

Government Decree No 203/1998 of 19 December 1998
Date of entry into force: 30.04.2019

Government Decree No 203/1998 of 19 December 1998
implementing Act XLVIII of 1993 on mining

Under the authority granted in Section 50/A(1) of Act XLVIII of 1993 on mining (hereinafter 'Mining Act'), the Government has ordered the following:¹

(In relation to Section 4 of the Mining Act)

Section 1(1) Surface reconnaissance (hereinafter 'reconnaissance') shall be notified to the Mining Authority at least 30 days before the launch thereof.

(2) The notification shall include the prospecting plan, consisting of text and a site layout. The text shall indicate:

- (a) the name and registered office of the person carrying out reconnaissance;
- (b) the name of the mineral resource to be explored with the activity;
- (c) the administrative location and lot number of the area affected by the activity;
- (d) the scheduled duration and method of reconnaissance.

(3) The administrative licence prescribed by separate legislation, the agreement concluded with the owner (manager, user) of the real property affected by reconnaissance and the site layout shall be attached to the notification.

(4) Unless provided otherwise in the Mining Act, the administrative deadline is 25 days in procedures falling within the scope of this Decree, launched upon application. The administrative deadline is 35 days if the competent authority is also involved in the procedure.

(5) The Mining Authority shall take action if on the basis of notification it may be established that

- (a) reconnaissance involves a contained area in relation to the mineral resources to be explored;
- (b) the Mining Authority has issued an authorisation referred to in Section 5 of the Mining Act for the same mineral resource, or such a procedure is ongoing;
- (c) the planned prospecting methods are not deemed to be reconnaissance.

(6) Geological data obtained in the course of reconnaissance shall be sent to the Hungarian Mining and Geological Service (hereinafter 'HMGS').

(In relation to Section 5 of the Mining Act)²

Section 1/A(1) A mining waste treatment facility (hereinafter 'waste treatment facility') may be operated with the authorisation of the Mining Authority. The Mining Authority shall decide on the authorisation of operation

(a) during the approval of the technical operating plan if the implementation of the waste treatment facility does not involve construction, or

(b) during the procedure for authorising use or continued operation if the implementation of the waste treatment facility involves construction.

(2) The application for a permit shall include the following:

(a) designation of the operator,

(b) proposed location of the waste treatment facility,

(c) mining waste management plan defined in Decree No 14/2008 of 3 April 2008 of the Minister of Economy and Transport on the management of mining waste (hereinafter 'Decree 14/2008'),

(d) presentation of adequate arrangements by way of a financial guarantee or equivalent measure within the meaning of Decree 14/2008.

(3) If an environmental or integrated pollution prevention and control permit (hereinafter 'IPPC permit') is necessary for operating the waste treatment facility, the final environmental or IPPC permit shall be attached to the application.

(4) The Mining Authority shall issue the permit if the operator proves that

(a) the operator is prepared to meet the requirements set out by Decree 14/2008, and

(b) waste management is not in conflict with the general principles of Act CLXXXV of 2012 on waste.

(5) In the course of the operating authorisation procedure the Mining Authority decides on the approval of the waste management plan, the approval of financial security offered by the operator and the classification of the waste treatment facility under Decree 14/2008.

(6) The Mining Authority shall modify *ex officio* the conditions of the permit if

(a) there are substantial changes in the operation of the waste treatment facility or in the deposited waste, including, in particular, changes to the operator or the hazard posed by waste,

(b) it is justified on the basis of monitoring results reported in accordance with Decree 14/2008 or performed inspections,

(c) there are substantial changes to available technology, registered by the European Union.

(7) The information contained in a permit shall be made available by the Mining Authority to the competent national and Community statistical authorities if requested for statistical purposes. Information constituting a business secret, concerning business ties and cost components, and the volume of economic mineral reserves in particular, shall not be made public.

Section 1/B(1) Within 5 days from submission of the application for a permit, the Mining Authority shall post a notice on the notice board of its office and of the offices of the local authority competent on the basis of the waste treatment facility's location, which includes:

(a) the application for a permit,

(b) relevant information if the decision on the application for a permit is subject to consultation between Member States of the European Union,

(c) information on the possibility of requesting information from the Mining Authority, of making observations in relation to the case, the means and deadlines thereof; contact information of the Mining Authority,

(d) indicative criteria for decision-making,

(e) information on the relevant proposal if the permit or conditions of the permit are modified,

(f) place, time and method of publishing information relating to the case, and

(g) other measures ensuring the appropriate preparation and participation of the public (hereinafter 'public') within the meaning of Decree 14/2008.

(2) After receipt of the authorisation documentation the notary of the local authority shall ensure that the public (hereinafter 'public concerned') within the meaning of Decree 14/2008 is offered access to the authorisation documentation sent by the Mining Authority.

(3) After publication, in its offices the Mining Authority shall grant access to the public concerned to

(a) the application for a permit and related other administrative decisions, expert opinions, and all information provided to the public,

(b) any information – in addition to information defined in paragraph (1) – related to the decision referred to in Section 1/A, and which is available only after informing of the public referred to in paragraph (1).

(4) The public concerned may make observations and request consultations with the Mining Authority within 8 days from publication of the notice referred to in paragraph (1). The Mining Authority shall review and duly take into account the observations and opinion of the public concerned in decision-making on the merits.

(5) The Mining Authority shall inform the public concerned by means defined in paragraph (1), by publication of the decision.

(6) The provisions of this section are appropriately applicable in the procedure serving the modification of permits in accordance with Section 1/A(6).

(In relation to Section 6 of the Mining Act)

Section 1/C The documentation prescribed in Section 3(2),(3) shall be attached to the application referred to in Section 6(1) of the Mining Act.

(In relation to Section 9 of the Mining Act)

Section 1/D Contained areas to be designated for concession tenders may be proposed in writing to the HMGS within 30 days from publication referred to in Section 9(4) of the Mining Act. The proposal shall indicate the precise boundary of the area with coordinates based on the Uniform National Projection System (hereinafter ‘EOV System’), name of the mineral resource, and reference to the above in relation to geothermal energy.

(In relation to Section 11 of the Mining Act)

Section 2(1) If the tender prescribed payment of a participation fee, the evaluation under the tender conditions shall extend to verification of proof of payment of the participation fee provided by the tenderer.

(2) If several tenderers tender for the same concession or area, they shall appoint a representative from among themselves and indicate him in their tender.

(3) The evaluation committee established for each tender by the minister in charge of mining affairs (hereinafter ‘minister’) shall evaluate the tenders.

(3a) The appointment – made in relation to each tender – of members of the evaluation committee shall be valid until cancelled.

(3b) The president of the HMGS serves as chairman of the evaluation committee.

(3c) Members of the evaluation committee:

(a) a representative of the minister in charge of general government,

(b) a representative of the minister in charge of supervising State-owned assets,

(c) a representative of the minister, and

(d) two persons possessing expertise in relation to the activity subject to a concession, and specialised professional qualifications and at least 10 years of professional experience with a Master's degree or a university bachelor's degree defined in Decree No 40/2010 of 12 May 2010 of the Minister for Transport, Communications and Energy on detailed rules of providing geological expertise.

(3d) Upon the request of the minister, members of the evaluation committee are proposed by the minister in charge of general government in the case referred to in paragraph (3c)(a), the minister in charge of supervising State-owned assets in the case referred to in paragraph (3c)(b) and the president of the HMGS in the case referred to in paragraph (3c)(d).

(3e) Members of the evaluation committee are appointed by the mandate of the minister. The appointment of members shall be made at least 30 days before expiry of the deadline for submitting concession tenders. The chairman and members of the evaluation committee are entitled to remuneration for their work. The remuneration of the evaluation committee's chairman may equal up to 120 % of the member's remuneration.

(3f) The HMGS shall establish the material conditions for the operation of the evaluation committee and provide professional assistance in its work.

(4) Revenues from the payment of tender participation fees shall be appropriated to tasks directly and indirectly related to the preparation and conducting of the mining concession tenders, and to the remuneration of the members and chairman of the evaluation committee. The president of the HMGS decides on the use of revenues.

(5) Without a concession a prospecting permit may not be issued, a mining site not established and a geothermal protection boundary not designated for the contained area designated for concession.

Section 2/A(1) The evaluation committee shall be dissolved on the day following the announcement of the result or unsuccessful outcome of the concession tender.

(2) Membership in the evaluation committee is terminated if

(a) the evaluation committee is dissolved,

(b) the appointment of the member is withdrawn by the minister in case of a conflict of interest or upon the request of the head of the public authority requested to nominate the member,

(c) the member resigns or

(d) the member dies.

Section 2/B(1) A person may not be chairman or member of the evaluation committee if he

(a) participated in any way in the preparation or drawing up of the tender,

(b) submitted a tender in the concession procedure,

(c) is a natural person submitting a tender or his representative, wage earner, employee, employer,

(d) is the representative, owner, shareholder, member, executive officer, wage earner, or employee under a different contractual relationship of the legal person submitting the tender,

(e) is the representative, executive officer, wage earner, employee of the legal person over which the tenderer exercises direct or indirect control, or in which the tenderer is an owner, shareholder or member,

(f) is a close relative of the persons defined in points (a)–(e) within the meaning of point 1 of Section 8:1(1) of Act V of 2013 on the Civil Code (hereinafter ‘Civil Code’), or

(g) cannot be expected to objectively assess the case for any reason.

(2) If there are grounds for a conflict of interest, the chairman shall be informed of such grounds within 3 days from their occurrence.

(3) The chairman shall propose to the minister the withdrawal of the member’s appointment on grounds of a conflict of interest. The senior official referred to in Section 2(3d) shall propose to the minister the new member to replace the dismissed member.

(In relation to Section 18 of the Mining Act)

Section 3(1)

(2) The application for transferring the right to perform the mining concession shall include:

(a) the statement of the quantity of extractable mineral reserves at the time of transfer,

(b) the offer of the transferee for providing the security referred to in Section 41(7) of the Mining Act, the amount of which may not be less than the security provided by the transferor,

(c) declaration of the transferor on rights encumbering the mining right on the date of transfer,

(d) the mining map supplemented with the date of the transfer.

(2a)²⁹ When submitting the application it is necessary to prove

(a) the conclusion of the agreement on the transfer of mining rights,

(b) assumption by the transferee of obligations encumbering the transferor in relation to the mining right and activities, land rehabilitation, mine closure (field abandonment), environmental protection and nature conservation obligations in particular,

(c) conformity with legal conditions, professional and other requirements prescribed for the activity,

(d) conclusion of the agreement on the ownership and right of use of facilities built by the transferor.

(3)³⁰ Upon transfer of the mining right to the prospecting and extraction of hydrocarbons, in the course of submitting the application for approval, in addition to applying the requirements set out in paragraphs (2) and (2a)

(a) it is necessary to prove the solvency of the transferee, and that in the 3 years preceding the submission of the application the transferee performed its reporting obligation stipulated by the Accounting Act, or if it is a new organisation, it possesses the audited business plan relating to 3 years, and

(b) it is necessary to present the professional activities of the transferee and performance of its obligations relating to the three years preceding the submission of the application.

(4)³¹ The mining right may be transferred in relation to the entire authorised prospecting area, the established mining site or the designated protection boundary.

(5)³²

(In relation to Section 20 of the Mining Act)

Section 4³³(1)³⁴ The mining fee shall be calculated on the basis of the

(a) value of mineral resources

(aa) extracted from the prospecting area, the mining site or the waste heap,

(ab) extracted from a placer or alluvion based on a water management permit,

(ac)³⁵ extracted on the basis of a different administrative licence referred to in Section 1(7) of the Mining Act and used, recovered or sold for purposes not related to the activity specified in the licence, and used, recovered or sold for other purposes after cessation of a risk of disaster referred to in Section 3(1a)(b) of the Mining Act or an emergency referred to in Article 53 of the Fundamental Law,

(ad) determined by measurement at the wellhead or otherwise derived from the wellhead in relation to hydrocarbon, including hydrocarbon and other mineral resources extracted, sold or recovered from water-producing wells with a water management (operating) permit,

(ae) stored in an underground gas storage facility and produced with the quantity of cushion gas in the ownership of the licence holder pursuant to Section 3(1) of the Mining Act, or

(b) value of extracted geothermal energy determined by measurement at the wellhead,

(c)³⁶ quantity of mineral resources from the prospecting area or the mining site, planned in the technical operating plan, used in the mining fee declaration period in relation to extraction by underground coal gasification.

(2)–(3)³⁷

(4)³⁸ The mining fee shall be determined – with the derogation set out in paragraph (12) – by self-declaration in accordance with Government Decree No 54/2008 of 20 March 2008 on the determination of the specific value of mineral resources and geothermal energy, and the method of calculating values. A self-declaration may be submitted after the first deadline following the finality of the decision authorising the launch of extraction, approving the first technical operating plan or authorising activity defined by separate legislation. The self-declaration of the mining fee shall also be submitted if no mining fee payment obligation arose in the given period. The Mining Authority verifies the calculation of the mining fee, data serving as a basis for the self-declaration and the payment of the mining fee, and manages a register of persons obliged to pay the mining fee and of the payment of the mining fee.

(5)³⁹ The mining fee shall be declared to the Mining Authority and paid to the segregated accounts of the central budget

(a)⁴⁰ each month, by the 20th day of the month following the relevant month in relation to crude oil, natural gas, carbon dioxide gas and associated gas extracted with thermal water,

(b) each quarter, by the 20th of the month following the quarter in relation to other mineral resources and extracted geothermal energy,

(c) in accordance with paragraph (13) in relation to natural gas stored in an underground gas storage facility and owned by the licence holder pursuant to Section 3(1) of the Mining Act.

(6)⁴¹

(7)⁴² If the person required to pay the mining fee in accordance with Section 20(2) of the Mining Act

(a) exceeds the amount of mineral reserve loss and abandoned reserves authorised in the approved technical operating plan by breach of rules and requirements relating to mining operations, or

(b)⁴³ makes the future extraction of mineral reserves impossible or their extraction as a valuable substance unsuitable by breach of rules and requirements relating to the activity,

the Mining Authority shall determine a fee payment obligation to compensate the loss of mining fees for the quantity of mineral reserves concerned.

(8)⁴⁴ The fee determined to compensate for mining fees as a result of loss caused by a breach of mineral reserve management rules shall be paid with the frequency and at times determined in paragraph (5).

(9)⁴⁵ The value of unlawfully extracted mineral resources, the usage fee, the fee prescribed to compensate for lost mining fees in the event of suspended extraction, and the fee determined to compensate for mining fees resulting from loss caused by breach of the mineral reserve management rules shall be paid to the 'Mining fee payment' account No 10032000-01031513-00000000 managed with the Hungarian State Treasury.

(10)⁴⁶ The mining undertaking may request declaration of the fact that the mining procedure it intends to apply is an enhanced recovery procedure. The recovery procedure is deemed to be enhanced if it is proven to contribute to enhancing industrial assets with layer treatment, extraction technology or surface technology procedures. The HMGS determines qualification.

(10a)⁴⁷ The application referred to in paragraph (10) shall include:

- (a) the description of the enhanced recovery procedure,
- (b) common production data of wells operating with enhanced recovery procedures in the field (site, block) concerned from the time of commissioning the wells,
- (c) the process of registering common production data, and options for their verification,
- (d) the design, surface production systems of wells involved in the procedure, their possible modifications during the procedure,
- (e) its planned effect on future medium and long-term production after completion of the procedure,
- (f) the mining plan of the field or site concerned, modified before introduction of the procedure,
- (g) proof that the site or unit constitutes a closed system if the enhanced recovery procedure is not introduced for a field,
- (h) production data during application of the procedure, and relating to parts of the technical extraction plans covering enhanced recovery, submitted for the years of expected impact,
- (i) crude oil viscosity data planned before and during application of the enhanced recovery procedure, and

(j) pressure values of the field or site relating to an enhanced recovery procedure, jointly with pressure values planned for operation with the procedure.

(11)⁴⁸ The application for ownership of State-owned hydrocarbon stored in the underground gas storage facility within the meaning of Section 3(1) of the Mining Act shall be submitted to the Mining Authority. The application shall include data necessary for determining the payable mining fee, in particular:

(a) reference to documents proving the mining undertaking's mining right to the storage facility, mining site concerned;

(b) the quantity of extractable natural gas to be owned per storage facility in m³ and heat quantity in MJ, and supporting data.

(12)⁴⁹ The quantity of State-owned natural gas stored in the underground gas storage facility shall be determined on the basis of the balance sheet of hydrocarbon products. The Mining Authority determines the amount of the payable mining fee also in consideration of the ministerial decision taken on the basis of paragraph (2).

(13)⁵⁰ The mining fee payable under paragraph (12) shall be determined in money and paid in accordance with Section 3(1) of the Mining Act, separately from the mining fee payable for extracted hydrocarbon. Ownership of hydrocarbon is transferred to the mining undertaking simultaneously with payment of the fee payable in accordance with Section 3(1)(a) of the Mining Act.

Section 5⁵¹

(In relation to Section 22 of the Mining Act)

Section 6⁵²(1) The application for the open area prospecting permit shall include the following:

(a)⁵³ administrative designation of the prospecting area, its demarcation with the coordinates of the EOVS System, the depth demarcation of prospecting (lower and upper surface of the prospecting area), lot numbers of properties covered by the requested prospecting areas in relation to solid mineral resources, and

(b) name of the mineral resource to be prospected.

(2) The map of the prospecting area of a maximum scale of 1:100 000, prepared with the Standard National Map System, shall be attached to the application. The map shall indicate the boundary of the prospecting area with numbering of the boundary points.

(3) Prospecting shall not be authorised

(a) for a person who is responsible for failing to carry out prospecting it agreed to carry out in the requested area, on the basis of its previous prospecting right or permit, authorised in the technical prospecting operating plan, within 5 years preceding the submission of the application;

(b)⁵⁴ within 5 years for a mining undertaking in relation to an area already prospected by the mining undertaking, and the closing report on the prospecting results was approved by the Mining Authority in a final decision;

(c) for the part of the requested area or for a mineral resource in relation to which a granted right would infringe an already established mining right.

(4)⁵⁵ The decision granting the prospecting right shall indicate the prospecting area with the coordinates of the corner points, the lower and upper surface of the prospecting area, and specify the mineral resources related to such right.

(5)⁵⁶

*Section 6/A*⁵⁷(1) In relation to tenders referred to in Section 22/A(1) of the Mining Act, the minister shall determine the criteria for evaluating tenders and publish it in the Official Journal of the European Union together with the tender notice.

(2) The results of the tenders shall be determined on the basis of criteria defined and published in accordance with paragraph (1).

(3) If the minister sets out a requirement relating to the ownership composition of the undertaking eligible for a permit and to the type of operator, such requirement shall be objective and ensure conformity with the requirement of equal treatment.

(4) The set of criteria referred to in paragraph (1) shall include reference to legislation relating to the authorisation procedure, performance and completion of the activity, and shall be made available to tenderers upon request.

(5) Published criteria, conditions and requirements shall be enforced in conformity with the requirement of equal treatment.

(6) Upon the request of tenderers whose tenders were not accepted, they shall be informed of the reasons for the decision relating to the tender.

*Section 6/B*⁵⁸(1)⁵⁹ In addition to applying provisions prescribed in Section 6(1), the application for authorisation of hydrocarbon prospecting shall include the following:

(a) report proving the professional, technical competence of the applicant,

(b) annual report of the applicant – compliant with the Accounting Act – relating to the three years preceding the submission of the application, the report presenting the applicant's professional activities and performance of its obligations relating to the three years preceding the submission of the application, or the relevant part of the annual stock exchange report in relation to public limited companies; the audited business plan of the applicant relating to 3 years for new organisations,

(c) prospecting work programme (in the professional breakdown of calendar years, with indication of yearly budgets).

(2) The work programme prescribed in paragraph 1(c) shall include the following:

(a) interpretation and/or reinterpretation of geological, geophysical, geochemical data,

(b) planned surface geophysical measurements in the breakdown of type and quantity (gravitational, magnetic, two or three-dimensional seismic measurements etc.),

(c) planned exploratory deep drilling, with indication of depth or target object per drilling, and geophysical measurements planned in the bore-holes,

(d) key technical specifications (extended drilling, surveying of deposits, layer exclusion) of planned well works in case of the use of deep holes drilled in accordance with point (c) or existing other deep holes (wells) per well, and geophysical measurements planned in these.

(3)⁶⁰ Proof of financial security prescribed in Section 22/A(8) of the Mining Act shall be attached upon the formal notice of the Mining Authority in the procedure authorising the prospecting of hydrocarbons. The Mining Authority may approve the amount of and method of providing the financial security if it is in conformity with conditions prescribed in Section 25/A.

(4)⁶¹ The application for authorising the prospecting of hydrocarbons shall be rejected if the applicant fails to meet the prescribed security provision obligation.

*Section 6/C*⁶²(1) The technical prospecting operating plan shall be prepared for the entire prospecting area and submitted for approval. In the technical operating plan prepared for the prospecting of solid mineral resources, the number and territorial distribution of the necessary facilities shall be planned in consideration of the expected geological-tectonic properties of deposits.

(2) If the submitted technical prospecting operating plan does not cover the entire prospecting area, Section 22(8) of the Mining Act is applicable in relation to the prospecting area not covered by the technical prospecting operating plan.

(3) If paragraph (2) is applicable, and as a result the remaining prospecting area would be divided into several parts not contiguous with each other, Section 22(8) of the Mining Act is applicable in relation to the entire prospecting area.

*Section 6/D*⁶³(1) The technical prospecting operating plan consists of text and a plan map. The text shall include the following:

(a) planned prospecting tasks, the of the technology necessary for performing these and the safety measures,

(b) listing of the planned prospecting facilities, description of their location and their access routes,

(c)⁶⁴ quantity, schedule of certain prospecting activities, and description of their planned duration, method, depth, technology, hazards expected during prospecting, impact on the environment and nature, and measures planned for responding to expected hazards and adverse effects,

(d) technical measures for preventing and mitigating the activity's adverse effects on the environment and nature, and the endangerment of the environment and nature, and the schedule of land rehabilitation tasks to be performed,

(e) description of guarantees serving the remediation of expected damage related to the prospecting of solid mineral resources, and the performance of environmental, nature conservation, land rehabilitation and mine damage related obligations,

(f) land register identification data of properties affected by the prospecting facilities, and the name and address of the owners, property managers and users of the properties in relation to solid minerals, and

(g) quantity of mineral resources to be extracted during prospecting and the reason for extraction.

(1a)⁶⁵ If prospecting also involves the use of mining methods through and with the use of abandoned underground excavation voids, the technical operating plan shall also include the plan for their reopening, securing, their suitability for walking, transport and work, ventilation, lighting, drainage, and their permanent abandonment and closure, and the itemised budget of tasks to be performed for ensuring the safety of prospecting works and the excavation voids used for them.

(2)⁶⁶ If the applicant does not attach data referred to in paragraph (1)(f) to the application, the Mining Authority shall arrange for the retrieval of the electronic property deeds of the properties concerned through the TAKARNET system.

Section 6/E⁶⁷(1)⁶⁸ In the decision approving the technical prospecting operating plan, the Mining Authority determines the authorised duration of prospecting, conditions applicable to mineral reserve management, technical safety and the protection of property, land rehabilitation and the schedule thereof.

(2) The initial day of the period authorised for prospecting shall be the date of the enforceability of the decision approving the technical prospecting operating plan.

(3) The Mining Authority shall reject the application for authorisation of the technical prospecting operating plan

(a) in relation to the part of the prospecting area specified in the application in which prospecting affects a withdrawn area, and the competent authority did not consent to the activity,

(b)–(c)⁶⁹

(d)⁷⁰ if the applicant is not planning prospecting in the area specified in the application with prospecting facilities.

(4) The mining undertaking shall notify the Mining Authority in writing of the scheduled date of launching prospecting at least 8 days before the launch of prospecting, and of the date of completion of prospecting within 8 days from the completion of prospecting.

(5)⁷¹ It is necessary to request modification of the approved technical prospecting operating plan if prospecting requires the modification, expansion of prospecting activities. The application shall include items listed in Section 6/D(1).

(6)⁷² The Mining Authority shall approve the extension of the approved prospecting period if the mining undertaking

(a) proves that it is unable to commence the prospecting tasks approved in the technical operating plan due to circumstances beyond its control,

(b) has commenced performing its prospecting tasks approved in the technical operating plan and proves that it is unable to complete the prospecting tasks during the authorised prospecting period due to circumstances beyond its control, or

(c) has completed its prospecting tasks approved in the technical operating plan, but additions to the prospecting tasks are necessary for the full completion of prospecting.

(7)⁷³ In relation to points (a) and (b) of paragraph (6), circumstances beyond the control of the mining undertaking are deemed to be, in particular, the period required for obtaining other administrative licences necessary for conducting prospecting and the right to use the property accommodating the prospecting facilities.

(8)⁷⁴ If the mining undertaking requests the extension of the prospecting period pursuant to paragraph (6)(c), the application shall include items listed in Section 6/D(1). The mining undertaking shall provide evidence of the need to expand the prospecting tasks.

(9)⁷⁵ Paragraphs (6)–(8) are applicable to the evaluation of the application for the second extension of the prospecting period relating to the prospecting of geothermal energy or unconventional hydrocarbons.

(10)⁷⁶ The Mining Authority decides on the extension of the prospecting period by modification of the technical operating plan. If the mining undertaking requests the extension of the prospecting period pursuant to paragraph (6)(c), if the prospecting period is extended the Mining Authority shall also decide on approval of the prospecting tasks.

Section 6/F⁷⁷(1) In the event of the repeated prospecting of the hydrocarbon mining site referred to in Section 22/C of the Mining Act, the provisions of Section 6/D are applicable to the contents

of the technical prospecting operating plan, while paragraph (1) and paragraphs (4) and (5) of Section 6/E are applicable to approval of the technical prospecting operating plan. In the course of approving the technical operating plan for repeated prospecting, the Mining Authority may prescribe mandatory prospecting activity.

(2) In the event of the repeated prospecting of the hydrocarbon mining site, the extension of the prospecting period pursuant to Section 6/E(6) may not be requested and Section 7 may not be applied.

*Section 7(1)*⁷⁸ The prospecting area shall be defined in blocks. The mapped projection of the prospecting block is a polygon bordered by straight sections. The projection boundary may be the national border, or the border of other artificial objects or natural formations. Within the prospecting area at least one boundary of each block should be contiguous with the adjacent block.

The area of one prospecting block is limited at

- (a) 400 km² in relation to hydrocarbons;
- (b) 50 km² in relation to coals and bauxite;
- (c) 30 km² in relation to mineral resources containing ore;
- (d) 8 km² in relation to other solid mineral resources.

A mining undertaking may simultaneously hold a prospecting right or prospecting permit for the same mineral resource – with the exception of hydrocarbons – in a maximum of eight prospecting blocks.

(2) Prospecting may be authorised for seismic prospecting lines and aerial surveying without the determination of blocks.

(3)⁷⁹

(4)⁸⁰ The mining undertaking shall report to the Mining Authority the extraction of solid mineral resources during prospecting, the expected qualitative and quantitative data thereof at least 8 days before the launch of extraction, and qualitative and quantitative data relating to hydrocarbon extraction within 8 days from the launch of extraction. Extraction may be limited by the Mining Authority to protect mineral reserves, by the environmental protection and nature conservation authority to protect the environment and conserve nature, by the water management authority to ensure water management and by the water protection authority to protect waters.

(5)⁸¹ The agreement referred to in Section 22(10) of the Mining Act shall be approved by the Mining Authority if it enables the clear determination of

- (a) the responsibilities of the parties,

(b) the enforcement of criteria relating to mineral reserve management, safety and the protection of property, and

(c) justification of the conclusion of the cooperation agreement.

Section 8⁸²(1)⁸³ The closing prospecting report shall be countersigned by a geological expert.

(2) The closing prospecting report shall include the following:

(a)⁸⁴ name of the person with the right to prospecting, number of the decision authorising prospecting and approving the technical prospecting operating plan, and proof of the right of the submitter of the closing report to use data in relation to purchased data;

(b) purpose of prospecting and name of contractors;

(c) description of the geological structure of the prospecting area;

(d) performed surface and underground prospecting, its methods and results;

(e) the economic geological, tectonic, hydrogeological properties of the mineral resource deposit and its environment;

(f)⁸⁵ specification and qualitative determination of the mineral resource(s) explored by prospecting, quantitative determination of mineral reserves for each quality category and its reliability. Mineral reserves shall be qualified for each mineral resource based on the results of tests prescribed in the technical prospecting operating plan, starting with those with the highest specific value, followed by resources with less value.

(g) qualitative and quantitative data of mineral resources extracted during prospecting;

(h) summary of mining geology data.

(3) It is necessary to attach to the closing prospecting report

(a) basic prospecting data (geological and technical materials testing data of prospecting facilities, basic documentation of geophysical measurements, hydrogeological testing data),

(b) basic qualitative and quantitative data used for evaluating mineral reserves,

(c) topographical map of the prospecting area with indication of prospecting facilities, geological, tectonic and hydrogeological map of the prospecting area, and maps, sections serving as a basis for the qualitative and quantitative evaluation of mineral reserves,

(d)⁸⁶ summary of the implementation of the approved technical prospecting operating plan, and the performance of obligations prescribed in the decision approving the technical prospecting operating plan or in the concession contract.

(4)⁸⁷ The closing prospecting report is accepted by the Mining Authority if it is countersigned by a geological expert, it is in conformity with paragraph (2), and the attachments referred to in paragraph (3) have been attached.

(5)⁸⁸ The decision approving the closing prospecting report shall include the following:

(a) the administrative specification of the prospecting area and the EOV coordinates of its corner points;

(b) name of mineral resources qualified in the course of prospecting, based on the results of prescribed testing, and their classification codes based on separate legislation;

(c)⁸⁹ name, classification code and reserve calculation data of mineral resources to be entered in the register of State-owned mineral resources and geothermal energy reserves in the course of preparing the balance sheet of mineral reserves after approval.

(6)⁹⁰ The professional content of the report on the calculation of reserves prepared on the basis of data of surface reconnaissance carried out with reliance on archived data of the data repository, the results of a new discovery in geological theory or by notification – referred to in Section 26/A(2)(b) of the Mining Act – shall be in conformity with requirements relating to professional content and attachments defined in paragraphs (2) and (3). The report on the calculation of reserves shall be countersigned by a geological expert.

Section 8/A⁹¹(1) The application for designation of a geothermal protection boundary shall include the following:

(a) description of technologies used for extracting geothermal energy,

(b) quantity of geothermal energy to be extracted,

(c) scheduled duration of extraction, and

(d) technical specifications defined in Schedule 1.

(2)⁹² The geothermal protection boundary shall be designated by the Mining Authority on the basis of data and information included in the approved closing prospecting report and the application.

(3) The geothermal protection boundary shall be fixed at the limit where the quantity of geothermal energy to be extracted is ensured during the scheduled period of extraction with geothermal energy reserves and

(a) where the change in temperature is less than 1 °C in relation to geothermal energy extracted with sub-surface fluid circulation within a 25-year period, without the extraction of sub-surface waters,

(b) in relation to underground water production and injection wells with a depth of more than 2 500 m – in the case of a hydrostatic pressure storage facility – the change in temperature is less than 1 °C within a 25-year period, or the change in pressure used for regular production is less than 0.1 bar,

(c) in relation to underground water production and injection wells with a depth of more than 2 500 m – in the case of a high-pressure storage facility – the change in temperature is less than 1 °C within a 25-year period, or the change in pressure used for regular production is less than 1 bar.

(4) The geothermal protection boundary may also be designated as a joint cover surface for facilities exclusively in the same ownership.

Section 8/B⁹³(1)⁹⁴ The Mining Authority shall review the boundaries of the geothermal protection boundary at least every 5 years after designation. In the course of the review the following should be considered:

(a) geophysical, well structure and hydrodynamic data provided by the mining undertaking in accordance with Decree No 101/2007 of 23 December 2007 of the Minister for Environmental Protection and Water Management on professional requirements for acts affecting underground water reserves and the drilling of water wells,

(b) measurement data provided in the annual report referred to in Section 25(2)(b) of the Mining Act, and

(c) historical prospecting data.

(2) The Mining Authority may review the boundaries of the geothermal protection boundary upon the application of the operator. The application shall include reasons for the review. The Mining Authority shall reject the application if it determines that the review of the designated geothermal protection boundary is unnecessary.

Section 8/C⁹⁵(1)⁹⁶ If the spatial area belonging to the designated protection boundary contains a well with a final water works permit or water management permit, serving the extraction or re-injection of thermal water, an agreement concluded with the water management permit holder is necessary for launching the extraction and recovery of geothermal energy. The agreement shall be attached to the application for approval of the technical operating plan.

(2) A well serving the extraction of other thermal water that would limit geothermal energy reserves may not be established in the spatial area of the designated geothermal protection boundary declared as contained.

(3) Until designation of the geothermal protection boundary, a preliminary water management permit or water works permit for the economic extraction and recovery of geothermal energy may be issued only after conclusion of the agreement with the mining undertaking in relation to the open spatial area located above the contained spatial area specified in the concession contract.

(4) The register of geothermal protection boundaries contains the X, Y and Z coordinates of spatial points of a quantity necessary for clearly determining the shape of the protection boundary, basic technical and geological data used for designation, and the methods and calculations.

Section 8/D⁹⁷(1) The records referred to in Section 22/B(5) of the Mining Act shall include the following:

(a) name of the licence holder extracting geothermal energy, number of the authorising decision, and name of the authority issuing the permit,

(b) name of the geothermal energy extraction facility, its administrative location, centroid EOVS coordinates,

(c) the annual average temperature at the wellhead and at the output point of the geothermal energy recovery equipment weighted with the quantity of extracted underground water or circulated liquid,

(d) annual quantity of extracted water,

(e) annual quantity of consumed geothermal energy and

(f) data referred to in Section 8/C(4) in relation to the designated geothermal protection boundary.

(2) The licence holder extracting geothermal energy shall provide to the Mining Authority the data referred to in paragraph (1)(c)–(e) by 28 February of the year following the year of extraction.

(In relation to Section 22/D of the Mining Act)

Section 8/E⁹⁸(1) In the course of geological prospecting it is necessary to ensure

(a) gradual, steady surveying, to the extent necessary,

(b) interrelation between prospecting phases,

(c) use of the best available and economical technology ensuring the achievement of the necessary results,

(d) scientifically substantiated characterisation of geological data and analysis of data uncertainty, and

(e) storage and reproducibility of data.

(2) Geological prospecting shall be planned so as to ensure understanding of the original natural balance of the geological environment.

Section 8/F⁹⁹(1) The geological prospecting permit application shall include:

(a) administrative specification of the geological prospecting area and the EOV coordinates, demarcated depth of its corner points,

(b) the geological prospecting plan,

(c) map of the prospecting plan consistent with the geological prospecting plan, and

(d) proposal for the amount and type of geological prospecting security.

(2) The geological prospecting plan shall include the following:

(a) purpose and justification of planned prospecting,

(b) summary and evaluation of earlier geological knowledge available in relation to the area, serving the purpose of prospecting,

(c) description of prospecting tasks planned for fulfilling the prospecting objective, specification of the geological formation and structure to be prospected, and technology and safety measures necessary for performing the prospecting tasks,

(d) listing of the planned prospecting civil engineering works, description of their location and access routes;

(e) in relation to individual prospecting activities:

(ea) their name and purpose,

(eb) their detailed description,

(ec) their quantity and scope,

(ed) the description of technology to be used,

(ee) the methodological description of the evaluation of their results,

(ef) their breakdown into prospecting phases, the interdependence, schedule and planned duration of phases, and scheduled prospecting completion date,

(eg) expected hazards during prospecting and description of planned response measures,

(eh) their impact on the environment and nature, and scheduling of land rehabilitation,

(f) specification of properties affected by prospecting civil engineering works based on municipality and lot number, and register of the names and addresses of the owners of such properties, and of holders of rights registered in the land register.

(3) The geological prospecting area may not be larger than 400 km².

(4) The map of the geological prospecting plan shall be in conformity with mine safety regulations relating to the scale and content of mine maps.

(5) Pursuant to paragraphs (9)–(11) of Section 25 the proposal for prospecting security referred to in paragraph (1)(d) shall include the description of the security serving the remediation of expected damage related to geological prospecting, and the performance of environmental, nature conservation, land rehabilitation and mine damage related obligations.

(6) In the geological prospecting permit the Mining Authority specifies the duration of authorised prospecting, conditions serving technical safety and the protection of property, administrative specification of the prospecting area, the demarcated depth of the prospecting area and coordinates of its corner points within the EOVS System, and decides on approval of the prospecting plan.

(7) Rules of the authorisation of geological prospecting are applicable to the modification – not including extension of the prospecting period – of the geological prospecting permit.

(8) The organisation with the right to geological prospecting shall notify the Mining Authority and the owner or user of the property affected by prospecting in writing of the scheduled date of launching prospecting at least 8 days in advance.

Section 8/G¹⁰⁰(1) The summary geological report prepared on the results of geological prospecting shall be countersigned by a geological expert.

(2) The summary geological report shall include the following:

(a) name of the organisation with the geological prospecting right and number of the decision relating to the prospecting permit,

(b) specific purpose of geological prospecting and name of contractors,

(c) description of the geological structure of the geological prospecting area and its integrity with the geological and hydrogeological unit reaching beyond the area's borders,

(d) performed surface and underground prospecting, its methods,

(e) mineral lithological, geomechanical, geotechnical, geochemical, sedimentological, stratigraphic, tectonic, hydrogeological-geomicrobiological, geophysical, radiometric characteristics, in particular, of the environment of the prospected geological formation and structure, consistently with the purpose of geological prospecting,

(f) complex geological evolution of the prospected spatial area,

(g) description of the data and results of earlier and current prospecting activity,

- (h) summary and evaluation of prospecting results consistently with its purpose,
- (i) list of used literature, indicating the author, year of publication, title, and place of publication or of the manuscript.
- (3) The following shall be attached to the summary geological report:
- (a) basic geological prospecting data,
- (aa) data of prospecting civil engineering works and sampling locations recorded in space (X, Y, Z coordinates) and time (initial and completion date of data recording),
- (ab) documentation of geophysical basic and interpreted measurements consistent with the purpose of geological prospecting, and data of testing referred to in paragraph (2)(e),
- (ac) documentation of materials testing results, clearly matching prospecting facilities and sampling locations with the methods and times of sampling, and name of laboratories or specialised institutes performing various tests,
- (b) comparative data used for evaluation, and their place of origin,
- (c) overview and topographical maps of the prospecting area with indication of the prospecting facilities, map of the prospecting area prepared on the basis of geological testing and testing referred to in paragraph (2)(e), which is consistent with the contents of the report, and sections, tables and photo documentation supporting their interpretation,
- (d) separately prepared professional materials and expert reports within the framework of geological prospecting.
- (4) The geological prospector shall describe the used technical equipment and procedures to ensure the reproduction of testing.
- (5) The Mining Authority shall accept the summary geological report if it agrees with the evaluation referred to in paragraph (2)(h).

Section 8/H¹⁰¹(1) Data generated or used during geological prospecting, and used from earlier data shall be organised within a single digital and geospatial information database in detail and in a form also enabling the subsequent reproduction of conclusions.

(2) If the licence holder fails to meet its data provision obligation under Section 10/B, the licence holder's application for approval of the summary geological closing report may not be approved.

(In relation to Section 23 of the Mining Act)

Section 9¹⁰²(1) The mining undertaking shall report to the Mining Authority in writing the launch of extracting solid mineral resources during prospecting, planned qualitative and quantitative

extraction data relating to the extraction of mineral resources at least 8 days before the launch of extraction.

(2) In relation to crude oil and natural gas resources, and geothermal energy extracted from energy sources with a temperature reaching or exceeding 30 °C, the data provision and reporting obligation under paragraph (1) shall be met within 8 days from the launch of prospecting.

(3)¹⁰³ The mining undertaking and the person defined in Section 3(1a) of the Mining Act shall report to the Mining Authority changes in data on mineral reserves by 28 February of the year following the relevant year. Reporting shall be made on the data sheets issued by the president of the HMGS and countersigned by a geological expert.

(4) A material balance shall be attached to the report in relation to open-cast mining. The material balance indicates:

(a) the quantity of valuable substances and tailings used for land rehabilitation, recovered or sold and placed on the waste heap, and

(b) the quantity of humic topsoil saved or used for land rehabilitation, or recovered for other purposes.

(5) The Mining Authority shall send humic topsoil data of the material balance to the soil protection authority by 30 April.

(6) In relation to energy sources with a temperature reaching or exceeding 30 °C, the mining undertaking extracting and recovering geothermal energy on the basis of a concession contract, a permit issued by the Mining Authority or a water management permit shall report to the Mining Authority the quantity of geothermal energy it extracted and recovered from the extracted quantity by 28 February of the year following the relevant year.

(In relation to Section 24 of the Mining Act)

*Section 10(1)*¹⁰⁴ The provisions of Section 31 of the Mining Act are applicable to the establishment and putting into service of the hydrocarbon transmission pipeline, its components and accessories (hereinafter collectively ‘hydrocarbon transmission pipeline’) based on an administrative licence, and Section 28 and Sections 32–35 of the Mining Act are applicable to its operation. The accessory to the hydrocarbon transmission pipeline is the pipeline ensuring supply to users directly supplied from the natural gas transmission pipeline if it is not deemed to be a direct line under separate legislation.

(2)¹⁰⁵ The construction and extension of a hydrocarbon transmission pipeline may be authorised only upon the request and on behalf of an economic operator with a right to transport hydrocarbon.

(2a)¹⁰⁶ The establishment and extension of a natural gas transmission pipeline may be authorised only for an applicant holding a permit for the establishment of a transmission pipeline or transmission system operation within the meaning of Act XL of 2008 on the supply of natural gas (hereinafter ‘Natural Gas Act’), if

(a) the planned investment is included in the ten-year network development plan referred to in the Natural Gas Act and approved by the Hungarian Energy and Public Utility Regulatory Authority,

(b) the operating licence of the transmission system operator – referred to in the Natural Gas Act – includes the planned investment, or

(c) the transmission pipeline establishment licence – referred to in the Natural Gas Act – covers the planned investment.

(2b)¹⁰⁷ In relation to a transmission system operator, establishment or extension may be launched only if it is included in the licence.

(2c)¹⁰⁸ The construction and extension of a natural gas distribution pipeline may be authorised only upon the application and on behalf of a licence holder holding a distribution licence – referred to in the Natural Gas Act – for the municipality, part of municipality or area affected by construction.

(3)¹⁰⁹ The installation of a gas, crude oil and petroleum product, and carbon dioxide transmission pipeline is prohibited:

(a) underneath a routed facility, with the exception of an intersection, and in a tunnel or on a bridge used for transport,

(b) in a joint ditch, tunnel jointly with other utilities,

(c) underneath civil engineering works and facilities, and in areas with stratigraphic movement caused by mining, and

(d) in the protected area or safety zone of civil engineering works or facilities, unless the transmission pipeline is necessary for the regular use of the works or facilities.

(4)¹¹⁰ The Mining Authority authorises the establishment of facilities belonging to the carbon dioxide transmission pipeline and to the technological equipment of the telecommunications network related to the carbon dioxide transmission pipeline located within the lot boundary or at the access points of the telecommunications network.

(5)¹¹¹ The mining undertaking and the holder of a transmission, storage and distribution licence under the Natural Gas Act shall make available to other contractors the free capacities of the pipelines referred to in Section 24(5) of the Mining Act and of the related

(a) underground storage facilities operating with independent surface storage technology, and

(b) above-ground crude oil storage facilities with a volume of more than 1 000 m³

for the purpose of transporting or storing domestically extracted hydrocarbons. Accordingly, the mining undertaking shall contract with the customer for a fee for up to the amount of free capacity, by application of provisions set out in paragraph (6).

(6) Free capacity is deemed to be capacity available in excess of capacity

(a) satisfying the operator's own demand,

(b) used to meet stockpiling obligations under State provisions,

(c) undertaken in a mining concession contract, or

(d) already reserved by contract.

(7)–(9)¹¹²

Section 10/A¹¹³(1)¹¹⁴ The plan of the technical safety control system shall be presented to the HMGS in advance.

(2)¹¹⁵ The technical safety control system is approved by the HMGS; its use in practice is checked by the competent government office under Government Decree No 161/2017 of 28 June 2017 on the Mining and Geological Survey of Hungary.

Section 10/B¹¹⁶(1)¹¹⁷ The organisation carrying out geological prospecting and the mining undertaking shall send to the Mining Authority

(a) geological data generated during the prospecting of mineral resources and geothermal energy, and geological prospecting, and

(b) geological data produced during prospecting, relating to the quantity, quality and location of mineral resources, for determining the properties of geothermal energy in the earth's crust.

(2)¹¹⁸ Data on geological prospecting shall be provided by 31 January of each year in relation to ongoing prospecting, within 60 days from completion of prospecting. Schedule 4 defines substantive requirements applicable to provided data.

(3) Data may be provided in writing (in print) or on computer storage media, in a form ensuring legibility and use with equipment available to the Mining Authority, and in physical form (sample). The completed data sheets issued by the president shall in each case be attached to provided data.

(4)¹¹⁹ If prescribed by the Mining Authority in the decision approving the technical prospecting operating plan, the person required to provide data defined in paragraph (1) shall keep any samples obtained during prospecting until completion or termination of prospecting. The scrapping or destruction of samples is bound to approval by the Mining Authority. Planned scrapping or destruction shall be reported to the Mining Authority at least 60 days before its start; sample

material requested by the Mining Authority shall be prepared for submission and handed over to the Mining Authority at the designated sample or seed warehouse.

(5)¹²⁰ In relation to geological data in the public interest, managed by the Mining Authority, the president determines the method of access and publication, and fees charged for data disclosure; such data shall be published in the Hungarian Official Gazette, published as an attachment to the Hungarian Official Journal, and on the website of the Mining Authority.

(In relation to Section 26 of the Mining Act)

*Section 11*¹²¹(1)¹²² The mining site shall be designed and established so as to ensure that the impact area of surface rock movements expected as a result of mining operations remains within the boundary of the mining site. To this end the Mining Authority shall provide for the designation of a boundary pillar.

(2) When establishing the mining site consideration should be given to the geological position, expanse, quality of mineral resources, characteristics of the site, other mineral reserves, the expected environmental impact of mining operations and their necessary facilities.

(3) Mining sites overlapping each other in part or whole, or enclosing each other may be established for the same area in relation to different mineral resources.

(4) The mining site shall be demarcated with vertical intersecting planes (represented with projection, straight lines meeting at the cut-off points) and by definition of reference and covering planes (substratum and hanging layer). The boundary of the mining site may also be marked by the line of the national border or a natural formation. In relation to identical and continuous deposits of mineral resources, the mining site shall be established so as to ensure that the boundaries of neighbouring mining sites are contiguous.

*Section 11/A*¹²³(1)¹²⁴

(2)¹²⁵ The application for the establishment of the mining site shall include the following:

(a)¹²⁶ if the mining operations falling within the scope of Government Decree No 314/2005 of 25 December 2005 on the environmental impact assessment and the integrated pollution prevention and control authorisation procedure

(aa)¹²⁷ the decision in which the environmental protection and nature conservation authority determines that the activity foreseen is not bound to an environmental permit or IPPC permit,

(ab) the environmental permit, or

(ac) the IPPC permit;

(b) in relation to properties affected by the mining site to be established for underground mining or open-cast mining

(ba) names and addresses of their owners (property managers, users) based on the land register, and

(bb) description of their use and condition of use;

(c)¹²⁸ expected schedule for use of the properties to be covered by mining sites to be used for open-cast mining

(ca) in an annual breakdown relating to the first five years from the scheduled launch date of extraction,

(cb) in a five-year breakdown relating to the period between the 5th and 35th year,

(cc) with reference to 'over 35 years' for use planned to be longer than 35 years.

(d)¹²⁹

(e) the report on the calculation of reserves in relation to the application under Section 26/A(2)(b) of the Mining Act;

(f) technical specifications of the mining site;

(g) mining site map defined by separate legislation;

(h) the preliminary land rehabilitation plan in relation to mining sites to be used for open-cast mining;

(i)¹³⁰ if the open-cast mining site to be established affects a forest or a forestry area directly serving forestry, and the land usage or preliminary land usage procedure of the forestry authority was not conducted earlier,

(ia) area identification data of the forest affected by planned use based on the land register (municipality, location, lot number, plot section mark) and forestry management (municipality, member number, detail mark),

(ib) the area to be used with two tenths hectare accuracy per plot and plot section,

(ic) a site layout with a maximum scale of 1:10 000 suitable for identification of the area to be used,

(id) indication of the affected area planned for reforestation and

(ie) justification of consistency of planned use with public interest.

(2a)¹³¹ If the applicant does not attach the attachments referred to in paragraph (2)(a), the Mining Authority shall provide for their procurement.

(3)¹³² The attachments referred to in points (a)–(d) of paragraph (2) shall be submitted in one copy, the one referred to in point (e) in two copies, while those referred to in points (f)–(h) in a number exceeding by two the number of authorities involved as competent authorities in the mining site establishment procedure.

(4) The technical specifications referred to in paragraph (2)(f) shall include the following:

(a) the EOVS coordinates of the cut-off points of the mining site's boundary, terrain height at the boundary's cut-off points, the lower and upper surface heights, the substratum and hanging layer of the valuable substance (mBf);

(b) the quantity and qualitative characteristics of the mining site's geological and extractable mineral reserves based on the closing prospecting report or the report on the calculation of reserves;

(c) specification of the facility, municipality, water base, flowing or standing water requiring protection from surface rock movements expected as a result of mining operations;

(d) the boundary and protective pillar to be demarcated, their dimensioning, and the mineral reserves therein;

(e) mining sites bordering the mining site to be established, or enclosing it in part or whole, and their boundaries, lower and upper surface heights;

(f) in relation to a mining site to be established as an underground gas storage facility, the technical condition of bore-holes drilled in the geological structure, natural or artificial cavities serving storage, options for their use, the necessary surface equipment and its technical specifications, and gas storage technology preventing environmental hazard, pollution and damage.

(5) The technical specifications shall describe the following:

(a)¹³³

(b)¹³⁴ optional mining methods used for exploring, extracting mineral resources (underground mining, open-cast mining, bore-hole method, including directional drilling and horizontal drilling);

(c) name of surface and underground groups of facilities likely to be necessary for exploration, extraction;

(d) feasibility of extraction conditions (including the transport of extracted mineral resources to the nearest national road or hydrocarbon transmission pipeline).

(6) The preliminary land rehabilitation plan under paragraph (2)(h) shall be drawn up in consideration of the environmental permit, the spatial plan or zoning plan, and the scheduled usage

of the properties. The preliminary land rehabilitation plan shall include the textual description and map of the terrain resulting from the planned mining operations, and the facilities to be built.

(7) The text of the preliminary land rehabilitation plan shall present the recycling target and tasks necessary for reaching this target, the new terrain and facilities established through land rehabilitation, and their scheduling and method.

(8) A map consistent with the scale of the mining map defined in separate legislation shall indicate the new terrain established through land rehabilitation, its height data and the sections supporting interpretation, and the contents of the land register map.

(9) If as a result of the planned mining operations, the development of standing water from underground water reserves is expected within the borders of the mining site, which will remain after the completion of mining, in consideration of separate legislation, in the preliminary land rehabilitation plan, then it shall be necessary to determine the related preliminary water management, environmental, nature and landscape protection conditions to be considered for land rehabilitation and mine closure.

(10)¹³⁵ If the applicant fails to attach to the application the register of the names and addresses of the owners, property managers and users – based on the land register – of the properties affected by the mining site to be established, the Mining Authority shall contact the land registration authority to obtain data necessary for assessing the case.

*Section 12*¹³⁶(1)¹³⁷ When taking the decision on the establishment of the mining site planned for underground and open-cast mining, the Mining Authority shall also assess on their merits the observations of the owners (property managers, users) of properties to be covered by the mining site relating to the right of disposition, use and utilisation of the properties, and concerning the schedule for using the properties in open-cast mining.

(2)¹³⁸ Beyond application of the requirements of Act CL of 2016 on the general rules of public administration, the decision on the establishment of the mining site shall include the following:

(a) in relation to the mining site:

(aa) its registered name,

(ab) the name or designation, and address or registered office, of the person holding rights to the mining site,

(ac) its administrative location, and the lot numbers of properties affected by the mining site in relation to solid mineral resources,

(ad) the cut-off points of its boundary within the EOV System, the height of terrain, the cover and reference plane above Baltic sea level (mBf), and the area of the mining site in m²,

(b) the quantity of mineral resources deposited at the mining site in the breakdown of geological mineral reserves and extractable mineral reserves, their classification into valuable substances or tailings,

(c) designation of the protective and boundary pillars for each area and facility to be protected, the size, limiting angle of the buffer zone,

(d) mining technology to be used,

(e) list of mining sites bordering the mining site to be established,

(f) decision on the schedule for the use of properties in relation to open-cast mining sites,

(g) the approved recycling objective and

(h) requirements defined on the basis of the approved preliminary land rehabilitation plan in relation to a mining site planned for open-cast mining.

(2a)¹³⁹ The decision establishing the mining site includes the specification of the mineral resource – defined as a valuable substance – in the given sub-group, otherwise group referred to in Government Decree No 54/2008 of 20 March 2008 on the determination of the specific value of mineral resources and geothermal energy, and the method of calculating values.

(2b)¹⁴⁰ The mining site shall be assigned a registered name that includes the following:

(a) name of the municipality in whose administrative territory the mining site is located,

(b) serial number of the mining site in Roman numerals and

(c) specification of the mineral resource – defined as a valuable substance – in the given sub-group, otherwise group referred to in Government Decree No 54/2008 of 20 March 2008 on the determination of the specific value of mineral resources and geothermal energy, and the method of calculating values, in relation to which the mining site was established.

(2c)¹⁴¹ If the location of the mining site covers the territory of more than one municipality, the registered name shall include the name of the municipality in which most of the mining site is located.

(2d)¹⁴² Within a municipality the serial number included in the registered name of the mining site shall be continuous, without repetition, irrespective of the type of mineral resource.

(3)¹⁴³ The final decision and the map of the established mining site – endorsed by the Mining Authority – shall be sent to the applicant, and to the land registration authority in relation to a mining site established for solid minerals to register the legal status of the mining site in the land register.

(4)¹⁴⁴ Rules relating to the establishment of the mining site are applicable in the procedure serving the modification of the mining site. If modification serves to modify the classification of the mineral resource(s) deposited at the mining site, the Mining Authority shall decide on such modification based on the report on the calculation of reserves, countersigned by a geological expert, which serves as its basis.

(4a)¹⁴⁵ If the mining site is shared, successive serial numbers shall be provided as a serial number in the registered name of the established mining sites, and the shared mining site shall be deleted from the register managed by the Mining Authority.

(4b)¹⁴⁶ If mining sites are merged, the successive serial number shall be provided as a serial number in the registered name of the newly established mining sites, and the mining sites preceding the merger shall be deleted from the register managed by the Mining Authority.

(4c)¹⁴⁷ The decision modifying the mining site shall indicate the initial date of the deadline for launching extraction in relation to modified mining sites.

(4d)¹⁴⁸ Upon modification of mining sites, the initial date of the deadline for launching extraction is the date of the finality of the decision

(a) establishing the shared mining site in relation to the newly established mining sites, if the mining site is shared,

(b) establishing the mining site established earliest if mining sites are merged,

(c) establishing the mining site to be reduced in relation to the reduction of a mining site, or

(d) establishing the mining site to be expanded in relation to the expansion of a mining site.

(4e)¹⁴⁹ If modification results in the establishment of a mining site, or a mining site has been reduced or expanded on which extraction has already commenced, the provisions of paragraphs (4c)–(4d) are not applicable to such mining sites.

(4f)¹⁵⁰ If the sharing of a mining site also results in the establishment of a mining site not involved in extraction, the initial date of the deadline for launching extraction in relation to such mining site is the date of the finality of the decision establishing the shared mining site.

(5)¹⁵¹ The holder of the right to the mining site shall notify the Mining Authority of any changes to its registered identification data within 30 days.

(6) The mining site may be deleted [Mining Act, Section 26/B(5)] if environmental degradation relating to mining has been remedied and soil movement endangering the surface is no longer expected.

(7)¹⁵²

Section 12/A¹⁵³(1)¹⁵⁴ The deadline prescribed for launching operational extraction shall begin on the date of the finality of the decision

(a) establishing the mining site pursuant to Section 26/A(4) of the Mining Act,

(b) designating the new holder of the mining right pursuant to Section 26/A(6a) of the Mining Act,

(c) designating the new holder of the mining right pursuant to Section 26/A(6b) of the Mining Act.

(1a)¹⁵⁵ The application for extending the deadline for launching operational extraction shall be submitted to the Mining Authority before expiry of the deadline referred to in points (a) and (b) of paragraph (1).

(2) The application shall include the following:

(a) indication of the duration of extension and

(b) reasons for failure to launch operational extraction.

(3)¹⁵⁶ The Mining Authority shall reject the extension application if

(a)¹⁵⁷ the mining undertaking owes any concession fee, mining fee, supervisory fee, fee determined to compensate for the loss of mining fees determined by a final decision, charges or fines, or

(b) the applicant failed to meet its obligation to declare the mining fee on time in relation to any mining site it operates.

(4) In its decision the Mining Authority decides on the duration of extension and on payable amounts. The mining undertaking has the right to launch extraction before the deadline determined for launching extraction in the decision, in conformity with the approved technical operating plan.

(5) The annual amount of the fee payable by the launch date of operational extraction referred to in paragraph (4) shall equal

(a) 0.5 % of the value of total extractable mineral reserves if the quantity of mineral reserves extractable from the mining site does not exceed one million m³,

(b) sum of 0.5 % of the value of total extractable mineral reserves and 0.1 % of the amount in excess of one million m³ if the quantity of mineral reserves extractable from the mining site exceeds one million m³.

(6)¹⁵⁸ In relation to solid mineral resources and crude oil, the value of mineral reserves shall be calculated as the multiple of the specific value of the mineral resource – defined Government Decree No 54/2008 of 20 March 2008 on the determination of the specific value of mineral resources and geothermal energy, and the method of calculating values – and the quantity of mineral reserves determined in paragraph (5).

(6a)¹⁵⁹ In relation to natural gas, the value of mineral reserves shall be calculated as the multiple of the specific value of the mineral resource – defined in Government Decree No 54/2008 of 20 March 2008 on the determination of the specific value of mineral resources and geothermal energy, and the method of calculating values – and the value of the quantity of mineral reserves determined in paragraph (5) converted to heat value.

(7) The fee payment obligation arises on the day following the expiry of the deadline for launching operational extraction. The payable fee shall be determined in consideration of a sub-period if the fee payment obligation does not arise on the first day of the relevant year. Calculation based on a sub-period is also applicable if operational extraction is launched during the relevant year.

(8) The fee relating to the sub-period shall be calculated by dividing the number of eligible days in a sub-period by 365, and multiplying the resulting figure with the amount of the fee referred to in paragraph (5).

(9) Until the launch of operational extraction, the mining undertaking shall pay the fee determined in paragraph (5), and the mining fee defined in Section 20 of the Mining Act after the launch of operational extraction.

(10) The assessed fee is payable in the frequency and at times determined in Section 4(5).

Section 12/B¹⁶⁰(1) Upon launch of the tender procedure referred to in Section 26/A(6) of the Mining Act, the invitation to tender for announcing the cancelled mining right shall include the following:

(a) geographical location of the mining site, size of its area;

(b) name, quantity and quality of mineral resources deposited at the mining site in the breakdown of geological and extractable resources;

(c) minimum amount of consideration payable for acquisition of the mining right, rules relating to its payment;

(d) land rehabilitation, environmental protection and nature conservation obligations encumbering the mining right;

(e) conditions of exclusion;

(f) formal and substantive requirements of the tender;

- (g) method and rules of paying the tender fee;
- (h) access to information relating to the tender;
- (i) place, method and deadline for submitting tenders;
- (j) set of tender evaluation criteria, evaluation deadline;
- (k) rules of the withdrawal of tenders.

(2) Before announcing the procedure, the Mining Authority shall notify the body exercising the proprietary rights of the Hungarian State, which may lay a claim to the mining right to the mining site within 20 days from receipt of notification. If the body exercising the proprietary rights of the Hungarian State submits a claim, the Mining Authority shall designate the body exercising the proprietary rights of the Hungarian State as the new holder of the mining right.

(3) If the body exercising the proprietary rights of the Hungarian State does not respond by the deadline, the Mining Authority shall provide for the announcement of the tender.

(4) The submitted tender shall be invalid if

- (a) it was submitted after the submission deadline,
- (b) it is not in conformity with formal or substantive requirements defined in the tender notice,
- (c) the Mining Authority cancelled the mining right of the tenderer to the mining site included in the tender,
- (d) the tenderer owes any mining fee, supervisory fee, fees determined to compensate for the loss of mining fees determined by a final and enforceable decision, charges or fines, or it failed to meet its mining fee declaration obligation.

(5) The Mining Authority shall evaluate received tenders within 20 days from the day following the expiry date of the submission deadline.

(6) Within the framework of evaluating tenders, the Mining Authority shall rank valid tenders for each mining site. The tender most favourable on the basis of evaluation criteria defined in the invitation to tender is ranked first. In the event of equal evaluation points, the tenderer with a higher ratio of ownership of the property covered by the mining site to be used for underground or open-cast mining shall be favoured in evaluation. The tender ranked first – after evidenced payment of consideration for the mining right – shall be designated by the Mining Authority by way of a decision as the new holder of the cancelled mining right within 10 days.

(7) Consideration for the mining right is due to the State, while fees relating to the tender are due to the Mining Authority. The successful tenderer shall pay consideration for the mining right within 8 days from the announcement of results.

(8) The tender is unsuccessful if

(a) no valid tenders were received,

(b) the holder of the mining right may not be designated in consideration of the requirements set out in the invitation to tender or in this legal regulation, or

(c) the successful tenderer does not pay consideration for the mining right by the deadline referred to in paragraph (7), or it withdraws from acquiring the mining right, and there are no other tenderers competing for the mining right.

(9) If the successful tenderer does not pay consideration for the mining right by the deadline referred to in paragraph (7), or it withdraws from acquiring the mining right, the tenderer ranked next in the ranking set up in accordance with paragraph (6) from among tenderers submitting valid tenders for acquiring the mining right shall be declared the winner.

(10) In the event of an unsuccessful tender, the Mining Authority may repeat the tender procedure within 6 months from determination of the unsuccessful outcome.

(11) If the tender is unsuccessful again, the Mining Authority shall call on the mining undertaking to perform the land rehabilitation obligations. If these obligations are not met, the Mining Authority shall provide for performance of the outstanding obligations at the expense of the security referred to in Section 41(7) of the Mining Act. Thereafter, in relation to mining sites planned for underground or open-cast mining, it shall notify the land registration authority for deletion of the legal status of the mining site from the land register.

(12) If the security under paragraph (11) is insufficient for performing the outstanding obligations, the Mining Authority shall require the mining undertaking related to the cancellation of the mining right to perform the obligations by a given deadline, except for the case referred to in Section 26/A(5)(c) of the Mining Act.

(In relation to Section 27 of the Mining Act)

Section 13¹⁶¹(1) The technical operating plan defines the planned mining operations of the mine. The plan consists of text and a plan map.

(2)¹⁶² When submitting the application for approval of the technical operating plan, the mining undertaking shall prove its right to use third party property relating to the mining operations defined in the technical operating plan or to the planned facility. Proof of the right of use is, in particular,

(a) the agreement concluded with the owner or property manager of the property on its use for mining operations, countersigned by a lawyer or registered legal counsel,

(b) the declaration of consent of the owner or property manager of the property on its use for mining operations, countersigned by a lawyer or legal counsel, or

(c) a final administrative decision or final judicial ruling establishing such right.

(3) The text of the technical operating plan relating to mining prospecting, exploration, extraction, the recovery of waste heaps, land rehabilitation carried out simultaneously with or after completion of the above activities shall include

(a) the report on implementation of the previous technical operating plan (report on performed prospecting, exploration, extraction, land rehabilitation tasks and the mining plant's technical safety and occupational safety status);

(b) mining operations envisaged for the planned period, technological and safety conditions, and specification of the mining plant demarcated on the plan map;

(c) name of mine areas (sites) necessary for the performance of tasks, ownership (usage) status of open-cast areas to be used, and description of expected geological conditions and mining hazards;

(d) listing of prospecting works necessary for maintaining extraction and connecting new areas (sites), and new underground and open-cast facilities, and their key technical parameters;

(e) description of the planned method, schedule (e.g. seasonal suspension), technology of mining and the rules of technical monitoring controls;

(f) method and mechanism for determining the quantity and quality of extracted mineral resources;

(g) technical measures necessary for preventing or mitigating major mining hazards and expected mine damage, and detailed description of implementing scheduled land rehabilitation tasks;

(h) aspects of mineral reserve management;

(ha) prospecting (drilling, drifting) activity planned for better understanding the qualitative and quantitative parameters of mineral reserves,

(hb) quantity of mineral resources of mineral reserves registered in the area (spatial area) of extraction to be left behind (loss of mineral reserves) and justification thereof, and measures taken to optimise the loss of mineral reserves,

(hc) lost quantity of extracted mineral resources (loss of products) and justification thereof,

(i)¹⁶³ description of the impact of mining on the environment, measures necessary for preventing and mitigating harmful environmental effects, method of observing such effects, rules of establishing and operating facilities, measuring locations serving the above purpose;

(j)¹⁶⁴ in relation to extraction by underground coal gasification;

(ja) demarcation of the coalfield to be involved in mining by burning,

(jb) description of technical measures relating to enabling the shutdown of burning,

(jc) description of technical measures preventing the spread of burning outside of the mining site,

(jd) determination of the quantity of used coal;

(k) in relation to hydrocarbon exploration, extraction and natural gas storage,

(ka) the quantity of oil, gas, condensate and water to be extracted, and quantity of hydrocarbon and carbon dioxide gas to be injected at each site,

(kb) description of the planned method, schedule (e.g. seasonal suspension), technology of mining and reference to mining plans,

(kc) number and planned location of bored wells necessary for maintaining extraction and connecting new areas (sites), the field's collecting system, and list of new open-cast facilities, and their key technical parameters,

(kd) production trials planned in the relevant period,

(ke)¹⁶⁵ fracturing and other extraction stimulating injection plans envisaged in the geological fluid demarcated by the mining site designated for the exploration and extraction of hydrocarbons, description of the properties of the fluid to be used (composition, quantity);

(l) schedule, method of potential archaeological exploration, measures serving the conservation of the archaeological site left undisturbed after exploration.

(4)¹⁶⁶ The provisions of paragraph (2)(a) and paragraph (2a) of Section 11/A are appropriately applicable to the submission of the application for approval of the technical operating plan relating to the initial exploration, extraction of hydrocarbon and carbon dioxide gas, or to the storage of natural gas, and to the exploration and extraction of mineral resources by way of underground coal gasification.

(4a)¹⁶⁷ In relation to the exploration, extraction of hydrocarbons and carbon dioxide gas, or the storage of natural gas, the mining plan in conformity with the crude oil and natural gas mining safety regulation shall be attached to the application. After submission of the first mining plan only modifications of the mining plan need to be submitted in future procedures serving approval of the technical extraction plan.

(5)¹⁶⁸ In the event of joint extraction defined in Section 29(1) of the Mining Act, the joint mining plan shall be attached to the technical operating plan. The Mining Authority shall approve the technical operating plan on the basis of the joint mining plan.

(6) If the suspension of extraction, the closure (decommissioning) of the mine or the abandonment of the hydrocarbon field is planned in the period referred to in Section 14(3), the technical operating plan shall also include a sub-plan referred to in Section 17 and Section 26.

(7) The substantive requirements of the plan map are determined by the minister in the mine safety regulation.

(8)¹⁶⁹

*Section 14*¹⁷⁰(1) The measures of the technical operating plan shall be justified, with indication of the timetable and territorial schedule of their implementation. If the plan for using real property of the technical operating plan submitted for approval derogates from the schedule referred to in Section 11/A(2)c), the property owners concerned shall be informed of this in the notification of the launching of the procedure.

(2)¹⁷¹ In addition to items prescribed by Act CL of 2016 on the general rules of public administration, the decision approving the technical operating plan shall include the following:

(a) deadline for implementing the technical operating plan and demarcation of the mining plant,

(b) quantity of valuable substances authorised for extraction, quantity of natural gas that may be injected and withdrawn in relation to the underground storage of gas,

(c) the provision relating to payment of the mining fee if the sale of tailings is authorised,

(d) the provision relating to the loss of mineral reserves and loss of products,

(e) the lot number of properties that may be used for mining in relation to open-cast mining operations, and

(f) in the case defined in paragraph (1), the provision relating to the modification of the schedule for using real property,

(g)¹⁷² fracturing, acid fracturing, water and gas injection, or reservoir energy compensation serving authorised energy reserve management purposes.

(2a)¹⁷³ The Mining Authority shall authorise fracturing, acid fracturing, gas injection, reservoir energy compensation serving the management of mineral reserves, used in hydrocarbon prospecting and extraction, and water injection used for fracturing technology and reservoir energy compensation in the course of approving the technical operating plan drawn up for the exploration, extraction of hydrocarbons.

(2b)¹⁷⁴ The Mining Authority shall authorise the procedures specified in paragraph (2a) if testing relying on complex evaluation proves that deep-level injection or re-injection is performed in geological formations that are permanently unsuitable for other uses, which is deemed to be a contained hydrocarbon storage space in terms of the further spread of pollutants, and

- (a) owing to the procedure, the deterioration of underground water quality is not possible,
- (b) the procedure does not pose a risk to the qualitative and quantitative parameters of environmental elements, and underground waters in particular, and
- (c) the mining undertaking continuously monitors conformity with points (a) and (b), and monitoring is documented.

(3) The technical operating plan relating to extraction may be approved for up to 5 years in relation to underground mining, crude oil and natural gas mining, and for up to 15 years in relation to open-cast mining, if the validity of the environmental permit, IPPC permit or environmental operating licence is not of a shorter duration. The mining undertaking shall review the technical operating plan each year, and request its modification in case of changing conditions. If the mining undertaking did not use the area designated for extraction in the approved plan during the planned period, the deadline for implementing the approval decision may be extended only once by one half of the originally authorised implementation period.

(4)¹⁷⁵ The technical operating plan and the application for its modification shall be submitted to the Mining Authority for approval before the launch of planned activity.

(5)¹⁷⁶ The technical exploration and extraction plan relating to the extraction of mineral resources by underground coal gasification referred to in Section 23(1b) of the Mining Act may be approved for a maximum of two years. The application for approval of the technical exploration and extraction plan shall be submitted within 30 days from finality of the decision approving the closing prospecting report. Upon failure to meet the deadline, the technical exploration and extraction plan relating to the extraction of mineral resources by underground coal gasification referred to in Section 23(1b) of the Mining Act may not be re-submitted.

(6) The demarcation of the mining plant pursuant to paragraph (2)(a) shall be valid until approval of the next technical operating plan.

(7) It is unnecessary to request modification of the technical operating plan if the extracted quantity of valuable substances or the quantity of sold tailings exceeds the quantity authorised for the relevant year by not more than 25 %, and real properties other than the property authorised for use are not used in extraction. The extracted quantity, together with the increase, may not exceed the quantity determined in the environmental permit, IPPC permit or environmental operating licence.

*Section 15*¹⁷⁷ The approved technical operating plan may only be modified with approval by the Mining Authority.

(In relation to Section 28 of the Mining Act)

*Section 16(1)*¹⁷⁸ The mining undertaking and gas licence holder shall ensure that – except for the operation of earth probe heat pump facilities – operating instructions relating to the installation and operation of machinery, equipment, materials and facilities, and to material handling, loading and transport are available at the site of operations.

(2) Works bound to operating instructions may only be commenced if the workers concerned have been informed of their provisions, and the person ordering the works has ascertained the above before commencing the works.

(3)¹⁷⁹ More than one deputy chief technical supervisor shall be appointed if justified by the expanse of the mining plant, the distance between workplaces and the extent of hazards. If several deputy chief technical supervisors are appointed, the mining undertaking has the right to appoint – subject to a reporting obligation – a general deputy for the period of the absence or unavailability of the chief technical supervisor. Such appointment may also be ordered ex officio by the Mining Authority.

(4) In matters falling under the responsibility of the (deputy) chief technical supervisor, his superiors may issue instructions only in agreement with him, unless immediate measures are justified by an immediate threat to life or the risk of other serious damage.

(5)¹⁸⁰

(6) The mining undertaking shall provide for the periodic inspection of mining facilities installed in the bed of living waters, and of conformity with safety conditions applicable at the time of the authorisation of installation.

(In relation to Section 30 of the Mining Act)

Section 17(1)¹⁸¹ A technical operating plan relating to suspension may be approved for up to 3 years. The technical operation suspension plan shall be submitted to the Mining Authority during the authorised validity of the technical operating plan in effect, before planned suspension.

(2) The technical operating plan drawn up for suspension shall include the following:

(a) indication of the reasons and planned duration of suspension;

(b) works performed up to and during suspension, schedule of works and conformity with their conditions;

(c) analysis of and method of monitoring the impact of suspension on the environment, and technical safety measures protecting open-cast areas, waters, mineral reserves and natural assets;

(d) name of excavation voids remaining open during the period of suspension, aim and purpose of open voids, and operating equipment (e.g. shafts, underground excavation voids, transport, ventilation, water raising, energy supply);

(e) rules of inspection necessary during suspension;

(f) excavation voids abandoned (closed) due to suspension, equipment and materials abandoned in them;

(g) method of the planned abandonment of certain excavation voids during suspension;

(h) conditions for relaunching mining;

(i) maps referred to in separate legislation¹⁸².

(2a)¹⁸³ Section 13(2) is appropriately applicable to the submission of the technical operation suspension plan if during suspension the mining undertaking intends to carry out activity – except for extraction – involving the use of third party property.

(3) After suspension mining may be relaunched in accordance with the technical operating plan drawn up and approved for this purpose.

(4)¹⁸⁴ The fee determined to compensate for lost mining fees pursuant to Section 30(2) of the Mining Act is payable in the frequency and at the times referred to in Section 4(5).

(5)¹⁸⁵

(In relation to Section 31 of the Mining Act)

Section 18(1) The Mining Authority inspects the construction and operation of mining facilities, machinery and equipment.

(2)¹⁸⁶

(3) The joint use of a licensed facility by several mining undertakings is bound to the consent of the licensing authority.

(4)¹⁸⁷ The abandonment, dismantling of a facility authorised by the Mining Authority – if it is not bound to an administrative licence – shall be reported to the Mining Authority at least 15 days before the launch of works. The abandonment of the explosives warehouse shall also be reported to the police headquarters. Abandonment, dismantling may be implemented if the Mining Authority does not take any measures during the above period.

(In relation to Section 32 of the Mining Act)

*Section 19(1)*¹⁸⁸ The protective pillar shall be designated, deleted, its modification, partial or full extraction authorised by the Mining Authority upon the request of the mining undertaking or other authority, after the hearing of stakeholders.

(2) The application shall include the following:

(a) description of the facilities, water reserves, flowing or standing water, natural assets requiring protection from the effects of mining operations (underground, open-cast mining) (hereinafter collectively ‘protected facility’), and their geographical location;

(b) dimensions of the proposed protective pillar, and the qualitative and quantitative data of mineral resources deposited therein;

(c) name and address of owners (managers) of the affected properties;

(d) boundary and main sections of the protective pillar, and map of the mining site indicating protected facilities.

(3)¹⁸⁹

(4)¹⁹⁰ The Mining Authority shall require the mining undertaking to designate a protective pillar if it determines that the applied mining operations endanger protected facilities.

(5)¹⁹¹ The protective pillar and safety zone shall be indicated on the mine maps. The mining undertaking may request the building authority to order a ban or restriction of construction in the safety zone.

(6) The mine safety regulation determines rules for the dimensioning of the protective pillar.

(7) In the application for weakening or extracting the protective pillar, beyond application of provisions under paragraph (2), it is necessary to present the detailed technical specifications of mining operations planned in the protective pillar, with particular regard to the planned method of protection and the abandonment of the excavation (e.g. backfilling, caving).

(8)¹⁹²

(9)¹⁹³ When installing facilities and equipment referred to in Section 1(1)(k) of the Mining Act, consideration should be given to their fixed installation, environment and safe operability.

(10)¹⁹⁴ Within the framework of measures regulated under Section 42 of the Mining Act, it is necessary to provide for the maintenance and contents of the safety zone upon termination of boreholes drilled for mining.

Section 19/A¹⁹⁵(1) A safety zone of a size determined in the safety regulation shall be designated for the protection, uninterrupted operation, inspection, maintenance, repair and disruption response of hydrocarbon and carbon dioxide transmission pipelines (hereinafter collectively ‘transmission pipeline’), natural gas distribution pipelines (hereinafter ‘distribution pipeline’), other gas and gas product pipelines, mining facilities and direct lines, and their environment.

(2) Within the safety zone it is prohibited to

(a) carry out construction or to establish any civil engineering works, with the exception referred to in Section 19/B;

(b) set fires or burn materials;

(c) carry out open-cast mining of solid minerals;

(d) spill or spread corrosive and flammable substances potentially harming the condition of crude oil and natural gas mining facilities, and transmission and distribution pipelines;

(e) carry out blasting;

(f) place or store materials;

(g) establish flood irrigation, or rice paddies, fishponds, retention basins, slurry areas;

(h) store vehicles on a permanent or temporary basis in relation to transmission pipelines.

(3) Within the entire safety zone of stations and flares comprising part of the mining facilities and transmission pipelines, within the 2 metre safety zone measured from the axis of distribution pipelines, within the 5 metre safety zone measured from the axis of transmission pipelines, other gas and gas product pipelines, and direct lines, and within the 1 metre safety zone measured from the axis of energy supply, remote monitoring, communications and corrosion protection cables it is prohibited to

(a) plant trees, or other plants posing a risk to the integrity of facilities and pipelines,

(b) place vine and other cordons,

(c) carry out cultivation at a depth of more than 0.6 m,

(d) carry out manual archaeological exploration and, except as provided in Section 19/B, activity involving the disturbance of the surface (hereinafter 'earthmoving'), and

(e) carry out landscaping.

(4)¹⁹⁶ Dismantling definitively ordered by the building authority may be carried out in the safety zone.

(5)¹⁹⁷ Activities necessary for operation, maintenance and reconstruction, including construction, are permitted within the safety zone, and facilities and materials necessary for the above may be temporarily placed there. Third parties may temporarily place facilities and materials necessary for activities in the safety zone with the prior written consent of the operator.

(6) It is prohibited to cover, damage or remove signals, surface engineering structures of the facilities referred to in paragraph (1). The owner, manager or user of the property affected by the safety zone shall comply with the prohibitions and restrictions relating to the safety zone, and may not carry out activity that poses a risk to compliance with prohibitions and restrictions.

(7)¹⁹⁸ Compliance with prohibitions and restrictions prescribed for the safety zone shall be regularly verified by the operator or its agent; in the event of non-compliance it shall provide for the restoration of conditions prescribed by law, to be tolerated by the owner, manager or user of the property affected by the safety zone. It shall report the implemented measures and their results

without delay to the Mining Authority to ensure the implementation of the necessary official measures.

(8) The safety zone may be modified upon request if enabled by technical safety conditions.

(9) The registration of line rights and usage rights of properties affected by the safety zone in the land register shall be requested before submission of the application for putting into service of the facility. In cases stipulated by law where the easement, line rights, usage rights cannot be registered in the land register, the operator shall inform in writing the property owner (manager, user) concerned of the safety zone, the prescribed restrictions and prohibitions, and of changes thereto before putting into service, and within 30 days after changes thereto.

Section 19/B¹⁹⁹(1) A routed crude oil and natural gas mining facility, transmission pipeline, distribution pipeline, direct line and other gas and gas product pipeline (for the purpose of this section hereinafter 'intersected facility') may intersect or access each other, and other routed facilities may intersect or access these facilities in the manner and to the extent defined in the safety regulation.

(2) The intersection of, access to the intersected facility is bound to the consent of its operator. The operator may bind consent to conditions.

(3) The developer of the intersecting, accessing civil engineering work shall provide for

(a) the drawing up of the necessary planning application and building documentation, operating and technological plans, and coordination with the operator,

(b) the drawing up of conversion plans necessary to implement in relation to existing facilities, the incurrence of construction costs and

(c) the incurrence of costs necessary for establishing the safety zone.

(4) The plans referred to in paragraph (3)(a) shall be attached to the request of the operator's consent. If the operator does not respond within 15 days from receipt of the request for issuing the declaration of consent, consent is deemed to be given to construction. The operator and offender shall assume joint and several liability for damage resulting from omission of issuing the declaration.

(5) The intersected facility with an establishment licence or authorisation of use valid during the design of the intersecting, accessing facility, or with a valid land use or building permit is deemed to be an existing facility in the case referred to in paragraph (1).

(6) Mechanical earthmoving within a 1 metre zone measured from each of the side components of the facility may not be carried out, except for the demolition of solid paved roads necessary for exploring the intersected facility.

(7)²⁰⁰ The main building contractor shall assume non-transferable responsibility for providing for

(a) the designation of the path of the intersected facility and the zone referred to in paragraph (6) under the professional supervision of the operator before the launch of construction works,

(b) the maintenance of the designated zone during construction,

(c) the exploration of the intersected facility, and

(d) the notification of the operator before the covering of the intersection.

(7a)²⁰¹ The operator is responsible for the correctness of designation referred to in paragraph (7) (a). Designation is also possible by ordering of designation by the main building contractor from the operator. The building contractor shall bear costs of the professional supervision of designation.

(8) If it is necessary to respond to disruptions at other routed facilities, the operator of the routed facility affected by the disruption shall consult with the operator of the intersected facility on planned works and their location before the launch of disruption response.

(9) There is an imminent emergency if the transported fluid flows from the damaged intersected facility, and the outflowing fluid is

(a) explosive or flammable, or

(b) harmful to health or the environment.

(In relation to Section 33 of the Mining Act)

Section 20(1) Open-cast formations, engineering structures, mining facilities, mining operations, and boundaries (mining site, protective pillar, prospecting area, urban land, position of the body of mineral resources) shall be displayed on the mine map with standard map symbols and certified in accordance with relevant separate regulation.

(2) The mine map shall be certified by a certified mineral surveyor. The certified mineral surveyor supervises mine surveying, the performance of the surveying tasks of the mining undertaking relating to mining operations, mine damage and land rehabilitation following mining operations.

(3)²⁰² The certified mineral surveyor performs tasks independently, with individual responsibility; his activity is inspected by the Mining Authority.

(4)²⁰³ Mine surveying data and one copy of the mine maps created from such data shall be attached to the technical operating plan and sent to the Mining Authority.

(5)²⁰⁴ The Mining Authority shall permit stakeholders to access the mine maps in conformity with requirements based on the maps' qualification.

(6)²⁰⁵

(In relation to Section 34 of the Mining Act)

Section 21(1) Pursuant to provisions laid down in Section 34(5) of the Mining Act, underground mines shall be classified on the basis of all main mining hazards, while open-cast mines and the surface installations of mines on the basis of a dust and silicosis hazard. Separate legislation provides for the radiation hazard classification of underground mines and surface installations of underground mines qualified as having a radiation hazard.

(2) Individual parts of the mine may be classified differently in relation to the same hazard.

(3)²⁰⁶ The qualification of the mine is approved by the Mining Authority upon establishment of the mining site or the assessment of the technical operating plan, or in a separate procedure.

(4) If in the course of mining operations new circumstances are observed or expansion is planned, which may affect the qualification of the mine, the mining undertaking shall provide for the protection of persons without delay and for the new qualification of the mine.

(5)²⁰⁷ The mining undertaking and the gas licence holder may contract with third parties (hereinafter 'contractor') – the former for the performance of mining operations, the latter for the performance of gas operations, except for the control and supervision of gas operations, if the contractor holds the professional qualifications, experience, prerequisites, examinations and permits required for the given activity, or employs persons who meet such requirements.

(5a)²⁰⁸ The contractor may subcontract works with the consent of the mining undertaking and gas licence holder if the subcontractor meets conditions applicable to the contractor in relation to the given activity.

(5b)²⁰⁹ The hiring of a contractor or subcontractor shall be reported to the Mining Authority at least 15 days before their hiring. The mining undertaking and gas licence holder shall be responsible for the performance of the legal obligations of the contractor or subcontractor relating to activities falling within the scope of the Mining Act and this Decree as if they had performed these themselves.

(6)²¹⁰ The performance of works, the installation and use of machinery, equipment and instruments, and the use of chemical substances in the mining plant is permitted by application of rules in conformity with qualifications. The Mining Authority verifies conformity with qualification requirements.

(7)²¹¹ Reporting referred to in paragraph (5b) shall include the following:

(a) name, registered office of the mining undertaking,

(b) name or description of activity to be performed by a different contractor,

(c) place of the activity,

(d) name, registered office of contractor to be hired and

(e) proof of the eligibility of the contractor.

(8)²¹² The Mining Authority may prohibit hiring within eight days from reporting referred to in paragraph (5b).

Section 21/A²¹³

(In relation to Section 36 of the Mining Act)

Section 22²¹⁴(1)²¹⁵ In the technical operating plan [Section 13(1)], land rehabilitation tasks shall be planned in conformity with the preliminary land rehabilitation plan and requirements of the decision taken in relation to the establishment of the mining site. If a concept included in the preliminary land rehabilitation plan cannot be implemented in part or whole as a result of changes to any circumstances, the mining undertaking shall request modification of the preliminary land rehabilitation plan, which is performed within the framework of approval of the technical operating plan.

(2)²¹⁶

(3)²¹⁷

(4)²¹⁸ The implementation of the technical operating plan relating to the completion of extraction and mine closure, the completion of land rehabilitation shall be reported by the mining undertaking to the Mining Authority within 30 days. The Mining Authority decides on the implementation of mine closure and land rehabilitation, and the completion of mining operations. After the finality of this decision the Mining Authority adopts a decision on the deletion of the mining site; in relation to a mining site registered in the land register, it notifies the land registration authority of the final decision for the deletion of the mining site from the land register.

(4a)²¹⁹

(5)²²⁰ The mining undertaking shall report in writing any winding-up or voluntary liquidation proceedings launched against it within 8 days. Beyond application of provisions of separate legislation, the receiver, liquidator shall arrange for the performance of the environmental protection, nature conservation, land rehabilitation and mine damage related obligations of the mining undertaking.

(6)²²¹

(7) Beyond application of provisions of separate legislation, the provisions of water management legislation are applicable to mining ponds produced during mining operations, and remaining after their completion, and to their banks.

(8)²²² Within the framework of land rehabilitation tasks – in the procedure referred to in Section 36(2) of the Mining Act – it is necessary to decide on the conditions of maintaining and utilising mining ponds affecting the underground water reserves.

(9)²²³ The land rehabilitation plan of unused deep mining holes shall include the following:

- (a) name and proof of ownership of the well's owner;
- (b) geodetic data of the well (X, Y, surface Z coordinates within the EOVS System), lot number of the property concerned;
- (c) technical specifications of the well structure and its condition, including
 - (ca) total depth,
 - (cb) common data of traversed layers,
 - (cc) well casing pile data (bearing position, diameters, wall thickness) and cement cover data, data relating to well casing and annular space,
 - (cd) data relating to the depth and status of installed cement plugs and mechanical plugs,
 - (ce) data on the drilling fluid,
 - (cf) data on wellhead and bore-head fixtures,
 - (cg) pressure data measured at well,
 - (ch) well zone data;
- (d) original purpose of sinking bore-hole;
- (e) environmental impact of unused deep holes planned for land rehabilitation;
- (f) planned land rehabilitation tasks and their schedule, and expected date of their completion;
- (g) description of possible measures necessary for preventing mine damage expected after land rehabilitation, and of the monitoring system;
- (h) technical safety measures serving the protection of the deep drilling environment;

(i) description of facilities, equipment to be decommissioned, dismantled during land rehabilitation;

(j) list of deep drilling documentation;

(k) statement on possibly remaining mineral reserves;

(l) representation of the geodetic data of deep drilling on maps.

(10)²²⁴ The application for determination of the fact that unused deep mining holes and wells are no longer suitable for mining purposes shall also include the proposal relating to utilisation in addition to items listed in paragraph (9)(a)–(d).

(11)²²⁵ Pursuant to Section 36(8) of the Mining Act, the Mining Authority registers data set out in point (a), (b), point (c)(ca),(cd),(cg) and point (d) of paragraph (9).

(12)²²⁶

(In relation to Section 38 of the Mining Act)

Section 23²²⁷(1) The mining undertaking or geological prospecting permit holder shall notify the owner (manager, user) of the property at least eight days before commencing the activity referred to in Section 38(1)–(2) of the Mining Act. The notification obligation is not applicable if the mining undertaking or geological prospecting permit holder has the right to use the property.

(2) The provisions of Section 38 of the Mining Act are also applicable to transformer and switching equipment belonging to a suspended rail or line serving mining purposes.

(3)²²⁸ If several undertakings are responsible for facilities falling within the scope of the Mining Act within the safety zone, and the safety zone or easement is not shared among them, the undertakings hold a joint and several right to protecting the facilities and shall reimburse caused damage. Joint and several liability shall be without prejudice to the substance of the easement or the extent of restriction. Section 6:539 of the Civil Code is applicable to the liability of undertakings toward each other.

(4) Paragraph (3) is applicable to facilities built after 1 January 2004, falling within the scope of this Act, if

(a) they were regularly established and

(b) they evolved from being accessories to a main facility.

(5)²²⁹

(6) The Mining Authority may require the mining undertaking to establish an easement to the extent of the safety zone. The mining undertaking has the right to establish an easement for the duration of the safety zone.

(7)²³⁰ The owner or property manager of the railway track, flowing water and channel shall conclude the agreement under Section 38/A(5b) of the Mining Act within 30 days from notification of the developer.

(8)²³¹ The agreement defined in Section 38/A(5a),(5b) of the Mining Act shall be concluded by the issue of the authorisation of use of the distribution pipeline, at the latest.

*Section 23/A*²³²(1) In relation to an easement established for the operation of facilities falling within the scope of the Mining Act, the date of the establishment of the easement is normative for determining indemnification due on grounds of hindering the regular use of the property, if hindrance did not arise earlier.

(2) Real estate trade data shall be considered for determining the fair market value. If real estate trade data are unavailable, the value of the property shall be determined on the basis of usage parameters (actual use, yield, value of purchase by the State, in particular).

(3) The amount of indemnification shall be determined on the basis of actual damage caused by evidenced limitation of use at the time referred to in paragraph (1).

(4)²³³ The application for registration of the easement in the land register shall be submitted by the mining undertaking to the land registration authority. After termination of the use of the property involving hindrance, the mining undertaking shall arrange for deletion of the easement from the land register.

(5) The lacking registration of the mining easement in the land register shall not prevent its exercise based on the agreement or an administrative decision.

(6) The owner (manager, user) of the property shall keep intact the mining facilities and measurement symbols placed on the property.

(6a)²³⁴ Pursuant to Section 38(5) of the Mining Act, to ensure the security of hydrocarbon transmission pipelines or other gas and gas product pipelines, the mining undertaking or operator of the other gas and gas product pipeline has the right to remove and dispose trees, bushes, the branches and roots thereof located in the safety zone referred to in Section 19/A(3) and between the boundary limits, if the owner of the property does not claim the removed plants, and to move materials placed or stored in the safety zone to the immediate environment of the safety zone. The owner, manager or user of the property affected by the safety zone shall tolerate such activity of the mining undertaking or the operator of the other gas and gas product pipeline.

(7) Pursuant to Section 38(4) of the Mining Act, a property expropriated for the benefit of the State is deemed to be the property of the Treasury under separate legislation.

(8)²³⁵ MNV Zrt. shall request the land registration authority to register in the land register the ownership of the property expropriated for the benefit of the State and the right of use to which the mining undertaking is entitled under Section 38(5) of the Mining Act.

(9) The mining undertaking is required to advance the amount of costs even if the owner of the property requests the expropriation of the property because the mining facility established on its property terminated or seriously hinders the regular use of the property.

Section 23/B²³⁶(1)²³⁷ The licence holder referred to in Section 38/A(1) of the Mining Act (hereinafter ‘licence holder’) and the owner, user of the third party property (hereinafter collectively ‘property owner’) shall agree on the amount of compensation or indemnification payable for the depreciation of or damage to the property during the exercise of rights defined in Sections 38/A–38/F of the Mining Act. Beyond the agreement on the amount of indemnification, the owner of the property may not bind the conclusion of the agreement to other conditions. The licence holder shall send its documented offer within 15 days from the enforceability of the decision establishing the right defined in points (a), (b) and (c) of Section 38/A(1) of the Mining Act. If no agreement is concluded, the licence holder may launch the works specified in the licence only if it has paid the amount of indemnification determined in the expert opinion prepared at its cost to the property owner, or it requested the deposit of such amount on behalf of the property owner with the court by transfer to an escrow account, and has notified the owner of the property with satisfactory proof by presentation of the transfer receipt. If notification is not performed for reasons attributable to the property owner, before the launch of works the licence holder shall simultaneously inform the licensing authority of the above with proof of grounds for exclusion of notification. The property owner may not bind the exercise of the licence holder’s rights set out in the final licence to additional conditions, the payment of fees or costs, or to the conclusion of a separate agreement or the issue of a declaration. If in the case defined in Section 38/A(5a) of the Mining Act the owner of public property and the licence holder, or the developer are unable to agree on indemnification payable for damage caused by use of public property, the licence holder or developer may launch the works specified in the licence only if it has paid the amount of indemnification determined in the expert opinion prepared at its cost to the property owner, or it requested the deposit of such amount on behalf of the property owner with the court by transfer to an escrow account, and has notified the owner of the property with satisfactory proof by presentation of the transfer receipt.

(1a)²³⁸ In relation to the line right or right of use established for the operation of facilities defined in Section 38/C and Section 38/D of the Mining Act, the licence holder shall pay the amount of indemnification prescribed in paragraph (1) to the property owner or deposit it in escrow with the court on behalf of the property owner by transfer to the escrow account within 15 days from the enforceability of the decision establishing the line right or right of use.

(1b)²³⁹

(2)²⁴⁰ If the licence holder does not pay for damage and the amount of indemnification to the property owner relating to works performed on the basis of rights defined in Section 38/A(1) of the Mining Act, or to the failed or inadequate performance of the restoration obligation referred to in Section 38(4), or the amount it offers and not received by the property owner, and deposited in escrow with the court does not cover the damage, the injured party has the right to lodge further claims in court.

(3)²⁴¹

*Section 23/C*²⁴²(1)²⁴³ The application for the right to preparation works shall be drawn up by the licence holder with the content referred to in Schedule 2.

(2)²⁴⁴ Based on the right to preparation works, the licence holder or its agent has the right – within one year from authorisation – to tour the property in the ownership or use of third parties in exchange for indemnification, to place signs, perform measurements and soil testing on it, necessary for installing the distribution pipeline. The holder of the right to preparation works shall notify the property owner 15 days in advance of work performed under the right to preparation works. The right to preparation works may be extended once for an additional one year upon request.

*Section 23/D*²⁴⁵(1)²⁴⁶ If no agreement has been concluded, the licence holder may apply for the granting of the line right. The application shall be prepared with content defined in Schedule 2.

(2)²⁴⁷

(3) The extent of the distribution pipeline's safety zone shall be determined in the line right permit.

*Section 23/E*²⁴⁸(1)²⁴⁹ Based on the line right, the licence holder shall reimburse in accordance with Section 23/B damage caused with its activity referred to in Section 38/C(5) of the Mining Act.

(2)²⁵⁰ If by exercising its right under Section 38/C(5)(c) of the Mining Act the licence holder removes trees, bushes, the branches and roots thereof, and the property owner does not claim them, the licence holder shall remove them from the property at its own cost.

(3)²⁵¹

*Sections 23/F–23/G*²⁵²

*Section 23/H*²⁵³ The property owner may request the licence holder to remove, convert or relocate the distribution pipeline and its accessories if this is technically feasible, it does not significantly adversely affect the operation of the distribution pipeline (system), and it agrees to bearing the related costs.

*Section 23/I*²⁵⁴ The licence holder and property owner are required to agree on establishing a right of use. If no agreement was concluded, the licence holder may apply to the Mining Authority for the establishment of a right of use. The provisions of Sections 23/D–23/H are applicable to establishing the right of use, while the provisions of Sections 5:27 and 5:164 of the Civil Code are otherwise applicable.

(In relation to Section 39 of the Mining Act)

*Section 24*²⁵⁵(1)²⁵⁶ After completion of mining operations the prohibition or restriction of construction ordered pursuant to provisions laid down in Section 39(1) of the Mining Act may be

lifted if the Mining Authority requested the land registration authority to delete the legal status of the mining site from the land register.

(2) The following shall be attached to the notification referred to in Section 39(4) of the Mining Act:

(a) coordinates of the decommissioned (wound up) special civil works or area affected by mining operations within the EOVS System,

(b) reasons for the initiation of ordering a prohibition or restriction of construction, and

(c) size of the area proposed for prohibition or restriction.

(In relation to Section 41 of the Mining Act)

Section 25²⁵⁷(1) The fine imposed pursuant to Section 41 of the Mining Act may not exceed HUF 10 million. If the obligor does not remedy the illegality constituting the basis for the fine by the deadline determined in the decision or repeatedly commits the infringement, the fine may be reimposed with an upper limit of HUF 30 million.

(2) The amount of the fine imposed under Section 41/A of the Mining Act is limited at HUF 1 million, with the exception of Section 41/A(1)(d) of the Mining Act. The amount of the fine imposed under Section 41/A(1)(d) of the Mining Act is limited at HUF 2 million.

(3)²⁵⁸ When imposing the fine, beyond application of provisions of Act CLXXIX of 2017 on the transitional rules of sanctioning administrative infringements, and amending certain acts and repealing certain legal regulations concerning the reform of the laws of administrative procedure, the Mining Authority shall consider

(a) the degree of culpability relating to the infringement, and

(b) the hazard posed by the infringement.

(4)²⁵⁹ In the course of investigating illegal or irregular mining operations, the Mining Authority – at the cost of the operator – may order the geodetic survey of the extraction site with a certified mineral surveyor and the determination of the quantity and type of extracted mineral reserves with involvement of a geological expert.

(5) In the event of illegal mining operations, the value of extracted mineral resources shall be calculated on the basis of the specific value determined in Government Decree No 54/2008 of 20 March 2008 on the determination of the specific value of mineral resources and geothermal energy, and the method of calculating values.

(6)²⁶⁰ In the event of irregular mining operations, the Mining Authority shall send the decision ordering restoration of the property to its original state to the land registration authority.

(7)²⁶¹ The Mining Authority decides on the amount of security serving the performance of the mining undertaking's obligations and the method of its payment in the course of assessing the application prescribed for the transfer of the mining right and for the approval of the technical operating plan or the approval of its modification. As part of the application, the mining undertaking shall draw up a budget supporting the amount of security and an offer relating to the provision of security.

(8) The security shall be determined for each mining site or geothermal protection boundary. If the mining undertaking holds rights to several mining sites or geothermal protection boundaries, it may provide security in a combined amount, but the combined amount of security may not be less than the aggregate amount of security determined for the given mining sites or geothermal protection boundaries. The amount of security may not exceed HUF 2 billion.

(9) The mining undertaking shall draw up the budget as if a third party would be carrying out the tasks arising from the obligations of the mining undertaking, in consideration of

(a) all obligations defined in Section 41(7) of the Mining Act,

(b) the purpose of recycling,

(c) the expected environmental impact of the waste treatment facility (with particular regard to its class, waste properties and the future use of the rehabilitated area of land),

(d) the area of properties located in the area of the mining plant, used or to be used on the basis of the technical operating plan(s), which is not yet rehabilitated,

(e) the cost of machinery to be used for land rehabilitation,

(f) the value of materials purchased from third parties for land rehabilitation, increased with transport costs,

(g) the mitigation of environmental degradation defined by separate legislation, the restoration of the satisfactory status preceding degradation or approximating such status, and the restoration of the service provided by the environmental compartment before degradation or the provision of equivalent service.

(10) If the technical operating plan is implemented for more than two years, the amount of security approved on the basis of the budget shall be increased with the industrial price index published by the Hungarian Central Statistical Office relating to the year preceding the approval of the technical operating plan, consistently with the implementation period of the approved technical operating plan.

(11) A hedging arrangement concluded with a credit institution or insurance undertaking for this purpose – guarantee contract, declaration of guarantee, insurer's promissory note containing a guarantee issued on the basis of an insurance policy, joint and several guarantee of a credit institution or insurance undertaking – or a lien, bond or aid determined pursuant to Government

Decree No 278/2007 of 20 October 2007 on detailed rules of the determination and management of structural reform aid in the coal industry may serve as security referred to in paragraph (7).

(12)²⁶² The lien agreement or bond contract shall be concluded with the Mining Authority. Only real property or a thing free of any litigation, mortgage and claims may be pledged, unless the Mining Authority is the pledgee of the property offered as security. Only money may serve as bond, to be deposited by the mining undertaking to the deposit account of the Mining Authority.

(13) The effect of the Mining Authority's decision defined in paragraph (7) shall be without prejudice to the effect of the contract defined in paragraph (12) – the obligation to provide security – constituting the legal basis of the contract.

(14)²⁶³ The security may be used on the basis of the Mining Authority's final decision. The Mining Authority decides to release the security upon request or ex officio if the mining undertaking performed its obligations arising from mining operations based on the final decision of the Mining Authority, provided different security approved by the Mining Authority or effected a valid transfer of its mining right to a third party. The contract referred to in paragraph (12) shall be terminated on the date of the finality of the decision on the release of security.

(15)²⁶⁴ If the mining undertaking provides security by way of a hedging arrangement concluded with a credit institution or insurance undertaking for this purpose, and does not submit the new hedging arrangement to the Mining Authority thirty days before the expiry of the hedging arrangement, or the Mining Authority does not accept different security, the Mining Authority shall use (draw) the amount of the security and simultaneously suspend mining operations. If the Mining Authority accepts the security provided by the mining undertaking within ninety days from the finality of the decision suspending mining operations, it shall return the drawn amount of security to the mining undertaking.

(16) The Mining Authority shall notify the tax authority to collect unpaid mining fees, the value of illegally extracted mineral resources, supervisory fees, the fee prescribed to compensate for lost mining fees upon suspension of extraction, and default interest on the above amounts.

(17)²⁶⁵

(18) The amount of security may not be less than HUF 200 million in relation to the extraction of mineral resources by underground coal gasification.

*Section 25/A*²⁶⁶(1)²⁶⁷ Financial security is accepted in the form of an original guarantee contract or declaration of guarantee

(a) that is of the amount determined in Section 22/A(8) of the Mining Act and is valid for the prospecting period to be authorised, and the guarantor credit institution meets requirements set out in Section 22/A(8) of the Mining Act,

(b)²⁶⁸ in which instrument the guarantor credit institution undertakes to effect unconditional payment within maximum 3 banking days, based on the application of the HMGS in the cases referred to in Section 22/A(9) of the Mining Act,

(c) that can only be withdrawn with the approval of the Mining Authority or is irrevocable.

(2)²⁶⁹ The guarantee contract or declaration of guarantee is not acceptable if exceptional measures within the meaning of Section 189 of Act CCXXXVII of 2013 on credit institutions and financial enterprises are taken against the guarantor or the credit institution additionally guaranteeing a foreign guarantor.

(3)²⁷⁰ The guarantee contract and declaration of guarantee shall include the following:

(a) name, bank account number of the guarantor,

(b) name, account number of the bank (credit institution) providing an additional guarantee in relation to a foreign guarantor credit institution not established in a Member State of the European Economic Area,

(c) name, address, bank account number, tax identification number of the principal,

(d) amount of the guarantee in figures and letters,

(e) initial and final date of the guarantee's validity,

(f) commitment referred to in paragraph (1)(b),(c).

(4) In relation to hydrocarbon prospecting bound to the provision of a security, if the amount of the security does not reach the amount determined in Section 22/A(8) of the Mining Act, it shall be topped up to the statutory amount within 30 days on the basis of the Mining Authority's decision.

(5) The Mining Authority shall establish and regularly manage a register on security on the basis of which it is possible to determine

(a) the person required to provide security together with data necessary for identification, its lawful or mandated representative,

(b) the authorised prospecting activity to which the security relates,

(c) the amount, means of providing the security,

(d) data on the credit institution involved in providing financial security and the security related documents,

(e) withdrawal, use, enforcement, top-up of the financial security,

(f) available, freely usable amount, by expiry date.

(In relation to Section 42 of the Mining Act)

Section 26(1)²⁷¹ The closure (decommissioning) of the mine, abandonment of the field and the completion of land rehabilitation may be planned in the technical operating plan drawn up for extraction [Section 14(3)] or in the technical operating plan drawn up for this purpose.

(2) The technical operating plan drawn up for the closure (decommissioning) of the mine or the abandonment of the field shall include the following:

(a) assessment of the environmental impact of mine closure, field abandonment;

(b) technical safety measures serving the protection of the surface, underground waters, and natural assets;

(c) measures planned for completing land rehabilitation and their schedule;

(d) description of mining facilities, equipment and underground excavation voids suitable for other purposes;

(e) description of facilities, equipment to be decommissioned, dismantled during mine closure (decommissioning), field abandonment;

(f) schedule relating to the prevention, response to, mitigation, compensation of mine damage expected after the mine closure (decommissioning) or field abandonment, and the performance of nature conservation, environmental protection and water protection obligations, and specification of the possibly necessary monitoring system;

(g) proposal for the decommissioning of public water supply facilities or for their continued operation in the public interest;

(h) measures relating to the recovery, termination of waste heaps;

(i) list of superfluous equipment and documents with relevance in industrial history, and proposal for their preservation.

(3) The plan shall include a proposal for use for other purposes not involving an environmental hazard, and the schedule of tasks prescribed in points (e), (f), (g) and (h) of paragraph (2). The list of items prescribed in point (i) shall be sent and offered free of charge to industrial museums with competence in the national collection of mining artefacts.

(4) The following shall be attached to the technical operating plan:

(a) list of geological prospecting documentation;

(b)²⁷² statement on mineral reserves to be abandoned [Mining Act, Section 25(2)];

(c) technical plan prepared for the use of underground excavation voids and other mining facilities for other purposes;

(d) mine map reflecting the decommissioned status of the mine;

(e) environmental protection map;

(f) environmental permit prescribed by separate legislation;

(g)²⁷³ instrument referred to in Section 13(2) if, with the exception of implementing the final bank and mine bottom, the extraction of mineral resources is also planned during the mine closure.

(4a)²⁷⁴ If the applicant does not attach the document referred to in paragraph (4)(f) to the application, the Mining Authority shall provide for its procurement.

(5)²⁷⁵ Upon completion of extraction, in the course of assessing the technical operating plan drawn up for the mine closure (decommissioning) or field abandonment, and notifications of the decommissioning, dismantling of mining facilities [Section 18(4)], the Mining Authority shall examine options for preserving superfluous machinery, equipment, facilities and documents with relevance in industrial history.

(6) If the identified memorabilia with relevance in industrial history are sold, the museums established for collecting and preserving mining memorabilia shall have a right of first refusal.

(7)²⁷⁶ Beyond application of provisions of separate legislation, the use of the open voids of decommissioned underground mines for other purposes may be authorised by the authority if

(a) the mining undertaking performed its obligations prescribed in the technical operating plan of mine closure in relation to the excavation void to be used for other purposes;

(b) the mining undertaking has reimbursed mine damage caused by mining operations, remedied environmental or natural damage, unless such activity was undertaken by the licence holder;

(c) the licence holder provides security for reimbursing mine damage resulting in connection with the excavation void remaining open.

(8) The Mining Authority shall authorise the abandonment of underground excavation voids used for other purposes. The technical plan relating to the abandonment of underground excavation voids shall be attached to the permit application.

(9)²⁷⁷

(In relation to Section 43 of the Mining Act)

Section 27²⁷⁸(1) Pursuant to Section 51(a) of the Mining Act, the minister informs the European Commission of the name, competence and authority of competent authorities defined in Section

43 of the Mining Act, and changes thereto for publication of the list of competent authorities in the Official Journal of the European Union.

(2)²⁷⁹ The administrative supervision of mining operations by the Mining Authority shall continue after the deletion of the mining site in relation to the reimbursement of mine damage, land rehabilitation and safety.

*Section 28(1)*²⁸⁰ The fire protection powers of the Mining Authority extend to the following:

(a) underground excavation voids developed with mining technology for the exploration, extraction of mineral resources, and excavation voids of abandoned mines remaining open;

(b) civil engineering works and equipment on the earth's surface directly connected to the underground excavation void (e.g. pit-head, hoisting equipment, ventilation equipment, surface engine room of underground conveyor);

(c)²⁸¹

(d) deep drilling for the prospecting, production of fluid and gaseous mineral resources, and equipment within the safety zone, at the drilling site, necessary for drilling;

(e) wells serving the extraction of fluid or gaseous mineral resources, and equipment and accessories relating to production within the safety zone (well separator, wellhead assembly, glycolytic equipment, deep-well drilling beam etc.);

(f) geological structure serving the underground storage of gas, natural or artificial cavity, the related well system and the wellhead assemblies of wells;

(g) crude oil and natural gas pipelines and accessories on the field (e.g. their related separators, gas compressors, pumps and precipitators);

(h)²⁸²

(2) Upon the request of the mining undertaking the firefighting services participate in extinguishing fires occurring at the facilities listed in points (b)–(h) of paragraph (1) of mines with available forces and equipment.

(3)²⁸³ The Mining Authority shall be invited to the fire protection inspection of the surface facilities of mines.

(4)²⁸⁴

*Section 29(1)–(3)*²⁸⁵

(4)²⁸⁶

(5)²⁸⁷ The technical plans prescribed in Sections 23, 27, 30, 36 and 42 of the Mining Act shall be countersigned by the chief technical supervisor of the mining plant.

*Section 29/A*²⁸⁸

(In relation to Section 44 of the Mining Act)

*Section 30(1)*²⁸⁹ The Mining Authority may authorise individual derogation or exemption from certain requirements of safety regulations.

(2)²⁹⁰ Derogation or exemption may be granted only for a technical solution with an equivalent level of safety. Derogation or exemption may not be granted from a deadline determined in the safety regulation.

(3)²⁹¹

(4)²⁹² The technical safety, occupational safety (work safety and occupational health) requirements of civilian blasting activity shall be set out in a safety regulation.

(5) The Mining Authority performs administrative tasks it is assigned under separate legislation.

(6)²⁹³ The administrative powers of the Mining Authority applicable to filling and storage activities relating to liquid propane-butane gases and their compounds, or their domestic marketing in cylinders or tanks (Mining Act, Section 44) do not extend to the fuel supply equipment of gas-powered vehicles and work machinery, or the filling facilities of autogas filling stations.

*Section 30/A*²⁹⁴(1)²⁹⁵ The Mining Authority – as market surveillance authority – verifies whether

(a) products, machinery, equipment,

(b) pressure equipment and systems, transportable pressure equipment,

(c) individual protective equipment,

(d) electrical products,

(e) equipment for use in potentially explosive environments, protective systems

used in the course of mining and gas operations or installed in facilities falling within the scope of its administrative supervision are in conformity with safety and conformity certification requirements stipulated by normative legal regulations.

(2)²⁹⁶ It is also necessary to assess in a market surveillance procedure the safety of products

(a) that require assembly, mounting or other installation procedures for their use;

(b) in relation to which distribution procedures – transport and warehousing, in particular – may have affected their suitability for use;

(c) that were not placed on the market before use, including products produced for own use.

*Section 30/B*²⁹⁷(1)²⁹⁸ In the course of performing its official market surveillance tasks the Mining Authority may request information from manufacturers and distributors.

(2)²⁹⁹ If in the course of its official market surveillance procedure the Mining Authority determines that the product is not in conformity with safety requirements, beyond application of provisions of Act LXXXVIII of 2012 on the market surveillance of products it has the right to order products to be rendered inoperable in terms of technical safety or to be destroyed.

(3)³⁰⁰ If the Mining Authority determines that the ‘CE’ conformity marking is not displayed on the product or its display is unfounded, to terminate the infringement, in its decision it shall call on the operator, manufacturer, distributor or the authorised representative of the manufacturer established in Hungary (hereinafter collectively ‘economic operator’) to remedy the deficiencies in conformity with requirements. If the manufacturer does not act in compliance with the authority’s decision or the product is not in conformity with requirements, the Mining Authority may restrict or prohibit the placing on the market, establishment, commissioning and use of the product. In case of a major hazard, it may order the product’s withdrawal from the market.

(4)³⁰¹ The terms referred to in this section and in Section 30/A shall be construed in accordance with Act LXXXVIII of 2012 on the market surveillance of products.

(5)³⁰²

(6)³⁰³

*Section 30/C*³⁰⁴(1) Within the scope of its authority in the field of the prospection of mineral resources, the survey of geological hazards and the recovery of geological fluids, the Mining Authority shall

(a) check

(aa) the use of available geological data and information,

(ab) the expediency of prospecting methods, the minimum level of obtained necessary data,

(ac) the professional standard of implementation and evaluation, including the specialised expert credentials of the prospecting manager,

(ad) the potential impossibility of the recovery of geological fluids for other purposes, including the extraction of mineral resources;

(b) collect, manage and provide geological data produced in the course of the above activities.

(2) Within the scope of its authority to protect against the hazards of geological fluids, the Mining Authority may

(a)³⁰⁵ order the termination of hazardous conditions and shall verify the implementation thereof,

(b) initiate the use of the emergency budget and the general reserve of the central budget to prevent geological emergencies.

(In relation to Section 45 of the Mining Act)

Section 31(1)³⁰⁶

(2)³⁰⁷

(In relation to Section 46 of the Mining Act)

Section 32³⁰⁸(1)³⁰⁹

(2)³¹⁰ Requirements laid down in separate legislation are applicable to the authorisation of the establishment, putting into service and decommissioning of underground storage space. The notary of the local authority shall manage a register of underground storage spaces.

(3) The owner (operator) of underground storage spaces shall preserve their condition. Reconstruction works serving the preservation of the underground storage space in good condition may be carried out with the involvement of mining specialists.

(In relation to Sections 47–47/F of the Mining Act)³¹¹

Section 32/A³¹²(1) The application for approval of the complex operational plan shall include the following:

(a) name, registered office of operator, if it is not the licence holder, and

(b) reporting relating to the chief technical supervisor and his deputy, and the agreement relating to his employment.

(2) The complex operational plan consists of technical specifications, maps and annexes.

(3) The technical specifications shall include the following:

(a) proof referred to in Section 47(3) of the Mining Act, and justification of establishing the borrow pit,

(b) demarcation (administrative unit, lot number) of the planned borrow pit and justification of demarcation,

(c) result of preliminary soil mechanics exploration (testing), identification and composition of found mineral resources,

(d) quantity of resources to be extracted,

(e) description of the planned extraction technology, scheduled duration of operation and schedule of activities,

(f) method and place for depositing humic soil removed for extraction, to be preserved (saved),

(g) designation of the boundary (protective) pillar ensuring protection of real properties and civil engineering works affected by extraction, defined in Decree No 12/2003 of 14 March 2003 of the Minister for Economy and Transport on the issue of the Mine Safety Regulation concerning the dimensioning of protective and boundary pillars,

(h) method of decommissioning the extraction site, land rehabilitation and recultivation tasks,

(i) description of the impact of extraction on the environment and nature, measures necessary for preventing and mitigating negative effects on the environment and nature,

(j) methods of preserving archaeological heritage affected by extraction.

(4) The map of the borrow pit shall be prepared on the basis of geodetic terrain surveying at a scale of 1:1000 or greater.

(5) On the map of the borrow pit referred to in paragraph (4) it is necessary to indicate the following:

(a) terrain of the natural surface of the earth at the borrow pit based on a geodetic survey,

(b) elevation data of the original terrain surface from on-site measurements,

(c) maximum ground-water level,

(d) civil engineering works, standing and flowing waters affected by the borrow pit and extraction, and the designated protective pillar,

(e) transport routes, and

(f) place for depositing humus removed for extraction.

(6) The map shall be countersigned by a certified mineral surveyor.

(7) The following shall be attached to the complex operational plan:

(a) one copy of the agreement on property use concluded with the owner (property manager) of the property to be used,

(b)³¹³ in relation to arable land, final decision of the land registration authority authorising use for other purposes, or the final occupation authorisation in relation to forests,

(c)³¹⁴ final water works permit,

(d)³¹⁵ in relation to a protected natural area or a Natura 2000 site, the final environmental permit or the decision in which the environmental protection authority determines that the activity foreseen is not bound to an environmental permit,

(e) budget supporting the amount of security and an offer relating to the provision of security,

(f) declaration of the utility operator in relation to utilities affected by the activity.

(8)³¹⁶ If the applicant does not attach the document referred to in paragraph (7)(d) to the application, the Mining Authority shall provide for its procurement.

(9)³¹⁷ Section 25(9) is appropriately applicable to the drafting of the budget referred to in paragraph (7)(e).

*Section 32/B*³¹⁸ Section 25(7),(8) is applicable to security referred to in Section 47/A(3) of the Mining Act.

*Section 32/C*³¹⁹ The licence holder shall report the restoration of the borrow pit to the Mining Authority within thirty days and apply to the Mining Authority for approval of the termination of the borrow pit. The following shall be attached to the application:

(a) final status map with indication of data defined in Section 32/A(4),(5),

(b) statement on the quantity of extracted filling material, and proof of use and installation.

*Section 32/D*³²⁰ The upper limit of the fine referred to in Section 47/F(1) of the Mining Act is HUF 20 million, while the upper limit of the fine under Section 47/F(2) of the Mining Act is HUF 10 million.

*(In relation to Section 49/A)*³²¹

*Section 32/E*³²² In its annual draft budget the Mining Authority provides an appropriated budget for safety and occupational safety research, and the implementation thereof, the exploration and preservation of mining memorabilia with relevance in industrial history, the keeping of mining traditions, support of mining literature, and the establishment of conditions necessary for these activities. The president of the HMGS decides on the use of the budget.

(In relation to Section 50 of the Mining Act)

Section 33³²³(1)³²⁴ Geological data, calculations of mineral reserves, records and geological samples (hereinafter collectively 'data') defined in Section 50(2) of the Mining Act shall be made available to the HMGS free of charge. The data provision obligation does not extend to data proven to have been received by the HMGS or its predecessor, or that were added to the archives.

(2)³²⁵ Provided data shall belong to the data of the HMGS; the president of the HMGS provides for their storage, management and access.

(3)³²⁶

Section 34 For the purpose of this Decree:

1.³²⁷ 'Mine' means the surface or sub-surface area of the mining site used for the exploration and extraction of mineral resources, including cavities developed in geological structures and artificially created cavities for the storage of hydrocarbons.

2.³²⁸ 'Mining plant' means the area defined in the technical operating plan for carrying out mining operations – except for prospecting performed with shallow drilling technology not involving the disturbance of the surface or not reaching a depth of 50 metres, and the extraction of geothermal energy with a heat pump – and for installation of facilities and equipment necessary for such activity.

3. 'Mine opening (*wellhead*)' means the first technological point of the mine or the crude oil and natural gas mining plant where the extracted, raw mine product appears on the surface (together with tailings and accompanying mineral resources).

4. 'Mine railway' means the railway, funicular, cable railway, long-distance conveyor (hereinafter collectively 'railway') that satisfies the transport needs of the mining plant by transporting the employees, products of the mining plant within the area of the mining plant or to plant facilities located outside of it (classifier, grinding plant, loader etc.), or to public railways, roads or waterways for the purpose of further transport.

5. 'Mine closure (*mine decommissioning*), *abandonment of hydrocarbon field*' means termination of all mining operations, the regular abandonment, backfilling, closure of mine areas opening to the surface, and completion of land rehabilitation.

6. 'Mining *reclamation*' means abandonment of underground areas involved in mining operations without causing an environmental hazard or ensuring their suitability for other uses.

7. 'Surface *reconnaissance*' means activity carried out with

– remote sensing,

– airborne geophysical surveying,

- surface geophysical surveying, except for explosive seismic survey methods,
- on-site geological detection and measurement,
- surface (near-surface) laboratory scale sampling, or
- similar prospecting methods, not resulting in the disturbance of the soil's surface.

8. [329](#)

9. *'Natural gas'* means the collective term of mineral resources deposited underground in a gaseous state (hydrocarbon gases, carbon dioxide, sulphur dioxide, hydrogen sulphide etc.).

10. [330](#) *'Recovered quantity of geothermal energy'* means the quantity of energy recovered from extracted energy sources with a temperature of more than +30 °C for energy purposes.

11. [331](#) *'Propane-butane filling plant'* means the plant owned, used and operated by the gas supplier, gas distributor, gas seller pursuant to separate legislation, established for the storage of propane-butane gases and their compounds transported there, their filling into cylinders or tanks serving the supply of consumers. A compression station and facility serving other purposes (e.g. small-tank supply, village gas supply system) is not included.

12. [332](#)

13. [333](#) *'Field'* means a term used in relation to the production of hydrocarbon sites. Surface projection of a geological area consisting of one or more hydrodynamically not connected hydrocarbon storage layers or sites.

14. [334](#) *'Geothermal protection boundary'* means the area of the earth's crust demarcated for the recovery of geothermal energy, in which the planned quantity of geothermal energy extracted with the given technology for at least 25 years is ensured.

15. [335](#) *'Hydrostatic pressure storage facility'* means an underground spatial area in which pressure exceeds the pressure value estimated at subterranean depth and with an average water density of 1 000 kg/m³ by not more than 20 bar.

16. [336](#) *'High-pressure storage facility'* means an underground spatial area with pressure that exceeds the value provided in relation to the hydrostatic pressure storage facility.

17. [337](#) *'Geothermal energy recharge'* means energy from the earth's heat flow in reaction to the water flow and heat transport system created by the production-reinjection wells.

Section 35(1) This Decree shall enter into force on the 30th day after promulgation.

(2)–(3) [338](#)

(4)³³⁹

(5)³⁴⁰

(6)³⁴¹ The organisation or mining undertaking carrying out geological prospecting shall keep samples collected during prospecting in the quantity and condition existing on the date of the entry into force of this Decree. Samples may be scrapped only with the preliminary consent of the HMGS.

(7) The first review of the qualification of contained areas shall be carried out within 60 days from the entry into force of this Decree. When reviewing the contained areas each year consideration should be given to the results of prognostic prospecting and the analysis of economic, environmental, natural, archaeological and social effects.

(8)³⁴²

(9)³⁴³

(10)³⁴⁴

(11)³⁴⁵

(12)³⁴⁶ Schedule 3 sets out detailed rules of the service identification card and badge to be provided to persons carrying out mining supervisory tasks at the HMGS.

(13)³⁴⁷ Where a Member State in which a waste treatment facility is situated is aware that the operation of a Category 'A' waste treatment facility is likely to have significant adverse effects on the environment of, and any resultant risks to human health in, another Member State of the European Union, or where a Member State likely to be thus affected so requests, the Member State shall forward the relevant information to the other Member State at the same time as it makes it available to its own nationals. Such information shall serve as a basis for any consultation necessary within the context of bilateral relations on a reciprocal and equivalent basis.

(14)³⁴⁸ Within the framework of international bilateral relations, the minister shall ensure that in the cases referred to in paragraph (13) the applications are also made available for an appropriate period of time to the public concerned of the Member State that may be affected so that they will have the right to comment on them before the competent authority reaches its decision.

(15)³⁴⁹ In the event of an accident involving a mining waste treatment facility referred to in paragraph (13), the operator shall immediately provide information to the disaster management authority and Mining Authority in order to help minimise the consequences of the accident for human health and to assess and minimise the extent of actual or potential environmental damage. The Mining Authority shall forward information provided by the operator to the minister, who shall forward it without delay to other Member States of the European Union.

(16)³⁵⁰ The Mining Authority shall monitor the progress of the best available mining waste management technologies.

*Section 35/A*³⁵¹(1) The provisions of Section 12/A(4) of this Decree laid down in Section 11 of Government Decree No 251/2011 of 1 December 2011 amending government decrees concerning certain mining operations (hereinafter ‘Government Decree 251/2011’) are also applicable to procedures in progress on the date of the entry into force of Government Decree 251/2011.

(2) The provisions of Section 12/B(6) laid down in Section 12 of Government Decree 251/2011 are also applicable to tenders announced and unsuccessful before the entry into force of Government Decree 251/2011.

*Section 35/B*³⁵³(1) The provisions of Section 12(2) and of Section 19/B(9) of this Decree laid down in Section 8 and in Section 14, respectively, of Government Decree No 559/2013 of 31 December 2013 amending government decrees concerning mining and the supply of district heating are also applicable to ongoing progress.

(2) The records referred to in Section 8/D shall be established by 30 June 2014; the licence holder referred to in Section 22/B of the Mining Act shall provide data for such records by 30 April 2014.

*Section 35/C*³⁵⁴

*Section 35/D*³⁵⁵

*Section 35/E*³⁵⁶ The amendments of Section 12/B laid down in Government Decree No 275/2017 of 21 September 2017 amending certain energy related government decrees are also applicable to cases in progress on the date of their entry into force.

*Section 36*³⁵⁷ This Decree serves compliance with the following legal acts of the European Union:

(a) Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons;

(b) Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC [paragraph 28 of Article 3, Articles 14, 16 and 21(2)], Section 35 of the Decree.

*Schedule 1 of Government Decree No 203/1998 of 19 December 1998*³⁵⁸

Content of technical specifications necessary for designation of the geothermal protection boundary

1. Technical data relating to the production and reinjection wells, and the surface recovery equipment.

2. Geophysical, geological, hydrogeological, water quality and water temperature data of wells and exploratory drilling.
3. Description of geological-geophysical, hydrogeological, water quality and geothermal, temperature and thermophysical conditions based on geological prospecting data.
4. In the course of planned geothermal energy production, the quantity of geothermal energy extracted during a given period of time, the regular operating mode, and operating mode in case of maintenance and emergency.

*Schedule 2 of Government Decree No 203/1998 of 19 December 1998*³⁵⁹

Substantive and formal requirements of technical specifications, site layouts and schedules to be attached to applications for granting the right to preparation works and authorising line rights.

I. Documentation for the right to preparation works

1. Technical specifications (2 copies):
 - (a) location, purpose of facility,
 - (b)³⁶⁰ name of line,
 - (c) name, address of developer,
 - (d) name, address of designer, specification of designer credentials,
 - (e) list of technical parameters (material of line, nominal pressure, diameter),
 - (f) description of path with indication of the administrative areas and lot numbers concerned,
 - (g)³⁶¹ final decisions on consent referred to in Section 38/A(3) of the Mining Act.
2. Overview site layout with indication of the planned area, based on the land register map – scale: maximum M 1:500, but minimum M 1:4000 (2 copies).
3. Installation and outline scheme of other civil engineering works comprising the accessories of the line (2 copies).

*II.*³⁶² *Content of documentation relating to the line right:*

1. A site layout of a scale of maximum M 1:500, but minimum M 1:4000, prepared on the copy of the land register map, representing the path of the line and the size (band) of the safety zone. Individual drawing number and designation of the site layout.
2. List of the technical parameters (material of line, nominal pressure, diameter) of the line.

3.³⁶³ Diagrammatic site plan of variations and area records relating to real properties affected by the line right, with the valid endorsement of the land registration authority.

4. In relation to line right relating to operation, reference to the filing number of the authorisation of use of the built line, and the as-built map of the built line.

5. Document proving the sending of the offer relating to the establishment of the line right.

Schedule 3 of Government Decree No 203/1998 of 19 December 1998³⁶⁴

Detailed rules of the provision, use and registration of the service identification card and badge provided to persons carrying out official mining supervisory tasks

1.³⁶⁵ Government officials and State officials carrying out official mining supervisory tasks shall be provided a mining supervisory identification card referred to in Schedule 1 and a service badge with a serial number corresponding to the one of the card.

2.³⁶⁶ In the course of carrying out their official tasks the government officials, State officials of the Mining Authority shall wear the badge on their clothing or show it for identification to present proof of their official procedure.

3.³⁶⁷ Description of the badge: a metal, silver-colour, oval badge with a diameter of 40x45 mm, with the colour-enamelled coat of arms of Hungary at the centre of Turkey oak branches arching from the left and right sides, in a semi-circle, with the miner's symbol at the centre of the semi-circle (hammer and wedge, intersecting handles), with the inscription 'BÁNYAFELÜGYELET' (MINING AUTHORITY) at the bottom.

4.³⁶⁸ A register shall be managed on persons holding a mining supervisory service identification card and badge, carrying out official tasks, based on the sample included in Schedule 2.

5.³⁶⁹ The loss of the service identification card and badge shall be reported immediately to the head of the authority with the right to issue such card and badge.

6.³⁷⁰ The identification card and badge shall be returned upon termination of the mining supervisory job, or government or State service with the Mining Authority.

Schedule 4 of Government Decree No 203/1998 of 19 December 1998³⁷¹

Geological data obtained in the course of prospecting and geological prospecting, to be provided to the Hungarian Mining and Geological Service³⁷²

I. Scope of geological data

1. Data provision obligation

(a) geological data obtained in the course of drilling traversing geological formations;

(b) geological data obtained in the course of other, non-drilling activity (incision, prospecting trench, shaft, adit, drift, tunnel etc.; hereinafter collectively 'exploration') exploring sub-surface geological formations;

(c) geological data obtained in the course of activity based on geological mapping, remote sensing, geophysical, hydrogeological, agrogeological, geochemical, geotechnical, tectonic and other individual or regular detection, sampling or measurement performed on the earth's surface, from aircraft or from space.

2. The data sheet issued by the president shall be completed and attached to annual data sent on the intermediate results of ongoing prospecting.

3. Data provided on completed geological prospecting shall include the following if it was covered by such prospecting:

(a) data sheet on data that were not provided within the framework of annual data provision;

(b) purpose of prospecting and name of contractors;

(c) map of the prospecting area, with indication of the projection system and scale, and of at least two coordinate reference points and the prospecting facilities;

(d) description of the geological structure of the prospecting area;

(e) geological and technical materials testing data of prospecting facilities;

(f) basic documentation of geophysical measurements;

(g)³⁷³ data on hydrogeological, reservoir-mechanical, water quality and fluid composition testing data.

4. When providing data it is necessary to state the applied measurement method, title of the regulation describing such method, data necessary for processing measurement data, documentation of the measurement report, measurement location (path), executor of measurements, sampling location, sample identifier, place and time of laboratory testing, and the applied measurement, testing methods.

5. In relation to numerical data it is necessary to clearly indicate the used unit of measurement, the planar and vertical frame of reference (projection, ground level).

6. In relation to primary processed data it is necessary to provide the method of primary processing, the regulation describing such method, and the title or identifier of computer software.

II.³⁷⁴

Appendix 1 of Government Decree No 203/1998 of 19 December 1998³⁷⁵

SERVICE IDENTIFICATION CARD OF THE MINING AUTHORITY for carrying out official
mining supervisory tasks

Identification card No:

(Valid until revoked!)



Name, registered office of employer:

Name:

Position:

The holder of the identification card has the right to carry out official mining supervisory tasks in the area of competence of

Date: Done at, on the th/nd of in the year 2.....

Stamp

.....
.....

(signature of the
head of the
issuing
authority)

Continuation form:

The holder of the identification card is entitled to criminal-law protection due to holders of public office in administrative procedures. The holder has the right to hold inspections and take measures defined in Act CL of 2016 on the general rules of public administration, Act XLVIII of 1993 on mining, in the implementing decrees thereof and in separate legislation.

Appendix 2 of Government Decree No 203/1998 of 19 December 1998³⁷⁶

**Register of persons holding a service identification card and badge, carrying out official
mining supervisory tasks**

