L.151-1* shall apply to underground stores.

Chapter II: Mutual rights and obligations of exploring and exploiting parties

L.252-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that the underground formations in relation to which the searches are to be carried out are already covered by mining permits or a concession for the geological storage of carbon dioxide, the searches shall be carried out with the consent of the holders of these mining permits or the holder of the concession for the geological storage of carbon dioxide. The dispute shall otherwise be settled by the minister responsible for mines, after obtaining an opinion from the General Council for Industry, Energy and Technologies.

L.252-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter III: Mutual rights and obligations of exploring and exploiting parties vis-à-vis third parties

L.253-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Book I, Title V, Chapter III shall apply to the rights and obligations of parties exploring and exploiting underground stores in relation to third parties.

L.253-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter IV: Rights and obligations of the owners of the land

L.254-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Book I, Title V, Chapter IV shall apply to the rights and obligations of the owners of the land above underground stores.

L.254-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter V: Rights and obligations in the event of damages

L.255-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Book I, Title V, Chapter V shall apply to any damages caused by the party exploring or exploiting an underground store.

L.255-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

TITLE VI: WORKS INVOLVING UNDERGROUND STORES

Chapter I: General rules governing activities involving underground stores

L.261-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

Underground energy stores that are not covered by Book V, Title I of the Environmental Code shall be covered by this Title.

Work involving searches for and exploitation of these underground stores must comply with the requirements set out in Book I, Title VI, Chapter I of this Code, subject to the occupational health and safety requirements adopted in application of the Labour Code.

L.261-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter II: Commencement of work

L.262-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The commencement of works involving searches for or the establishment, testing development or exploitation of underground stores shall be subject to the provisions set out in the decrees adopted to protect the interests and obligations referred to in Article *L.161-1*, Article *L.161-2*, Sub-Section 1 of Section 2, Article *L.162-6* and Sections 3 and 4 of Book I, Title VI, Chapter II.

L.262-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In order to protect the interests outlined in the decrees adopted to safeguard the interests referred to in Article *L.161-1*, the administrative authority may impose a requirement to carry out evaluations and implement any remedial measures necessitated by the consequences of an accident or incident that occurred during the works or by the consequences of a failure to comply with the conditions imposed in application of this Title.

L.262-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter III: Termination of works

L.263-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Works involving searches for and the establishment, testing, development or exploitation of underground stores shall be terminated in accordance with the provisions of Articles *L.163-1* to *L.163-9*. Article *L.262-2* shall apply to the termination of works involving underground stores.

L.263-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter IV: Safety and technological risk prevention

Section 1: Public interest easements

L.264-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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Any works likely to place at risk the safety of the underground reservoir or to interfere with its exploitation, including those carried out by the owner of the land, shall be regulated or prohibited by the administrative authority, within the boundaries of the store and the boundaries of a protection zone stipulated in the concession document. In the case of both these boundaries, the concession document shall specify a depth below which no work may be carried out without prior consent from the administrative authority.

Public interest easements shall be established for areas surrounding the structures required to exploit an underground store under the conditions provided for in I, II and III of Article *L.515-8*, the first, second and third sub-paragraphs of Article *L.515-9*, Articles *L.515-10* and *L.515-11* and III of Article *L.515-37* of the Environmental Code. These easements and their boundaries shall be decided on by the administrative

authority.

Where applicable, documents transferring ownership of land and buildings shall make explicit reference to the easements established in application of Article *L.112-1* of the Town Planning Code and of this section.

Section 2: Technological risk prevention

L.264-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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The provisions of Articles *L.515-15* to *L.515-26* of the Environmental Code shall apply to underground stores.

Section 3: Miscellaneous

L.264-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

TITLE VII: ADMINISTRATIVE OVERSIGHT AND POLICE POWERS RELATING TO UNDERGROUND STORES

Chapter I: Scope

L.271-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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Underground energy stores that are not covered by Book V, Title I of the Environmental Code shall be covered by this Title.

Searches for and the establishment, testing, development and exploitation of underground stores shall be subject to administrative oversight and the police powers provided for by the provisions of Book I, Title VII, Chapter I.

L.271-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter II: Obligations

L.272-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The obligations imposed in Articles *L.172-1* and *L.172-2* shall apply to the holders of underground store concessions.

L.272-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

Chapter III: Administrative penalties

L.273-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The administrative penalties provided for in Book I, Title VII, Chapter III shall apply to activities involving searches for and the establishment, testing, development or exploitation of underground stores.

The sanction provided for in Article *L.173-5* shall furthermore apply in the case of exclusive permits for underground stores if the relevant party fails to carry out activities for a sustained period, and in the case of underground natural gas stores if the relevant party exploits the store under conditions likely to pose a serious risk to the performance of public service tasks relating to security of supply, balancing within connected grids and continuity of the natural gas supply.

L.273-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of

State.

Chapter IV: Administrative police powers

L.274-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Individuals authorised to exercise administrative oversight and police powers relating to underground stores shall have the powers defined in Article L.174-5-1. If visits are carried out by individuals responsible for police tasks relating to underground stores, the guarantees referred to in Book I, Title VII, Chapter V, Section 2 shall be provided where applicable.

L.274-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

TITLE VIII: MISCELLANEOUS

Chapter I: Provisions specific to underground stores of natural gas

L.281-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The holders of concessions for underground stores of natural gas shall ensure that the stores are exploited in a manner compatible with the safe and effective operation of interconnected natural gas networks.

Chapter II: Expenses to be borne by the applicant for or holder of an underground store concession

L.282-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Expenses associated with the analyses, expert reports or checks required to implement the provisions of this Book shall be borne by the applicant for or holder of the underground store concession.

L.282-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The implementing rules for this chapter shall be stipulated in a decree by the Council of State.

BOOK III: STATUTORY REGULATIONS GOVERNING QUARRIES

TITLE I: SCOPE

Chapter I: General provisions

L.311-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

Deposits containing mineral or fossil substances other than those referred to in Article *L.111-1* shall be subject to the statutory regulations governing quarries set out in this Book and in Book V, Title I, Chapter V, Section 1 of the Environmental Code, unless they are located on the seabed of the public maritime domain, or on the continental shelf or in the exclusive economic zone as defined in Articles 11 and 14 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic.

L.311-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of Article *L.111-3* shall apply to the quarried substances defined in Article *L.311-1*.

L.311-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of Article *L.131-5* shall apply to the party exploiting a quarry that holds

the authorisation referred to in Article *L.131-2*.

Chapter II: Quarried substances given the status of mined substances

L.312-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A decree may be adopted at any time by the Council of State, following a public enquiry carried out in accordance with Book I, Title II, Chapter III of the Environmental Code, stating that certain substances that were previously governed by the statutory regulations on quarries shall as of a particular date qualify as mined substances.

L.312-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If exploitations are being operated under the statutory regulations governing quarries on the date when, according to one of the decrees by the Council of State provided for in Article *L.312-1*, a substance mined at the exploitation henceforth qualifies as a mined substance, their owner or, where applicable, the holder of the right to exploit the quarry, shall be entitled to obtain a mining concession in all cases where rational exploitation of the known deposits remains possible.

L.312-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In order to gain entitlement to a mining concession established by Article *L.312-2*, exploiting parties must submit an application within a deadline set in a decree by the Council of State stating that the relevant substance shall as of a particular date qualify as a mined substance.

This application may cover all the plots or jointly cover sections of the plots in respect of which the applicant can prove that, on the date on which notice of the public enquiry provided for in Article *L.312-1* was published, he or she was entitled to exploit the quarry.

It may also jointly cover all other plots adjacent to those defined in the previous subparagraph. The concession for these plots shall only be extended to the degree necessary for rational exploitation of the entire known deposit.

L.312-4	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Until expiry of the deadline set in the decree by the Council of State provided for in Article *L.312-1*, and in the event that an application is duly submitted within this deadline, any deposit meeting the requirements laid down in Articles *L.312-2* and *L.312-3* shall continue to be exploited under the statutory regulations governing quarries until a decision has been taken on the application.

L.312-5	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Mining concessions to which a party is entitled on the basis of the applications referred to in Article *L.312-3* shall be issued in accordance with the provisions of Articles *L.132-1* to *L.132-3*, *L.132-5*, *L.132-8* to *L.132-11*, sub-paragraph 2 of Article *L.132-12* and Article *L.132-13*, and shall entail the rights and obligations outlined in Book I, Title III, Chapter I, with the exception of Article *L.131-2*, unless the provisions of this Title provide for a derogation.

Unless otherwise requested by the holder, the term of these concessions may not be shorter than the remaining term of the authorisation or the registration granted in application of Book V, Title I, Chapter V of the Environmental Code.

L.312-6	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that a mining concession issued in application of Article *L.312-5* relates to all or part of the additional plots defined in the third sub-paragraph of Article *L.312-3*, the concession holder must pay compensation to the owner of these plots or to the holder of the right to exploit them, provided that it does not qualify as such itself. In the absence of an amicable agreement, the amount of compensation shall be set by an ordinary court.

L.312-7	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The holder of the concession, in return for a fixed fee to be set by an ordinary court if an amicable agreement cannot be reached, shall be able to use the wells, drifts and, in a general sense, the existing structures that were permanently established with a view to exploitation.

It may also keep the machines and apparatus previously used in connection with the exploitation in return for payment of their value, to be determined by an ordinary court if an amicable agreement cannot be reached.

L.312-8	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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Contracts that concern search or exploitation rights in relation to a substance that will henceforth qualify as a mined substance and that were concluded prior to notice being given of the commencement of an enquiry on the matter shall remain in force after this date. Notwithstanding the absence of a cancellation clause, however, the parties shall be entitled to cancel the contract 15 years after the date on which the substance becomes a mined substance. If an amicable agreement cannot be reached on the terms and conditions for this cancellation, a decision shall be taken by an ordinary court.

L.312-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The holder of a concession shall replace any party to whom search or exploitation rights have been assigned on the basis of a contract referred to in Article **L.312-8** as regards all the financial obligations resulting from the contract and as regards the plots or parts of plots included under the mining permit. The exploring party authorised by the administrative authority shall replace any party assigned search rights, under the same conditions. In both cases, the holder of the concession or the exploring party shall where applicable continue to replace the party to whom the search rights were assigned until expiry of the contract, upon request by the latter.

L.312-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The decree by the Council of State establishing a concession relating to substances that newly qualify as mined substances shall specify the rates of the subsoil fees for the period corresponding to the term of the concession, as well as the basis used to calculate them and the arrangements for their collection.

The subsoil fees specified in documents granting exploitation permits shall be calculated for the period referred to in the previous sub-paragraph on the basis of the contracts referred to in Article **L.312-8**, taking into account any later changes in the economic situation, the make-up of the known deposit, its geographical location and the conditions of exploitation.

The only parties entitled to receive the subsoil fees specified in documents granting exploitation permits shall be the owners of known deposits who are not party to a contract as referred to in Article **L.312-8**, either because a contract of this kind has never existed or because it has expired or been cancelled.

L.312-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Exploitations where operations commenced between the date on which the decree

provided for in Article *L.312-1* took effect and the date specified in this decree as the date on which a substance would henceforth qualify as a mined substance may serve as a basis for the granting of a mining concession, provided that the owner or the holder of the exploitation right submits an application before the latter date; the provisions of Articles *L.312-7* to *L.312-9* shall apply where necessary.

These exploitations shall continue to be governed by the statutory regulations on quarries until a decision has been taken on the application for a concession.

TITLE II: SEARCHES IN SPECIAL QUARRYING AREAS

Chapter I: Definition

L.321-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that deposits of a substance governed by the regulations on quarries cannot be developed at a level that reflects the needs of consumers or the national or regional economic interest or cannot be developed at this level in the long term owing to a lack of known and accessible resources of this substance, special quarrying areas may be established in decrees by the Council of State.

The environment impact of the planned activities must be assessed before establishing these areas. Before the areas are established, the departmental commission(s) responsible for quarries shall be consulted and a public enquiry carried out in accordance with Book I, Title II, Chapter III of the Environmental Code.

Chapter II: Search authorisation

L.322-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the areas established in application of Article *L.321-1*, search authorisations may be granted even if consent has not been obtained from the owner of the land. The holder of an authorisation of this kind shall be afforded the rights provided for by the provisions of Articles *L.153-3* to *L.153-10*.

L.322-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Within the areas established in application of Article *L.321-1* of this Code, search authorisations may not be granted for areas which, on the date upon which the application for an authorisation is submitted, are exploited on a regular basis by the owner or the latter's beneficiaries or which, if they are not exploited on this date, are covered by an application that is still being examined and that was submitted in application of Articles *L.512-1* or *L.512-7* of the Environmental Code or an exploitation authorisation issued less than 2 years ago.

L.322-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A search authorisation for quarries issued in application of Article *L.322-1* may be withdrawn in the event of long-term inactivity or serious breaches of the requirements of Titles IV and V of this Book and Articles *L.515-4-1* and *L.515-4-2* of the Environmental Code.

L.322-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The withdrawal decision provided for in Article *L.322-3* shall be adopted by the administrative authority.

L.322-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Article *L.173-7* shall apply to the holder from whom the authorisation has been withdrawn.

L.322-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The search authorisations provided for in Article *L.322-1* shall be granted for an initial term of no more than 3 years. Consecutive renewals for the same term shall be permitted.

L.322-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A waiver (whether in whole or in part) of search rights shall only become final once it has been approved by the administrative authority.

L.322-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Implementing rules for the provisions of this chapter shall be stipulated in decrees by the Council of State.

TITLE III: EXPLOITATION OF QUARRIES

Chapter I: Regulations governing the exploitation of quarries

L.331-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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With regard to their exploitation, quarries shall be classified environmental protection installations. Their exploitation shall be subject to the provisions of Book V, Title I, Chapter V of the Environmental Code, without prejudice to the provisions of Title II and Title III, Chapters II, III and IV of this Book.

Chapter II: Right of exploitation

Section 1: Principles

L.332-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Quarries must be made available to the owner of the land within the limits and under the conditions specified by the provisions of this Book.

L.332-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the zones defined in Article *L.321-1* of this Code, exploitation by the owners of the land or their beneficiaries of the substances for which the zones were defined shall remain possible under the regulations provided for by Articles *L.512-1* or *L.512-7* of the Environmental Code, subject to the conditions and limits defined in this section.

L.332-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the zones defined in Article *L.321-1* of this Code, an exclusive quarrying permit may

not be granted for areas which, upon the date on which the permit application is submitted, are regularly exploited by the owner or the owner's beneficiaries or which, if they are not exploited on this date, are covered by an application that is still being examined and that was submitted in application of Articles *L.512-1* or *L.512-7* of the Environmental Code or an exploitation authorisation issued less than 2 years ago.

L.332-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The owner of the land or the latter's beneficiaries may at any time submit an application for an authorisation, under the conditions provided for in Articles *L.512-1* or *L.512-7* of the Environmental Code, to exploit land covered by a search authorisation issued by the administrative authority. The term of this authorisation to exploit the land may only commence on the expiry date of the search authorisation, and may only be granted if the holder of the search authorisation has not submitted an application for an exclusive quarrying permit.

If an application for a temporary occupancy permit is submitted by a party other than the holder of the search authorisation, the owner of the land or the latter's beneficiaries may submit an application for an exploitation authorisation under the conditions provided for in Articles *L.512-1* or *L.512-7* of the Environmental Code.

L.332-5

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The implementing rules for the provisions of this section shall be laid down in a decree by the Council of State.

Section 2: Rights and obligations incumbent upon owners vis-à-vis exploiting parties

L.332-6

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The owner of a quarry may lodge an objection to the renewal of a leasing agreement upon its expiry. An exploiting party that has complied with the requirements laid down in the contract and that, through its works or investments, has added value to the land, shall be entitled to compensation paid by the owner if the latter continues the exploitation or assigns its right to a third party.

The arrangements for giving notice and the factors to be taken into account when calculating this compensation shall be laid down in a decree by the Council of State.

Chapter III: Specific arrangements for exploitations in special quarrying areas

L.333-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Subject to the provisions of Chapter IV, exclusive quarrying permits may be granted in the special quarrying areas defined in Article *L.321-1*, affording their holders the right to exploit deposits of the substance referred to in the permit and removing this right from any other party, including the owners of the land, and allowing their holders to obtain the benefits from Articles *L.153-3* to *L.153-15*, without prejudice to the authorisation issued in application of the legislation on classified environmental protection installations and, where applicable, any other administrative authorisations required.

L.333-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Exclusive quarrying permits may only be converted and leased in cases authorised by the administrative authority.

L.333-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

After formal notice has been given, an exclusive quarrying permit issued in application of Article *L.333-1* may be withdrawn from its holder if the latter:

1. is involved in conversion or leasing arrangements that do not comply with the rules of this Code;
2. commits a major breach of the requirements imposed by the administrative authority on the basis of Title V of this Book;
3. fails to carry out exploitation activities for a sustained period or carries out exploitation activities that are clearly disproportionate to the opportunities afforded by the known deposit or contrary to the interests of consumers and that are not justified by the state of the market or the provisions of Book V, Title I of the Environmental Code;
4. exploits the quarry under conditions likely to pose a serious risk to the profitability, conservation and later use of the known deposit.

L.333-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The withdrawal decision provided for in Article *L.333-3* shall be adopted by the

administrative authority.

L.333-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Exclusive quarrying permits shall be granted for an initial term of no more than 10 years. Consecutive renewals for the same term shall be permitted.

L.333-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles *L.153-1*, *L.153-2*, *L.154-1* and *L.155-1* shall apply to exclusive quarrying permits.

L.333-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The holder of an exclusive quarrying permit shall be obliged to pay to the owner of the land, separately from the compensation for occupation provided for in Article *L.153-12*, a fee calculated on the basis of the tonnage extracted. If an amicable agreement cannot be reached, the amount of this fee shall be determined by an ordinary court upon request by the first party to take action, taking into account in particular any contracts adopted with a view to assigning the right to exploit similar quarries, the make-up of the deposit, the value of the materials likely to be extracted, the exploitation conditions and any losses suffered.

The value to the owner of the land of the fee referred to in the previous sub-paragraph shall be added to the value of this land and used to secure mortgages financed by the owner's creditors.

L.333-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The holder of an exclusive quarrying permit, in return for compensation, shall be able to use the wells, drifts and any structures permanently established beforehand for exploitation purposes. If an amicable agreement cannot be reached, the compensation owed to the owner of the land by the holder of the exclusive permit shall be determined by experts.

The holder of an exclusive permit may also keep the machinery and apparatus previously used in connection with the exploitation in return for payment of their value, to be determined by experts if an amicable agreement cannot be reached.

L.333-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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Upon expiry of the permit and after the completion of rehabilitation and safety-related works, in accordance with the provisions of Articles *L.515-1* to *L.515-6* of the Environmental Code, the quarry shall be handed over to the owner of the land as of right and free of charge, together with the wells, drifts and, in a general sense, any structures permanently established for exploitation purposes.

L.333-10	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

A waiver (whether in whole or in part) of rights to exploit quarries shall only become final once it has been approved by the administrative authority.

L.333-11	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In order to become the holder of an exclusive quarrying permit as a result of a conversion or leasing arrangement, a party must meet the requirements to obtain a permit of the same kind.

L.333-12	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The measures required for application of the provisions of this chapter shall be laid down in decrees by the Council of State.

Chapter IV: Specific arrangements for exploitation in coordinated quarry exploitation areas

Section 1: General provisions

L.334-1	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In cases where the exploitation of quarries and subsequent rehabilitation of the land require overall coordination to avoid environmental degradation and to allow the area to be redeveloped after exploitation without jeopardising the balance of consumer demand and supply, the overall French economy or the economy of the region, coordinated quarry exploitation areas shall be defined in a decree by the Council of State.

L.334-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The procedure for establishing a coordinated quarry exploitation area shall include a public enquiry carried out in accordance with Book I, Title II, Chapter III of the Environmental Code.

L.334-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The definition of a coordinated quarry exploitation area in a decree by the Council of State shall make enforceable against any public or private entity the provisions (in whole or in part) of the exploitation plan referred to in Section 2 and, in particular, shall prohibit the opening up or extension of quarries in any part of the area, and earmark the land for exploitation purposes relating to quarries.

L.334-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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With a view to facilitating the coordinated exploitation and redevelopment of a coordinated quarry exploitation area, the document defining such an area may entitle one of the persons listed in Article *L.212-2* of the Town Planning Code or a real estate and rural planning agency to the right of pre-emptive purchase in the event of disposal against payment of a property according to the procedures and deadlines governing the exercise of this right within a future development zone.

L.334-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In cases where, within areas reserved for the exploitation of quarries, a serious imbalance is caused to the structure of an agricultural holding within the meaning of Article *L.352-1* of the Rural Code, the party exploiting the quarry shall be obliged to pay compensation to the farmer in question in accordance with the procedures outlined in Article *L.352-1* of the Rural Code and its implementing texts.

This compensation shall replace the compensation owed to the farmer pursuant to Articles *L.153-3* to *L.153-15* of this Code.

L.334-6	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles L.322-2, L.322-6, L.331-1, L.332-2 to L.332-4 and L.333-5 to L.333-9 shall apply in coordinated quarry exploitation areas.

Section 2: Coordinated exploitation plan

L.334-7	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Particularly in areas where an alluvial valley has been identified as a source of groundwater that meets the needs of public authorities, a coordinated quarry exploitation plan shall be produced for quarries in the relevant area prior to the definition of the coordinated quarry exploitation areas provided for in Section 1 of this chapter.

L.334-8	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The purpose of this plan shall be to lay down the requirements for setting up and exploiting quarries and for rehabilitating the soil, in particular for agricultural purposes, once exploitation has ended. It shall indicate the body responsible for managing the operations required for its implementation.

L.334-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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It shall be drafted jointly by the state departments and by the public authorities or associations of authorities affected.

Section 3: Implementing provisions

L.334-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Implementing rules for the provisions of this chapter shall be stipulated in decrees by the Council of State.

Chapter V: Exploitation of waste from mines, quarries and scouring.

L.335-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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With the exception of the cases provided for in Article *L.137-1*, the exploitation (with a

view to their use) of masses comprising waste dumps and slag heaps at mines or quarry exploitation waste shall be subject to the regulations governing classified environmental protection installations as provided for in Book V, Title I of the Environmental Code.

The same shall apply to soil scouring affecting an area or a quantity of materials at least equal to the thresholds established in a decree by the Council of State if the extracted materials are sold or used for purposes other than to carry out work on the site from which they were extracted.

Chapter VI: Right of pre-emptive purchase by municipalities and departments

L.336-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Municipalities shall have a right of pre-emptive purchase in the event that derelict quarries formerly exploited within their boundaries are put up for sale; if there is no municipality with this right, the right shall be conferred on the department. This right shall not take precedence over other existing rights of pre-emptive purchase.

TITLE IV: ADMINISTRATIVE OVERSIGHT OF QUARRIES

Single chapter

L.341-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

As regards their exploitation, quarries shall be subject to the general conditions and to the administrative oversight and sanctions that apply to them pursuant to Book V, Title I of the Environmental Code.

TITLE V: WELFARE REGULATIONS

Chapter I: Occupational health and safety

L.351-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of the fourth part of the Labour Code may be supplemented or amended by a decree in order to take into account the specific features of undertakings and businesses operating quarries and their outbuildings.

Chapter II: Safety representatives of quarry workers

L.352-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of Book I, Title IX, Chapter II shall apply to below-ground quarrying works. For the purpose of implementing these provisions, references to mines, miners or miners' representatives shall be replaced with references to quarries, quarry workers and safety representatives for quarry workers.

L.352-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In view of the hazards they present, open-cast quarry exploitations may be deemed equivalent to underground exploitations for the purpose of implementing the provisions of this chapter, pursuant to a decision by the administrative authority.

In such cases, workers involved in extraction activities shall be deemed equivalent to below-ground workers for voting and eligibility purposes.

L.352-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the event that quarry workers are granted benefits in addition to those to which they are entitled under social security regulations, the safety representatives for quarry workers performing their duties in quarries shall also be granted these benefits; the obligations incumbent upon the employer in each case as regards the representatives shall be incumbent upon the exploiting party or parties in question.

Book IV: GEOPHYSICAL SURVEYS AND EXCAVATIONS

SINGLE TITLE: GENERAL CONDITIONS

Chapter I: Prior declarations

L.411-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any party carrying out surveys, installing underground structures or executing excavation works that exceed a depth of 10 metres below ground surface, regardless of their purpose, must submit a prior declaration to the competent administrative authority.

L.411-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Applications for the authorisations and declarations provided for by Article *L.214-3* of the Environmental Code shall be deemed equivalent to a declaration pursuant to Article *L.411-1* of this Code.

L.411-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A prior declaration must be submitted to the competent administrative authority for any geophysical measurement survey, geochemical prospecting campaign or studies of heavy minerals.

Chapter II: Prerogatives of public entities

L.412-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Individuals appointed and authorised by the administrative authority shall have access to all surveys, underground structures or extraction works either during or after their implementation, regardless of their depth.

They may request the handing over of all samples and the forwarding of all geological, geotechnical, hydrological, hydrographical, topographical, chemical or mining documents and information.

The mayors within whose territory extraction works take place shall be informed of the search findings.

L.412-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
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	NOR: INDI1009820R
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The outcomes of the surveys and campaigns referred to in Article *L.411-2* shall be forwarded to the administrative authority.

L.412-3	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The 10-year deadline provided for in Article *L.413-1* may be reduced or waived for certain documents and information under the conditions provided for in a decree by the Council of State. It may be increased to a maximum of 20 years, following the same procedures, for seismic documents and information relating to searches for land-based hydrocarbons and for all information and documents relating to searches for offshore hydrocarbons.

L.412-4	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the case of substances that can be used to generate nuclear power, the competent administrative authority may impose restrictions on the provisions of Articles *L.412-1*, *L.412-3* and *L.413-1* with a view to preserving the confidentiality of the contents, tonnages and recipients of these substances.

L.412-5	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The French Research Institute for Exploitation of the Sea (Ifremer) shall have a right of access to the geological, hydrological or mining documents or information referred to in Article *L.412-1* that relate to the public maritime domain. It may also request the forwarding of any biological documents or information. Ifremer employees with access to these documents or information shall be bound by a duty of professional secrecy under the conditions laid down in Chapter III.

L.412-6	
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- Ordinance No 2011-91 of 20 January 2011 – Article Annex

The provisions governing the right of access conferred upon the French Research Institute for Exploitation of the Sea (Ifremer) to the geological, hydrological or mining documents or information referred to in Article *L.412-1* relating to the soil or subsoil on the continental shelf and in the exclusive economic zone shall be those set out in Article *L.251-3* of the Research Code.

Chapter III: Disclosure and assignment of information collected

L.413-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Unless authorisation has been granted by the party responsible for the works, documents or information collected in application of Articles **L.411-3** and **L.412-1** of this Code may not be disclosed or communicated to third parties by the administration within a 10-year period from the date on which they were obtained. The 10-year deadline may be reduced or waived for certain documents and information under the conditions provided for in decrees of the Council of State. It may be increased to a maximum of 20 years, following the same procedures, for seismic documents and information relating to searches for land-based hydrocarbons and for all information and documents relating to searches for offshore hydrocarbons.

The provisions provided for in the previous sub-paragraph and in Article **L.412-3** of this Code shall not interfere with Parliament's powers of oversight as defined in the sixth sub-paragraph of IV of Article 164 of *Ordinance No 58-1374* of 30 December 1958 establishing the Finance Law for 1959 and Article 6 of *Ordinance No 58-1100* of 17 November 1958 on the functioning of parliamentary assemblies.

Samples, documents and information that relate to searches for liquid or gaseous hydrocarbons and that are collected in connection with work carried out on land shall pass into the public domain immediately; seismic documents and information shall represent an exception from this rule. Regardless of the nature of the works in connection with which they are collected, the same shall apply to the samples, documents and information referred to in Article **L.211-10** of the Environmental Code.

Notwithstanding the provisions of the first two sub-paragraphs of this article, any information concerning the safety of surface navigation and any information concerning the physical and chemical properties and movements of the underlying water that is collected in connection with offshore works shall pass into the public domain immediately. As soon as it is obtained, and to the extent that it falls within their respective remits, this information must be forwarded to the National Directorate of Meteorology and the Marine Hydrographic and Oceanographic Service; the latter can furthermore request the forwarding without delay of any information and documents relating to the safety of submarine navigation and the morphology and surface characteristics of the sea floor.

L.413-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the case of substances that can be used to generate nuclear power, decisions by the minister responsible for mines may impose restrictions on the provisions of Article **L.413-1** with a view to preserving the confidentiality of the contents, tonnages

and recipients of these substances.

L.413-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Subject to the application of Article *L.413-1*, in the event that a mining search permit ceases to be valid across all or part of the area that it covers, the holder shall be obliged to transfer the geological and geophysical information relating to this area to the new holder of the permit covering it. If an amicable agreement cannot be reached on the conditions for this transfer, the compensation to be paid to the previous holder shall be determined by experts.

Chapter IV: Provisions applicable to geothermal deposits

L.414-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of this Book shall apply to all deposits, regardless of their temperature.

Chapter V: Provisions applicable to underground stores

L.415-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of this Book shall apply to the underground stores defined in Article *L.211-2*.

Book V: OFFENCES AND CRIMINAL PENALTIES

SINGLE TITLE

Chapter I: Registration of offences

L.511-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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With the exception of judicial police officers and agents acting on the basis of the Code of Criminal Procedure, the following shall be authorised to register violations of the legislative provisions of this Code and the provisions provided for in their implementing texts: the heads of regional decentralised services responsible for mines and the engineers or technicians who are under their direction and who are authorised by them to register these violations under the conditions provided for in a decree by the Council of State, and environmental inspectors within the territory of the Amazonian Park of French Guiana only, on the basis of express authorisation by the public prosecutor of Cayenne.

If the event that they perform the tasks of a labour inspector under the conditions provided for in Article [L.8112-1](#) of the Labour Code, they shall be specifically authorised to do so.

The offences shall be registered in a report. The original of a report registering one of these offences shall be forwarded to the public prosecutor; a copy of the report shall be forwarded to the state representative of the department.

Chapter II: Criminal penalties

Section 1: Joint provisions

L.512-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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I – A prison sentence of 2 years and a fine of EUR 30,000 shall be handed down to any party who:

1. exploits a mine or disposes of a substance that requires a concession without holding an exploitation permit or an authorisation as provided for in Articles [L.131-1](#) and [L.131-2](#) respectively;
2. carries out works involving mining searches or exploitation without complying with the measures prescribed by the administrative authority on the basis of Article [L.173-2](#) with a view to protecting the interests referred to in Article [L.161-1](#);
3. exploits known deposits without complying with the measures prescribed by the administrative authority on the basis of Article [L.173-3](#) with a view to guaranteeing that the obligations referred to in Article [L.161-2](#) are met;
4. fails to make available to the Atomic Energy and Alternative Energy Commission substances that can be used to generate nuclear power under the conditions provided for in Articles [L.121-4](#), [L.131-5](#) and [L.311-3](#);

5. carries out works involving searches or exploitation in relation to mines or geothermal deposits without the authorisation provided for in Article *L.162-4*;
 6. fails to declare properly, at the end of the term of validity of the mining permit, the final termination of all works or all installations, under the conditions provided for in Articles *L.163-1* to *L.163-8*;
 7. tries to prevent the implementation of measures prescribed by the state representative of the department in application of Article *L.175-2*;
 8. refuses to comply with the seizures provided for by Articles *L.175-3* or *L.152-1*;
 9. exploits a mine covered by an obligation to provide financial guarantees without having provided or forwarded to the state representative of the department the necessary financial guarantees;
 10. (repealed);
 11. possesses mercury, all or part of a crusher, or a pump housing for more than 1 month without being in possession of the acknowledgement of the declaration provided for in Article *L.621-13*;
 12. transports mercury, all or part of a crusher or a pump housing without being in possession of the acknowledgement of the declaration provided for in Article *L.621-14*.
- I a.-Violation of Article *L.111-11* shall be punishable by a prison sentence of 2 years and a fine of EUR 75,000.
- II – 7. and 8. of I shall not apply to the underground stores referred to in Article *L.211-2*.

L.512-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

I – The offence defined in 1. of I of Article *L.512-1* of this Code shall be punishable by a prison sentence of 5 years and a fine of EUR 75,000 if it is accompanied by any of the following instances of environmental damage:

1. throwing, pouring or allowing to drain into surface waters or ground water, either directly or indirectly, one or more substances whose actions or reactions have adverse health impacts or damage flora or fauna, even on a temporary basis;
2. the emission of substances that pollute the atmosphere, as defined in Article *L. 220-2* of the Environmental Code;
3. any kind of felling operations in woods or forests;
4. the production or storage of waste under conditions likely to pollute the soil, air or water, to result in damage to flora and fauna, to degrade sites or landscapes, to generate noise or odours, or to damage human health and the environment in general terms.

II – The penalty referred to in the first sub-paragraph of I shall be increased to a prison

sentence of 10 years and a fine of EUR 150,000 if the offence is committed by an organised group.

III – In the case of the offences referred to in I, the court may also require the sentenced party to carry out rehabilitation measures in the aquatic environment and set a deadline for these measures, as well as imposing a cumulative penalty and determining the amount of this penalty and its maximum duration. The cumulative penalty shall range from EUR 15 to EUR 3,000 per day of delay in compliance with the requirements. In cases where the measures have been carried out with a delay, the court shall remove the cumulative penalty where applicable. If the measures have not been carried out, the court shall remove the cumulative penalty and may order the measures to be carried out on an *ex officio* basis at the expense of the sentenced party. When removing the cumulative penalty, the court shall assess the failure to carry out the measures or the delay in doing so, taking into consideration any events that are not attributable to the sentenced party where applicable.

L.512-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Natural persons found guilty of the offence provided for in Article *L.512-2* of this Code shall also incur the following additional penalties:

1. a ban on carrying out the professional or social activities in connection with which or during which the offence was committed, in line with the rules laid down in Article 131-27 of the Penal Code;
2. a ban on possessing or carrying, for a period of no more than 5 years, a weapon for which a licence is required;
3. a loss of civic, civil and family rights, in line with the rules laid down in Article *131-26* of the Penal Code;
4. a ban on holding a public office, in line with the rules laid down in Article *131-27* of the same Code;
5. a departure notice, in line with the rules laid down in Article 131-31 of the same Code.

L.512-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the cases provided for in Article *L.512-2*, an order shall be issued confiscating installations, equipment and any property used to commit the offence (either directly or indirectly) and any proceeds deriving therefrom, regardless of their ownership or location, provided that the owner can be reasonably expected to have been aware of their fraudulent use or origin.

L.512-5

- Ordinance No 2011-91 of 20 January 2011 – Article Annex –

A prison sentence of 1 year and a fine of EUR 15,000 shall be handed down to any party who:

1. carries out works involving mining searches:
 - (a) without submitting a declaration to the state representative of the department;
 - (b) without holding an authorisation granted by the competent administrative authority in cases where consent has not been obtained from the owner of the land, following a warning by the owner;
 - (c) without holding an exclusive search permit;
2. carries out searches for a mined substance within the boundaries of a mining permit or a state exploitation relating to this substance, without holding the exploitation permit required;
3. disposes of products extracted as a result of searches without the authorisation provided for in Article *L.121-3* or without the permit provided for in Article *L.122-1*;
4. carries out works involving mining searches or exploitation, carries out surveys, opens up wells or drifts, or installs machinery, workshops or stores in enclosed spaces, courtyards and gardens, without the consent of the owner of the land under the conditions provided for in Article *L.153-1*;
5. opens up wells or carries out surveys to depths of over 100 metres or opens up drifts within 50 metres of dwellings and the fenced-off land associated with these dwellings without the consent of their owners, under the conditions referred to in Article *L.153-2*;
6. fails to provide evidence, upon request by the administrative authority, that the exploitation works are managed uniformly and aligned with a common interest, or fails to appoint an individual responsible for their uniform management, under the conditions provided for in Article *L.172-2*;
7. fails to declare, during the period of validity of the mining permit, the final termination of works or installations and the measures planned to protect the interests referred to in Articles *L.161-1* and *L.161-2*, under the conditions provided for in Articles *L.163-1* to *L.163-8*;
8. carries out a survey, installs underground structures or executes excavation works that exceed a depth of 10 metres, regardless of their purpose, without providing evidence of the declaration provided for in Article *L.411-1*;
9. fails to hand over the samples, documents and information referred to in the second sub-paragraph of Article *L.175-1* and the second sub-paragraph of Article *L.412-1* and, more generally, interferes with the performance of tasks by the authorities responsible for mining police matters;
10. fails to declare the information referred to in Articles *L.411-3* and *L.412-2* under the conditions provided for in these Articles;
11. refuses to transfer geological and geophysical information relating to the area of a

mining search permit whose validity has expired under the conditions laid down in Article *L.413-3*.

L.512-6

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Legal persons who have been declared liable under criminal law, under the conditions provided for in Article *121-2* of the Penal Code, for the offences defined in Articles *L.512-1*, *L.512-2* and *L.512-5* of this Code shall, in addition to a fine according to the procedures provided for in Article *131-38* of the Penal Code, incur the penalties provided for in 2. to 6., 8. and 9. of Article *131-39* of this Code.

The ban referred to in 2. of Article *131-39* of the Penal Code shall relate to the activities in connection with which or in the course of which the offence was committed.

L.512-7

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The court may order that the decision handed down under the conditions provided for in Article *131-35* of the Penal Code should be displayed or disseminated in whole or in part.

L.512-8

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Without the possibility of invoking the provisions of Article *L.132-6* and without prejudice to the provisions of Article *L.173-5*, any party exploring or exploiting mines who has been sentenced for a misdemeanour on the grounds of failure to comply with the obligations incumbent upon it in application of Articles *L.121-4*, *L.131-5*, *L.161-1*, *L.161-2*, *L.162-1*, *L.162-2*, *L.162-5*, *L.163-1* to *L.163-10*, *L.173-1* to *L.173-4* and *L.175-2* to *L.175-4* and the decrees adopted to protect the interests referred to in Article *L.161-1* may be refused any new permit or any new authorisation for searches or exploitation for a period of 5 years from the date on which the sentence becomes final.

The same shall apply to an exploring or exploiting party who fails to meet, within the deadlines set, the rehabilitation-related obligations specified in the decision granting the permit or authorisation or those imposed in application of Articles *L.163-1* to *L.163-9*.

L.512-9

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The public prosecutor may order the destruction of equipment used to commit the offence(s) registered in the reports referred to in Article *L.511-1* if there are no technical measures that could reasonably be taken to rule out any possibility of the offence(s)

being committed again.

L.512-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In cases where proceedings are instigated in connection with a violation of the provisions of Articles *L.512-1*, *L.512-2* and *L.512-5*, the court may defer sentencing and order the natural or legal person found guilty to comply with the requirements that were violated.

The court shall impose a deadline for the compliance with these requirements. It may also impose a cumulative penalty accruing daily and decide on the amount to be paid and the maximum period during which it shall be paid. The cumulative penalty shall range from EUR 15 to EUR 3,000 per day of delay in compliance with the requirements.

Sentencing may only be deferred once. The order may be adopted even if the natural person found guilty or his or her representative is not present.

The decision may be accompanied by an interim enforcement order.

During the committal hearing, the court may exempt the defendant from any penalty or impose the penalties stipulated. A sentencing decision shall be taken no later than 1 year after the deferral of sentencing.

In cases where the requirements have been met with a delay, the court shall remove the cumulative penalty where applicable and exempt the defendant from any penalty.

In the event that the requirements have not been met, the court shall remove the cumulative penalty where applicable and impose the penalties and may then order the requirements to be met on an *ex officio* basis at the expense of the convicted party. The amount of the cumulative penalty as set in the deferral decision may not be changed.

When removing the cumulative penalty, the court shall assess the failure to comply with the requirements or the delay in complying with the requirements, taking into consideration any events that are not attributable to the guilty party where applicable.

L.512-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any impediment placed in the way of either the free appointment of miners' representatives or the proper performance of their duties shall be punishable by a prison sentence of 1 year and a fine of EUR 3,750 or either one of these penalties.

L.512-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The penalties that apply to violations of the provisions of Book I of the third part of the Labour Code and the fourth part of the same Code shall not apply if a worker has remained underground longer than instructed to do so in order to provide assistance in

the aftermath of an accident or to avert an existing or imminent threat, in connection with a force majeure event.

Chapter III: Specific provisions

Section 1: Provisions applicable to violations committed in the public maritime domain

L.513-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Violations of the provisions of Book I, Title II, Chapter III, Section 2, Sub-Sections 1 and 3 and Book I, Title III, Chapter III, Section 2, Sub-Section 2 shall be punishable by the penalties provided for in Chapter II of this Book.

L.513-1-1	○
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Works involving searches for liquid or gaseous hydrocarbons carried out in the public maritime domain without firstly an exclusive search permit or a preliminary prospecting authorisation and secondly an authorisation for the commencement of works shall be punishable by a prison sentence of 1 year and a fine of EUR 15,000.

L.513-1-2	○
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Works involving the exploitation of liquid or gaseous hydrocarbons in the public maritime domain carried out without firstly a concession and secondly an authorisation for the commencement of works shall be punishable by a prison sentence of 2 years and a fine of EUR 30,000.

L.513-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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I – With the exception of judicial police officers and agents acting on the basis of the Code of Criminal Procedure, the following shall be authorised to register violations of the legislative provisions referred to in Articles L.513-1 to L.513-1-2 and the provisions provided for by their implementing texts for the one part, and violations of the legislative provisions of the General Code of Public Property concerning the public maritime domain and the provisions provided for by their implementing texts for the other part:

1. maritime affairs administrators;
2. A-grade officials assigned to services carrying out monitoring tasks in the field of maritime affairs under the direction of or at the disposal of the minister responsible for maritime affairs and the officers of the technical and administrative corps for maritime affairs;
3. mining engineers or engineers appointed by the latter for this purpose and under their direction;
4. civil engineers and government public works engineers responsible for maritime matters;
5. commanders, seconds-in-command or second officers of vessels belonging to the French navy;
6. captains of state-owned oceanographic research vessels;
7. captains of state-owned aircraft;
8. customs officials and tax administration officials responsible for state-owned property;
9. officials responsible for exercising the powers of the navigation police and officials responsible for oversight of marine fisheries;
10. harbourmasters and deputy harbourmasters.

II – The register of offences referred to in Article *L.513-1* shall be forwarded without delay to the public prosecutor.

L.513-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The officials referred to in Article *L.513-2* shall also be authorised to register offences that are committed in the public maritime domain and that are provided for by this Code.

Section 3: Provisions applicable on the continental shelf and in the exclusive economic zone

L.513-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

The provisions relating to the registration of offences committed on the continental shelf and in the exclusive economic zone shall be those outlined in I and III of Article 53 and III of Article 54 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic.

L.513-5

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

Without prejudice to Articles *L.513-5-1* and L.513-5-2, the penalties imposed in connection with violations of the provisions governing activities involving searches or exploitation on the continental shelf and in the exclusive economic zone, the procedure for registering offences and the individuals authorised to do so shall be those outlined in Articles 48 to 52 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic.

L.513-5-1

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By way of derogation from Article 48 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic, works involving searches for liquid or gaseous hydrocarbons carried out without firstly an exclusive search permit or a preliminary prospecting authorisation and secondly an authorisation for the commencement of works shall be punishable by a prison sentence of 1 year and a fine of EUR 15,000.

L.513-5-2

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By way of derogation from Article 48 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic, works involving the exploitation of liquid or gaseous hydrocarbons carried out on the continental shelf or in the exclusive economic zone without firstly a concession and secondly an authorisation for the commencement of works shall be punishable by a prison sentence of 2 years and a fine of EUR 30,000.

Section 4: Provisions applicable to geothermal deposits

L.513-6

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of this Book shall apply to all deposits, regardless of their temperature.

Book VI: PROVISIONS APPLICABLE TO OVERSEAS DEPARTMENTS

***TITLE I: JOINT PROVISIONS
APPLICABLE TO GUADELOUPE,
FRENCH GUIANA, MARTINIQUE,
REUNION ISLAND AND MAYOTTE***

Chapter I: Provisions adapting Book I

Section 1: Regulations governing the exploitation of mines

L.611-1	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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With the exception of the concession or state exploitation referred to in Article *L.131-1*, mines in overseas departments, with the exception of liquid or gaseous hydrocarbon mines, may also be exploited on the basis of an exploitation authorisation or exploitation permit.

L.611-2	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An exploitation authorisation may not be granted locations on the seabed. An exploitation permit may not be granted for locations on the continental shelf or in the exclusive economic zone.

Sub-Section 1: Exploitation authorisation

L.611-3	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation authorisation document shall grant its holder an exclusive right to carry out all work involving searches and exploitation in relation to the substances referred to therein, within the boundaries specified therein.

L.611-4	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation authorisation may not be mortgaged.

L.611-5	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation authorisation may not be ceded, leased or rented.

L.611-6	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An exploitation authorisation may only be granted to parties with the technical and financial capabilities required to complete the exploitation work successfully under the conditions provided for by Articles *L.611-14* and *L.611-35*.

L.611-7	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation authorisation may only be granted to a single natural person or commercial enterprise.

L.611-8	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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A single party may not be granted more than three exploitation authorisations in the same overseas department within a period of 4 years.

L.611-9	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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I – Subject to the granting of consent by the holder of an exclusive search permit, exploitation permit or concession, an exploitation authorisation may be issued to a third party for an area within the boundaries of this permit for a term equivalent at most to the remaining term of validity of the permit and subject to the provisions of Articles *L.611-6* to *L.611-8* and *L.611-10*.

In the event that an exclusive search permit is renewed or an exclusive search permit is converted into an exploitation permit or a concession, the term of the exploitation authorisation shall be extended upon request by the holder of the exploitation authorisation until an explicit decision has been taken regarding the application. The entire term of validity of the exploitation authorisation may not in any case exceed 6 years, however.

The rights and obligations of the holder of the permit or the concession shall be suspended within the boundaries of the exploitation authorisation during its term of validity.

At the end of this term of validity and upon request by the holder, the permit or concession shall be reinstated for the term that would otherwise have remained.

II – Upon expiry of an exploitation authorisation relating to a zone enclosed within the boundaries of an exclusive search permit or exploitation permit established at a later date, the holder of this exclusive search permit or exploitation permit may request the expansion of the permit to cover this zone in accordance with a simplified procedure outlined in a decree by the Council of State.

L.611-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation authorisation shall be issued by the competent administrative authority for an initial period of 4 years at most, over a maximum area of one square kilometre. It may only be renewed once, for a maximum period of 4 years, or extended under the conditions provided for in the second sub-paragraph of I of Article *L.611-9*.

L.611-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Upon request by the holder, the exploitation authorisation may be expanded to cover other substances. Similarly, its area may be expanded to cover new zones, provided that the limit set in application of Article *L.611-10* is not exceeded.

L.611-12	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The criteria for assessing these technical and financial capabilities, the conditions under which the authorisations are granted and the procedure for examining applications shall be defined in a decree by the Council of State.

L.611-13	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The waiver (in whole or in part) of an exploitation authorisation shall only become final once it has been accepted by the competent administrative authority.

L.611-14	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation authorisation document shall stipulate the specific conditions under which the works are carried out with a view to protecting the interests referred to in Articles *L.161-1* and complying with the obligations imposed in Article *L.161-2*; this document may be supplemented at any time in this respect.

For the works referred to in Article *L.162-2*, the authorisation shall define the amount of financial guarantees, the arrangements for provision of these guarantees, and the arrangements for updating their amount.

L.611-15	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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After formal notice has been given, an exploitation authorisation may be withdrawn from its holder in the cases provided for in Article *L.173-5* or in the event of non-compliance with the general conditions laid down in application of the provisions of Articles *L.611-4*, *L.611-5* and *L.611-35*. The withdrawal decision shall be issued by the competent administrative authority in accordance with the rules stipulated in a decree by the Council of State.

L.611-16	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles L.144-1, L.153-3 to L.154-1, L.155-1, L.162-1, L.162-4, L.162-5, L.163-1 to L.163-9, L.172-2 and L.173-1 shall not apply to exploitation authorisations.

Sub-Section 2: Exploitation permit

L.611-17	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation permit shall grant its holder an exclusive and indivisible right to exploit the substances referred to in the permit decision. It shall give rise to a property right that cannot be mortgaged.

L.611-18	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For purposes connected to exploitation, the holder of an exploitation permit shall be entitled to dispose of substances not referred to in the permit if the holder's works involve blasting of these substances. The owner of the land may ask to dispose of any substances not used under these conditions, subject to payment to the party exploiting the mine of compensation corresponding to the normal costs that would be incurred for direct extraction.

L.611-19	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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During the term of validity of an exclusive search permit, the holder of this permit shall be solely entitled to obtain an exploitation permit for the substances referred to in the exclusive search permit and within the boundaries set therein.

Provided that an application is submitted before the expiry of the exclusive search permit, the holder of the latter shall be entitled to obtain an exploitation permit for exploitable deposits discovered within the boundaries of this permit during its term of validity.

If the final expiry date for an exclusive search permit occurs as per the standard procedure before a decision has been taken on an application for an exploitation permit submitted by its holder, the validity of this permit shall be automatically extended without a special procedure until an explicit decision has been taken regarding the application. The extension shall only apply within the boundaries defined in the application and in relation to the substances referred to therein.

When an exploitation permit is granted, the exclusive search permit for the substances referred to in the permit and within the boundaries fixed by the permit shall be cancelled; it shall continue to apply outside these boundaries, however. The holder shall retain the exclusive right to carry out all searches within the boundaries of the exploitation permit.

L.611-20	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the event that a discoverer fails to obtain the exploitation permit for a mine, the decision to grant this permit shall specify the fee owed to the discoverer by the holder. In such cases the discoverer shall be asked in advance to present his or her observations.

L.611-21	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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An exploitation permit may only be granted to parties with the technical and financial capabilities required to complete the exploitation work successfully and to take on the obligations referred to in the decrees adopted for the purpose of protecting the interests referred to in Article *L.161-1* as well as those referred to in Articles *L.161-2*, *L. 173-2* and *L.173-3*. A decree shall be adopted by the Council of State outlining the criteria for assessing these capabilities, the conditions under which the permits are granted and the procedure for examining applications for exploitation permits.

L.611-22	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation permit may be granted jointly to several persons (either natural persons or commercial enterprises). The implementing rules for this sub-paragraph shall be stipulated in a decree by the Council of State.

L.611-23	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The scope of an exploitation permit shall be stipulated in the document granting the permit. Its area shall be delimited by vertical lines of an unlimited depth and fixed boundaries on the surface.

L.611-24	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The initial term of the exploitation permit shall be no more than 5 years. It may be renewed twice, in each case for a maximum period of 5 years, following the same procedures as those followed when the permit was granted, with the exception of the public enquiry and the competitive tendering procedure.

L.611-25	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The exploitation permit shall be granted by the competent administrative authority after a public enquiry has been carried out in accordance with Book I, Title II, Chapter III of the Environmental Code; except for the cases provided for by Article *L.611-19* of this Code, a competitive tendering procedure shall also be carried out, subject to the obligation to comply with the general conditions. The implementing rules for this article shall be stipulated in a decree by the Council of State.

L.611-26	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The rules according to which Articles *L.162-4* and *L.162-5* apply to work carried out under the exploitation permit shall be stipulated in a decree by the Council of State.

If the applicant submits an application for a permit and an application for an authorisation to commence work at the same time, a single public enquiry shall be carried out. It shall be carried out in accordance with Book I, Title II, Chapter III of the Environmental Code. The applicant may specify that certain information should not be made public because it is covered by the discoverer's and industrial property rights of the applicant. The implementing rules for this sub-paragraph, and in particular the content of the documents that must be submitted together with the application, shall be stipulated in a decree by the Council of State.

L.611-27	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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If the final expiry date for an exploitation permit occurs before the exploitation works have ended, these works may only be carried out in compliance with the provisions of the concession. The validity of the exploitation permit shall however be automatically extended without any special procedure until an explicit decision has been taken on the application for a concession, as regards the zone located within the boundaries of this permit and covered by the application. A competitive tendering procedure shall not be carried out in connection with the latter.

L.611-28

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

After formal notice has been given, an exploitation permit may be withdrawn from its holder in the cases provided for in Article *L.173-5* and in the event of non-compliance with the provisions of Article *L.611-35*.

Section 2: Powers held by the region in relation to offshore settings

Sub-Section 1: Scope

L.611-29

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The provisions of this Code concerning searches and exploitation activities in relation to mineral substances other than those referred to in Article *L.111-1* if they are contained in the seabed of the public maritime domain shall apply to the public maritime domain of overseas departments, subject to the powers granted to the region by this section.

L.611-30

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

The provisions of this Code concerning searches and exploitation activities in relation to all mineral or fossil substances contained in the subsoil of the continental shelf as defined in Article 14 of *Ordinance No 2016-1687* of 8 December 2016 on maritime zones under the sovereignty or jurisdiction of the French Republic or in the seabed and in that of the exclusive economic zone as defined in Article 11 of said Ordinance, or present on their surface, shall apply to the continental shelf and to the exclusive economic zone adjacent to the territory of the overseas departments, subject to the powers granted to the region by this section.

L.611-31

- Ordinance No 2011-91 of 20 January 2011 – Article Annex –

	NOR: INDI1009820R
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The region shall have the following powers in respect of offshore mining permits that do not relate to ores or products that can be used to generate nuclear power:

1. issuing and renewing an exclusive search permit;
2. granting the authorisation required so that an exploring party which does not hold an exclusive search permit can dispose of products extracted as a result of the searches provided for by Article *L.121-3*;
3. issuing and renewing concessions;
4. issuing and renewing exploitation permits;
5. authorising an amalgamation of exclusive search permits for adjacent mines as provided for in Article *L.141-2*;
6. authorising the conversion of an exclusive search permit or a concession;
7. authorising the leasing of an exploitation permit or a concession;
8. accepting a waiver, in whole or in part, of search and exploitation rights;
9. deciding to withdraw an exclusive search permit or a concession in the cases provided for in Article *L.173-5* or an exploitation permit in the cases provided for in Article *L.611-28*.

L.611-32	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The region shall adopt the decisions listed in Article *L.611-31* after obtaining an opinion from the General Council for Industry, Energy and Technologies. If it fails to do so, it must provide reasons for its decision.

L.611-33	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The implementing rules for Articles *L.611-31* and *L.611-32* shall be stipulated in a decree by the Council of State.

L.611-34	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For the purpose of implementing the provisions of Articles *L.132-13* and *L.155-3* in offshore settings, the term 'state' shall be replaced by the term 'region'. The implementing rules for this article shall be laid down in a decree by the Council of State.

Section 3: Regulatory powers of the state representative

L.611-35

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In each department, the general implementing rules or the general rules governing the termination of mining works may be decided on by the state representative.

Chapter II: Provisions adapting Book II

Chapter III: Provisions adapting Book III

Chapter IV: Provisions adapting Book IV

Chapter V: Provisions adapting Book V

L.615-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The following version of I(1) of Article *L.512-1* shall apply:

‘1. exploits a mine or disposes of a substance for which a concession is required without holding a concession or an authorisation required pursuant to Articles L.131-1 and L.131-2 or exploits a mine or disposes of a substance for which a concession is required without holding an exploitation authorisation or an exploitation permit as provided for in Articles L.611-3 to L.611-16 and L.611-17 to L.611-28 respectively;’.

L.615-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex

The following two sub-paragraphs shall be added to I of Article *L.512-1*:

‘13. fails to comply with the requirements relating to the termination of works imposed in the exploitation authorisation;

14. assigns, leases or rents an exploitation authorisation.’

L.615-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

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The following version of 2. of Article *L.512-5* shall apply:

‘2. to carry out searches in relation to a mined substance within the boundaries of a mining permit or a state exploitation relating to this substance, without holding an exploitation permit or, in the case of an exploitation authorisation, without the consent of the holder of this exploitation authorisation.’

TITLE II: PROVISIONS SPECIFIC TO FRENCH GUIANA AND MAYOTTE

Chapter I: Provisions specific to French Guiana

Section 1: Departmental mining plan

L.621-1	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The departmental mining plan shall set out the general conditions that apply to prospecting for mines, as well as the rules governing the location and exploitation of land-based mining sites.

To this end, it shall specify (in particular by means of a zoning plan) the compatibility of various areas of land in French Guiana with mining activities, taking into consideration the need to protect sensitive natural environments, landscapes, sites and populations and to achieve balanced management of the areas and the natural resources. It must take account of the economic interests of French Guiana and the sustainable use of its mining resources.

As well as identifying certain sectors as compatible with exploitation activities, it must specify (in relation to these sectors) environmental constraints and the objectives to be achieved in terms of mining site rehabilitation.

L.621-2	<ul style="list-style-type: none"> ○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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The draft departmental mining plan shall be drawn up by the state representative of the department.

The draft plan shall undergo an environmental impact assessment in accordance with Article *L.122-4* of the Environmental Code. It shall be made available to the public for a period of 2 months. The public shall be notified of the arrangements for the

consultation procedure at least 15 days before the plan is made available.

The draft, together with any amendments resulting from the observations and proposals submitted, shall then be referred for an opinion to the regional council and general council of French Guiana, to the municipalities affected, to the departmental commission for mines and to the consular chambers. If no response is received within a period of 3 months after referral, the opinion shall be deemed favourable.

The draft, together with any amendments resulting from these opinions, shall be adopted by the state representative of the department and approved by means of a decree by the Council of State.

The state representative of the department shall make available to the public the plan that has been approved as well as the information referred to in I(2) of Article *L.122-10* of the Environmental Code, after having notified the public in advance.

L.621-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The departmental mining plan shall be updated under the same conditions as those laid down in Article *L.621-2*.

L.621-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Within the framework established in the departmental mining plan, the state representative of the department may, after consulting the local authorities referred to in Article *L.621-2*, issue a call for applications for search and exploitation activities involving gold, on the basis of specifications; these specifications shall in particular stipulate the exploitation and environmental constraints specific to each zone.

L.621-4-1

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Six months after an authorisation for the commencement of work or an exploitation authorisation has been issued for substances containing gold, a representative extraction of at least two samples of gold ore shall be carried out by the exploiting party, under the responsibility and control of the mining police. The samples shall be sealed. No compensation shall be paid for these extractions.

L.621-5

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

The regional land use and development plan and the water development and management master plan shall take the departmental mining plan into consideration.

Urban planning documents shall take the departmental mining plan into consideration or shall be amended within 1 year to take it into consideration.

L.621-6	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Mining permits and authorisations issued in application of this Code must be compatible with the departmental mining plan. Search permits may not be issued in zones where all mining exploitations are prohibited.

L.621-7	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Mining permits and authorisations issued prior to the entry into force of the departmental mining plan shall continue to apply until the expiry of their term.

In zones where mining activities are prohibited pursuant to this plan and in zones where mining activities are prohibited with the exception of underground exploitation and aerial searches, the term of the search permits and concessions valid at the time of its entry into force may only be renewed once.

In the same zones, the holders of an exclusive search permit may obtain an exploitation permit with a term that cannot be renewed.

Section 2: Criminal law provisions

L.621-8	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In cases where the offence provided for in Article *L.615-1* is committed under the conditions defined in I. or II. of Article *L.512-2*, and if insurmountable logistical problems stand in the way of the persons detained being placed into custody within the statutory deadline, the starting point of the detention may, on an exceptional basis, be deferred until their arrival in the headquarters where the measure is to take place. This delay may not exceed 20 hours. It shall be authorised by the public prosecutor or the investigating court. A reference to the insurmountable logistical problems forming the basis for this authorisation shall be included in the minutes.

L.621-8-1	<ul style="list-style-type: none">○
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In the cases provided for in 11. and 12. of Article *L.512-1*, the court may order the confiscation of the mercury, crushers and pump housings used to commit the offence.

L.621-8-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In French Guiana, for the sole purpose of assisting with measures aimed at combating illegal gold mining, and with the exception of judicial police officers, agents of the judicial police shall be authorised as part of their operations, under the direction of said judicial police officers, to seize any property, equipment or installations that have been used, either directly or indirectly, to commit the offences referred to in Articles *L.512-1*, *L.512-2* and *L.512-5*, and any proceeds deriving therefrom, and to destroy the equipment under the conditions provided for in Article *L.512-9*.

Section 3: Other adapting provisions

Sub-Section 1: Public information

L.621-9	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For the purposes of implementing Article *L.132-3* of this Code providing for a public enquiry as part of the procedure for examining applications for concessions and those of Article *L.611-25* providing for a public enquiry as part of the procedure for examining applications for exploitation permits, the deadline for notifying the public in advance provided for in Article *L.123-10* of the Environmental Code shall be set at 1 month before the start of the enquiry. The arrangements for carrying out a public enquiry tailored to the geographical features of the department shall be provided for in a decree by the Council of State, in particular as regards notification of the public prior to the commencement of the enquiry and the gathering of observations.

L.621-10	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For the purpose of implementing the provisions of Article *L.162-4* of this Code providing for a public enquiry as part of the procedure for examining applications for an authorisation to commence work, the duration of the public enquiry shall be extended to 3 months by way of derogation to Article *L.123-9* of the Environmental Code. The deadline for notifying the public in advance provided for in Article *L.123-10* of the Environmental Code shall be set at 1 month before the start of the enquiry. The powers of inspection granted to the investigating commissioner or the investigating commission by Article *L.123-13* of the Environmental Code shall apply only to the work carried out under a concession; the local population must be informed of any such visits at least 8 days in advance, by any means. The arrangements for carrying out a public enquiry tailored to the geographical features of the department shall be provided for in a decree by the Council of State.

Sub-Section 2: Competitive tendering procedure

L.621-11	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the case of substances other than liquid or gaseous hydrocarbons, a competitive tendering procedure need not be carried out in connection with an application for an exclusive search permit if the area concerned is below a threshold stipulated in a decree by the Council of State.

Section 4: Equipment subject to specific regulations

L.621-12	○
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This section shall apply to the entire territory of French Guiana.

L.621-13	○
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Within the boundaries defined in Article *L.621-12*, any parties holding mercury, all or part of a crusher or a pump housing must declare this fact.

Within the 15 days following the date upon which the equipment is first held, the party holding the equipment shall submit a declaration in hand to the prefect of French Guiana or by registered mail with acknowledgement of receipt, under the conditions and rules stipulated in a decree. An acknowledgement of receipt shall be issued immediately.

The acknowledgement or a copy thereof must be kept available for inspection by the competent officials checking this equipment. In the absence of an acknowledgement of this kind, the party holding the equipment must supply proof by any means that it has not held mercury, a crusher or a pump housing for over 1 month.

L.621-14	○
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A party transporting mercury, all or part of a crusher or a pump housing must be in possession of a copy of the acknowledgement of the declaration provided for under Article *L.621-13*.

Chapter II: Provisions specific to Mayotte

Section 1: General adapting provisions

L.622-1	○
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For the purpose of implementing the provisions of this Code in the department of Mayotte:

1. any references to the department, the region or the local authorities shall be replaced with references to the department of Mayotte;
2. the term 'maritime affairs administrator' shall be replaced with the term 'Head of the Maritime Affairs Service';
3. the term 'higher-level court' shall be replaced with the term 'court of first instance';
4. the term 'public prosecutor' shall be replaced with the term 'public prosecutor for the court of first instance'.

L.622-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the absence of any such amendments, any references made in the provisions of this Code that apply in Mayotte to provisions that do not apply there shall be replaced with references to provisions that have the same effect and that apply locally.

L.622-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Book I, Titles VIII and IX and Book III, Title V of this Code shall apply in Mayotte.

TITLE III: SAINT BARTHELEMY

Chapter I: General adapting provisions

L.631-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The specific provisions provided for in Book VI, Title I of this Code shall apply to the territory of Saint Barthélemy, subject to the amendments provided for under this Title and the exercising by this territory of the powers that it holds pursuant to the provisions of Part VI, Book II of the General Local Authorities Code, in particular Articles LO 6214-3 and LO 6214-6 thereof, relating to mineral or fossil substances, geothermal deposits or stores that can be used to generate power.

Chapter II: Provisions adapting Book I

Chapter III: Provisions adapting Book II

Chapter IV: Provisions adapting Book III

Chapter V: Provisions adapting Book IV

Chapter VI: Provisions adapting Book V

TITLE IV: SAINT MARTIN

Chapter I: General provisions

L.641-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The specific provisions provided for in Book VI, Title I of this Code shall apply to the territory of Saint Martin, subject to the amendments provided for under this Title and the exercising by this territory of the powers that it holds pursuant to the provisions of Part VI, Book II of the General Local Authorities Code, in particular Articles LO 6314-3 and LO 6314-6 thereof, relating to mineral or fossil substances, geothermal deposits or stores that can be used to generate power.

Chapter II: Provisions adapting Book I

Chapter III: Provisions adapting Book II

Chapter IV: Provisions adapting Book III

Chapter V: Provisions adapting Book IV

Chapter VI: Provisions adapting Book V

TITLE V: SAINT PIERRE AND MIQUELON

Chapter I: General provisions

L.651-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For the purpose of implementing the provisions of this Code in Saint Pierre and Miquelon:

1. references to the department or to the region shall be replaced with references to the territorial authority of Saint Pierre and Miquelon;
2. the terms ‘state representative of the department’ or ‘prefect’ shall be replaced with the term ‘state representative of Saint Pierre and Miquelon’;
3. the term ‘higher-level court’ shall be replaced with the term ‘court of first instance’;
4. the term ‘public prosecutor’ shall be replaced with the term ‘public prosecutor for the court of first instance’.

Chapter II: Provisions adapting Book I

L.652-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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The provisions of Articles *L.123-5* to *L.123-15*, *L.133-5* to *L.133-13*, *L.162-7* to *L.162-9*, *L.412-5*, *L. 513-2* and *L.513-3* shall not apply in Saint Pierre and Miquelon.

L.651-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the case of the French offshore exclusive economic zone off the coast of Saint Pierre and Miquelon, a specific fee shall be levied from the holders of concessions for liquid or gaseous hydrocarbon mines and paid to the local authority.

Chapter III: Provisions adapting Book II

Chapter IV: Provisions adapting Book III

Chapter V: Provisions adapting Book IV

Chapter VI: Provisions adapting Book V

TITLE VI: FRENCH SOUTHERN AND ANTARCTIC TERRITORIES

Chapter I: General provisions

L.666-1

○ Ordinance No 2011-91 of 20 January 2011 – Article Annex

The provisions of this Code and any implementing texts adopted shall apply within the territory of the French Southern and Antarctic Territories, subject firstly to the measures adopted by France as regards the district of Adélie Land for implementation of the Protocol on Environmental Protection signed in Madrid on 4 October 1991 to the Antarctic Treaty concluded in Washington on 1 December 1959, and secondly to the provisions provided for under this Title.

Book I, Title I, Chapter I, Section 3 shall apply in the French Southern and Antarctic Territories, in the version resulting from *Law No 2017-1839* of 30 December 2017 phasing out search and exploitation activities relating to conventional and non-conventional hydrocarbons and laying down various provisions relating to energy and the environment.

L.661-2

○ Ordinance No 2011-91 of 20 January 2011 – Article Annex –
NOR: INDI1009820R

The laws and regulations adopted for the purpose of implementing the activities governed by this Code shall apply in the French Southern and Antarctic Territories to persons, activities, installations and fixtures as though they were located in mainland France, with the exception of the provisions relating to the right of aliens to enter and reside there, which shall continue to be governed by the specific provisions applicable to this territory.

These laws and regulations shall apply, under the same conditions, and within the safety zones, to the monitoring of operations carried out there and to law enforcement.

The provisions of the Environmental Code that apply to the French Southern and

Antarctic Territories pursuant to the provisions of this article shall only apply in the absence of more stringent provisions that apply within this territory.

L.661-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

For the purposes of application of this Code in the French Southern and Antarctic Territories:

1. the term ‘department’ shall be replaced by the term ‘French Southern and Antarctic Territories’;
2. the term ‘mayor’ shall be replaced by the term ‘head of district’ and the term ‘town hall’ shall be replaced by the word ‘district’;
3. in Article *L.162-4*, the phrase ‘and consultations with the municipalities affected’ shall be deleted;
4. in Article *L.163-6*, the phrase ‘after having consulted the municipal councils of the municipalities affected’ shall be deleted;
5. the first sub-paragraph of Article 161-10 shall read as follows:

‘The exploring or exploiting party shall be obliged to hand over to the French Southern and Antarctic Territories the hydraulic installations which the latter deems necessary or useful for the purposes of sanitation, water distribution or management of rain water, run-off and underground water. The rights and obligations associated with these installations shall be transferred along with them.’;

6. Article *L.174-4* shall read as follows:

‘Article L.174-4.-The competent administrative authority shall provide the advisory council of the French Southern and Antarctic Territories with an annual update on progress made and outcomes achieved in relation to the monitoring of mining risks.’; 7. the phrase ‘of the departmental commission(s) responsible for quarries’ in Article *L.341-1* shall be replaced with the phrase ‘of the advisory council of the French Southern and Antarctic Territories’;

8. the last sub-paragraph of Article *L.412-1* shall read as follows:

‘The senior administrator of the French Southern and Antarctic Territories shall be notified of the research outcomes.’

Chapter II: Administrative oversight and registration of offences

L.662-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Implementation of the legislative and regulatory provisions relating to mining activities, including the provisions relating to employment law, shall be monitored, and any related

offences registered, by an individual assigned responsibility for this task who has been duly authorised for this purpose by a senior administrator of the French Southern and Antarctic Territories and sworn into office.

In the absence of any sworn and authorised individuals or in addition to these latter, implementation of the legislative and regulatory provisions relating to mining activities, including the provisions relating to employment law, may be monitored, and any related offences registered, by individuals posted to Réunion Island who have been sworn into office and authorised to carry out the oversight and detection tasks, upon request by the senior administrator of the French Southern and Antarctic Territories. Where necessary, the practical arrangements for their activities shall be regulated in agreements between state representatives.

Individuals who have been sworn into office and appointed for this purpose by the minister responsible for mines or the minister responsible for employment may also monitor implementation and register offences.

Chapter III: Fees

L.663-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Holders of concessions for liquid or gaseous hydrocarbon mines in the French Southern and Antarctic Territories shall be obliged to pay an annual fee to the French Southern and Antarctic Territories calculated on the basis of production. The fee shall fall due for payment retroactively on the date of the first sale of hydrocarbons extracted within the boundaries stipulated in the concession.

This fee shall also apply to profitable deposits in the exclusive economic zone of the French Southern and Antarctic Territories.

The rate for the fee shall be set at 1 % of the field value of production, regardless of the nature of the products.

The fee imposed in this article shall be levied by the services responsible for proceeds from state-owned land under the conditions laid down in respect of state-owned land in Article *L.2321-1* of the General Code of Public Property.

TITLE VII: FRENCH POLYNESIA

Single chapter: Provisions applicable to prospecting, searches and exploitation activities in relation to strategic raw materials

L.671-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Prospecting, searches and exploitation activities in relation to strategic raw materials as defined for France as a whole, with the exception of liquid or gaseous hydrocarbons and, when the deposits of these raw materials are located in the subsoil of the continental shelf or in the exclusive economic zone adjacent to French Polynesia or on its land, transport by pipeline of these raw materials, shall be subject to the provisions of Book I and Books III to V of this Code, in compliance with the powers granted to the local authority.

L.671-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For the purposes of application in French Polynesia of the provisions of Article *L.671-1*

1. all references to the ‘department’ shall be replaced with references to the local authority;
2. all references to the ‘state representative of the department’ shall be replaced with references to the ‘high commissioner of the Republic’.
3. the terms ‘district court’ and ‘higher-level court’ shall be replaced with the term ‘court of first instance’.

L.671-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any references in this Code to other articles in the same Code shall only apply in French Polynesia with the necessary amendments provided for under this Title that make the relevant articles applicable.

L.671-4	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the absence of any such amendments, any references made in the provisions of this Code that apply in French Polynesia to provisions that do not apply there shall be replaced with references to provisions that have the same effect and that apply locally.

L.671-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Financial penalties imposed in French Polynesia pursuant to this Code shall be imposed in the local currency, based on the corresponding value of this currency in euros.

TITLE VIII: NEW CALEDONIA

Single chapter: Provisions applicable to substances that can be used to generate nuclear power

L.681-1

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Prospecting, searches and exploitation activities in relation to the substances referred to in Article 19(1) of Decree No 54-1110 of 13 November 1954 reforming the regulations governing mineral substances in overseas territories shall be subject to the provisions of Books I, IV and V of this Code.

L.681-2

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

For the purpose of implementing the provisions of this Code in New Caledonia:

1. all references to the ‘department’ shall be replaced with references to the local authority;
2. references to the ‘state representative of the department’ shall be replaced with references to the ‘state representative of New Caledonia’.
3. the terms ‘district court’ and ‘higher-level court’ shall be replaced with the term ‘court of first instance’.

L.681-3

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

Any references in this Code to other articles in the same Code shall only apply in New Caledonia with the necessary amendments provided for under this Title that make the relevant articles applicable.

L.681-4

- Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R

In the absence of any such amendments, any references made in the provisions of this Code that apply in New Caledonia to provisions that do not apply there shall be replaced with references to provisions that have the same effect and that apply locally.

L.681-5	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Financial penalties imposed in New Caledonia pursuant to this Code shall be imposed in the local currency, based on the corresponding value of this currency in euros.

TITLE IX: ISLANDS OF WALLIS AND FUTUNA

Single chapter: Provisions applicable to prospecting, searches and Exploitation of mineral substances

L.691-1	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex
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In Wallis and Futuna, prospecting, searches and exploitation activities in relation to mineral or fossil substances shall be covered by the provisions of Book I, with the exception of Titles VIII and IX thereof, Book III with the exception of Title V thereof, and Books IV and V of this Code, in compliance with the powers devolved to this authority.

Book I, Title I, Chapter I, Section 3 shall apply in the islands of Wallis and Futuna, in the version resulting from *Law No 2017-1839* of 30 December 2017 phasing out search and exploitation activities relating to conventional and non-conventional hydrocarbons and laying down various provisions relating to energy and the environment.

L.691-2	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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For the purpose of implementing the provisions of this Code in Wallis and Futuna:

1. all references to the ‘department’ shall be replaced with references to the local authority;
2. all references to the ‘state representative of the department’ shall be replaced with references to the ‘senior administrator of the territory’.

L.691-3	○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Subject to the provisions of Article 5 of *Law No 61-814* of 29 July 1961 conferring on the islands of Wallis and Futuna the status of an overseas territory, the terms 'district court' and 'higher-level court' shall be replaced with the term 'court of first instance'.

L.691-4	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Any references in this Code to other articles in the same Code shall only apply in Wallis and Futuna with the necessary amendments provided for under this Title that make the relevant articles applicable.

L.691-5	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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In the absence of any such amendments, any references made in the provisions of this Code that apply in Wallis and Futuna to provisions that do not apply there shall be replaced with references to provisions that have the same effect and that apply locally.

L.691-6	<ul style="list-style-type: none">○ Ordinance No 2011-91 of 20 January 2011 – Article Annex – NOR: INDI1009820R
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Financial penalties imposed in Wallis and Futuna pursuant to this Code shall be imposed in the local currency, based on the corresponding value of this currency in euros.