LAW 4512/17.01.2018

Provisions on the implementation of structural reforms of the economic adjustment programme and other provisions.

THE PRESIDENT

OF THE HELLENIC REPUBLIC

We hereby promulgate the following Law passed by the Hellenic Parliament:

PART B

EXPLORATION AND EXPLOITATION OF QUARRIED MINERALS AND OTHER PROVISIONS

Article 43

Scope - definitions

1. This Law shall apply to the exploration and exploitation of quarried minerals.

2. 'Quarried minerals' means the minerals referred to in paragraph 3 other than ores or mined mineral, in accordance with the provisions of the Mining Code (Legislative Decree 210/1973 [Government Gazette, Series I, No 277]).

3. Quarried minerals are classified under the following categories:

(a) Marble and natural stones

(i) Marble includes various rocks of different colours which are extracted in the form of blocks and can be cut into slabs, smoothened and polished, such as tuff, alabaster and onyx.

(ii) Natural stone includes hewn building stone, slate and limestone slabs, as well as decorative rocks.

(b) Aggregates

Aggregates include: (i) materials of various dimensions obtained by the extraction and crushing of rock or by the extraction of naturally deposited fragments thereof, which are suitable for use without further processing or after crushing, grinding or grading to make concrete or plaster, or in the form of gravel or larger pieces in road construction or in other technical works or in the construction of buildings; (ii) materials obtained by the extraction of limestone, which are used for the production of lime or hydraulic binders or metalworking fluxes; (iii) marble dust and marble chips extracted from quarrying sites in which, despite the rock being capable of being cut into slabs, smoothened and polished, the tectonics of that rock prevent the extraction of marble in the form of blocks.

This Law does not cover aggregates obtained by the processing and recycling of waste from excavation, construction, and demolition, or 'artificial' aggregates produced by the industrial processing of waste, by-products and residues.

(c) Industrial minerals

Industrial minerals include quarried minerals which do not fall under categories (a) and (b) of this

paragraph, in particular kaolin, bentonite, chalk, gypsum, perlite, pumice, santorin, quartz, quartz sand, pozzolana, zeolite, as well as clays and marls used in industry.

Industrial minerals also include calcium carbonate, if the technical study for its exploitation has demonstrated that the mineral and chemical composition of the rock extracted is suitable for industrial use.

4. In the event of any doubt or disagreement as to whether a particular mineral or rock falls under one of the categories listed in paragraph 3, the Minister for the Environment and Energy shall decide on that during the approval of the technical study, following an opinion from the Greek Institute of Geology and Mineral Exploration (IGME).

5. 'Quarrying sites' or 'quarries' means the single (undivided) sites for which the approvals or notifications required by the legislation in force have been issued and are in force for: (a) exploration operations, or (b) exploitation of quarried minerals.

'State quarries' means quarrying sites on public land, and 'private quarries' or 'municipal quarries' means quarrying sites on private or municipal land, respectively.

6. 'Aggregate quarrying areas' means areas in which one or more quarrying sites are in operation for the exploitation of aggregates, such areas being designated by the procedure and criteria laid down in Articles 46, 47 and 48. Quarrying areas also include locations in which several quarrying undertakings are gathered in the Region of Attica, in accordance with Article 15 of Law 1515/1985 (Government Gazette, Series I, No 18), which was retained in force by Article 41 of Law 4277/2014 (Government Gazette, Series I, No 156).

7. 'Fixed lease fees' means lease fees payable as of the entry into force of the lease contract, their amount being independent of the output (products or by-products) of the quarry. 'Pro-rata lease fees' means lease fees payable as of the start of production in the quarry, their amount being dependent on the output of the quarry.

8. Subject to Article 59(6), this Law shall not apply to the removal of sand from naturally deposited fragments on the beds and mouths of rivers and streams and on seashores and lakeshores. Such removal of sand shall be subject to Emergency Law 1219/1938 (Government Gazette, Series I, No 191).

Article 44

Right of exploration and exploitation

1. The right of exploration and above-ground and/or underground exploitation of quarried minerals belongs to the owner of the land in which the minerals occur or to any person to whom the owner has ceded that right.

The right of exploitation shall cover all the by-products produced, as well as the utilisation of extractive wastes resulting from the handling of such wastes, as obtained by the extraction and processing of quarried minerals.

2. In the case of private land, the concession of the right of exploration and exploitation shall be effected and evidenced by a notarial deed of lease of the land, accompanied by the relevant documentation and certification, such as legal title to the land, a certificate of registration from the competent land registrar's office, a certificate and map from the cadastral office and a recent topographic map at an appropriate scale. The topographic map shall show the horizontal dimensions and vertical elevations of the land and all the features of the relief inside and outside that land on the

basis of the national trigonometric network of the Greek Geodetic Reference System 1987 (EGSA 87) and shall be drawn up in accordance with the specifications currently in force.

3. In the case of land owned by first-level local authorities, the concession of the right of exploration shall be effected and evidenced by a decision of the municipal council concerned, and the concession of the right of exploitation by a notarial deed of lease of the land in accordance with Article 54.

4. In the case of public land, the concession of the right of exploration shall be effected and evidenced by a decision of the coordinator of the decentralised administration concerned, and the concession of the right of exploitation by a notarial deed of lease of the land in accordance with Article 53.

In the decisions referred to in paragraphs 3 and 4, the boundaries of the quarrying site shall be specified by reference to the information on the topographic map referred to in paragraph 2.

5. The right of exploration and exploitation of quarried minerals located on public land which has been generally designated as forest or on public grassland belongs to the Hellenic State.

Contesting the right of ownership of the Hellenic State over such land shall not prevent the exploitation of quarries. Such land shall be considered as public land up until its ownership status has been resolved definitively. Up until the ownership status is resolved, the lease fees owed and the consideration provided for by law for the use of the land shall be paid to the Hellenic State and all other obligations under the relevant provisions shall be observed.

If it is recognised that land is owned by a natural or legal person, the lease fees paid to the Hellenic State shall be reimbursed to the owner as payments unduly made. As regards the consideration paid for the use of the land, 20% thereof shall be reimbursed, owing to the difference between the consideration for the use of a public forest and the consideration for the use of equivalent private land.

6. In the event of possessed forest land which is fully owned by the Hellenic State, the possessor may not prevent the exploitation of that land in accordance with the provisions hereof.

7. Lease contracts for quarries on public, municipal or private land shall continue to be valid and in force notwithstanding any administrative or judicial recognition of a third party as owner of the land. Such lease contracts shall continue to apply subject to the same terms and conditions, but the lessor shall be replaced by the third party recognised as owner.

8. Where the Hellenic State or the municipality owns the land by more than 50% on an indivisible basis, the management of the exploitation of the quarrying site shall be carried out by the Hellenic State or the municipality, the latter disbursing to the other joint owners their respective share in the lease fees collected, in accordance with their respective ownership quotas.

In these cases, the assent of the minority of joint owners shall not be required for the exploration for quarried minerals.

9. The coordinator of the decentralised administration in whose jurisdiction the property is located shall, subject to the provisions hereof, be responsible for leasing out quarries on land which is under the management of the Ministry of Rural Development and Food.

Article 45

Concession of the right of exploitation - Fixed and pro-rata lease fees

1. Contracts for the lease of public, municipal and private land intended for the exploitation of quarries for whatever category of minerals shall be validly drawn up in the form of a notarial deed accompanied by a topographic map and shall be concluded for a 20-year term, which may be extended in accordance

with the following paragraphs.

In the case of aggregate quarries operated for the execution of public works within the scope of Article 52(2)(c) and the quarries within the scope of Article 51(4), the term of the lease contract shall be determined on the basis of the time required to extract the volume of material necessary for the execution of the work, plus any extra time needed to complete the environmental restoration at the quarrying site in accordance with the approved environmental conditions. No extraction work shall be permitted during, and up until completion of, the restoration period.

2. In the case of State and municipal quarries, the 20-year term of the contracts referred to in the previous paragraph may be extended by a notarial deed for a further period of 20 years, following agreement between the parties, provided that the lessee has complied with all the terms and conditions of the contract already in force. The owner of the site shall in any event have the right to terminate the contract if its terms and conditions are not complied with.

In the case of private quarries, the term of the lease contract may also be extended by a notarial deed for a further period of 20 years unilaterally by the lessee.

3. Where there are still workable deposits in a quarry of the type referred to in the first indent of paragraph 1, the term of the lease contract may be extended even beyond 40 years, ten years at a time, subject to Article 68(6) and also subject mutatis mutandis to paragraph 2, up until the greatest volume of workable minerals has been extracted, in accordance with an approved technical study prepared in each case and an approved environmental impact assessment. However, the term of such contracts may under no circumstances exceed a total of 70 years from the start of the lease.

4. The lessee of a State, municipal or private quarry shall pay an annual lease fee to the owner. The total lease fee shall consist of a fixed fee and a pro-rata fee. The obligation to pay the fixed fee shall take effect as of the date of entry into force of the lease contract, while the obligation to pay the pro-rata fee shall take effect as of the date when production starts. As regards all categories of quarried minerals –other than aggregates, to which no offsetting shall apply– the annual fixed lease fee shall be offset against the corresponding annual pro-rata lease fee for the same twelve-month period. As regards the categories of quarried minerals for which the fixed lease fee is offset against the pro-rata lease fee, if the fixed lease fee is greater than the corresponding pro-rata lease fee, the lessee's obligation shall be discharged upon payment of the fixed lease fee. Reimbursement of the fixed lease fee is not permitted. (a) Fixed lease fee.

As regards all categories of quarried minerals within the scope hereof, except in the case of auctions for aggregate quarries, the amount of the fixed lease fee in EUR shall be calculated as follows:

TFLFQ = T1FLF + T2FLF; where

TFLFQ = total fixed lease fee of quarry;

T1FLF = total 1 fixed lease fee (for a quarrying site with an area of less than or equal to 10 ha);

T2FLF = total 2 fixed lease fee (for a quarrying site with an area of over 10 ha);

T1FLF = A1 x k x a x b x c x d x e; where

A1 = for a quarrying site with an area of up to 10 ha;

k = 10;

a = 1 or 1.3 for an inactive or active quarry, respectively;

b = 1.4, 1 or 2 for a quarry in the category referred to in point (a) or (b) or (c) of Article 43(3), respectively;

c = 1, 2 or 4 for a quarry up to year 5 or after year 5 and up to year 10 or after year 10, respectively;

d = 1 or 0.9 for a quarry where, as of the date of entry into force of its initial exploitation authorisation, the distance between the closest boundary of the quarry to the asphalt road network is not longer than 1 000 m, or longer than 1 000 m, respectively;

e = 1 or 0.9 for a quarry in respect of which expenditure of up to EUR 50 000, or more than EUR 50 000, has already been incurred, respectively, to carry exploration for quarried minerals during the initial phase of determining the quantities and qualities available;

T2FLF = A2 x T1FLF / 200; where

A2 = the additional area in excess of 10 ha for a quarrying site with an area of more than 10 ha.

The values of the above factors k, a, b, c, d and e may be adjusted by joint decision of the Minister for Finance and the Minister for the Environment and Energy. The adjustment may be up to four times the TFLFQ, as obtained from the maximum values of the factors in the mathematical formula.

(b) Pro-rate lease fee.

(i) As regards marble and natural stone quarries within the scope of Article 43(3)(a), the ceiling of the pro-rata lease fee is 8% of the selling price of the extracted marble and natural stone, 10% of the selling price of offcuts and unprocessed by-products, and 5% of the selling price of processed by-products on the quarry floor.

(ii) There is no ceiling for the pro-rata lease fee for aggregate quarries within the scope of Article 43(3)(b).

The pro-rata lease fee for aggregate quarries may not be less than 5% of the invoiced sales value, for lease contracts entered into either directly or by auction. As regards State and municipal quarries, the amount of the fixed lease fee, the volume of the minimum annual output, the rate of the pro-rata lease fee and the minimum annual pro-rata lease fee shall be the subject of an auction the terms of which are laid down in Article 53(7). The annual lease fee may not be less than the minimum contractual annual lease fee laid down in the lease contract and deriving from Article 53(7)(b). If the total annual lease fee calculated is less than the minimum fee referred to above, the minimum contractual annual lease fee shall apply.

(iii) As regards industrial mineral quarries within the scope of Article 43(3)(c), the ceiling of the pro-rata lease fee is 8% of the selling price of the extracted products, 10% of the selling price of unprocessed by-products, and 5% of the selling price of products processed in the quarry or by-products on the quarry floor.

5. Pro-rata lease fees shall be determined by the quantities of materials sold each year and shall be calculated on the basis of the invoices submitted by the lessee together with a summary of sales data (quantities and prices) and a topographic measurement of the quantities of extracted rock or by another appropriate method, if necessary, such as checks on the books of the undertaking or cross-checks of the data provided against those submitted to first-level local authorities for the payment of the special fee envisaged in Article 62(2).

Where the lessee uses such quantities to supply its own facilities, the selling price used to calculate the pro-rata lease fee shall be determined on the basis either of previous invoices of the same quarry or of

the price of products of similar quality extracted in neighbouring quarries. In the absence of such data, account shall be taken of the cost of extraction, the location and accessibility of the quarry, the quality of the deposit, the exploitation conditions, the business profit and any other factors which must be considered by the competent agency.

6. Fifty per cent of the total lease fees (fixed and pro-rata) for State marble, natural stone and industrial mineral quarries shall be paid to the first-level local authority in whose territory the quarry operates, while the other 50% shall be disbursed to the Hellenic State in accordance with the Code on the Collection of Public Revenue (KEDE).

Of the total fixed and pro-rata lease fees for State aggregate quarries: 75% shall be disbursed to the Hellenic State in accordance with KEDE; 5% shall be disbursed to the Hellenic State and entered as an appropriation under a specific code (KAE) to be created in the ordinary budget of the Ministry of the Environment and Energy to cover expenses incurred by the Ministry's Directorate-General for Mineral Raw Materials (GDOPY) on actions relating to the streamlined utilisation and sustainable exploitation of mineral raw materials; and the remaining 20% shall be disbursed to the region concerned to be used exclusively for works intended to offset the environmental impact and disturbance caused by the exploitation of the quarry in the regional unit in whose territory the quarry operates.

The Minister for Finance and the Minister for the Environment and Energy shall adopt a joint decision laying down the method, time and procedure used to disburse the above-mentioned amounts and all other details relating to the application of the paragraph concerned.

7. Subject to the above paragraph, aggregates extracted as by-products in the course of the exploitation of minerals of any category, except in the cases referred to in Article 51(5) and Article 52(2)(b), may be used freely, provided that they meet the quality requirements laid down in Article 59(10). The operator shall pay the special fee in favour of the local authority, as provided for in Article 62, and the pro-rata lease fee, which shall amount to 10% of the selling price of unprocessed materials or 5% of the selling price of processed materials on the quarry floor.

8. The quantity of aggregates referred to in the previous paragraph which may be used freely shall consist of any remainder quantity beyond that required for restoring the quarrying site and shall be indicated in the relevant studies (technical study and environmental impact assessment), which shall be duly approved. In the case of marble, natural stone and industrial mineral quarries, the data contained in the technical study must evidence that the exploitation is the main activity carried out. Exploitation of marble or industrial minerals is the main activity when the marble or industrial mineral extracted is the mineral accounting for the largest share in the value of the output, either value calculated on the quarry floor. The technical study must also indicate precisely the mineralogical composition or size of the pieces, for instance, it should include a determination of the granulometry or size of unsuitable blocks or another property of any by-products produced, to indicate clearly why they are unsuitable for the main use for which the quarry was authorised.

9. No subleasing of quarries is permitted. The rights deriving from the lease contract may be transferred following approval from the lessor. The transfer shall be effected by a notarial deed, a copy of which shall be submitted to the lessor within 1 month from the date when the transfer decision was approved. Following approval of the transfer and signing of the notarial deed, the lease contract shall remain in force subject to the same terms and conditions, whereas the lessee shall be substituted by the person to whom the rights deriving from the lease contract were transferred, the latter assuming the rights and obligations of the original lessee.

Article 46

Quarrying areas for the exploitation of aggregates

1. Public, municipal or private land that is deemed to be suitable, both with regard to the quality of rock and the impact of the quarrying activity carried out therein on the natural and anthropogenic environment, may be designated as quarrying areas for the exploitation of aggregates.

2. Quarrying areas shall be designated at a regional unit level if the geographical boundaries of the regional unit coincide with those of the prefecture, subject to Article 47(4). If the geographical boundaries of the prefecture and of the regional unit do not coincide, and the prefecture comprises more than one regional units, quarrying areas shall be designated in respect of all the regional units within the boundaries of the corresponding prefecture, subject to the last indent of this paragraph.

Quarrying areas shall be designated where the output of quarries operating in already designated quarrying areas in the prefecture and the exploitation of the usable reserves to be found in the deposits in those quarries are not sufficient to cover the needs of the prefecture, so that there is a risk of market disruption and distortion of competition. To calculate the usable reserves of aggregates with a view to covering the estimated needs over a period of at least 40 years, account shall also be taken of deposits in any unused quarrying sites within already designated quarrying areas as well as any aggregates produced by recycling.

In exceptional cases, quarrying areas may be designated within the geographical boundaries of the former provinces or on islands in which there are no designated quarrying areas if it is ascertained that this is necessary in order to streamline the distribution of quarrying areas in relation to centres of consumption.

3. Account shall be taken of the following factors in designating a quarrying area:

(a) the suitability of the rock and the adequacy of the materials to ensure proper supply to the market;

(b) physical planning criteria, such as the national physical planning strategy, the specific physical planning frameworks and the regional physical planning frameworks intended for physical planning and sustainable development purposes, as well as the distance and streamlined distribution of such areas in relation to centres of consumption;

(c) environmental criteria, such as the lowest possible environmental disturbance or damage, whether the candidate areas are, or are not, included in the national protected areas scheme, other sensitive environmental factors, the option of expanding already existing quarrying areas, the option of establishing a quarrying area at the locations of already operating quarries, as well as any alternatives;

(d) criteria relating to safe and streamlined operation, such as the safety of employees and local residents, streamlined exploitation, and the economical management and sustainability of deposits;

(e) criteria relating to the protection of antiquities and of the cultural environment.

4. In designating quarrying areas, the competent head of region shall, every five years, review the adequacy of aggregates from quarrying areas already designated in each prefecture in the region. If he finds that they are indeed adequate, he shall issue a declaration to that effect. If they are inadequate, the head of region shall, following a reasoned opinion from the regional council on the issues referred to in paragraphs 2 and 3, which must be delivered within 2 months, make a recommendation to the coordinator of the decentralised administration concerned for designating new quarrying areas. The coordinator of the decentralised administration shall issue a decision authorising the designation, which shall be published in the Government Gazette.

5. Quarrying areas for the exploitation of aggregates shall be designated, with the assent of the committee referred to in Article 47(1) by decision of the head of region to be published in the

Government Gazette. The committee shall look into the conditions laid down in Article 47(1), (2) and (3), also checking the applicability of the prohibitions listed in Article 49, and shall then give its reasoned opinion. The decision on the designation of quarrying areas for the exploitation of aggregates shall be issued within 5 years from the date of publication in the Government Gazette of the decision of the coordinator of the decentralised administration, as referred to in paragraph 4 of this Article.

6. In accordance with Article 15 of Law 1515/1985 (Government Gazette, Series I, No 18), as retained in force by Article 41 of Law 4277/ 2014 (Government Gazette, Series I, No 156), a decision may be issued by the Minister for the Environment and Energy for the designation of locations in which several quarrying undertakings can be gathered in the Region of Attica in particular, following a recommendation from the competent head of region and an opinion from the metropolitan planning council, subject to the conditions laid down in paragraphs 2 and 3 and the assent referred to in paragraph 5.

Article 47

Procedure for the designation of quarrying areas

1. If, after following the procedure referred to in Article 46(4), a quarrying area must be designated, the competent head of region shall take a decision establishing a committee for the designation of quarrying areas in the capital city of the region. Eight members shall be appointed to the committee, along with their deputies, as follows:

(a) one employee of the Ministry of the Environment and Energy, who is a mining engineer or a mineral resources engineer or a certified engineer in an equivalent or related field, along with his/her deputy;

(b) one employee of the Directorate for Forests of the decentralised administration concerned, along with his/her deputy;

(c) one employee of the Directorate for Public Works of the regional unit concerned, who is a civil engineer or a surveyor engineer or an architect engineer, along with his/her deputy;

(d) one employee of the technical department of the municipality of the capital city of the prefecture concerned, who is a surveyor engineer or a civil engineer. In the absence of such an engineer, an employee of the technical department of another municipality within the geographical boundaries of the prefecture shall be appointed, along with his/her deputy;

(e) one employee of the Ministry of Culture and Sports, along with his/her deputy;

(f) one employee of the Directorate for the Environment and Physical Planning of the region concerned, who is an engineer, preferably a town/physical planning expert, along with his/her deputy;

(g) one employee of the Greek Institute of Geology and Mineral Exploration (IGME), who is a geologist or a mining engineer or a mineral resources engineer or a certified engineer in an equivalent or related field, along with his/her deputy;

(h) one municipal employee from a municipality designated by the regional union of municipalities of the region concerned, along with his/her deputy.

Where the prefecture in the boundaries of which quarrying areas are to be designated comprises more than one regional unit, the above representatives shall be appointed from the corresponding agencies listed above which are established in the capital city of the prefecture concerned. In the absence of

employees with the above qualifications at these agencies, representatives shall be appointed from a corresponding agency within the geographical boundaries of the prefecture concerned.

The travel costs incurred by the committee members to attend the meetings of the committee for the designation of quarrying areas shall be charged to the respective budgets of the agencies from which they originate.

As for the rest, the provisions of the Code of Administrative Procedure shall apply mutatis mutandis.

2. In the event of designating a location in which several quarrying undertakings are gathered or a quarrying area in the Region of Attica, in accordance with Article 15 of Law 1515/1985 (Government Gazette, Series I, No 18), as retained in force by Article 41 of Law 4277/2014 (Government Gazette, Series I, No 156), a ninth member shall be added to the committee referred to in paragraph 1, representing the Directorate for Planning Metropolitan Urban and Suburban Areas (SMAPP) of the Ministry of the Environment and Energy.

3. The committee shall be chaired by the employee of the Ministry of the Environment and Energy referred to in paragraph 1 of this Article. The committee shall be in quorum if 5 of its members are present. Decisions shall be adopted by the majority of the members present. In case of a draw, the chairman shall have the casting vote.

4. Where the committee referred to in paragraph 1 agrees that it is impossible to designate any quarrying areas within the geographical boundaries of a prefecture, the head of region shall, in order to cover the need for aggregates in the prefecture concerned, decide to entrust the designation of new quarrying areas or the extension of existing ones to a committee operating in an adjacent prefecture within his region. In that event, evidence of the streamlined spatial distribution of quarries over the broader area concerned shall be provided.

5. The plans for the designation of quarrying areas recommended by the committee referred to in paragraph 1 shall be subject to an environmental pre-audit, to verify whether considerable environmental impact is to be expected. If such an impact is expected, a strategic environmental assessment procedure shall be carried out in accordance with Joint Ministerial Decision No ΥΠΕΧΩΔΕ/ΕΥΠΕ/οικ. 107017/28.8.2006 of the Minister for Finance and the Economy, the Minister for the Environment, Physical Planning and Public Works, and the Deputy Minister for the Interior, Public Administration and Decentralisation (Government Gazette, Series II, No 1225), in compliance with Directive 2001/42/EC. Plans for quarrying areas lying wholly or partly within areas covered by the European Natura 2000 network shall always be subject to a strategic environmental assessment procedure.

If the findings of the strategic environmental assessment are different from the recommendation of the committee referred to in paragraph 1 of this Article, such findings shall be brought to the attention of the committee for the latter to harmonise its opinion with the findings of the strategic environmental assessment.

6. After the committee is set up and before a decision designating quarrying areas is adopted, the head of region shall request an approval from the Minister for Culture and Sports, which shall be granted in accordance with Article 10 of Law 3028/2002 (Government Gazette, Series I, No 153). No such approval shall be requested if the authority concerned has been consulted earlier during the strategic environmental assessment procedure.

In drafting its opinion, the committee may, at discretion, request in writing an opinion or assistance from any other agency or body.

7. Upon designation of each quarrying area that includes public or municipal land, a working group comprising the members of the committee referred to in paragraph 1 of this Article representing

(a) the Ministry of the Environment and Energy, (b) the Directorate for Public Works in the case of public land or the technical department of the municipality in the case of municipal land, and (c) IGME shall distribute (spatially) the quarrying sites within the quarrying area.

The above distribution shall be completed within 2 months from the date of entry into force of the decision designating the quarrying area. The recommendation from the committee's working group shall be subject to approval by the competent head of region.

8. By way of exception, the committee referred to in paragraph 1 may be set up by the competent head of region upon application from a party that is interested in the designation of an area which is suitable for quarrying, subject to the conditions and the procedure laid down in Articles 46 and 47. The application shall, on pain of inadmissibility, be accompanied by: (i) a fee of EUR 5 000 payable in favour of the region concerned, which may be adjusted by decision of the Minister for the Environment and Energy; and (ii) evidence that the applicant has the right to carry out exploitation of aggregates on the land indicated in its application or has taken steps to secure the land, i.e. it has signed a preliminary deed of purchase/lease of the land for that particular use, with a view to acquiring the right of exploitation. The costs incurred in connection with the environmental pre-audit and the strategic environmental assessment referred to in paragraph 5, if any, shall be borne by the interested party.

Article 48

Siting, modification and de-designation of quarrying areas

1. Quarrying areas shall be sited at a distance of at least 1 000 metres from approved town plans and approved residential area extensions or approved boundaries or settlements existing since before 1923, the boundaries of which were approved by administrative acts, as well as residential area extensions and approved boundaries, in accordance with the Presidential Decree of 21 November 1979 designating the boundaries of settlements existing since before 16 August 1923 for which no town plans were drawn up (Government Gazette, Series IV, No 693), the Presidential Decree of 2 March 1981 concerning the details to be taken into consideration and the method to be used to designate settlements existing since before 16 August 1923 for which no approved town plans were drawn up, also laying down the conditions and restrictions for construction on land therein (Government Gazette, Series IV, No 138), and the Presidential Decree of 24 April 1985 laying down the method used to designate the boundaries of settlements with up to 2 000 inhabitants in Greece, along with the categories of such settlements and the conditions and restrictions for construction therein (Government Gazette, Series IV, No 181). Where a quarrying area is to be sited near a settlement which had been delimited by a prefectural decision prior to the designation of the quarrying area, the boundaries of the settlement must be republished by presidential decree.

The extension of a town plan or the creation of an independent town plan or the construction of any building is prohibited in quarrying areas and at a distance of at least one thousand metres from their boundaries, except for those that are directly related to the quarrying activity, in particular installations for processing the extracted products and carrying out other processes for vertical integration of the mining activity.

2. The 1 000-metre limit referred to in paragraph 1 shall not apply to the construction of buildings and mechanical installations intended for carrying out the activities set out in Article 17(1) to (5) of Law 3982/2011 (Government Gazette, Series I, No 143), for the plants referred to in Article 18(3)(c) and (g) of the above Law and for renewable energy sources (RES) installations. In these cases, they shall be sited at distances greater than five hundred metres from the boundaries of quarrying areas. Moreover, only the construction of buildings and mechanical installations intended for carrying out the activities referred to in Article 59(1) to (5) and for the plants referred to in Article 18(3)(c) and (g) of

Law 3982/2011 shall be permitted in the vicinity of quarrying areas of business parks, as described in Part three of Law 3982/2011, at a distance of less than one 1 000 metres but not less than 500 metres.

Wind turbines shall be sited at a minimum distance of 150 metres from the boundaries of a quarrying area.

Similarly, the 1 000-metre limit shall not apply to the construction of buildings intended for agricultural, stock-farming and aquaculture installations, slaughterhouse shelters, agricultural warehouses, tanks and greenhouses, as described in Article 163 of the Code of Basic Town Planning Legislation (Presidential Decree of 14 July 1999 [Government Gazette, Series IV, No 580]). These installations shall be sited at a distance greater than 500 metres from the boundaries of quarrying areas. As regards poultry and livestock farms in particular, the assent of the stabling control committee referred to in Article 4 of Law 4056/2012 (Government Gazette, Series I, No 52) shall be obtained in advance.

The above distances may, on a case-by-case basis, be reduced by reasoned decision of the Minister for the Environment and Energy following a recommendation from the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy, if the relief and specific conditions of the area concerned so permit.

The competent town planning bodies referred to in Law 4067/2012 (Government Gazette, Series I, No 79) shall be responsible for applying the provisions of this paragraph and of paragraph 1.

Technical works in forests, as referred to in Articles 15 and 16 of Law 998/1979, shall be carried out regardless of distance from the boundaries of quarrying areas.

3. In insular areas where it is impossible to comply with the 1 000-metre distance referred to in paragraph 1 or in border areas where there is an urgent need to obtain aggregates with a view to ensuring the smooth functioning of the market and executing public works, this distance from all or some of the boundaries of the quarrying area may be reduced by a relevant decision on the designation of the area.

In setting the above distance, the committee referred to in Article 47(1) shall take into account the size of the quarrying area, the morphology and relief of the land, the specific characteristics of the rock to be extracted and the extraction method, as well as the size and type of the neighbouring town plan and buildings, with a view to ensuring the safety and health of workers, local residents and passers-by, as well as environmental protection.

In any event, the reduction of the above distance and of the distances provided for in Article 85(2), (3) and (4) of the Mining and Quarrying Works Regulation (Decision No Δ7/Α/οικ. 12050/2223/23.5.2011 of the Minister for the Environment and Climate Change [Government Gazette, Series II, No 1227]) from the boundaries of a quarrying area may not be less than the minimum distances laid down in the regulation on the siting of extractive operations if explosives are used.

4. Under the criteria laid down in paragraph 3 of this Article, it is possible to reduce the breadth of the protection zone of a quarrying area, by a relevant decision on the designation of the area, to less than 1 000 metres from some of its boundaries in the case of abandoned, small and declining settlements. The above restriction shall apply insofar as the quarrying area concerned contains rocks which are suitable for the production of high-quality materials, contributes towards the further streamlining of the spatial distribution of quarries, supports the local economy and prevents the population of these settlements from leaving the area.

The breadth of the protection zone of an already designated quarrying area may be reduced to below 1 000 metres at the request of a municipality and following a reasoned opinion from the regional council concerned on whether the conditions laid down in the previous subparagraph are satisfied. The breadth of said zone may be reduced by decision of the Minister for the Environment and Energy

following a recommendation from the committee referred to in Article 47(1) laying down the permissible distance based on the criteria of the previous indent, the request of the municipality and the opinion of the regional council, which shall be notified to the committee by the competent department of the region concerned.

The competent town planning bodies referred to in Law 4067/2012 (Government Gazette, Series I, No 79) shall be responsible for applying the provisions of this paragraph.

5. The exploitation of aggregate quarries in quarrying areas shall qualify as being in the public interest. The right to exploit aggregates in these areas shall prevail over the right to exploit any other category of minerals. By way of exception, if there are deposits of ores, industrial minerals or marble in significant quantities which are essential for the national economy, the right to exploit these minerals shall prevail. In that event, the Minister for the Environment and Energy shall issue a decision following an opinion from IGME, which shall be published in the Government Gazette. The procedure for amending the relevant lease contract, in accordance with Article 53(11), and the relevant approvals or notifications shall then be followed in respect of quarried minerals.

As regards quarrying areas that are to be designated in the future or those that have been designated already in all or in part, their nature shall not be altered by town-planning, physical-planning, forestry or other provisions issued after the designation thereof, up until their deposits are fully exploited.

6. A quarrying area shall be activated by the award of a lease contract, through a tender procedure, for at least one quarry site within that area. An entire inactive quarrying area, or part thereof, may be de-designated by decision of the competent head of region, with the assent of the committee referred to in Article 47(1), on grounds which may have not been taken into account in designating that area or on grounds which came up after its designation and necessitated its de-designation. In any event, if such an area is not activated within 5 years from its designation, it shall be de-designated by decision of the competent head of region to be published in the Government Gazette. The five-year period may be extended for another two years by decision of the coordinator of the decentralised administration concerned following a reasoned proposal from the competent head of region.

7. An entire quarrying area, or part thereof, shall be de-designated by decision of the competent head of region if there are no longer any grounds for retaining it, if it was activated in the past and has become inactive for more than ten years. This decision of the head of region, which shall be published in the Government Gazette, shall be issued following a recommendation from the competent department of the region concerned and a reasoned opinion from the regional council.

8. In the event of loss of forest vegetation in a quarrying area designated in a forest or wooded land due to fire, illegal logging or other causes which occurred following the issuance of the decision designating the area, the designation of the quarrying area and the exploitation of the quarry shall not be affected by a declaration of reafforestation. Any decisions declaring reafforestation, protocols of administrative expulsion, administrative fines or special compensation issued against the quarrying areas referred to in the previous sentence shall be revoked necessarily by an act of the competent body.

9. The amendment, extension or restriction of the boundaries of an active quarrying area or of the spatial distribution within that area shall be possible through a procedure similar to that followed for designating the area, following an application accompanied by a fee of EUR 3 000 to be paid in favour of the region concerned, which may be adjusted by decision of the Minister for the Environment and Energy.

10. Infrastructure works required for quarries sited in quarrying areas, such as the construction of additional roads for external access up to the boundaries of the quarrying sites and the extension of central electricity, water and communications networks, shall be carried out by the operators and made available for public use. The forestry and fire services shall, in carrying out their duties, have

unhindered access to roads within a quarrying area used for accessing the quarrying sites. The cost of infrastructure works serving more than one of the quarrying sites referred to in paragraph 9 of this Article shall be born on a pro-rata basis by the corresponding lessees of the quarrying sites, the relevant rate being set by decision of the competent head of region following a recommendation from the competent department of the region.

As regards State or municipal quarries located in quarrying areas, the actual cost of infrastructure works shall be offset against the corresponding lease fee to be paid under Article 45(4) upon start of the quarry's productive operation. To launch the offsetting process, the lessee must submit an application to the competent department of the decentralised administration upon completion of all infrastructure works or upon execution of a completed part thereof. The incurring and amount of infrastructure work costs shall be assessed by a three-member committee of technical employees to be set up for that purpose by decision of the coordinator of the decentralised administration concerned. The record drawn up by the committee shall be notified to the lessee using any means available, the latter being entitled to object before the committee within 1 month. If objections are raised, the committee shall meet again within 1 month to look into the lessee's objections, which it shall either take into account and amend its original record or reject on a reasoned basis. The offsetting process shall be completed within six months from submission of the lessee's application, by decision of the coordinator of the decentralised administration concerned setting the costs to be offset or rejecting the offsetting application.

Article 49

Prohibiting the exploitation of quarries

1. The exploitation of a quarry shall be prohibited, if it results in:

(a) risks to the safety of the life or health of workers, local residents and passers-by, as well as damage to public utility works;

(b) direct or indirect damage to archaeological sites, monuments, historical sites or tourist facilities;

(c) serious deterioration of the natural and cultural environment, which cannot be addressed by taking appropriate cost-effective measures.

All of the following conditions must be satisfied:

(i) the assent of the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy must be obtained, for safety and streamlined exploitation purposes;

(ii) approval from the Minister for Culture and Sports, in accordance with Article 10 of Law 3028/2002 (Government Gazette, Series II, No 153), unless already obtained at an earlier stage;

(iii) approval of an environmental impact assessment, in accordance with Law 4014/2011 (Government Gazette, Series II, No 209);

(iv) approval of a technical study evidencing that the streamlined planning of the exploitation is possible, in accordance with the Mining and Quarrying Works Regulation (KMLE).

2. Except in the cases referred to in paragraphs (a), (b) and (c) of paragraph 1 of this Article, the exploitation of a quarry shall not be permitted if the evaluation of the exploitation technical study shows that the area requested is insufficient to ensure streamlined and safe exploitation, in accordance with the provisions of the KMLE.

3. Where the siting of a quarry requires that more specific prohibitions must also be looked into, opinions from the following agencies shall also be submitted during the approval of the exploitation technical study:

(a) the agency responsible for the ownership status of the quarrying area;

(b) the Hellenic Electricity Distribution Network Operator SA (DEDDIE SA);(c) the Hellenic Gas Transmission System Operator SA (DESFA SA);
(d) the authority or body responsible for the operation of (aboveground or underground) transmission or distribution pipelines for hydrocarbons and derivatives thereof.

A solemn declaration by the engineer who has signed the relevant study shall be submitted on whether the opinions under points (b), (c) and (d) are necessary or not.

The above agencies need not issue any opinions again if they have already done so during the approval of exploration works or during the lease of the quarrying site or during the environmental permitting procedure, on condition that no more than three years have passed from the date of issuance of said opinions.

No opinions are required from the above agencies for quarries sited in quarrying areas.

4. The establishment of a quarry in areas included in the National System of Protected Areas under Article 3 of Law 3937/2011 (Government Gazette, Series I, No 60) shall only be possible in those zones or areas in which quarrying activity is permitted either by law or by decrees and ministerial or other decisions on the protection and management of such areas, and in accordance with any further specifications or restrictions laid down in these acts.

Article 50

Exploration for quarried minerals

1. Exploration work to prospect for deposits of industrial minerals, marble, natural stones and special-use aggregates (other than marble dust, marble chips and the limestone anti-slip materials) shall be carried out subject to the conditions laid down in Articles 58 and 59 of Law 4442/2016 (Government Gazette, Series I, No 230).

2. Exploration work shall not be permitted if the prohibitions listed in Article 49 apply to such work or to any future exploitation work. More specifically, exploration work shall not be permitted on public land, for sites for which at least one of the following applies:

(a) as of the date of submission of the application for authorisation of the exploration work, any act has been adopted by a public authority from which it is inferred that the Hellenic State is planning to carry out exploration work at the site or by which authorisation is granted for financing or for including the site in a financed exploration programme;

(b) the Hellenic State itself is exercising its right of exploration at the site concerned as of the date of submission of the above application;

(c) the Hellenic State had carried out exploration at the site concerned, and deposits had been found;

(d) exploitation rights had been granted for the site concerned regarding any quarried mineral, and less than five years have elapsed since such rights expired, ended or were revoked. The area may be

auctioned during that intermediate period in accordance with Article 53(6).

3. Exploration work in public and municipal areas shall be carried out in a single (undivided) designated area of up to 30 ha. Areas crossed by a rural or forest road shall be considered as single areas. If the exploration work is followed by exploitation work, the operator must relocate the above roads outside the quarrying site at its own cost. As regards the relocation of a forest road in particular, a technical design shall be prepared in accordance with the forest road construction specifications. The design shall be subject to approval by the forestry authority.

4. The total volume of quarried mineral which may be obtained and used for the needs of the exploration work shall be determined each time by the declaration of conformity to the technical specifications for quarry exploration works, depending on the type and specificities of the mineral concerned and the exploration method used. Said quantity may not exceed 0.5 cubic metres per hectare of land, while the total excavated volume may not exceed ten times that quantity.

5. The Hellenic State shall exercise its right of exploration and prospecting for quarried minerals on land owned by it in a defined area each time, upon application submitted by IGME to the coordinator of the decentralised administration concerned or upon notification to the coordinator of the decentralised administration concerned of an act issued by a public authority referred to in paragraph 2(a) of this Article. Upon application or notification, IGME shall have priority for exploration of the site concerned.

To that end, IGME shall prepare and submit for approval a programme to the Ministry of the Environment and Energy, setting out:

(a) the quarried minerals and area to be explored, said area not exceeding 300 ha, the boundaries of which shall be defined by coordinates from the Greek Geodetic Reference System 1987;

(b) geological data and geological mapping of the site, the exploration methods to be used, the necessary access roads, the precise location of the exploration work, a description of the mechanical equipment to be used, the staff to be employed, the measures to ensure the best possible mitigation of environmental impact, the measures to protect the health of workers and the safety of the works, workers and local residents, and the exploration timeframe;

(c) the costs involved and the programme's financing body.

Upon approval of the above programme by the Minister for the Environment and Energy, the coordinator of the decentralised administration concerned shall grant authorisation for the exploration work to be carried out.

Only the supporting documents referred to in Article 59(3)(a) of Chapter J of Law 4442/2016 shall be required for authorisation to carry out exploration work.

This authorisation shall be granted for a period of up to 3 years, with the option of extending it for one more year, if this is necessary for carrying out more extensive exploration work. This extension shall be granted by the coordinator of the decentralised administration concerned following approval from the Minister for the Environment and Energy, to whom IGME shall submit a reasoned recommendation before the end of the initial duration of the exploration programme.

IGME shall, within 6 months from the end of the authorised exploration works, submit a detailed and comprehensive report on the results of the exploration to the Ministry of the Environment and Energy.

The exploration results shall, following evaluation thereof, be approved by decision of the Minister for the Environment and Energy. After that, the coordinator of the decentralised administration concerned shall, within 3 months, issue a decision making the explored site or a part thereof either available for leasing through an invitation to tender or freely available, depending on the results of the exploration

work.

If the Minister for the Environment and Energy decides that the programme was not carried out or was terminated without any results, the coordinator of the decentralised administration concerned shall, within 3 months, issue a decision making the explored site freely available.

6. Upon completion of exploration work on public or municipal land, the data and results of that work shall be made available to IGME in hardcopy and electronic format, where they shall be kept for 5 years. These results shall not be disclosed and IGME may not use them within that period, subject to the provisions on industrial and intellectual property. Any infringement of the obligations laid down in the first sentence shall provide the grounds for the forfeiture of the letter of guarantee referred to in Article 59(3)(b) of Law 4442/2016.

Article 51

Exploitation of industrial mineral, marble and natural stone quarries

1. The exploitation of the quarries referred to in Article 43(3)(a) and (c) shall be carried out subject to the conditions laid down in Articles 60, 61 and 64 of Law 4442/2016.

2. A decision of the Minister for the Environment and Energy may, at the request of interested parties, designate State or municipal industrial mineral or marble quarries for which lease contracts have been concluded as reserve State or municipal quarries. The size of the reserve quarries may not exceed that of quarries in operation. The existence or setup of an industrial plant shall be a key prerequisite for designating a quarry as a reserve quarry. Account shall be taken of the plant's supply needs and importance, as well as of the size of the reserves and of the locations of the quarries, which may be situated in non-adjacent sites in the same or a neighbouring prefecture. Reserve quarry operators shall pay a fixed lease fee twice as much as that specified in Article 45 and shall be exempted from the obligation to declare the start of operations within 1 year of the date of entry into force of the lease contract.

3. Should the exploitation of the quarry be suspended temporarily in order to carry out archaeological research or for reasons for which the operator is not responsible, this shall give the right to extend the exploitation of the quarry for a period equal to the duration of the suspension. To extend the lease contract, the quarry operator must demonstrate the duration of the suspension of operations on the basis of a document issued by a public authority. The quarry operator shall pay no lease fees during the necessary suspension of operations.

4. A joint decision of the Minister for the Environment and Energy and the Minister for Culture and Sports may, by way of derogation from the provisions in force, allow the exploitation of small-scale non-commercial quarries if the materials extracted therefrom are intended exclusively for the restoration and enhancement of monuments and archaeological sites for which international authorities and agreements require the use of materials from the same or a compatible source as that of the original construction materials. Such quarries may be exploited only if the above needs for materials cannot be covered from existing quarries in the broader area. The exploitation and environmental restoration of such quarries shall be carried out in accordance with a special design.

The joint ministerial decision referred to in the first indent shall lay down the type of materials, the operating period of the quarry, the environmental protection and safety measures, the measures for the restoration of the quarrying site and the amount of the letter of guarantee to be submitted in connection with the obligations under the legislation on environmental protection. The issuance and forfeiture of the letter of guarantee shall be subject to Article 55.

State quarries used for the above works shall be leased under a direct contract entered into with the contractor responsible for carrying out these works, subject to such conditions and lease fees as

specified in the above decision.

As for the rest, the operation of the quarries referred to in this paragraph shall be subject to the provisions of the KMLE.

5. Industrial mineral calcium carbonate quarries shall not be allowed to place on the market any co-produced aggregates. In the event of infringement of the previous sentence, the penalties under Article 59(6) shall be imposed and the quarry shall cease to operate by decision of the head of the competent Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy.

Article 52

Exploitation of aggregate quarries

1. The exploitation of the quarries referred to in Article 43(3)(b) shall be carried out subject to the conditions laid down in Articles 62, 63 and 64 of Law 4442/2016.

2. The exploitation of aggregate quarries across Greece shall be carried out in quarrying areas designated pursuant to Articles 46, 47 and 48. The exploitation of aggregate quarries outside quarrying areas shall be permitted in the following cases:

(a) If the procedure under Articles 46 to 48 rules out the setup of a quarrying area in a specific regional unit, in the geographical boundaries of a former province or on an island, once the option under Article 47(4) has been taken into account. In that case, a decision shall be issued by the competent head of region following a reasoned opinion from the competent regional council, which shall be published in the Government Gazette and shall be updated every ten years.

If the designation of a quarrying area in a specific regional unit, in a former province or on an island in which aggregate quarries are in operation becomes possible at a later time pursuant to the first indent of this point, the operators of these quarries shall continue the exploitation up until the right of exploitation expires. The continued operation of such quarries may under no circumstances exceed 5 years. The operators of such quarries must, within 6 months from the date of designation of the quarrying area, submit for approval an appendix amending the exploitation technical study and the environmental impact assessment for full restoration of the quarrying site within the remaining time.

(b) If there are rocks in the requested area which are suitable for specific uses, in particular for the production of anti-slip materials, for the exclusive production of marble dust and marble chips, or for the production of cement, lime or metallurgy fluxes, provided that the quarries supplying cement plants, lime production plants or metalworking plants are exploited by cement or lime production or metalworking undertakings and that their exploitation is directly linked to the location where their plants are operated. The Minister for the Environment and Energy shall issue a decision verifying that the above conditions are satisfied, following an opinion from IGME.

As regards lime producers or lime producer cooperatives in particular, this provision shall apply if their needs in terms of quantity and quality cannot be covered by the quarrying areas or quarries operating in their area. In that case, the opinion of the central service of IGME shall refer both to the possibility of covering the lime producer's needs from the quarrying areas or quarries operating in their area and to the suitability of the material for the use concerned.

Subject to the following indent, these quarries, supplying cement plants, metal working plants or lime production plants, may place on the market their surplus production, i.e. the aggregates co-extracted or co-produced along with the main material intended to supply the lime production plants, cement plants or metalworking plants and which, due to their quality or granulometry, are not suitable for that

supply. The surplus co-extracted production shall be calculated in the approved technical study, accompanied by an up-to-date topographical map.

In the case of anti-slip material quarries, if the mineralogical composition of the rock raises doubts as to whether or not asbestos is present, IGME shall carry out the necessary tests and include the results in its opinion. In particular, the fronts of special-use aggregate quarries intended for the extraction of (basic and ultrabasic) ophiolitic rocks 'shall be examined following a recommendation from the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy', to check for the existence of fibrous minerals, by a three-member committee set up by decision of the Minister for the Environment and Energy and consisting of staff of the agency concerned and IGME.

*** The eighth indent of point (b) was amended as per the above by Article 63(1) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

The costs of the relevant IGME studies referred to in the above indents shall be borne by the applicants and/or operators.

The surplus production of aggregates from the above quarries shall be made available following payment of a pro-rata lease fee and a special fee in favour of local authorities, as laid down in Articles 45(7) and 62(2) respectively.

Special-use aggregate quarries intended for the extraction of marble dust and marble chips shall not be allowed to place any co-produced aggregates on the market. In the event of failure to comply with the above provision, in addition to the administrative penalties imposed under Article 59(6), the exploitation of the quarry shall cease.

(c) For the implementation of public, national or regional projects considered to be of national importance.

The establishment of quarries under points (a), (b) and (c) shall be subject to the restrictions and prohibitions laid down in Article 85 of the KMLE, read in conjunction with Article 49.

3. The exploration associated with, and the leasing of, the special-use quarries referred to in paragraph 2(b) shall be subject to the provisions on industrial mineral and marble quarries, except for those used to extract marble dust and marble chips as well as anti-slip limestone aggregates, which shall be leased by auction. The lease fees for the quarries referred to in paragraph 2(b), which are leased following exploration to those entitled to operate them, shall be calculated in accordance with the provisions on industrial mineral quarries laid down in Article 45(4)(b)(iii).

4. Article 51(3) and (4) shall also apply to aggregate quarries.

5. Aggregates extracted as a result of implementing public, national or regional projects may not be placed on the market. In the event of failure to comply with this provision, Article 59(6) shall apply.

Article 53

Leasing of State quarries

1. State-owned quarries shall be leased by the coordinator of the decentralised administration by direct contract or through a tender procedure in the context of which sealed bids are submitted.

2. Direct contracts may be entered into to lease public land for the exploitation of quarried minerals to

those having obtained authorisation to carry out exploration work under Article 59 of Law 4442/2016, provided that exploitable deposits are found by the end of the exploration. An application shall, within 6 months from expiry of the authorisation for carrying out exploration work at the latest, be submitted to the competent authority for leasing the land by direct contract, accompanied by evidence of submission for approval of an environmental impact assessment. Once the decision on the approval of environmental conditions has been issued, the exploitation technical study shall be submitted for approval.
'The exploitation technical study must demonstrate the identification of exploitable deposits by the exploration carried out, in accordance with Article 101(1)(d) and (e) of the KMLE.'.
Otherwise, the party carrying out the exploration shall permanently lose any entitlement over the site made available for exploration.
If a lease contract is then entered into, the pro-rata lease fee to be paid shall be equal to the maximum amount specified in Article 45(4).
By way of exception, public land may be leased to the project contractor by direct contract for the operation of aggregate quarries referred to in Article 52(2)(c) and quarries referred to in Article 51(4).

*** The fourth indent of paragraph 2 was replaced as per the above by Article 122(1) of Law 4514/2018 (Government Gazette, Series I, No 14/30.1.2018), which entered into force on 3 January 2018 in accordance with Article 128 of that Law.

3. The following supporting documents shall be required to complete the application dossier referred to in the second indent of paragraph 2:

(a) a decision on the approval of environmental conditions, in accordance with the legislation in force;

(b) approval of the exploitation technical study, in accordance with the KMLE;

(c) a letter of guarantee, in accordance with Article 55(2);

(d) a letter of guarantee for proper performance of the terms and conditions of the lease contract.

4. The coordinator of the decentralised administration concerned shall, within 20 days of completion of the dossier, issue a decision approving the direct lease of the public land and setting out the financial conditions intended to protect the interests of the Hellenic State –such as the amount of the lease fees, the amounts of the required letters of guarantee, the procedure for delivery and acceptance of the leased property– and shall invite the interested party to sign the lease contract within 20 days. The fee provided for in Article 62 must be paid to have the decision on the approval of the lease issued. A notarial deed of lease shall then be drawn up, which shall serve as approval under Article 7 of Law 4442/2016, and a copy thereof shall be notified immediately to all jointly competent agencies.

5. If the conditions for leasing by direct contract are not satisfied, public land shall be leased for the exploitation of quarried minerals by auction, at the request of an interested party. The agency concerned shall notify the interested party and hold an auction for the lease of the requested area, in accordance with paragraph 7.

Once a decision on the approval of the auction results has been issued, the coordinator of the decentralised administration shall follow the procedure set out in paragraphs 3 and 4.

6. In the case of public land for which no application has been submitted by an interested party, but for which the conditions are satisfied for leasing by auction in accordance with Article 50(2), provided that the mineralogical and economic data at hand allow for expecting a significant amount of interest in the utilisation of the deposit, the Minister for the Environment and Energy may, following an assessment of the above data, issue a public call for expressions of interest for the entire land or a part thereof.

Upon completion of the above procedure and provided that interest has been expressed by at least one would-be lessee, the Minister for the Environment and Energy shall notify the dossier to the competent agency, and the auction procedure shall then be carried out.

If there is no response expressed in two consecutive calls for expressions of interest, issued at least 6 months apart, the coordinator of the decentralised administration concerned shall be notified and issues a decision within 20 days on the release of the explored area or of a part thereof.

7. The subject-matter of the auction shall cover:

(a) in the case of a marble, natural stone or industrial mineral quarry under Article 43(3)(a) and (c) or a special-use quarry under Article 52(2)(b), the pro-rata lease fee offered, which may not be lower than 5% or higher than the maximum permissible rate laid down in Article 45(4). If the same pro-rata lease fee is offered by more than one participant, the best bid for the Hellenic State shall be the one that has offered the higher amount of investment in mechanical equipment to be used for the needs of the quarry, including extraction, transportation and processing equipment, within the first five years after the start of the lease. In the event of offers which are equal in respect of both of the above-mentioned criteria, account shall be taken of the bidder's turnover in the last three years, experience and ability to fulfil the obligations undertaken by its bid.

(b) In the case of an aggregate quarry, the minimum total annual lease fee offered (sum of the fixed and pro-rata lease fees). The annual fixed lease fee offered shall be calculated by multiplying the fixed lease fee offered (EUR/ha) by the surface area of the quarrying site (ha). The minimum annual pro-rata lease fee offered shall be calculated by multiplying the pro-rata lease fee offered (%) by the selling price specified in the auction notice and by the minimum annual production offered. The pro-rata lease fee offered cannot be less than 5%. The fixed lease fee offered cannot be lower than the lease fee calculated and derived using the formula provided in Article 45(4)(a).

A decision of the Minister for the Environment and Energy shall set the selling price of crushed material on the quarry floor, which can be adjusted. Pending issuance of that decision, the selling price of crushed quarry material shall be set to EUR 5 per tonne.

If the same minimum annual lease fee is offered by more than one participant, the best bid for the Hellenic State shall be the one that has offered the higher amount of investment in mechanical equipment (for extraction, transportation and processing), within the first five years after the start of the lease. In the event of offers which are equal in respect of both of the above-mentioned criteria, account shall be taken of the bidder's turnover in the last three years, experience and ability to fulfil the obligations undertaken by its bid.

8. A letter of guarantee to the amount of EUR 500 per hectare of the land offered for lease shall be submitted for participation in the auctions under paragraph 7.

If the initial highest bidder withdraws or forfeits all its rights deriving from the award of the lease contract to it, the coordinator of the decentralised administration concerned may lease the site to the next highest bidder.

The would-be lessee shall, before the lease contract is signed and within the time limit set in the auction notice, submit for approval to the coordinator of the decentralised administration concerned a work timeframe for the activation of the quarrying site. In the event of deviation from the work timeframe, the coordinator of the decentralised administration concerned may immediately terminate the lease contract and make the quarrying site available to the next highest bidder.

9. If a lease contract is concluded, a letter of guarantee for the proper performance of its terms and conditions, which shall be forfeited for the benefit of the Hellenic State in the event of non-compliance,

and the letter of guarantee referred to in Article 55(2) shall be submitted to the coordinator of the decentralised administration concerned. These letters of guarantee shall be handed back if it is established that the obligations for which they were issued have been fulfilled; otherwise they shall be duly forfeited.

As regards State quarries, if the lease contract is terminated on any grounds whatsoever, the exploitation of the quarry shall cease and a decision to that effect shall be issued by the competent department of the decentralised administration concerned. Any exploitation work that is carried out after termination of the lease contract or after issuance of an act on the cessation of exploitation shall be subject to Article 59(6).

10. The lease of quarries within quarrying areas shall cover the single (undivided) sites which have been sited in these areas following the procedure set out in Article 47(7). Where there are islands of public land in single sited quarrying sites, most of which consist of municipal, communal or private land or land owned by legal persons governed by public law, these shall be leased by direct contract. The term of lease of these islands may not exceed that of the existing quarry, and any extension of that term shall be subject mutatis mutandis to the relevant provisions hereof.

If existing quarries are included in whole or in part in quarrying areas and their land is part of a single site which has been sited within the quarrying area, the remaining part of that same single site shall be leased to the operators of those quarries as follows, provided that there is at least one additional site available based on the spatial distribution:

(a) by direct contract for public land;(b) for municipal land, in accordance with the provisions of Joint Decision No 19690/19.4.1995 of the Minister for the Interior and the Minister for Industry, Research and Technology (Government Gazette, Series II, No 402), as supplemented by Decision No 19661/6.6.2001 (Government Gazette, Series II, No 775);(c) the term of lease of the quarries under points (a) and (b) may not exceed that of the existing authorised quarry.

11. If, in the course of exploiting a quarry operated on public land, the operator establishes that there are no longer any rocks suitable for the production of the specific category of mineral for which the quarry was leased, but there is a possibility of exploiting the quarry for a different category of minerals, the existing lease contract may, at the request of the operator submitted to the competent authority, be amended with respect to the type of mineral to be extracted.

The above amendment shall be permitted only if there is a possibility of exploiting the quarry for minerals falling under the category of industrial minerals or marble or rocks which are suitable for the special uses referred to in Article 52(2)(b).

Such an amendment must be preceded by:

(a) a decision of the Minister for the Environment and Energy classifying the quarry rock under the new category, following the procedure in Article 43(4); (b) an amendment to the decisions on the approval of environmental conditions and to the exploitation technical study with regard to the new category of mineral; (c) an opinion from the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy and the competent department of the Ministry of Culture and Sports, should there be a substantial change to the exploitation method used, such as the use of explosives.

The competent department shall look into whether the above requirements are met and decide whether the application should be rejected or whether the lease contract for the site should be amended in accordance with the application.

The coordinator of the decentralised administration concerned shall, within 20 days, issue a decision approving the amendment to the lease of the public land and setting out the financial conditions

intended to protect the interests of the Hellenic State –in particular the amount of the lease fees in accordance with the new category of mineral and the amount of the required letters of guarantee– and shall invite the interested party to sign the amendment to the lease contract within 20 days. A copy of the contract shall be notified forthwith to all jointly competent agencies.

The amendment to the lease contract by the coordinator of the decentralised administration concerned shall apply for the remaining time up until expiry of the existing lease contract.

12. An application to extend the term of a lease contract shall be submitted at least 24 months prior to expiry thereof. If the above time limit expires, applications shall be considered as if submitted in a timely manner, provided that the contract has not expired and upon payment of a fee amounting to ten times the fee set for the issuance of a lease approval decision, in accordance with Joint Decision No 1264/19.1.2012 of the Alternate Minister for Finance and the Deputy Minister for the Environment, Energy and Climate Change (Government Gazette, Series II, No 230). These applications shall, on pain of inadmissibility, be accompanied by an up-to-date topographic map of the quarrying site in at least 6 copies at a scale of 1:5000 and by proof of submission for approval to the competent authority of an up-to-date environmental impact assessment and an exploitation technical study.

The coordinator of the decentralised administration concerned shall, after verifying that the conditions of the contract are satisfied, extend the term of the lease contract in accordance with paragraphs 3 and 4. If the term of the lease contract is extended after the contract expires, the extension shall apply retroactively from the date of expiry of the previous contract.

13. The lease contract shall be drawn up for a single site and may be amended with respect of the area to be exploited, if the relevant conditions are met. If the amendment concerns expanding the site of exploitation to include a site for which the relevant entitlement already exists, the amendment shall be based on an up-to-date exploitation technical study prepared for the entire site. Segmentation of a site for which a lease contract for quarrying has been concluded shall not be permitted.

Article 54

Leasing of municipal quarries

1. Quarries owned by first-level local authorities shall be leased by the local authority concerned, following a decision of the municipal council, by direct contract or through a tender procedure in the context of which sealed bids are submitted.

2. Land owned by first-level local authorities shall be leased by direct contract for the exploitation of marble, natural stone and industrial mineral quarries referred to in Article 43(3)(a) and (c) and for the exploitation of aggregate quarries referred to in Article 52(3), to those who have obtained authorisation to carry out exploration work under Article 59 of Law 4442/2016, subject to the conditions and procedure laid down in Article 53(2), (3), (4) and (9).

By way of exception, land owned by first-level local authorities shall be leased by direct contract to the project contractor, for the establishment of aggregate quarries referred to in Article 52(2)(c) and quarries referred to in Article 51(4).

Following a decision taken by the absolute majority of the total number of members of the municipal council, municipal land where research was carried out or which was exploited in the past may, by way of exception, be directly leased to lawfully operating cooperatives of quarrymen, all members of which reside in the first-level local authority. The conditions and the procedure to be followed in that case shall be subject to the provisions laid down in the first indent. Lessees shall be prohibited from

transferring the right of exploitation, in any way whatsoever, to a third party or to an individual member of the cooperative. If that happens, the lessor shall have the right to terminate the lease contract immediately.

3. If the conditions for leasing by direct contract are not satisfied, municipal land shall be leased for the exploitation of quarried minerals by auction, at the request of an interested party. The agency concerned shall notify the interested party and hold an auction for the lease of the requested area, in accordance with Article 53(7), (8) and (9).

4. The fixed and pro-rata lease fees for municipal quarries shall be calculated in accordance with Article 45(4) and (5). These lease fees shall be confirmed and collected by the municipality concerned, in accordance with the provisions in force.

5. If, in the course of exploiting a quarry, it is established that there are no longer any rocks suitable for the production of the specific category of mineral for which the quarry was leased, but there is a possibility of exploiting the quarry for a different category of minerals, the provisions of Article 53(11) shall apply.

6. The provisions of Article 53(12) and (13) shall also apply mutatis mutandis to quarries on municipal land.

7. Where reference is made in Article 53(2), (3), (4), (7), (8), (9), (11) and (12) to the Hellenic State or to the coordinator of the decentralised administration, this shall mean the municipality concerned and the mayor, respectively, in the case of municipal quarries.

Article 55

Environmental protection and restoration of quarries

1. Quarry operators shall restore the quarrying sites which they operate in accordance with the requirements laid down in the environmental impact assessment specifically approved for this purpose and in accordance with the environmental conditions for each project.

Such restoration shall be carried out gradually, within the duration of lawful operation. As regards aggregate quarries operating for the implementation of public projects under Article 52(2)(c) and quarries under Article 51(4) in particular, the duration of restoration shall be laid down in the decisions on the approval of environmental conditions, in accordance with the second indent of Article 45(1).

2. To fulfil the obligations under the decisions on the approval of environmental conditions, the party concerned shall submit a letter of guarantee of indefinite duration to the decentralised administration concerned. The amount of the letter of guarantee shall be determined on the basis of the amount of environmental restoration costs indicated in the above decisions. The provisions of the last indent of Article 45(8) of Law 998/1979 (Government Gazette, Series I, No 289), as currently in force, shall apply to operators of marble, natural stone, industrial mineral and aggregate quarries who have submitted a letter of guarantee for the restoration of the site, in accordance with the legislation in force.

If the operator fails to fulfil the obligations for which the letter of guarantee was issued, irrespective of the penalties provided for herein, the letter of guarantee shall be forfeited in favour of a special account set up at the Ministry of the Environment and Energy and managed by the Green Fund, which is intended exclusively for quarry restoration projects. If the exploitation work took place on land which was protected under the legislation on forests, the amount concerned shall be disbursed to forest agencies for the purposes of restoring the forest environment.

Termination of the lease contract for operating quarries shall also entail forfeiture of the restoration letter of guarantee for its part which corresponds to the non-restored section.

A decision of the Minister for the Environment and Energy shall lay down the method used to calculate the amount of the letter of guarantee, the procedure for the renewal and forfeiture of the letter of guarantee, the procedure for the disbursement of that amount to the special account and all other more specific details regarding the implementation of the above indents.

3. Failure to restore a quarrying site as required by the approved environmental conditions shall entail the imposition of the penalties laid down in Article 30 of Law 1650/1986 (Government Gazette, Series I, No 160). Environmental inspections to verify compliance of quarries with the approved environmental conditions and the environmental legislation in force shall be carried out by the competent authorities, as defined in Article 20 of Law 4014/2011 (Government Gazette, Series I, No 209).

4. The operator shall be responsible for the environmental restoration of quarries that cease to operate on grounds for which the operator is not responsible, in accordance with a special design whose specifications and timeframe are laid down in Joint Decision No Δ10/Φ68/οικ. 4437/1.3.2001 of the Minister for the Environment, Physical Planning and Public Works, the Deputy Minister for Development and the Deputy Minister for Agriculture (Government Gazette, Series II, No 244).

The quarries referred to in the above indent shall definitively cease to operate after the end of the period laid down in the special design, within which restoration shall be completed. That period may not exceed five years.

5. The competent directorates for the environment of the region concerned shall verify the restoration work, except in forest areas, as forest areas are subject to the management of forest services pursuant to Law 998/1979 (Government Gazette, Series I, No 289).

Failure to restore a quarrying site after completion of its exploitation as per the approved environmental conditions on land which is protected by the legislation on forests shall entail, in addition to the application of paragraph 3, the mandatory declaration of the land as subject to reafforestation and the imposition by the competent forest authority of the penalties laid down in Article 71(1) of Law 998/1979 on the beneficiary. The forest service shall restore forest land which has not been restored by the party obliged to do so in accordance with the amount of the letter of guarantee which shall be forfeited in favour of the special account referred to in paragraph 2. Owners or possessors, in the case of private or possessed forest land respectively, shall ensure the unhindered movement of crews, machinery and materials used for the restoration and shall see to it that the works carried out are preserved. Otherwise, they shall be under obligation to restore the project immediately.

If exploitable deposits are found in the area, the area concerned shall not be declared as subject to reafforestation, and the quarrying site shall be auctioned. If no interest is expressed in the exploitation of the site within 3 years from the time limit laid down in Article 50(2)(d), the quarrying site shall be declared as subject to reafforestation on a mandatory basis.

6. The setup of treatment plants for waste generated from excavation, construction and demolition works shall be permitted in operating quarries, irrespective of the ownership status of the quarry, once all the required approvals and permits have been issued, in accordance with the legislation in force and for the purposes of the following indent. The setup shall be carried out with the consent of, or in cooperation with, the operators of those quarries, whereby the exploitation of the quarries must not be hindered and the reserves of deposits must not be frozen.

Aggregates or residues resulting from the treatment of waste generated from excavation, construction and demolition works may be used for the restoration of quarrying sites, in accordance with the provisions of the approved quarry studies (technical study and environmental impact assessment)

which shall be used to substantiate that the conditions laid down in the previous indent were satisfied.

7. The operator of a quarry shall have the right to collect, within a reasonable time limit, from a former quarrying site whose exploitation has ended materials which had been extracted during the lawful operation of the quarry.

To do so, approval shall be obtained from the competent decentralised administration. The approval decision shall lay down the quantity and quality of the lawfully extracted materials, their location, the terms and the period set for collection thereof, which may not exceed 6 months from expiry or cessation of the exploitation in any way whatsoever and which may be renewed for another 6 months. Treatment facilities in the quarry may be operated during that period in accordance with the latest environmental conditions that applied up until expiry of the exploitation in any way whatsoever. The above approval, accompanied by a topographic map showing the above information regarding the materials in question, shall also be notified to the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy. During the collection of extracted materials, the operator shall pay the special fee in favour of local authorities, as laid down in Article 62, as well as the pro-rata lease fee, to the owner of the land of the site under exploitation.

Upon expiry of the above period, any extracted materials which are still on the site shall become the property of the owner of the land. In the case of a quarry on public land, they shall be sold by the coordinator of the decentralised administration concerned. Further lawful utilisation of extracted materials which are still in quarries shall not fall under the scope of this Law and shall take place under the responsibility of the owner of the site.

Article 56

Installation and operation of electromechanical and other equipment

1. (a) The installation of electromechanical equipment in quarrying sites for the processing (engineering, enrichment, production of mortar, concrete, bituminous mixtures, lime and other types of processing) of quarried minerals and of necessary auxiliary equipment such as pumps and underground ventilation systems, as well as the construction permits required for the installation of such structures as baseplates, structures for the supply and storage of solid materials in bulk (silos), platforms and metal scaffolding, with or without the use of reinforced concrete, shall be subject to a notification requirement pursuant to Article 65(1) of Law 4442/2016. The installation of the equipment may begin only after the notification has been given to the competent agency.

Electromechanical installations which are installed and in operation to cover the needs of quarries, lying partly inside and partly outside the quarrying site, shall be considered as a single unit and shall be treated by the competent authority in accordance with the provisions applicable to the part in which the largest proportion of their capacity has been installed.

(b) To install and operate storage facilities for explosives within quarrying and mining sites, a permit shall be required which shall be granted by the competent department of the region concerned in accordance with Articles 105 and 106 of the KMLE.

(c) The operation of installations which are located on vehicles within quarrying sites and mines and are used for producing ANFO or SLURRIES or emulsions shall only be permitted following an authorisation to be granted by the competent department of the region concerned in accordance with Articles 53 and 107 of the KMLE.

2. The operation of electromechanical equipment installations shall be subject to a notification requirement pursuant to Article 65(2) of Law 4442/2016 and may only begin once the notification has been given.

3. The installations referred to in paragraph 1(b) and (c) may be operated for as long as the authorisation for the exploitation of the existing quarry is in force. The operation of the installations referred to in the previous sentence may be extended and prolonged subject to the conditions regarding their initial setup and operation.

4. Mobile/transferable machinery for extraction, loading, transportation and lighting, as well as mobile machinery for the processing of quarried minerals, shall be subject to registration as construction machinery and approval in accordance with the special safety regulation referred to in Article 48 of the KMLE.

5. The construction of buildings for the needs of the exploitation and processing of quarried minerals and the erection of makeshift or mobile accommodation under Article 7(3) of the KMLE in the above sites shall be subject to the provisions of Article 161 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277).

Article 57

Expropriation of property owned by another

1. The exploitation of marble, natural stone, industrial mineral and aggregate quarries within quarrying areas, as well as of the quarries referred to in Article 52(2) lying outside quarrying areas by way of exception, shall qualify as exploitation carried out in the public interest.

2. If property owned by another needs to be used for the exploitation of the quarries referred to in the previous paragraph, the quarry operator shall seek the owner's consent. If consent is not granted, the mandatory expropriation of all or part of the property shall be permitted for the construction of external access roads.

As regards the marble and industrial mineral quarries referred to in Article 43(3)(a) and (c) in particular, in addition to the above works, mandatory expropriation shall be permitted for extending central electricity and communications networks and building facilities for the processing of extracted minerals and water supply infrastructure, warehouses and other installations/facilities to be used for the needs associated with the exploitation of those quarries.

Extraction operations shall be prohibited on expropriated land.

The expropriations referred to in the above paragraphs shall take place at the request and expense of the quarry operator, in favour of the quarry owner. The competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy shall decide on the feasibility of the expropriation and specify the required area.

Expropriation of property used for the needs associated with the exploitation of marble and industrial mineral quarries under Article 43(3)(a) and (c) shall be declared by decision of the Minister for the Environment and Energy. Expropriation for aggregate quarries shall be declared by decision of the coordinator of the decentralised administration concerned. As for the rest, Articles 128 to 138 of Legislative Decree 210/1973 shall apply mutatis mutandis. The decisions on expropriation shall be published in the Government Gazette.

3. If no works are executed within four years from the date on which the expropriation occurred or if the expropriated land is used for other purposes, the expropriation shall be revoked.

The expropriation shall also be revoked if it is established that quarried minerals are being extracted or obtained from the expropriated land. In that case, irrespective of other penalties laid down, the competent department shall also impose a fine equal to the compensation paid for the expropriated land, in favour of the special account referred to in Article 55(2), which is set up at the Ministry of the Environment and Energy and managed by the Green Fund, with a view to restoring the land.

4. If the use of other property owned by the quarry owner is deemed necessary for the exploitation of a quarry for any category of quarried minerals, the operator shall be entitled to request concession of the use of the land for as long as exploitation is carried out. The competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy shall decide on the need to use the above property and the necessary land. The single-bench court of first instance of the place in which the quarry is established shall set the compensation for the use of that property, and the land may be used upon payment of the compensation set.

5. The use of public land which is deemed necessary for the exploitation of quarries for any category of minerals as per the above may be ceded to the operators, in accordance with the procedure set out in the previous paragraph.

Article 58

Obligations of the operator

1. The operator shall exploit the quarry in accordance with scientific and technical rules and abide with the conditions laid down in the approvals granted, in particular those laid down in the decision on the approval of environmental conditions and in the technical study, as well as the provisions hereof and of the KMLE.

2. The operator shall submit a report on the activity of the quarry for each calendar year, depending on the type of mineral under exploitation, by 30 April of the following year. The activity report shall include information of environmental, economic and social importance, in particular the quarry's legalising documentation, information on the staff employed, information on safety and accidents, information on the consumption of natural resources, petroleum products, explosives and energy, waste treatment and land restoration, the production, processing and movement of products, the investment, as well as any other information which the department concerned deems necessary.

A decision of the Minister for the Environment and Energy shall lay down the exact content of the activity reports and any information which the competent agencies in each case will have to provide to the competent department of the Ministry of the Environment and Energy.

Where no exploitation or exploration work is carried out in a quarry, an inactivity declaration shall be submitted by 30 April each year, stating the reasons for the inactivity. The declaration shall be accompanied by the necessary supporting documents evidencing the validity of the reasons set out.

The activity report or the inactivity declaration shall also be submitted even if a full calendar year of exploitation has not been completed.

The activity report or the inactivity declaration shall be submitted electronically to the department

responsible for keeping recapitulative data at the Directorate-General for Mineral Raw Materials of the Ministry of the Environment and Energy. Pending issuance by the Minister for the Environment and Energy of the decision referred to in paragraph 7, the activity report or the inactivity declaration shall be submitted in two copies as follows: one to the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy and one to the above Directorate-General of the Ministry. Quarries operating on public land shall also submit the activity report or the inactivity declaration to the department responsible for leases at the decentralised administration.

3. The quarry operator shall submit a topographic map to the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy for each calendar year, by 30 April of the following year, which shall conform to specifications laid down in the legislation in force and shall be signed by an engineer in charge. Pending issuance by the Minister for the Environment and Energy of the decision referred to in paragraph 7, the topographic map shall be submitted in both hardcopy and electronic format. The topographic map shall be drawn up at a scale of 1:1000 or 1:2000, or any other appropriate scale allowing a full and clear presentation of all the information included. The map shall show all vertical elevations and horizontal dimensions, shall be prepared not earlier than six months before the date of submission and shall be based on the EGSA '87 reference system, also containing a detailed legend. The map shall show and indicate the boundaries of the quarrying site and those of the approved exploitation technical study, of the decision on the approval of environmental conditions and of the approved intervention if said boundaries are different from those of the decision on the approval of environmental conditions, the extraction levels, the excavation and landscaping works carried out in the quarrying site, the buildings and facilities in the site, the internal roads and all other information relating to the exploitation and the safety of operations, as well as the deposits and interventions within less than 100 metres from the boundaries of the site specified in the exploitation technical study. As regards underground works in particular, the map shall show and indicate, in addition to the above, all underground works (completed and planned), active and depleted sites, main tunnels, shafts, declines, exits and escape routes, transportation, telephone, lighting and ventilation networks, installations, storage facilities for explosives and primers, shelters and first aid points, as well as all other relevant information about the exploitation and safety of operations.

The topographic map shall also be submitted even if a full calendar year of exploitation has not been completed.

If an inactivity declaration is submitted, the operator needs not submit a topographic map for that year.

4. The competent department shall impose a fine on operators which have failed to submit, within the time limit set, the activity reports or inactivity declarations or topographic maps required under this Article or those which have submitted inaccurate information, as well as those which have failed to add, within 30 days from being invited to do so by the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy, any missing information to the reports, declarations and topographic maps already submitted in a timely manner. To that end, a confirmation certificate (list of pecuniary claims) shall be drawn up and sent to the public treasury for collection of the fine, in accordance with the Code on the Collection of Public Revenue.

The amount of the fine shall be calculated in accordance with the procedure laid down in Article 59(3).

5. In the event of permanent cessation of operations, the quarry operator shall, in addition to being under the obligations laid down in Article 55, have to remove from the quarrying site any products, materials and waste of all types which may pollute the environment and shall take all necessary measures to ensure the safety of local residents and passers-by, in accordance with the provisions of the KMLE and any extra orders given by the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy.

The operator shall dismantle any type of installations/facilities on forest land or public grassland, in accordance with the guidance given by the competent forest service. If the operator fails to comply, the letter of guarantee shall be forfeited in favour of the special account referred to in Article 55(2) which is set up at the Ministry of the Environment and Energy and managed by the Green Fund.

6. Any transportation of quarry products on trucks outside the quarrying site shall be prohibited unless the cargo is covered with a special cover, in accordance with the traffic code.

The penalties provided for in Article 59(3) shall be imposed on operators who transport quarry products other than blocks of marble or stone in breach of the above indent.

7. A decision of the Minister for the Environment and Energy shall provide for the mandatory electronic registration or submission, via an appropriate information system, of documents, declarations, files, statements, regulations, books, topographic data or any other information which the operator must submit, in hardcopy or digital format, in accordance with the legislation on quarrying and mining. The above decision shall also specify the electronic services provided to the parties concerned, the conditions for accessing the information system and electronic services, the procedure for entry or submission of information, the technical specifications of the information to be submitted, and all other details relating to the electronic services provided to the parties concerned.

Article 59

Supervision and inspection of exploitation, and penalties

1. The exploitation of quarries shall be supervised by the Minister for the Environment and Energy.

2. The competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy shall inspect the quarries and verify that the provisions of the KMLE concerning the exploration and exploitation of quarries and the installations/facilities for processing quarried products in the relevant quarrying sites are applied correctly. It shall also monitor the implementation of the approved technical study and order its modification, imposing on those conducting the exploration and exploitation such supplementary measures as required for the streamlined exploration and exploitation of the quarries, the safety of the works and of the life and health of workers, local residents and passers-by.

In particular, as regards compliance with the decisions on the approval of environmental conditions and, in general, the environmental restoration of operating quarries and the management of extractive waste, inspection shall be carried out by the competent authorities referred to in Article 20 of Law 4014/2011.

3. Any infringement by the operator of the provisions of the KMLE, of the 'orders given by the head of the competent Mining Inspection Department' of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy, as well as any infringement of Article 58(4) and (6) shall be punished by a fine of EUR 300 to EUR 20 000, which shall be imposed 'on the basis of a reasoned decision of the head of the competent Mining Inspection Department' of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy, who shall draw up and notify to the public treasury a confirmation certificate (list of pecuniary claims) for collection of the fine, in accordance with the Code on the Collection of Public Revenue.

*** The above phrases in quotation marks in paragraph 3 were replaced as per the above by Article 63(2) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

The amount of the fine per infringement shall be determined by three factors: (1) the severity of the infringement (s), (2) the recurrence of the infringement (r), and (3) the number of employees in the

worksite (n).

Factor ‘s’ shall be chosen by the Mine Inspectors using Table 1:

Table 1

Severity	Factor ‘s’
Low	1
Significant	4
High	9

Factor ‘r’ shall be chosen using Table 2:

Table 2

Repeatability	Factor ‘r’
The infringement has not been repeated	1
The infringement has been repeated once	5
The infringement has been repeated more than once	10

Factor ‘n’ shall be chosen using Table 3:

Table 3

Number of employees in the worksite	Factor ‘n’
0-3	1
4-20	3
21-50	6
> 50	9

The number of employees includes all the staff employed in the worksite under any type of employment relationship, even under a subcontracting arrangement.

To calculate the fine (‘f’), the infringement points (ip) are calculated first as the product of the three coefficients:

$ip = s \cdot r \cdot n$

The scale and amount of the fine to be imposed are then selected from Table 4 on the basis of the infringement points calculated (ip):

Scale	Infringement points ‘ip’	Amount of fine ‘f’ (EUR)
1	1 - 5	300 - 1 500
2	6 - 15	1 501 - 3 000
3	16 - 35	3 001 - 5 000
4	36 - 75	5 001 - 8 000
5	76 - 155	8 001 - 12 000
6	156 - 315	12 001 - 16 000
7	> 315	16 001 - 20 000

'For the purposes of applying this guideline and determining factor 'n', 'worksite' shall mean the site or sites included in the approved exploitation technical study or in the declaration of conformity to the standard technical commitments. In the case of independent authorised facilities which are not included in an exploitation technical study, 'worksite' shall mean the site or sites included in the valid operating authorisation. In the event of infringements which do not relate to a specific worksite, but to the entire project, account shall be taken in determining factor 'n' of all the workers employed in all project worksites.

Each operator employing more than 20 workers in the worksite shall, within the first half of the months of January, April, July and October, submit a statement of the total number of workers employed by the operator in each worksite in the period concerned.

Each operator employing not more than 20 workers in the worksite shall, within the first half of January, submit a statement as per the above of the total number of workers employed by the operator in each worksite in the year concerned.

The operator shall submit for each project a single statement of the total number of workers carrying out all types of work in each worksite. The statement shall also be submitted even if no workers are employed in one of the project worksites or all of them.

The data included in the statement shall be taken into account in determining factor 'a' as of the day following expiry of the time limit set for submission thereof, i.e. as of the 16th day of the respective month.

The above statement shall also include the staff employed by contractors or subcontractors under an employment contract, providing all types of services to the operator in the worksite concerned.

The statement shall be completed for each project separately, using the template in Annex 4, which is attached hereto and forms an integral part hereof, and shall be signed by the operator or its legal representative, or by the project manager if duly authorised for that purpose. The statement shall be submitted to the competent Mining Inspection Department and a copy thereof shall be notified to the Directorate-General for Mineral Raw Materials of the Ministry of the Environment and Energy.

Should there be any change to the total number of workers in a worksite causing factor 'n' to be changed, a new updated statement with information on all project worksites shall be submitted as per the above. The updated statement shall, in respect of determining factor 'n', take effect on the day following its date of submission.

The operator shall put up a copy of the currently effective statement at a conspicuous place in each worksite. A fine shall be imposed for failure to comply with the above obligation, in accordance with the provisions of this paragraph.

In the event that (a) such a number of workers is identified in a worksite that the resulting factor 'n' is higher than that resulting from the number declared in the statement, or (b) the above statement is not submitted in accordance with the provisions hereof, the factor 'n' shall take the highest value given in Table 3 above.

In respect of the first-time application of this provision, an operator employing more than 20 workers shall notify the above statement within 2 months from the date of publication hereof, including details on the number of workers in each worksite and per quarter for 2018, as well as for the first quarter of 2019.

Respectively, an operator employing 20 or less than 20 workers shall notify the above statement within 2 months from the date of publication hereof, including details on the number of workers in each

worksite for the years 2018 and 2019.'.

*** The above indents in quotations in paragraph 3 were added by Article 58(33)(b) of Law 4602/2019 (Government Gazette, Series I, No 45/9.3.2019).

4. 'By way of exception, only in the event of low-severity infringements (factor 's'=1) which were not repeated in the past (factor 'r'=1)'.
'may the head of the competent Mining Inspection Department'
of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy notify to the operator a written recommendation for compliance instead of imposing the above fines. The written recommendation shall set out the actions to be taken

by the operator, also setting a specific time limit for these actions to be completed. Upon expiry of the time limit set, the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy shall use all means available to verify that the operator has complied. In the event of any infringement for which the above verification fails to establish full compliance, the maximum fine which corresponds to the infringement points (ip), as listed in Table 4 above, shall be imposed.

*** The above phrases in quotation marks in paragraph 4 were replaced as per the above by Article 63(3) and (4) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

5. 'The head of the competent Mining Inspection Department'
of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy may, by issuing a fully reasoned decision to be notified to the operator and the competent police authority, impose restrictions on the exploration or exploitation in the quarry, including in particular the temporary or permanent suspension of all or part of the exploration or exploitation work owing to the infringements referred to in paragraph 3, which pose a risk to the life and health of workers, local residents and passers-by or to the safety of buildings and public utility works, or which involve non-streamlined exploitation in breach of the provisions of the KMLE, as well as in cases where there are no approved environmental conditions in force for the exploitation. The decision shall lay down the specific restrictions and measures to be taken with a view to ensuring the safe operation of the quarry and the time limits set for the operator to comply with the measures.

*** The above phrase in quotation marks in paragraph 5 was replaced as per the above by Article 63(5) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

6. Any party which exploits or extracts or obtains quarried materials without meeting the requirements for exercising that right in accordance with the provisions hereof shall be subject to punishment under criminal law by imprisonment of at least 3 months and under administrative law by a fine of EUR 15 000 to EUR 270 000, which shall be imposed 'by decision of the head of the competent Inspection Department'
of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy and which shall be confirmed and collected in accordance with the Code on the Collection of Public Revenue.

*** The above phrase in quotation marks in the first indent of paragraph 6 was replaced as per the above by Article 63(6) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

The above administrative penalty shall be imposed regardless of any penalties which may have been imposed for the offenses envisaged in Article 67 of Law 4442/2016.

The infringements may be identified by the competent Mining Inspection Department of the Special

Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy or by police authorities or by forest or other public services, which shall be under obligation to notify the above Inspection Department forthwith, also providing the offender's details and information on the equipment used in accordance with Table 1 below.

The amount of the administrative penalty imposed as per the above shall be proportionate to the severity of the offence and shall be calculated as follows:

(1) In respect of an infringement committed for the first time, depending on the equipment used by the offender, an initial fine shall be imposed in accordance with Table 1.

Infringement classification	Amount of fine (EUR)
Manual labour or use of mechanical equipment for extraction, loading, transportation	15 000 <π0 <30 000
Use of mechanical equipment for processing	20 000 <π0 <60 000
Use of explosives	30 000 <π0 <90 000

Where the infringement can be classified under several categories in Table 1, the fine shall be calculated on the basis of the most serious category.

(2) In respect of a repeated infringement, the fine shall be equal to the highest of the following: (i) three times the fine imposed for the previous infringement, or (ii) the maximum amount which corresponds to the category under which the current infringement is classified in accordance with Table 1.

Unlawfully produced quarry products shall become the property of the decentralised administration concerned if derived from public land or of the region concerned in all other cases. These materials shall be used initially to bring the relief of the site back to its original condition and to restore the site. Any remaining materials shall be auctioned by the agency responsible for the handling of those materials in each case, which shall collect the money paid for the sale.

In the event of a repeated infringement, the decision imposing the fine shall also prescribe the sealing of any existing electromechanical installations for processing and the seizure of any mobile equipment (for extraction, loading and transportation) owned by the offender.

After the administrative appeal envisaged in Article 61 is rejected or the time limit set for lodging such an appeal expires without an appeal being submitted, the decision imposing the fine shall become enforceable and shall be notified to the competent region. The competent head of region shall forthwith issue a decision setting up a three-member committee comprising employees of the region, to seal the existing installations and seize the mobile equipment.

The decision imposing the fine shall also be notified to all competent authorities for them to take action as appropriate, in particular to the competent public prosecutor's office of the misdemeanour court, the competent police authority and the competent forest services, in case of illegal extraction carried out on forest land or public grassland. The decision on sealing the installations shall also be notified to the power supply company, to cut off the supply of electricity to those installations.

The equipment shall be sold by the region concerned. If the equipment cannot be sold, the above committee shall see to it that it is given to the municipality concerned or is destroyed upon preparation of a certificate of destruction. The money paid for the sale shall be deposited to the special account referred to in Article 55(2). If the unlawful extraction work took place on land which was protected under the legislation on forests, the amount concerned shall be disbursed to forest agencies for the purposes of restoring the forest environment. The head of region shall be appointed as custodian and

responsible for safeguarding any seized materials.

7. The penalties laid down in paragraph 6 shall also be imposed where sand is removed from naturally deposited fragments on the beds and mouths of rivers and streams and on seashores and lakeshores, in addition to the ones provided for in the applicable legislation.

8. The fines laid down 'in paragraphs 3 and 6' of this Article, other than those relating to municipal quarries, and 'in paragraphs 4 and 6' of Article 58 shall be disbursed to first-level local authorities in the region of which the quarry operates, after deducting the appropriations provided for [in favour of the competent Mining Inspection Departments of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy] in Article 30(3A) of Law 1650/1986 (Government Gazette, Series I, No 160), as said paragraph was added by Article 51(1) of Law 4409/2016 (Government Gazette, Series I, No 136).

*** The above phrase in quotation marks in the first indent of paragraph 8 was deleted by Article 63(7) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

*** The phrases 'in paragraph 3' and 'in paragraph 4' in paragraph 8 were replaced as per the above by Article 228(1) of Law 4610/2019 (Government Gazette, Series I, No 70/7.5.2019).

As regards quarries on municipal land, the fines laid down in paragraphs 3 and 6,

'after deducting the appropriations provided for in Article 30(3A) of Law 1650/1986, as said paragraph was added by Article 51(1) of Law 4409/2016',

shall be deposited to the special account referred to in Article 55(2). If the unlawful extraction work took place on land which was protected under the legislation on forests, the amount concerned shall be disbursed to forest agencies for the purposes of restoring the forest environment.

*** The above phrase in quotation marks in the second indent of paragraph 8 was replaced as per the above by Article 63(6) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

9. A decision of the Minister for the Environment and Energy may adjust the scales referred to in Table 4 of paragraph 3 and in Table 1 of paragraph 6, as well as the amount of the fines laid down in paragraphs 3 and 6, up to double that amount.

10. The chemical, physical and mechanical specifications for quarried aggregates, depending on their intended uses, and the testing procedure and method for analysing and assessing the test results shall be specified in joint ministerial decisions to be issued in accordance with Presidential Decree 334/1994 (Government Gazette, Series I, No 176).

More specifically, the specifications for aggregates intended for construction work shall conform to Joint Ministerial Decision No 5328/122/2007 of the Minister for the Environment, Physical Planning and Public Works and the Deputy Minister for Development (Government Gazette, Series II, No 386) and Regulation (EU) No 305/2011 on construction products (OJ L 88, 4.4.2011).

If the competent authority of the Ministry of the Economy and Development which, under Article 11 of Presidential Decree 334/1994, is responsible for monitoring the correct use of the CE marking on the market and in the production and marketing facilities of products bearing the CE marking, establishes that quarried aggregates are repeatedly distributed, sold, consumed and intended for construction work without the requisite CE marking or detects products with a false or misleading CE marking or aggregates that do not conform to the national provisions, it shall inform the competent department with a view to withdrawing the decision on the approval of the exploitation technical study.

11. 'The provisions of this Article shall apply in calculating the fine imposed for infringements identified by an inspection launched after publication hereof.'

*** Paragraph 11 was added by Article 58(35) of Law 4602/2019 (Government Gazette, Series I, No 45/9.3.2019).

Article 60

Suspension and interruption of exploration and exploitation work – Termination of the lease contract

1. Exploration and exploitation work may be suspended or interrupted by decision of the head of the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy, following a reasoned proposal from one of the competent agencies referred to in Article 49(1) if, during exploration or exploitation, reasons prohibiting quarrying arise, which did not exist when the exploration or exploitation started, or for reasons related to public interest.

2. The coordinator of the decentralised administration in the case of quarries on public land or the mayor in the case of quarries on municipal land, respectively, may terminate the lease contract in the following cases:

(a) if it is established that the operator has failed to comply with the conditions of the lease contract;

(b) if an act has been issued definitively terminating the exploitation work, and the administrative remedies provided for under current provisions have not been lodged within the prescribed time limits or if such remedies were lodged but rejected.

3. The decision terminating the contract shall be served to the lessee with proof of receipt and notified to the local competent department of the Ministry of the Environment and Energy, the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy and the competent police authority.

4. Before suspension or interruption of the exploration or exploitation work and termination of the lease contract, the person concerned shall be summoned to a hearing. The summons shall be served to the person concerned at least 5 days before the hearing.

5. The quarry operator may waive the right of exploitation. In the case of public and municipal land, said waiver shall be definitive only after it has been accepted by the competent decentralised administration or the municipality, respectively, once the operator's compliance with the environmental conditions, the conditions of the technical study and/or the conditions of the lease contract has been demonstrated.

In any event, the fourth indent of Article 55(2) and Article 58(5) shall apply.

Article 61

Administrative appeals

1. An administrative appeal against the rejecting decisions taken by the coordinator of the

decentralised administration concerned on the approval of the execution of exploration work, as referred to in Article 44 hereof and in Article 59 of Law 4442/2016, may be lodged before the Minister for the Environment and Energy within 30 days from the date of notification thereof.

2. An administrative appeal against the decisions taken by the coordinator of the decentralised administration concerned in application of the provisions hereof in relation to the conclusion, extension, amendment and termination of a lease contract may be lodged before the Minister for the Environment and Energy within 30 days from the date of notification thereof.

3. An administrative appeal against the decisions taken by the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy imposing fines or restrictions on the exploration or exploitation work as well as those temporarily or permanently suspending all or part of the exploration or exploitation work may be lodged before the Minister for the Environment and Energy within 30 days from the date of notification thereof respectively.

4. The Minister for the Environment and Energy shall decide on the appeals referred to in paragraphs 1 to 3 within 3 months from the date of lodging thereof. The time limit set for lodging the appeals and the lodging itself shall have a suspensory effect where such appeals are lodged against decisions rejecting the extension of lease contracts and decisions imposing fines.

5. Decisions of the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy imposing fines and all other administrative acts issued in the context of the administrative procedure for imposing fines shall be notified to the party concerned by registered mail or, if notification by mail is unsuccessful, they shall be served to them by the local police. In particular, decisions imposing the safety measures referred to in paragraphs 2 and 5 and the recommendations for compliance referred to in Articles 59(4) and 60(1), as well as the additional measures referred to in Article 3(4) of the KMLE shall be served to the party concerned by the local police.

If the party concerned or its representative cannot be found at the address communicated to the competent agency, the documents shall be served to the secretary of the local court of first instance.

Article 62

Fees and special fee in favour of first-level local authorities

1. The Minister for Finance and the Minister for Environment and Energy shall adopt a joint decision, to be published in the Government Gazette, setting out the types and amounts of the fees required for the granting of any type of approval which is envisaged by the provisions hereof or by the overall legislation on mining and quarrying, as well as for the lodging of any appeal before the Minister for the Environment and Energy. The types and amounts of the fees shall be subject to adjustment.

A percentage of the revenue collected through the above fees, as laid down in the joint ministerial decision referred to in the previous paragraph, shall be entered as an appropriation under a specific code (KAE) to be created in the ordinary budget of the Ministry of the Environment and Energy, to cover expenses incurred by the Ministry's Directorate-General for Mineral Raw Materials (GDOPY) on actions relating to the streamlined utilisation and sustainable exploitation of mineral raw materials.

2 (a) Aggregate quarry operators shall pay an annual special fee in favour of first-level local authorities in the territory of which they operate their quarries on public or private land. The special fee shall be equal to 8% of the selling price of unprocessed materials or 4% of the selling price of processed

materials on the quarry floor.

The quantities sold shall be determined on the basis of the invoices submitted by the operator along with a summary of sales data (quantities and prices) or by the use of any other suitable quarry material measurement method, as appropriate, such as: topographic measurement of quantities of extracted rock, checking of company books, cross-checking of the data submitted against those provided to other agencies for calculating the pro-rata lease fees, as appropriate.

Where the lessee uses such quantities to supply its own facilities, the selling price used to calculate the fee shall be determined on the basis either of previous invoices of the same quarry or of the price of products of similar quality extracted in neighbouring quarries. In the absence of such data, account shall be taken of the cost of extraction, the location and accessibility of the quarry, the quality of the deposit, the exploitation conditions, the business profit and any other factors which must be considered by the competent agency.

The above special fee shall also be paid by operators producing aggregates extracted as by-products in the context of the exploitation of industrial mineral and marble quarries, in accordance with Article 45(7). The special fee shall be equal to 10% of the selling price of unprocessed materials or 6% of the selling price of processed materials.

(b) As regards aggregates used as raw materials in cement plants, lime production plants and metalworking plants in particular, which are extracted in quarries operated by the plants themselves, the above special fee shall be calculated by decision of the competent head of region as being equal to 4% of the rock extraction costs on the quarry floor, plus business profit. As regards surplus production in such quarries, the special fee shall be equal to 10% of the selling price of unprocessed materials or 6% of the selling price of processed materials.

(c) Industrial mineral quarry operators shall pay an annual special fee in favour of first-level local authorities in the territory of which they operate their quarries. The fee shall be equal to 2% of the value of unprocessed quarry materials available for sale on the quarry floor. The quantities sold shall be determined on the basis of the invoices in conjunction with any other suitable method, in accordance with point (a) above, as appropriate. In the event of own-use, indent (a) above shall apply mutatis mutandis.

(d) The revenue from the special fee referred to in this paragraph shall be confirmed and collected in accordance with the provisions on the confirmation and collection of revenue for first-level local authorities, as in force each time.

3. All quarries continuing operations for over 40 years shall pay a 'green levy' equal to 1% of the value of the products sold, in favour of the special account referred to in Article 55(2), which is set up at the Ministry of the Environment and Energy under the management of the Green Fund.

Article 63

Summary data on mineral raw materials

1. To lay down the strategy on the utilisation of mineral raw materials in Greece, the competent department of the Ministry of the Environment and Energy shall draw up and publish, in the second half of each year, a report on the previous year's mining and quarrying activity. The report shall include:

(a) data on production and employment and other financial data, as derived from activity reports;

(b) data on public revenue from mining and quarrying activity (such as lease fees and other charges), as derived from individual reports submitted by the decentralised administrations and other State bodies;

(c) information on the environmental impact and actions, as provided by mining and quarrying companies and assessed by the relevant public bodies (e.g. forest offices);

(d) information on safety, in particular accidents occurring, ex-ante checks carried out and fines imposed, as obtained from the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy.

2. Decentralised administrations shall draw up and publish annual reports on mining and quarrying activity in their jurisdiction, also notifying them in a timely manner to the competent department of the Ministry of the Environment and Energy.

Article 64

Mining and other issues

'1. Parties exploiting mined minerals shall be subject to Article 58(3), (6) and (7) hereof as well as to Article 58(4) hereof read in conjunction with Article 118 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277) and Article 64A of Law 4442/2016.'.

'As regards the application of Article 58(3) hereof in particular, the topographic maps shall be submitted to the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy by 30 June of the following year. However, no topographic maps need to be submitted if inactivity declarations have been submitted under Article 118(4) of Law 210/1973.'

*** The second indent of paragraph 1 (as replaced on 3 January 2018 as per the above by Article 122(2) of Law 4514/2018 [Government Gazette, Series I, No 14]) was added by Article 63(9) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

2. Mine operators shall restore the mining sites which they run, in accordance with the requirements laid down in the relevant decision on the approval of environmental conditions. Before the exploitation technical study is approved, the operator shall submit to the authority responsible for the approval a letter of guarantee of indefinite duration, to ensure the fulfilment of the conditions and obligations laid down in the decision on the approval of environmental conditions. The amount of the letter of guarantee shall be set on the basis of the amount indicated as environmental restoration costs in the approved or ratified studies, which corresponds to the effective period of the decision on the approval of environmental conditions.

If the operator fails to fulfil these obligations, irrespective of the penalties imposed hereunder, all or part of the letter of guarantee shall be forfeited in favour of the Green Fund, following verification by the competent forest service for land under the management of forest services under Law 998/1979 or by the competent directorates for the environment for the other types of land.

3. Mine owners that are parties to concession contracts for which no annual activity reports or annual inactivity declarations have been submitted under Article 118 of Legislative Decree 210/1973 for any of the years from 2007 to 2016 shall forfeit the mine ownership rights, unless

they submit, within 6 months from the date of entry into force hereof, the above reports/declarations to the competent directorate of the Ministry of the Environment and Energy, along with a memorandum explaining the reasons for the late submission and the reasons for the failure to carry out exploitation or mineral exploration work. The forfeiture shall be confirmed by a declaration issued by the Minister for the Environment and Energy after the above six-month time limit expires without submission of any report/declaration. The date of forfeiture shall be deemed to be 31 December 2008. The declaration shall also order the forfeiture of guarantees submitted under Article 47 of Legislative Decree 210/1973. The declaration shall be notified with proof of receipt to the mine owner and the lessee, if any, or a party deriving any rights from them. As for the rest, Articles 14(3) and 124 to 127 of Legislative Decree 210/1973 shall apply mutatis mutandis. If the reports/declarations concerned are submitted within the six-month time limit referred to in the first sentence, the provisions of Article 119 et seq. of Legislative Decree 210/1973 shall apply mutatis mutandis.

4. Exploration work to prospect for deposits of mined minerals, as defined in Article 2 of Legislative Decree 210/1973, shall be carried out subject to the conditions laid down in Articles 69, 70 and 74 of Law 4442/2016.

5. Article 17 of Legislative Decree 210/1973 is replaced by the following:

'Nobody may carry out exploration work for minerals on private or public land without obtaining in advance a mineral exploration permit in accordance with the following articles. The mineral exploration permit, as issued by the head of the region in whose jurisdiction the site to be explored lies, shall grant the right of mineral exploration and authorise the carrying out of exploration work.'.

6. The following phrase is added at the end of Article 76(1) of Law 210/1973:

'it shall date back to the time when the contracts referred to in Article 74(1) were drawn up, unless the parties have stipulated otherwise, in which case the authorisation shall date back to the date stipulated by the parties.'.

7. Article 158 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277), as currently in force, is replaced by the following:

'The installation in mining sites and the operation of all types of machinery for the purposes of exploiting the mines and processing the ores obtained therefrom by the use of mechanical, chemical, thermal or other metallurgical methods, including the necessary technical works for such installation (base platforms, silos, etc.), shall be carried out in accordance with the conditions laid down in Articles 71, 72 and 73 of Law 4442/2016.'.

8. Article 166 of Legislative Decree 210/1973 is replaced by the following:

'Any parties carrying out exploration or exploitation of mined minerals in places for which they do not have the relevant rights and do not meet the conditions for the exercise of those rights shall, in addition to suffering any consequences under civil and criminal law, be punished under administrative law in accordance with Article 59(6) of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS. Any unlawfully extracted mined minerals shall automatically become property of the Hellenic State. The Hellenic State Property Agency shall be responsible for the handling of such products.'.

'9. Article 167(1) of Legislative Decree 210/1973 is replaced by the following:

'1. Any infringement by the operator of the provisions of the Mining and Quarrying Works Regulation, of the orders given by the head of the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy or of the conditions laid down in application of Articles 31, 32 and 61 as well as in Articles 158, 160 and 163,

shall, irrespective of resulting in other consequences under civil, administrative or criminal law, be publishable in accordance with Article 59(3) of Law 4512/2018.'.'.

*** Paragraph 9 was replaced as per the above by Article 63(10) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

10. The following new indent is added at the end of Article 176(1) of Legislative Decree 210/1973, as replaced by Article 12(3) of Law 4203/2013 (Government Gazette, Series I, No 235):

'1. The same decision shall lay down the fines to be imposed in the event of failure to pay the fee or to comply with the other obligations laid down therein. In the event of repeated offences, provision may be made, as appropriate, for the disqualification of the operator from the concession or for the revocation of the mineral exploration permit, in accordance with the provisions hereof on disqualification from a concession arrangement or revocation of a mineral exploration permit.'.

11. The decisions of the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy, as referred to in Article 164(3) of Legislative Decree 210/1973, shall be served by the local police, in accordance with Article 61(5) hereof.

12. Articles 32, 37(2), 41(2), 159 and 169 of Legislative Decree 210/1973 are repealed.

Article 65

Enabling provisions

1. The Minister for the Environment and Energy shall adopt a decision, to be published in the Government Gazette, laying down:

(a) the procedure for, and time of, confirmation of the lease fees relating to lease contracts for quarries for any category of minerals as well as the procedure for offsetting such payments where the conditions for offsetting are met;

(b) the mode of operation of the committee referred to in Article 47(1) for the designation of quarrying areas, as well the information to be included in the committee report recommending the laying down or supplementation of quarrying area plans;

(c) the procedure and more specific terms for the leasing, exploitation and management of State quarries, such as:

(i) the general and specific, as appropriate, terms of the auction notice and procedure;

(ii) the supporting documents to be submitted by would-be lessees and the letters of guarantee for taking part in the auctions and ensuring the proper performance of the contracts;

(iii) the studies to be submitted by lessees and the information to be contained therein;(iv) the procedure for leasing by direct contract;
(v) the method of monitoring and controlling the application of the terms of the contracts, the

procedures for forfeiture of the letters of guarantee and termination of the contracts, where the relevant conditions are met;

(vi) technical matters concerning a letter of guarantee corresponding to any lease fees owed to the Hellenic State under Article 64 of Law 4442/2016;

(vii) the calculation and offsetting of lease fees against the infrastructure works referred to in Article 48(10), where the relevant conditions are met.

'(d) the procedure for calculating the amount of the letter of guarantee provided for in Articles 55 and 64(2) and all details relating to the procedure for the submission, renewal and forfeiture thereof.'.

*** Point (d) was replaced as per the above by Article 63(11) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

(e) The content, submission procedure, processing, disclosability and all other relevant details concerning both the activity reports or inactivity declarations to be submitted by operators of quarries for any category of minerals, in accordance with Article 58(3), and the documentation to be provided by the jointly competent agencies in accordance with Article 63.

2. The Minister for the Interior and the Minister for the Environment and Energy shall adopt a joint decision, to be published in the Government Gazette, laying down the more specific conditions and the procedure for the leasing, exploitation and management of quarries owned by the first-level local authorities.

3. The Minister for Finance and the Minister for the Environment and Energy shall adopt a joint decision, to be published in the Government Gazette, adjusting:

(a) the amounts payable hereunder and under Legislative Decree 210/1973 (Government Gazette, Series I, No 277) concerning in particular administrative penalties, charges and lease fees;

(b) the amount of the fees to be paid to apply for, or to obtain, any permit or approval provided for herein and in the overall legislation on mining and quarrying, as well as for an appeal lodged before the Minister for the Environment and Energy to be admissible.

Article 66

1. After Article 48L of Law 4442/2016, the title 'OTHER PROVISIONS' is replaced by the following: 'CHAPTER K OTHER PROVISIONS'.

2. 'Article 57' of Law 4442/2016 is renumbered into 'Article 77'.

3. The following CHAPTER L, comprising Articles 57 to 67, is added after Article 56 of Law 4442/2016:

'CHAPTER L

SIMPLIFYING THE FRAMEWORK FOR CARRYING OUT EXPLORATION AND EXPLOITATION IN QUARRIES

Article 57

Scope

The scope of this Chapter covers: (a) activities with activity code numbers (KADs) 8.11, 8.12, 8.99.22.01, 8.99.29 and 9.90, included in Group 2 of the Annex; and (b) exploration and exploitation of quarried minerals in general.

Article 58

Carrying out exploration for quarried minerals on private land

1. Exploration work on private land to prospect for deposits of industrial minerals, marble, natural stones and special-use aggregates (other than marble dust, marble chips and the limestone anti-slip materials for which no exploration is required) shall be subject to a notification requirement pursuant to Article 5.

2. The notification shall be submitted by the economic operator via electronic means only, using the Integrated Information System for Performing Activities and Controls (IMS-PAC), as referred to in Article 14.

3. Pending activation of the IMS-PAC for the part concerning the notification of the activities covered by this Article, the economic operator shall, before starting the exploration work, submit the notification to the competent directorate of the decentralised administration concerned, which shall communicate it forthwith to the competent authorities for the latter to perform their control duties. Such notification shall be made automatically via the IMS-PAC as soon as it is put in operation.

4. Before the notification is submitted, the party concerned must have obtained:

(a) evidence that the operator holds the relevant right in accordance with Article 44 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS;

(b) a decision from the competent department of the decentralised administration concerned making the operator subject to standard environmental commitments under Law 4014/2011 (Government Gazette, Series I, No 209) and Decision No 46294/2013 of the Minister for the Environment, Energy and Climate Change (Government Gazette, Series II, No 2001), following submission of a letter of guarantee for the fulfilment of environmental restoration obligations. The letter of guarantee shall amount to EUR 500 per hectare. The letter of guarantee shall be of unlimited duration and shall be issued in favour of the operator of the economic activity. No letter of guarantee shall be required if exploration is carried out using methods which do not constitute significant intervention on the land, such as geological, geophysical, geochemical and drilling methods. If exploitation takes place on all or part of the exploration site following completion of the exploration work, the letter of guarantee shall be replaced by that envisaged in Article 55(2) of the Law laying down PROVISIONS ON THE

IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS;

(c) the assent of the competent Mining Inspection Department of the Special Secretariat of Environment, Construction, Energy and Mining Inspectors of the Ministry of the Environment and Energy, following submission thereto of the standard technical commitments declaration in accordance with Annex A to the Law laying down PROVISIONS FOR THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, regarding the feasibility and planning of the exploration work.

5. Upon submission of the notification, the economic activity operator may carry out exploration work for the quarried minerals referred to in paragraph 1 on the designated private land.

6. The Minister for the Economy and Development and the Minister for the Environment and Energy shall, within one month from the date of entry into force hereof, adopt a joint decision laying down the content of and procedure for the notification, the documents to be kept at the place of business, the method used to notify any impending change of particulars, the authorities to which the notification is to be given for them to carry out their control tasks, the scaling of any penalties imposed within the bounds laid down in Article 15(1), the procedure for imposing the penalties and all other details relating to the notification, in accordance with Articles 5 and 6.

Article 59

Carrying out exploration work for quarried minerals on public or municipal land

1. Exploration work on public or municipal land to prospect for deposits of industrial minerals, marble, natural stones and special-use aggregates (other than marble dust, marble chips and the limestone anti-slip materials for which no exploration is required) shall be subject to an approval requirement pursuant to Article 7.

2. Such approval shall be granted by the coordinator of the decentralised administration concerned, to allow for carrying out exploration work, and shall serve as evidence of the concession of exploration rights.

3. To obtain approval, the party concerned shall submit the following documents to the decentralised administration concerned:

(a) an application, accompanied by a topographic map at a scale of 1:5000 and a fee of EUR 3 000 under Article 66(2). The competent department of the decentralised administration shall examine whether or not, in the area applied for:

(i) exploitation rights had been granted regarding any quarried mineral, and less than five years have elapsed since such rights expired, ended or were withdrawn;

(ii) exploration is being carried out or is due to be carried out by the Hellenic State (IGME) or had been carried out in the past and deposits have been found;

(iii) there is any previous application for exploration work or lease.

If a previous application has been submitted, the competent department shall reject the subsequent one. If no previous application has been submitted, the party concerned shall be notified forthwith and requested to submit the following additional supporting documents:

(b) a declaration on being subject to standard environmental commitments, along with the other supporting documents required by Article 4 of Decision No 46294/14.8.2013 of the Minister for the Environment, Energy and Climate Change (Government Gazette, Series II, No 2001) and Law 4014/2011 (Government Gazette, Series I, No 209), accompanied by a letter of guarantee for the fulfilment of environmental restoration obligations. The letter of guarantee shall amount to EUR 500 per hectare. The letter of guarantee shall be of unlimited duration and shall be issued in favour of the operator of the economic activity. No letter of guarantee shall be required if exploration is carried out using methods which do not constitute significant intervention on the land, such as geological, geophysical, geochemical and drilling methods. If exploitation takes place on all or part of the exploration site following completion of the exploration work, the letter of guarantee shall be replaced by that envisaged in Article 55(2) of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS;

(c) the assent of the competent Mining Inspection Department of the Special Secretariat of Environment, Construction, Energy and Mining Inspectors of the Ministry of the Environment and

Energy, following submission thereto of the standard technical commitments declaration in accordance with Annex A to the Law laying down PROVISIONS FOR THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS;

(d) a decision of the municipal council approving the exploration work, in the case of municipal land.

4. If the supporting documents are complete, the decentralised administration shall, within 20 days, grant its approval for exploration work. The approval shall indicate the standard environmental commitments and the technical commitments which the party concerned must observe, the latter being laid down in an opinion from the Mining Inspection Department. Approval shall be granted for 2 years and for a single area.

5. Approval for exploration work on public land shall be granted, following an enquiry by the competent authority, to the party whose application under paragraph 3 was first registered in said authority's registration department. If the first applicant withdraws or its application is rejected on grounds other than the prohibitions listed in Article 49 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, the land concerned shall become free.

6. Approval for exploration work on land owned by first-level local authorities shall be granted to those parties whose application for the concession of exploration rights was first registered in the registration department of the decentralised administration concerned. The decentralised administration must forward the application to the local authority concerned, provided that exploration rights for the land in question have not been granted in the past or that no exploration work has been carried out by local authorities. Upon completion of the exploration work, local authorities must lease out the land to the holders of exploration rights in accordance with the conditions and procedure laid down in the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS.

7. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the specific procedure for and content of the approval, the scaling of any penalties imposed within the bounds laid down in Article 15(2), the procedure for imposing the penalties and all other details relating to the approval, in accordance with Articles 7 and 8.

Article 60

Exploitation of industrial mineral, marble and natural stone quarries on private land

1. The exploitation of industrial mineral, marble and natural stone quarries on private land shall be subject to a notification requirement, pursuant to Article 5.

2. The notification shall be submitted by the economic operator via electronic means only, using the Integrated Information System for Performing Activities and Controls (IMS-PAC), as referred to in Article 14.

3. Pending activation of the IMS-PAC for the part concerning the notification of the activities covered by this Article, the economic operator shall, before starting the work that will allow for exploiting the quarry, submit the notification to the competent directorate of the decentralised administration concerned.

4. Notification concerning private land shall be given for a single (undivided) site and may be amended with respect of the area to be exploited, if the relevant conditions are met. If the amendment concerns expanding the site of exploitation, to include a site for which the relevant entitlement already exists, the amendment shall be based on an up-to-date exploitation technical study prepared for the entire

site under Article 64A hereof. Segmentation of a site for which notification has been given for the exploitation of a quarry shall not be permitted.

5. The agency receiving the notification shall inform all jointly competent services, for them to carry out their control tasks. Such notification shall be made automatically via the IMS-PAC as soon as it is put in operation.

6. Before the notification is submitted, the party concerned must have obtained:

(a) a decision on the approval of environmental conditions to be issued by the Directorate for Environmental Licensing of the Ministry of the Environment and Energy or by the decentralised administration, depending on the classification of the activity under category A1 or A2, in accordance with Ministerial Decision No ΔΙΠΑ/οικ.37674/27.7.2016 (Government Gazette, Series II, No 2471);

(b) approval of the exploitation technical study, in accordance with the KMLE, accompanied by the necessary supporting documents evidencing the right to carry out exploitation work, in accordance with Article 44(2) of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS;

(c) approval by the Minister for Culture and Sports, in accordance with Article 10 of Law 3028/2002 (Government Gazette, Series I, No 153), unless already granted during the procedure for issuing the decision on the approval of environmental conditions for the activity concerned;

(d) submission of a letter of guarantee, in accordance with Article 55(2) of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS.

7. In the event of expiry or termination of the concession relationship for the land under exploitation, such exploitation shall cease to be possible.

8. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the content of and procedure for the notification, the documents to be kept at the place of business, the method used to notify any impending change of particulars, the authorities to which the notification is to be given for them to carry out their control tasks, the scaling of any penalties imposed within the bounds laid down in Article 15(1), the procedure for imposing the penalties and all other details relating to the notification, in accordance with Articles 5 and 6.

Article 61

Exploitation of industrial mineral, marble and natural stone quarries on public or municipal land

1. The exploitation of industrial mineral, marble and natural stone quarries on public or municipal land shall be subject to an approval requirement, pursuant to Article 7. The lease contract for the quarrying site drawn up in accordance with Articles 45, 53 and 54 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS shall serve as approval.

2. Before starting any work in a quarry on public or municipal land, the operator shall notify the start of operations to the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy and the archaeological service concerned. The notification shall be given within 1 year of the signing of the contract. If the time limit set for the start of operations expires without the work having started, the lease contract shall be terminated, unless the coordinator of the decentralised administration, at the request of the party concerned, considers the delayed start of, or the failure to start, the exploitation operations to be justified. In that

case, a decision shall be issued extending the time limit for the start of operations.

3. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the specific procedure for and content of the approval, the supporting documents to be submitted by the operator, the scaling of any penalties imposed within the bounds laid down in Article 15(2), the procedure for imposing the penalties and all other details relating to the approval, in accordance with Articles 7 and 8.

Article 62

Exploitation of aggregate quarries on private land

1. The exploitation of aggregate quarries on private land shall be subject to a notification requirement, pursuant to Articles 5 and 60(4) to (7). Article 52 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS shall apply to quarries on private land outside a quarrying area.

2. The notification shall be submitted by the economic operator via electronic means only, using the Integrated Information System for Performing Activities and Controls (IMS-PAC), as referred to in Article 14.

3. Pending activation of the IMS-PAC for the part concerning the notification of the activities covered by this Article, the economic operator shall, before starting the exploration work, submit the notification to the competent directorate of the decentralised administration concerned, which shall communicate it forthwith to the competent authorities. To give the notification, the party concerned shall fill out a standard notification form.

4. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the content of and procedure for the notification, the documents to be kept at the place of business, the method used to notify any impending change of particulars, the authorities to which the notification is to be given for them to carry out their control tasks, the scaling of any penalties imposed within the bounds laid down in Article 15(1), the procedure for imposing the penalties and all other details relating to the notification, in accordance with Articles 5 and 6.

Article 63

Exploitation of aggregate quarries on public or municipal land

1. The exploitation of aggregate quarries on public or municipal land shall be subject to an approval requirement, pursuant to Articles 7 and 61(1) and (2). The lease contract for the quarrying site drawn up in accordance with Articles 45, 53 and 54 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS shall serve as approval. Article 52 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS shall apply to quarries on public or municipal land outside a quarrying area.

2. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the specific procedure for and content of the approval, the supporting documents to be submitted by the operator, the scaling of any penalties imposed within the bounds laid down in Article 15(2), the procedure for imposing the penalties and all other details relating to the approval, in accordance with Articles 7 and 8.

Article 64

Exploitation of quarries in the areas referred to in the second sentence of paragraph one of Article 62 of Law 998/1979

1. In the areas referred to in the second sentence of paragraph one of Article 62 of Law 998/1979 (Government Gazette, Series I, No 289) for which the ownership status has not been resolved definitively under Article 10 of Law 3208/2003 (Government Gazette, Series I, No 303), exploitation shall be carried out without a lease contract being concluded with the Hellenic State, provided that a claim for the legal recognition of ownership or an application for the administrative recognition of ownership has already been submitted by the alleged owner and that a letter of guarantee to safeguard the interests of the Hellenic State in relation to the lease fees due has been submitted, as issued for an indefinite period of time by a credit institution legally operating in Greece and on condition that all other relevant conditions are met.

2. The exploitation shall be subject to a notification requirement pursuant to Articles 5, 60 and 62, up until the dispute over ownership has been resolved by an irrevocable court judgment.

3. Before the notification is submitted, the operator must have obtained the supporting documents referred to in Article 60(6) and the letter of guarantee referred to in paragraph 1.

4. The amount of the letter of guarantee shall be set by the decentralised administration concerned and shall correspond to the amount of the maximum fixed lease fees for three years. If the ownership status has not been resolved definitively within the first three years, the operator shall, at least 3 months before expiry of the three-year period, request a new decision to be issued setting the amount of the letter of guarantee. The amount of the new letter of guarantee shall correspond to the sum of all expected lease fees, after offsetting the fixed and pro-rata lease fees on the basis of the results of the activity in the past three years. The new letter of guarantee shall be submitted to the competent agency, in replacement of the previous one at least 1 month before the end of the three-year period and shall cover in aggregate the lease fees for the entire previous period up until the end of the following three-year period.

Quarries already operating with a letter of guarantee under paragraph 1 of this Article shall continue to operate, whereupon the date on which the letter of guarantee was first calculated shall be considered as the start date for calculating its amount.

Quarries already operating without a letter of guarantee under paragraph 1 of this Article shall continue to operate provided that they submit a letter of guarantee, whereupon the date of entry into force of Law 4409/2016 (Government Gazette, Series I, No 136) shall be considered as the start date for calculating its amount.

In both cases referred to in the previous indents, the method used to calculate the amount of the letter of guarantee shall be determined in accordance with this paragraph.

5. A similar method and procedure shall be used to set the amount of the letter of guarantee after the three-year period, up until the ownership status is resolved definitively. If the operator fails to fulfil its commitments under paragraphs 1 to 4, the competent agency shall take the necessary steps to suspend the exploitation up until these commitments are fulfilled.

6. In the event that more than one application for recognition of ownership have been submitted, the right shall be exercised by the operator that submitted the first application.

7. After the dispute over ownership has been resolved:

(a) if the land is classified as private, the letter of guarantee shall be handed back with no further obligation or burden on the Hellenic State;

(b) if the land is classified as public, the operator shall be invited to enter into an lease contract with the Hellenic State, which shall cover the remaining leasing period up until the end of the maximum period provided for by the legislation in force. The competent agency shall confirm the total amount of the lease fees owed, net of interest, which shall be paid by the operator on a one-off basis, within 2 months from the date of confirmation. The relevant letter of guarantee shall then be handed back to the operator. In respect of the land referred to in Article 3(5)(a) and (b) of Law 998/1979 (Government Gazette, Series I, No 289), the start date for payment of the lease fees shall be 8 August 2014. If the operator fails to pay the lease fees, the competent agency shall stop the exploitation operations, the letter of guarantee shall be forfeited and, if the amount corresponding to the lease fees owed is greater than the amount of the letter of guarantee, the balance shall be confirmed net of interest. In all other cases, no reimbursements shall be made for the period preceding the resolution of the dispute.

8. The Hellenic State shall not be held liable for any eviction by third parties from the land referred to in paragraph 1 where the land has been declared as non-public by final judgment.

Article 64A

Technical study

1. The operator shall prepare and submit to the competent department of the Ministry of the Environment and Energy, before starting mining or quarrying operations on a new project and/or a new part of the project which was not included in the initial study, a technical study for the project or the part of the project.

2. The technical study shall contain the following information and chapters: (a) information on the undertaking; (b) information on the project; (c) information on a part of the project; (d) the results of exploration work carried out, as appropriate; (e) a chapter on exploitation operations; (f) solemn declarations pursuant to Article 8(4) of Law 1599/1986 on the assignment and acceptance of the task of preparing the study; (g) receipts of payment of fees to designers, royalties to the Hellenic State and to the different funds and of all types of fees, taxes, etc., in accordance with the legislation in force, subject to the more specific requirements laid down in Article 101 of the KMLE; (h) a technical and economic study for the facility, and (i) a statics design for related construction works in the facility, subject to the more specific requirements laid down in Article 103 of the KMLE. The general criteria that must be met by the technical study include the economical management of the deposit plus the safety of the workers, works and facilities, as well as environmental protection and, generally, the minimisation of social costs under the principles of sustainable development.

3. The operator shall submit the technical study for approval to the competent department of the Ministry of the Environment and Energy before starting the operations envisaged therein.

The above-mentioned department shall decide on the approval of the study within sixty days of submission at the latest. If the study is found to be inadequate or inaccurate, it shall be sent back to the operator, who may resubmit it after supplementing or correcting it, in accordance with the guidance given by the department in writing. The time limit for the approval of the study in that case shall not exceed thirty days of resubmission.

Article 65

Electromechanical installations

1. The installation of electromechanical equipment in quarrying sites shall be subject to a notification requirement pursuant to Article 5.

The notification shall be submitted only via the Integrated Information System for Performing Activities

and Controls (IMS-PAC) referred to in Article 14. Pending activation of the IMS-PAC, the notification shall be submitted to the competent department.

The party concerned must hold the right of exploitation before submitting the notification, in accordance with Articles 60, 61, 62, 63 and 64 and must have obtained:

(a) a decision on the approval of environmental conditions (unless such approval has been given under valid permits, approvals, etc.);

(b) an approved technical study containing, in the form of chapters, point (d) and, as appropriate, point (e) of Article 103(1) of the KMLE;

(c) a permit to use a seashore and a beach or a port area, as appropriate, in accordance with Law 2971/2001 (Government Gazette, Series I, No 285); and

(d) the solemn declarations referred to in Article 103(l) of the KMLE.

In the case of public or municipal land, a lease contract must have been entered into for that land before starting the relevant operations.

2. The operation of electromechanical equipment installations shall be subject to a notification requirement pursuant to Article 5. The notification shall be submitted only via the Integrated Information System for Performing Activities and Controls (IMS-PAC) referred to in Article 14. Pending activation of the IMS-PAC, the notification shall be submitted to the competent department of the region concerned.

3. Before the notification is submitted, the party concerned must have obtained:

(a) a solemn declaration pursuant to Law 1599/1986 by the technicians legally responsible for supervising the construction of the facility, holders of the required diplomas, degrees or authorisations, to the effect that the installation/facility was constructed in accordance with the terms and conditions laid down in the relevant permit and that it is appropriate in terms of statics and can function safely;

(b) solemn declarations pursuant to Law 1599/1986 on the assignment and acceptance of the task of supervising the proper functioning and maintenance of the installation/facility by the technicians legally responsible for doing so, holders of the required diplomas, degrees or authorisations;

(c) a fire safety certificate from the competent fire service, pursuant to Joint Ministerial Decision No Δ7/Φ1/4817/15.3.1990 of the Minister for Public Order and the Minister for Industry, Energy and Technology (Government Gazette, Series II, No 188), as currently in force;

(d) a temporary or permanent wastewater disposal permit, as appropriate;

(e) a decision on the approval of environmental conditions (unless such approval has been given under valid permits, approvals);

(f) building permits, as appropriate;

(g) fitness check certificates, from a recognised and certified firm, in accordance with the national certification specifications, for lifting gear, fuel storage tanks, gantry cranes, stackers, etc.;

(h) a solemn declaration pursuant to Law 1599/1986, as currently in force, of the person who supervised the construction of the lightning protection system for the fuel storage tanks to the effect that the installations fully conform to Article 103(1)(i) of the KMLE and can function safely;

(i) a permit to use a seashore and a beach or a port area, as appropriate and if the existing one has expired.

4. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the content of and procedure for the notification, the documents to be kept at the place of business, the method used to notify any impending change of particulars, the authorities to which the notification is to be given for them to carry out their control tasks, the scaling of any penalties imposed within the bounds laid down in Article 15(1), the procedure for imposing the penalties and all other details relating to the notification, in accordance with Articles 5 and 6.

Article 66Fee
1. The Minister for Finance and the Minister for the Environment and Energy shall adopt a joint decision laying down the types and the amounts of the fees required for notification and approval of the activities referred to in this Chapter, as well as for lodging an appeal in accordance with the Article 67(3) before the Minister for the Environment and Energy. The types and amounts of the fees shall be subject to adjustment.

2. To carry out exploration work to prospect for deposits of marble, natural stones or industrial minerals referred to in Article 43(3)(a) and (c) of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, as well as special-use aggregates, other than marble dust, marble chips and the limestone anti-slip materials, on public and municipal land, a fee shall be paid together with the application, on pain of inadmissibility, amounting to EUR 3 000, which may be adjusted by decision of the Minister for the Environment and Energy. If the land is leased following completion of the exploration work, that amount shall be offset against the first year's lease fees.

Article 67

Penalties

1. If an operator fails to submit a notification or notifies false information or fails to notify the economic activity data in the case of an impending change, the penalties laid down in Article 15 shall be imposed on the operator. The authority responsible for imposing the penalties shall be the agency to which the notification is submitted.

2. If the operator has not obtained approval, the penalties laid down in Article 15 shall be imposed on the operator.
15. The authority responsible for imposing the penalties shall be the agency granting the approval.

3. Administrative appeals against acts imposing penalties may be lodged before the Minister for the Environment and Energy.

4. The fines referred to in paragraphs 1 and 2 shall be imposed cumulatively with the fines and penalties referred to in Article 59 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS.

5. In the event of a breach of individual terms and conditions while carrying out activities subject to a notification or approval requirement, the penalties laid down in the legislation in force shall be imposed by the competent bodies indicated therein.'.

Article 67

The following CHAPTER M, comprising Articles 68 to 76, is added after Article 67 of Law 4442/2016:

'CHAPTER M

SIMPLIFYING THE FRAMEWORK FOR CARRYING OUT EXPLORATION AND EXPLOITATION IN MINES

Article 68

Scope

The scope of this Chapter covers the carrying out of exploration work to prospect for deposits of mined minerals and to install and operate within the mining site machinery of all kinds for the mining and processing of the ores produced, notably those with activity code numbers (KADs) 07,07.1, 07.2 and 09.9 of Group 2 of the Annex.

Article 69

Carrying out exploration work to prospect for deposits of mined minerals which is subject to an approval requirement

1. Carrying out exploration work to prospect for deposits of mined minerals referred to in Article 2 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277) shall be subject to an approval requirement pursuant to Article 7.

2. Approval shall be granted in accordance with the more specific provisions laid down in Article 29(1), (2), (3) and (5) of Legislative Decree 210/1973, as these paragraphs were added by Article 74(2) hereof.

3. The application for approval shall be submitted by the economic operator via electronic means only, using the Integrated Information System for Performing Activities and Controls (IMS-PAC), as referred to in Article 14.

4. Pending activation of the IMS-PAC for the part concerning the approval for carrying out exploration work, the economic operator shall, before starting the exploration work, submit an application to the region concerned or the competent department of the Ministry of the Environment and Energy, as appropriate.

5. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the specific procedure for and content of the approval, the supporting documents to be submitted by the operator, the scaling of any penalties imposed within the bounds laid down in Article 15(2), the procedure for imposing the penalties and all other details relating to the approval, in accordance with Articles 7 and 8.

Article 70

Carrying out exploration work to prospect for deposits of mined minerals which is subject to a notification requirement

1. Carrying out exploration work to prospect for deposits of mined minerals referred to in Article 2 of Legislative Decree 210/1973 shall be subject to a notification requirement pursuant to Article 5 hereof, in the cases referred to in Article 29(4) and (6) of Legislative Decree 210/1973 (Government Gazette, Series I, No 277), as added by Article 74(2) hereof.

2. The notification shall be submitted by the economic operator via electronic means only, using the Integrated Information System for Performing Activities and Controls (IMS-PAC), as referred to in

Article 14.

3. Pending activation of the IMS-PAC for the part concerning the notification of the performance of exploration work, the economic operator shall, before starting the exploration work, submit a notification to the region concerned or to the competent department of the Ministry of the Environment and Energy, as appropriate.

4. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the content of and procedure for the notification, the documents to be kept at the place of business, the method used to notify any impending change of particulars, the authorities to which the notification is to be given for them to carry out their control tasks, the scaling of any penalties imposed within the bounds laid down in Article 15(1), the procedure for imposing the penalties and all other details relating to the notification, in accordance with Articles 5 and 6.

Article 71

Electromechanical installations/facilities supporting extraction work and ancillary to mining operations and ordinary mechanical processing

1. The setup in mining sites of electromechanical installations supporting extraction work (such as pumps, compressed air networks, water tanks, automation installations, telecommunication/paging systems for workers, fire extinguishing networks, ventilation networks), facilities ancillary to mining operations (such as chemistry, workshop, machine shop and electrical workshop facilities, storage facilities of all types other than those intended for explosives) and installations for the ordinary mechanical processing of ore (crushing, grinding, grading with no further processing), shall be subject to a notification requirement pursuant to Article 5 hereof.

2. The notification shall be submitted only via the Integrated Information System for Performing Activities and Controls (IMS-PAC) referred to in Article 14. Pending activation of the IMS-PAC, the notification shall be submitted to the competent department.

3. Before the notification is submitted, the party concerned must have obtained: (a) the right to use the land;

(b) a decision on the approval of environmental conditions (unless such approval has been given under valid permits, approvals, etc.);

(c) an approved technical study containing, in the form of chapters, point (d) and, as appropriate, point (e) of Article 103(1) of the KMLE;

(d) a permit to use a seashore and a beach or a port area, as appropriate, in accordance with Law 2971/2001.

4. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the content of and procedure for the notification, the documents to be kept at the place of business, the method used to notify any impending change of particulars, the authorities to which the notification is to be given for them to carry out their control tasks, the scaling of any penalties imposed within the bounds laid down in Article 15(1), the procedure for imposing the penalties and all other details relating to the notification, in accordance with Articles 5 and 6.

Article 72

Setting up complex mined mineral processing units

1. To set up in mining sites complex units intended to cover the needs associated with the exploitation of mines and the processing of mined minerals, including in particular:

(a) facilities for enrichment other than ordinary crushing, grinding and grading, (b) furnace facilities, (c) metallurgical processing facilities, (d) facilities for chemical and thermal processing work and for storage associated with such work, in which hazardous substances are introduced, as laid down in Annex I to Joint Decision No 172058/2016 of the Minister for the Interior and Administrative Reform, the Minister for the Economy, Development and Tourism, the Minister for Labour, Social Security and Social Solidarity, the Minister for Health, the Minister for Finance, and the Minister for the Environment and Energy (Government Gazette, Series II, No 354), which are subject to the special provisions of that Decision, (e) extractive waste disposal sites under Joint Decision No 39624/2209/E103/2009 of the Minister for the Interior, the Minister for the Economy and Finance, the Minister for Development and the Minister for the Environment, Physical Planning and Public Works (Government Gazette, Series II, No 2076), (f) water treatment facilities, and (g) staff lifts, the facilities concerned shall be subject to approval by the Minister for the Environment and Energy.

2. The operator shall submit an application for approval accompanied by a complete dossier with all the required supporting documents or data to the competent department of the Ministry of the Environment and Energy. The time limit for the approval of the facility shall not exceed 6 months from the date of proper submission of the application. If the application or some of the information in the dossier is found to be inadequate or inaccurate, it shall be returned to the operator, for the latter to resubmit it after supplementing or correcting it as instructed in writing by the competent department. The time limit for approval in that case shall be limited to 3 months. Articles 7 and 8 of this Article shall apply to the submission and approval of applications, subject to the abovementioned time limits.

3. The application for approval shall be submitted by the economic operator via electronic means only, before starting the setup operations, using the Integrated Information System for Performing Activities and Controls (IMS-PAC).

4. Pending activation of the IMS-PAC for the part concerning the approval of the activities listed in this Article, the economic operator shall submit an application for approval to the competent department of the Ministry of the Environment and Energy.

5. To obtain approval, the supporting documents provided for in Article 103 of the KMLE shall be submitted to the competent department.

6. Where the legislation in force refers to a permit for the setup of electromechanical installations for the activities listed in paragraph 1, it shall mean the approval of facilities/installations referred to herein.

7. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the specific procedure for and content of the approval, the supporting documents to be submitted by the operator, the scaling of any penalties imposed within the bounds laid down in Article 15(2), the procedure for imposing the penalties and all other details relating to the approval, in accordance with Articles 7 and 8.

Article 73

Functioning of the installations/facilities referred to in Articles 71 and 72

1. The functioning of the installations/facilities referred to in Articles 71 and 72 shall be subject to a notification requirement pursuant to Article 5.

2. The notification shall be submitted only via the Integrated Information System for Performing

Activities and Controls (IMS-PAC) referred to in Article 14.

3. Pending activation of the IMS-PAC, the notification shall be submitted to the competent department of the Ministry of the Environment and Energy.

4. Before submitting the notification, the operator must have obtained and keep in the activity file the following documents:

(a) a solemn declaration pursuant to Law 1599/1986, as currently in force, by the technicians legally responsible for supervising the construction of the facility, holders of the required diplomas, degrees or authorisations, to the effect that the installation/facility was constructed in accordance with the terms and conditions laid down in the relevant permit and that it is appropriate in terms of statics and can function safely;

(b) solemn declarations pursuant to Law 1599/1986, as currently in force, on the assignment and acceptance of the task of supervising the proper functioning and maintenance of the installation/facility by the technicians legally responsible for doing so, holders of the required diplomas, degrees or authorisations;

(c) a fire safety certificate from the competent fire service, pursuant to Joint Decision No Δ7/Φ1/4817/15.3.1990 of the Minister for Public Order and the Minister for Industry, Energy and Technology (Government Gazette, Series II, No 188), as currently in force, and a corresponding certificate for the individual installations/facilities referred to in Article 103(1) of the KMLE;

(d) a temporary or permanent wastewater disposal permit, as appropriate;

(e) a decision on the approval of environmental conditions (unless such approval has been given under valid permits, approvals, etc.);

(f) building permits, as appropriate;

(g) fitness check certificates, from a recognised and certified firm, in accordance with the national certification specifications, for lifting gear, fuel storage tanks, gantry cranes, stackers, etc.;

(h) a solemn declaration pursuant to Law 1599/1986, as currently in force, of the person who supervised the construction of the lightning protection system for the fuel storage tanks to the effect that the installations fully conform to Article 103(1)(i) of the KMLE and can function safely;

(i) a permit to use a seashore and a beach or a port area, as appropriate and if the existing one has expired.

5. As regards the installations/facilities referred to in Article 72 in particular, the competent inspection department shall, within three months from the date of notification by the operator, carry out an inspection of the installation/facility as a matter of priority. If the inspection establishes that the facility is functioning properly, the competent inspection department shall issue an inspection certificate, which shall be kept in file by the undertaking. If the inspection reveals a non-conformity to the requirements laid down in the legislation in force, which may pose a serious and immediate risk to the health and safety of workers or to the environment, the competent inspectorate shall decide to take measures as appropriate, such as the temporary or permanent closure of the installation/facility, the imposition of penalties or the giving of recommendations until the undertaking complies.

6. The Minister for the Economy and Development and the Minister for the Environment and Energy shall adopt a joint decision laying down the content of and procedure for the notification, the documents to be kept at the place of business, the method used to notify any impending change of particulars, the authorities to which the notification is to be given for them to carry out their control

tasks, the scaling of any penalties imposed within the bounds laid down in Article 15(1), the procedure for imposing the penalties and all other details relating to the notification, in accordance with Articles 5 and 6.

Article 74

Amended provisions

1. Article 29(1) of Legislative Decree 210/1973 (Government Gazette, Series I, No 277) is replaced by the following:

'1. If the application for an exploration permit satisfies the conditions laid down in Articles 20, 21(1), 22(1) and 23 hereof, the head of region shall, following an inspection of the boundaries and of the surface area of the site to make sure that the requested area is free in accordance with the provisions of Article 26 hereof and subject to the provisions of Article 31 hereof, issue a declaration confirming that the inspection has been completed and invite the party concerned to define the type and location of the operations it intends to carry out within the requested area, following any reductions made after the inspection carried out.'

2. The following new paragraphs 2, 3, 4, 5 and 6 are added after Article 29(1) of Legislative Decree 210/1973 (Government Gazette, Series I, No 277):

'2. Depending on the type of exploration, the following shall be required:

(a) Submission of a written declaration, signed by a competent scientist, where the planned exploration work entails no intervention on the land. In these cases no further administrative permit or act shall be required.

(b) Submission of standard environmental commitments and of an approved standard technical study, in accordance with Annex II to the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, where the exploration work entails limited excavation (5 m^3/ha) and a generally limited intervention on the land (such as seismic profiling methods using explosives), following an opinion from the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy.

(c) Submission of a decision on the approval of environmental conditions and an approved standard technical study in accordance with Annex II to the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, where the proposed exploration work entails drilling or any intervention deep down in the ground including the opening of exploration galleries, etc.

3. Where a complete dossier of supporting documents is submitted, the head of the region shall, within 30 days, issue an act of approval with the title 'Mineral Exploration Permit', granting the right to carry out mineral exploration in the requested area subject to the reductions applied, if any, and approving the carrying out of the exploration work in accordance with the data submitted pursuant to paragraph 2.

4. Where the exploration results indicate that work needs to be carried out at another location within the site covered by the mineral exploration permit or that work of a type other than that approved by the mineral exploration permit needs to be carried out, the operator shall notify to the region concerned the supporting documents required by paragraph 2 before starting that work and in any event within the effective period of the permit.

5. Exploration work after the mine ownership rights are established shall be carried out in the cases

referred to in paragraph 2(b) and (c) following approval by the competent department of the Ministry of the Environment and Energy of a standard technical study, in accordance with Annex II to the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, upon submission of standard environmental commitments or of a decision on the approval of environmental conditions, as appropriate. The approval shall be granted following an opinion from the competent Mining Inspection Department of the Special Secretariat of Inspectors and Auditors of the Ministry of the Environment and Energy.

6. Exploration work after the mine ownership rights are established shall be subject to a notification requirement where the exploration work entails no intervention on the land, subject mutatis mutandis to paragraph 2(a). In that case, the notification shall be submitted to the competent department of the Ministry of the Environment and Energy.'.

3. Paragraph 2 of Article 29 of Legislative Decree 210/1973 is renumbered into paragraph 7.

Article 75

Fee

The Minister for Finance and the Minister for the Environment and Energy shall adopt a joint decision laying down the types and the amounts of the fees required for notification and approval of the activities referred to in this Chapter, as well as on the admissibility of an appeal lodged in accordance with the following article before the Minister for the Environment and Energy. The types and amounts of the fees shall be subject to adjustment.

Article 76

Penalties

1. If an operator fails to submit a notification or notifies false information or fails to notify the economic activity data in the case of an impending change, the penalties laid down in Article 15 shall be imposed on the operator. The authority responsible for imposing the penalties shall be the agency to which the notification is submitted.

2. If the operator has not obtained approval, the penalties laid down in Article 15 shall be imposed on the operator.
15. The authority responsible for imposing the penalties shall be the agency granting the approval.

3. Administrative appeals against acts imposing penalties may be lodged before the Minister for the Environment and Energy.

4. The fines referred to in paragraphs 1 and 2 shall be imposed cumulatively with the fines and penalties referred to in Article 59 of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS.

5. In the event of a breach of individual terms and conditions while carrying out activities subject to a notification or approval requirement, the penalties laid down in the legislation in force shall be imposed by the competent bodies indicated therein.'.

Article 68

Transitional provisions

1. Decisions consenting to the carrying out of exploration work on public land adopted under Article 10 of Law 669/1977 (Government Gazette, Series I, No 241) shall remain in effect for a period of two years from the issue date thereof.

Exploration work on municipal and private land that started before the entry into force hereof shall remain in effect for a period of two years from the start date thereof.

2. Pending applications for the granting of consent to carry out exploration work on public and municipal land shall be examined in accordance with Article 59 of Law 4442/2016. If the fee required at the time of submission of such an application was not submitted, the fee provided for in Article 66(2) of Law 4442/2016 shall be submitted within three months from the date of entry into force hereof. If no fee is submitted, the application concerned shall be rejected by reasoned decision of the competent agency. Exploration work on private land which has not started by the date of entry into force hereof shall be carried out following notification, in accordance with the provisions of Article 58 of Law 4442/2016.

3. The permit to operate a quarry shall be abolished as of the date of entry into force hereof. A lease contract for public and municipal land concluded in accordance with the provisions previously in force shall henceforth serve as authorisation for exploitation on that land pursuant to Articles 61 and 63 of Law 4442/2016.

4. Lease contracts for industrial mineral, marble and natural stone quarries which were concluded or extended unilaterally in accordance with Article 18(1) of Law 669/1977 (Government Gazette, Series I, No 241) under existing exploitation authorisations may be extended unilaterally for up to 20 years from the date of conclusion of the initial contract.

Contracts which have been extended in accordance with Article 18(3) of Law 669/1977 (Government Gazette, Series I, No 241) may be extended unilaterally for up to 40 years from the date of conclusion of the initial contract.

Lease contracts which have been extended in accordance with Article 183(1) and (2) of Law 4001/2011 (Government Gazette, Series I, No 179), as replaced by Article 17 of Law 4203/2013 (Government Gazette, Series I, No 235) and amended by Article 22 of Law 4351/2015 (Government Gazette, Series I, No 165) and Article 58 of Law 4508/2017 (Government Gazette, Series I, No 200), which have remained in force for more than 40 years, may be extended unilaterally for up to 50 years from the date of conclusion of the initial contract, further subject to Article 45(3). Requests to extend the effective period of the decision on the approval of environmental conditions may be submitted within 6 months from the date of entry into force hereof. Lease contracts for industrial mineral and marble quarries which were concluded before the date of entry into force of Law 669/1977 (Government Gazette, Series I, No 241) and were extended under Article 44(1) of Law 669/1977 or Article 7(6) of Law 2702/1999 (Government Gazette, Series I, No 70) and are currently in force may be extended unilaterally for up to 50 years from the date of entry into force of Law 669/1977.

5. Lease contracts for aggregate quarries which were concluded either in respect of public land or under existing authorisations for exploitation on municipal or private land may be extended unilaterally for up to 20 years from the date of conclusion of the initial contract. Lease contracts which have been in effect for more than 20 years under Article 6 of Law 1428/1984 (Government Gazette, Series I, No 43) or Article 183(1) of Law 4001/2011 (Government Gazette, Series I, No 179), as replaced by Article 17 of Law 4203/2013 (Government Gazette, Series I, No 235) and Article 22 of Law 4351/2015 (Government Gazette, Series I, No 165) and Article 58 of Law 4508/2017 (Government Gazette, Series I, No 200), may be extended unilaterally for up to 40 years from the date of conclusion of the initial contract, further subject to Article 45(3). Requests to extend the effective period of the decision on the approval of

environmental conditions may be submitted within 6 months from the date of entry into force hereof.

6. The term of private land lease contracts for quarries for all categories of quarried minerals which were concluded before the date of entry into force hereof may not be extended unilaterally beyond 40 years. Instead, a new contract shall have to be concluded for the first 10-year extension.

7. As regards the quarries referred to in the previous paragraph, falling under the scope of the third indent of paragraph 4, the term of the lease contracts may not be extended unilaterally by the lessee beyond 50 years. Instead, a new contract shall have to be concluded for the first 10-year extension after completion of 50 years.

8. Operators of special-use aggregate quarries on municipal land producing material intended for road construction and track ballast may, within 6 months from the date of entry into force hereof, terminate the lease contract or request that its terms and conditions be modified. The termination or the request shall be made in writing and shall take effect on the date of notification thereof to the municipality-lessor. In any event, the operator shall restore the site in accordance with Article 55 and comply with Article 58(5). The lessor or the lessee shall not acquire entitlement to compensation on account of the termination.

[Any claims between the parties which arose prior to the termination shall automatically be extinguished as of the date of entry into force hereof.]

*** The fifth sentence of paragraph 8 WAS REPEALED by Article 63(14) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018).

9. Pending applications for issuing an authorisation for the exploitation of quarried minerals on public and municipal land shall be examined in accordance with Articles 61 and 63 of Law 4442/2016 unless a lease contract has been concluded. If a lease contract has been concluded, it shall serve as an exploitation authorisation pursuant to Articles 61 and 63 of Law 4442/2016, provided that the relevant requirements are met; otherwise, the contract shall be amended or terminated following a decision of the competent agency, within six months from the date of entry into force hereof.

10. Pending applications for issuing an authorisation for the exploitation of quarried minerals on private land shall be examined in accordance with Articles 60 and 62 of Law 4442/2016. If an exploitation technical study has already been approved and the request concerns a first-time authorisation or an extension of an already existing exploitation authorisation, the party concerned shall, before the notification, submit to the agency responsible for approving the technical study a decision on the approval of environmental conditions and the additional supporting documents (legal titles) required by Article 60(6)(b) of Law 4442/2016 with a view to updating the relevant approval.

11. Pending applications for issuing an authorisation for the exploitation of quarried minerals in the areas referred to in the second sentence of paragraph one of Article 62 of Law 998/1979 (Government Gazette, Series I, No 289), as replaced by Article 37(1) of Law 4280/2014 (Government Gazette, Series I, No 159), for which the ownership status has not been resolved definitively under Article 10 of Law 3208/2003 (Government Gazette, Series I, No 303), shall be examined in accordance with Article 64 of Law 4442/2016.

12. Pending applications for extending the effective period of an authorisation for the exploitation of industrial mineral and marble quarries on public and municipal land, which continue to operate in accordance with the last indent of Article 7(4) of Law 2702/1999 (Government Gazette, Series I, No 70), shall be examined in accordance with Article 61 of Law 4442/2016, provided that they do not fall under the scope of paragraph 4 of this Article. Such applications shall be deemed to have been rejected if no extension of the relevant lease contract has been signed within 1 year from the date of entry into force hereof. Pending applications for extending the effective period of an authorisation for the exploitation of quarries on private land and in the areas referred to in the second sentence of paragraph one of

Article 62 of Law 998/1979 (Government Gazette, Series I, No 289), shall not be further examined. To continue the operation of such quarries, the operator shall give a notification in accordance with Article 60 of Law 4442/2016 within 1 year from the date of entry into force hereof.

13. The permit for the setup of electromechanical installations for the processing of extracted minerals in quarrying sites shall, as of the date of entry into force hereof, be abolished as a separate permit, and the relevant installation shall be subject to a notification requirement. Pending applications shall not be further examined, and Article 65(1) of Law 4442/2016 shall apply mutatis mutandis.

14. The permit for the operation of electromechanical installations for the processing of extracted minerals in quarrying sites shall, as of the date of entry into force hereof, be abolished, and their operation shall be subject to a notification requirement. Pending applications shall not be further examined, and Article 65(2) and (3) of Law

4442/2016 shall apply mutatis mutandis.15. Existing permits for the setup and operation of electromechanical installations in quarrying sites shall remain in force up until their expiry date. Amending or renewing such permits shall be subject to Article 65 of Law 4442/2016.

16. Quarries which are in operation as of the date of entry into force hereof on the basis of an authorisation for the exploitation of marble dust or marble chips only shall henceforth fall under the scope of Article 52(2)(b).

Such quarries may place any co-produced aggregates on the market, in accordance with the approved technical study and Article 45(7), up until expiry of the existing lease contract but for not longer than 5 years from the date of entry into force hereof. Then, they may operate subject to the restrictions laid down in the last sentence of Article 52(2)(b).

The previous indent regarding the restrictions on the marketing of co-products shall also apply mutatis mutandis to industrial calcium carbonate quarries which are in operation.

17. Aggregate quarries which were previously subject to an environmental restoration requirement in accordance with a specific restoration design:

(a) under Article 7(1)(b) of Law 2837/2000 (Government Gazette, Series I, No 178) as they fell under the scope of Article 20(2), (3) and (4) of Law 2115/1993 (Government Gazette, Series I, No 15); (b) under Article 20(5) and (8) of Law 2115/1993 and Article 183(3)(c) of Law 4001/2011 (Government Gazette, Series I, No 179), as replaced by Article 17(17) of Law 4203/2013 (Government Gazette, Series I, No 235) and Article 22 of Law 4351/2015 (Government Gazette, Series I, No 165), shall definitively cease to operate after the end of the period laid down in the special design, within which restoration shall be completed.

18. Where quarries were included in quarrying areas before the date of entry into force hereof and were granted permits/authorisations only for part of the single (undivided) quarrying site, the remaining part of that site shall be leased out to the operators of those quarries as follows:

(a) for public land, by direct contract;

(b) for municipal land, in accordance with the provisions of Joint Decision No 19690/19.4.1995 of the Minister for the Interior and the Minister for Industry, Research and Technology (Government Gazette, Series II, No 402), as supplemented by Joint Decision No 19661/6.6.2001 of the Minister for the Interior, Public Administration and Decentralisation and the Minister for Development (Government Gazette, Series II, No 775);

(c) the term of the lease of the quarries under points (a) and (b) may not exceed that of the existing authorised quarry. Extending the term of these contracts shall be subject to Article 63 of

Law 4442/2016.

19. Land use changes in areas where aggregate, industrial mineral and marble quarries are operating lawfully shall not prevent the continued operation of those quarries and the extension of the relevant lease contracts on the basis of the provisions hereof and of Law 4442/2016, unless otherwise stipulated for by the new provisions.

20. Fixed or pro-rata lease fees set in a way other than that referred to in Article 45(4) by direct lease contracts concluded before the date of entry into force hereof shall continue to be paid in accordance with the contracts, but in any event not after than 31 December 2025. Municipal industrial mineral quarries for which lease fees were set in excess of the ceilings laid down in Article 45(4) shall continue to pay the lease fees laid down in the contracts up until expiry of the extended term thereof.

In case new contracts are concluded for the above municipal industrial mineral quarries, the lease fees shall be set freely.

21. The competent head of region shall in each case, within 6 months from the date of entry into force hereof, issue a declaration releasing the site in respect of the land for which the mineral exploration permits have expired as of the date of entry into force hereof.

22. Operators of aggregate quarries operating in designated quarrying areas as well as operators of mines shall, 'by 17 October 2019', submit to the competent department of the decentralised administration concerned or to the competent department of the Ministry of the Environment and Energy, respectively, a letter of guarantee in accordance with Article 55(2) equal 'to 10%' of the amount specified in the decision on the approval of environmental conditions for environmental restoration.

'The letter of guarantee shall be increased annually by 10% of the amount specified for the restoration in the following 5 years and by 20% in the last 2 years, to cover 100% of the specified costs before expiry of the 8-year period.'

*** The phrase 'within 1 year from the date of publication hereof' in the first indent of paragraph 22 was replaced by the phrase 'by 17 October 2019', as per the above, by Article 58(36) of Law 4602/2019 (Government Gazette, Series I, No 45/9.3.2019).

*** The phrase 'by 20%' in the first and second indents of paragraph 22 was replaced as per the above by Article 228(2) and (3), respectively, of Law 4610/2019 (Government Gazette, Series I, No 70/7.5.2019).

23. Legal and natural persons operating slate quarries under Article 16 of Law 3851/2010 (Government Gazette, Series I, No 85), as replaced by Article 27 of Law 4258/2014 (Government Gazette, Series I, No 94) and supplemented by Article 62 of Law 4305/2014 (Government Gazette, Series I, No 237), and wishing to continue the operation of those quarries shall, 'by 31 December 2019', submit the required supporting documents in accordance with Article 64 of Law 4442/2016.

*** The phrase 'within 1 year from the date of entry into force hereof' was replaced as per the above by Article 34 of Law 4585/2018 (Government Gazette, Series I, No 216/24.12.2018).

For the first three years of application of those provisions, the letter of guarantee relating to any lease fees owed shall be equal to 50% of the envisaged fixed lease fees, as calculated using the formula given in Article 45(4).

The letter of guarantee for environmental restoration, as provided for in Article 55(2), under the decision on the approval of environmental conditions shall be submitted in accordance with

paragraph 22 of this Article.

24. Up until the regulatory acts provided for herein are issued, the matters which are to be subject to those regulatory acts shall be subject to the relevant provisions previously in force, provided that they do not contradict the provisions hereof.

Article 69

Repeal

1. Subject to Article 68(24), the following provisions, as well as all other provisions which are contrary to the provisions hereof, shall be repealed as of the date of entry into force hereof:

(a) Articles 28 and 29 of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250).

(b) Law 669/1977 (Government Gazette, Series I, No 241) except for Articles 37 and 51.

(c) Law 1428/1984 (Government Gazette, Series I, No 43) except for Articles 26 and 28.

(d) Articles 1 to 17, 19 to 26 and 34 of Law 2115/1993 (Government Gazette, Series I, No 15).

(e) Articles 6, 7, 8 and 14(1) of Law 2702/1999 (Government Gazette, Series I, No 70).

(f) Articles 7(1) and 12(1)(b) of Law 2837/2000 (Government Gazette, Series I, No 178).

(g) Articles 13 and 17 of Law 3335/2005 (Government Gazette, Series I, No 95).

(h) Article 14 of Law 3438/2006 (Government Gazette, Series I, No 33).

(i) Article 16 of 3851/2010 (Government Gazette, Series I, No 85), as currently in force.

(j) Article 183 of Law 4001/2011 (Government Gazette, Series I, No 179).

(k) Articles 10 and 11 of Law 4203/2013 (Government Gazette, Series I, No 235).

(l) Indents (1) to (6) of Article 1(12)(f) of Law 4254/2014 (Government Gazette, Series I, No 85).

(m) Article 43(3) of Law 4262/2014 (Government Gazette, Series I, No 114).

(n) Articles 41 and 69 of Law 4409/2016 (Government Gazette, Series I, No 136).

(o) Articles 4(1)(b), 102 and 104 of Decision No 2223/14.6.2011 of the Deputy Minister for the Environment, Energy and Climate Change (Government Gazette, Series II, No 1227) is repealed.

'(p) Article 101(d) of Decision No 2223/14.6.2011 of the Deputy Minister for the Environment, Energy and Climate Change (Government Gazette, Series II, No 1227) is repealed and replaced by the phrase 'Results of exploration work carried out'.

*** Indent (p) was replaced as per the above by Article 122(3) of Law 4514/2018 (Government Gazette, Series I, No 14/30.1.2018), which is currently in force, in accordance with Article 128 of that Law as of 3 January 2018.

Article 70

Other provisions

1. 'The works described in point 9 of Annex V (Group 5) to Ministerial Decision No ΔΙΠΑ/οικ.37674/27.7.2016 (Government Gazette, Series II, No 2471) shall be classified under Category B, except for exploratory drilling to prospect for quarried minerals. The Directorate for Technical Inspection of the decentralised administration concerned shall be responsible for making the works and activities referred to in Article 1(1) of Ministerial Decision No 46294/2013 (Government Gazette, Series II, No 2001) subject to standard environmental commitments.

The decisions on the approval of environmental conditions for the works referred to in the previous sentence shall remain in force up until expiry thereof.'.

*** Paragraph 1 was replaced as per the above by Article 122(4) of Law 4514/2018 (Government Gazette, Series I, No 14/30.1.2018), which is currently in force, in accordance with Article 128 of that Law, as of 3 January 2018.

2. The following new sentence is added at the end of Article 45(8) of Law 998/1979 (Government Gazette, Series I, No 289), as currently in force:

'Operators of mines and quarries, irrespective of the category of mineral concerned, who have submitted a letter of guarantee for restoring their site in accordance with the legislation in force shall be exempted from the obligation to carry out afforestation or reafforestation operations on land of the same surface area as the land for which the intervention was approved and they shall be required to pay a consideration for use equal to 100% of the value of their land as set in accordance with Article 6. Decisions on the afforestation or reafforestation of land of the same surface area which have already been issued in respect of operators of quarries falling within the scope of the previous sentence shall be revoked at the request of the party concerned, if 100% of the value of the land on which intervention is carried out, as set in accordance with Article 6, is paid in consideration for use.'.

Article 71

Annexes 1 and 2 are attached hereto and are an integral part hereof. (*** See Article 406 hereof)

*** IMPORTANT: See also Article 58(37) of Law 4602/2019 (Government Gazette, Series I, No 45/9.3.2019) by which Annex 4 was added after Annex 3 hereto.

Article 72

Entry into force

This Law shall enter into force on the date of its publication in the Government Gazette, unless

otherwise specified in its individual provisions.

ANNEXES

ANNEX 1

DECLARATION OF CONFORMITY TO THE STANDARD SPECIFICATIONS FOR QUARRY EXPLORATION WORKS Area in square metres

A. Project operator details

Name:

Address:

Tel./email/fax: Legal representative:

Contact person:

A. Project details:

Location/area:

Municipality:

Regional unit:

Public land □Municipal land □ Private land □

Coordinates of the polygon vertices of the exploration site (EGSA 87):

C. Description of works

Objective of exploration - general description of works:

Number of drills: _____

Drilling coordinates (EGSA 87):

1.

2.

3.

Number of excavation pits:_____

Dimensions of excavation pits and centre-of-gravity coordinates (EGSA 87):

1.

2.

3.

Expected quantity of extracted quarried mineral: _____ (m3 and tonnes)

(may not exceed 5 cubic metres *(m3) per ha)*

Expected total quantity of extracted rock:_____(M3 and tonnes)

(may not exceed 10 times the quantity *of extracted mineral)*

D. Commitments on observing the provisions of the KMLE

- Maximum slope of the external access road: _____%.

-Maximum slope of internal access roads: _____ %.

- Use of explosives for road construction: NO / YES

Where explosives need to be used:

- Estimated quantities and type, in total (explosives and ignition equipment):

- Estimated quantities and type, per firing time (explosives and ignition equipment):

E. Work safety measures

Safety engineer (full name where there are declarations in place for the assignment and acceptance of

duties)____.....

Supervisor (full name where there are declarations in place for the assignment and acceptance of

duties)____.....

The provisions of the KMLE (Government Gazette, Gazette II, No 1227/2011) and the restrictions imposed by the opinion from the Mining Inspection Department shall apply throughout the exploration work

Date

Signatures

Geologist in charge

Mining / Mineral Resources Engineer in charge **Legal representative of the operator**

SUPPORTING DOCUMENTS ATTACHED:

1. A description of the site and of the broader area within a radius of 1 km from the boundaries of the site, including a complete topographic map at a scale of 1:5000 on the Greek Geodetic Reference System (EGSA 1987), for an area of up to 50 ha and 1:200000 or 1:25000 for larger areas. A recent topographic map must be submitted, its technical specifications conforming fully to the requirements laid down in Ministerial Decision No 71154/4223/12.7.1955(Government Gazette, Series IV, No 639/19.7.1995) and the legislation on the preparation of topographic maps, as currently in force.
2. A topographic map of the exploration site, showing the locations of exploration operations and the access roads, at a scale of 1:2000,duly signed.
3. Geological data and a geological map of the site, at a scale equivalent to the one mentioned above, accompanied by the relevant section plans. Hydro-geological data and potential problems due to ground water.

ANNEX 2

DETAILS OF A STANDARD TECHNICAL STUDY FOR EXPLORATION WORK TO PROSPECT FOR DEPOSITS OF MINED MINERALS

A. Project operator details

Name:

Address:

Tel./email/fax:

Legal representative:

Contact person:

A. Project details:

Submission reference number of the application for a permit to carry out exploration work

Surface area of the site for which a permit to carry out exploration work was requested, indicating the coordinates of the polygon vertices (EGSA 87)

Surface area of the site in which exploration work is to be carried out (Location/area, municipality, regional unit, ownership status), coordinates of the polygon vertices of that site (EGSA 87) and a map of the broader area within a radius of 1 km from the boundaries of the site, in accordance with Article

101(d) of the KMLE

C. Geological data and a geological map of the site in which exploration work is to be carried out:

D. Description of works:

Purpose of exploration - general description **of** works:

Number of drills: _____

Drilling coordinates (EGSA 87):

1.

2.

3.

Number of excavation pits:_____

Dimensions of excavation pits and centre-of-gravity coordinates (EGSA 87):

1.

2.

3.

Expected quantity of extracted quarried mineral: _____ (m3 and tonnes)

(may not exceed 5 cubic metres (m3) per ha)

Expected total quantity of extracted rock:_____(M3 and tonnes)

(may not exceed 10 times the quantity *of extracted mineral)*

Description of mechanical equipment

Timeframe for the execution of the above operations and budgeted cost

E. Commitments on observing the provisions of the KMLE

- Maximum slope of the external access road: _____%.

-Maximum slope of internal access roads: _____ %.

- Use of explosives: NO / YES

Where explosives need to be used:

- Estimated quantities and type, in total (explosives and ignition equipment):

- Estimated quantities and type, per firing time (explosives and ignition equipment):

F. Work safety measures

Safety engineer (full name where there are declarations in place for the assignment and acceptance of duties)____.....

Supervisor (full name where there are declarations in place for the assignment and acceptance of duties)____.....

The provisions of the KMLE (Government Gazette, Gazette II, No 1227/2011) and the restrictions imposed by the opinion from the Mining Inspection Department shall apply throughout the exploration work

Date

Signatures **Mining / Mineral Resources Engineer in charge**

Geologist in charge **Legal representative of the operator**

SUPPORTING DOCUMENTS ATTACHED:

A topographic map of the site for which a permit was requested to carry out exploration work, showing the locations of exploration operations and the access roads, at a scale of 1:5000, duly signed.

A topographic map of the exploration site, showing the locations of exploration operations and the access roads, at a scale of 1:2000, duly signed.

Geological data and a geological map of the site, at a scale equivalent to the one mentioned above, accompanied by the relevant section plans. Hydro-geological data and potential problems due to ground water.