

ROYAL DECREE No 1443 of 29 July 1927

Rules of a legislative nature to regulate the exploration and exploitation of mines in the Kingdom. (027U1443)

In force as at: 2 July 2019

TITLE I. Classification of the exploitation of mineral substances

VITTORIO EMANUELE III

BY THE GRACE OF GOD AND BY THE WILL OF THE NATION

KING OF ITALY

Having regard to the law of 14 April 1927 – Year V – No 571;

Having consulted the Council of Ministers;

On the proposal of Our Minister Secretary of State for the national economy, in agreement with the Ministers Secretaries of State for the interior, for war, for the navy, for finance and for justice and religious affairs;

We have decreed and we decree:

Article 1

((The exploration and exploitation of mineral substances and underground sources of energy, industrially utilisable, in any form or physical condition, are regulated by this law.))

Article 2

The processes indicated in Article 1 are divided into two categories: mining and quarrying.

The exploration and exploitation of the following substances and energies belong to the first category:

a) minerals that may be utilised for the extraction of metals, metalloids and their compounds, even if these minerals are used directly;

b) graphite, solid, liquid and gaseous fuels, asphaltic and bituminous rocks;

c) phosphates, alkaline and magnesia salts, alunite, mica, feldspars, kaolin and bentonite, bleaching earth, clay for porcelain and strong earthenware, earths with a degree of refractoriness higher than 1630 degrees Celsius;

d) precious stones, garnets, corundum, bauxite, leucite, magnesite, fluorine, barium and strontium minerals, talc, asbestos, cement marl, lithographic stones;

e) radioactive substances, mineral and thermal waters, vapours and gases.((7))

The second category comprises exploitation of:

- a) peat bogs;
- b) building, road and hydraulic construction materials;
- c) earth dyes, diatomaceous earth, quartz and silica sand, millstone, whetstone;
- d) other industrially utilisable materials pursuant to Article 1, not included in the first category.

UPDATE (7)

The Decree of 30 November 1992 (in Official Gazette No 78 of 3 April 1993) provides (Article 1, first paragraph) that olivine is included among the mineral substances belonging to the first category referred to in this article.

Article 3

((Whether substances not indicated in the preceding article fall into one or other category is determined by Royal Decree, issued by the Minister for Corporations, after consulting the Higher Mining Council.

By Royal Decree, issued by the Minister for Corporations in agreement with the Minister for Grace and Justice, having consulted the Higher Mining Council and the Council of State, the substances included in the second of the above categories may be included in the first.

In both cases provided for in the two preceding paragraphs, the transitional rules contained in Royal Decree No 1443 of 29 July 1927-V are followed where applicable.))

TITLE II.Mining.Chapter I – Mining exploration.

Article 4

Exploration for mineral substances is permitted only to holders of an authorisation, ((...)).

Article 5

((ARTICLE REPEALED BY PRESIDENTIAL DECREE NO 382 OF 18 APRIL 1994))

Article 6

The authorisation for exploration cannot be granted for a period of more than three years. It may be extended, subject to verification, at the expense of the explorer, of the works performed and the results obtained.

Article 7

The explorer must pay the State the annual proportional fee of L. 2 for each hectare of surface area included within the limits of the authorisation.

(2) (3) (5) ((6))

UPDATE (2)

Legislative Decree of the Provisional Head of State No 24 of 7 January 1947 provides (in Article 4, first paragraph) that ‘The annual fees established by Articles 7 and 25 of Royal Decree-Law No 1443 of 29 July 1927, for exploration authorisations and mining concessions,

respectively, are raised to L. 20 and L. 50, respectively, per hectare or part of a hectare, with effect from 1 January 1947’.

UPDATE (3)

Law No 8 of 21 January 1949, amending Article 4 of the Legislative Decree of the Provisional Head of the State, consequently provides (in Article 1, first paragraph) that ‘The amount of the fees, state property income and additional fees resulting from the application of Article 1, first paragraph, and Articles 2, 3 and 4 of Legislative Decree of the Provisional Head of State No 24 of 7 January 1947 is quadrupled’.

UPDATE (5)

Law No 1501 of 21 December 1961, amending Article 1, first paragraph, of Law No 8 of 21 January 1949, which in turn amended Legislative Decree of the Provisional Head of the State No 24 of 7 January 1947, consequently provides (in Article 1, first paragraph) that ‘The amount of the fees, state property income and additional fees resulting from the first and third paragraphs of Article 1 of Law No 8 of 21 January 1949 is doubled’.

It further provides (in Article 6, first paragraph) that the abovementioned amendment takes effect on 1 February 1962.

UPDATE (6)

Legislative Decree No 546 of 2 October 1981, converted with amendments by Law No 692 of 1 December 1981, provides (in Article 14, second paragraph) that ‘The annual fees established by Articles 7 and 25 of Royal Decree No 1443 of 29 July 1927 for exploration authorisations and mining concessions are fixed, respectively, at L. 1280 and L. 3200 per hectare or part of a hectare of surface area on dry land, and at L. 10 and L. 40 per hectare or part of a hectare of marine surface area in territorial waters or on the continental shelf’.

It further provides (in Article 14, third paragraph) that ‘The annual amount of the fees referred to in the preceding paragraph shall not be less than L. 10 000 and L. 50 000, respectively’.

The exploration authorisation cannot be transferred without the prior consent of the Minister for the National Economy.

Each transfer is subject to a fixed fee of L. 1000.

Transfers that have not been previously authorised shall be null and void both between the parties and vis-à-vis the Administration.

Article 9

The Minister for the National Economy may declare forfeiture of the authorisation:

1. where work has not been started by the deadline established and, in the absence of a specified deadline, within three months from the date on which the authorisation was issued;
2. where work is suspended for more than three months;
3. where the prescriptions established are not followed or the provisions of Articles 8 and 12 of this decree are not complied with;
4. where the proportional fee indicated in Article 7 is not paid.

In no case is the explorer entitled to indemnity or compensation from the State or any subsequent explorers.

Opposition may be filed against the declaration of forfeiture of the exploration authorisation. This shall be decided by the Minister for the National Economy himself, after consulting the Higher Mining Council.

The decision ruling on the opposition is not open to administrative or judicial appeal.

Article 10

The owners of land, included within the perimeter to which the authorisation relates, cannot oppose the exploration work, without prejudice to the prohibitions contained in the Mining Policy Law, No 184 of 30 March 1893.

The explorer must compensate for damage caused by the exploration work.

The owner of the land concerned by the exploration has the right to demand security.

Where the parties fail to reach an agreement, the chief engineer of the mining district, having consulted, where necessary, an expert, shall establish *ex officio*, as a provisional measure, the amount of the deposit and, once this has been taken care of, the explorer may proceed with the work.

Any further dispute between the landowner and the explorer shall be decided by the judicial authority.

Article 11

Within the limits of the land included in an exploration authorisation or in a concession, a further exploration authorisation may be granted, but for different substances and provided that the new works are not incompatible with those under the pre-existing exploration or concession.

In the event of disagreement between the interested parties, the Minister for the National Economy shall decide, after consulting the Higher Mining Council.

Article 12

The explorer is forbidden to perform exploitation work.

In no case may use be made of the mineral substances extracted without the consent of the Minister for the National Economy.

The power to authorise the abovementioned use may be delegated to the chief engineer of the mining district.

Article 13

Where the State intends to engage in exploration directly, the exploration zone shall be determined by decree of the Minister for the National Economy.

Chapter II – Mining concessions.

Article 14

Mines may only be exploited by a concession-holder.

((PARAGRAPH REPEALED BY PRESIDENTIAL DECREE NO 382 OF 18 APRIL 1994)).

Multiple concessions may be granted in the same area, but for different mineral substances, in accordance with the provisions of Article 11.

Article 15

((PARAGRAPH REPEALED BY PRESIDENTIAL DECREE NO 382 OF 18 APRIL 1994)).

Multiple concessions may be granted to the same person.

Where the concession is granted to a company, both the representatives and the management of the company must be approved by the Minister for the National Economy.

((PARAGRAPH REPEALED BY PRESIDENTIAL DECREE NO 382 OF 18 APRIL 1994)).

Article 16

The explorer shall be given preference over any other applicant, provided that the Minister for the National Economy considers that the explorer has the necessary technical and economic capabilities.

The explorer, if not granted the concession, has the right to obtain, at the expense of the concession-holder, a premium in relation to the importance of the discovery and an indemnity on the basis of the usable works.

The premium and the indemnity shall be provisionally determined in the deed of concession. Any related dispute shall be dealt with by the judicial authority.

Article 17

The costs of processing applications for concessions shall be borne by the applicant.

Article 18

The concession shall be granted by decree of the Minister for the National Economy, ((...)).

The concession decree shall state:

- a) the concession-holder and the latter's domicile, which must be established or elected in the province where the mine is located;
- b) the duration of the concession;
- c) the nature, situation, extent of the mine and its delimitation;
- d) the proportional fee to be paid by the concession-holder under the terms of Article 25;
- e) the amount of any premium and indemnity due to the explorer within the meaning of Article 16;

f) all other obligations and conditions to which the concession is to be subject;

g) any share of the State in the profits of the company, to be determined after consultation with the Minister for Finance.

The decree shall include the plan and the record of delimitation of the concession.

The decree, which shall be registered subject to a fixed fee of L. 10, shall be published in the Official Gazette of the Kingdom and transcribed to the property title office.

Article 19

Landowners cannot oppose the operations required for delimitation of the concession, the setting of the related deadlines, or the exploitation works, without prejudice to the right to compensation due for any damage.

Article 20

Where the concession has not been granted to the explorer, the concession-holder must, within three months from the date of notification of the concession decree, provide evidence to the Ministry for the National Economy, by presenting the related receipt or certificate, that the sum established in the decree by way of premium or indemnity has been paid to the explorer or has been deposited in the Cassa Depositi e Prestiti.

Failure to comply with the abovementioned obligation shall result in the forfeiture of the concession, to be declared by the Minister for the National Economy.

Chapter III – Exercise of the concession.

Article 21

The mining concession shall be temporary.

Article 22

The mine and its appurtenances shall be subject to the provisions of law governing immovable property.

Registration of mortgages shall be subject to the consent of the Minister for the National Economy.

Article 23

The appurtenances of the mine are the buildings, internal or external fixed installations, shafts, galleries, as well as the machinery, equipment and tools used for the exploitation of the mine, the construction works and systems for enrichment of the mineral.

The materials extracted, supplies and furnishings are considered as movable property.

Article 24

The concession-holder may make use of the mineral substances associated with those covered by the concession.

Article 25

The concession-holder is required to pay annually to the State the proportional fee of L. 5 for each hectare of surface area included within the limits of the concession.

(2) (3) (5) ((6))

UPDATE (2)

Legislative Decree of the Provisional Head of State No 24 of 7 January 1947 provides (in Article 4, first paragraph) that ‘The annual fees established by Articles 7 and 25 of Royal Decree-Law No 1443 of 29 July 1927, for exploration authorisations and mining concessions, respectively, are raised to L. 20 and L. 50, respectively, per hectare or part of a hectare, with effect from 1 January 1947’.

UPDATE (3)

Law No 8 of 21 January 1949, amending Article 4 of Legislative Decree of the Provisional Head of the State No 24 of 7 January 1947, consequently provides (in Article 1, first paragraph) that ‘The amount of the fees, state property income and additional fees resulting from the application of Article 1, first paragraph, and Articles 2, 3 and 4 of Legislative Decree of the Provisional Head of State No 24 of 7 January 1947 is quadrupled’.

UPDATE (5)

Law No 1501 of 21 December 1961, amending Article 1, first paragraph, of Law No 8 of 21 January 1949, which in turn amended Legislative Decree of the Provisional Head of the State No 24 of 7 January 1947, consequently provides (in Article 1, first paragraph) that ‘The amount of the fees, state property income and additional fees resulting from the first and third paragraphs of Article 1 of Law No 8 of 21 January 1949 is doubled’.

It further provides (in Article 6, first paragraph) that the abovementioned amendment takes effect on 1 February 1962.

UPDATE (6)

Legislative Decree No 546 of 2 October 1981, converted with amendments by Law No 692 of 1 December 1981, provides (in Article 14, second paragraph) that ‘The annual fees established by Articles 7 and 25 of Royal Decree No 1443 of 29 July 1927 for exploration authorisations and mining concessions are fixed, respectively, at L. 1280 and L. 3200 per hectare or part of a hectare of surface area on dry land, and at L. 10 and L. 40 per hectare or part of a hectare of marine surface area in territorial waters or on the continental shelf.

It further provides (in Article 14, third paragraph) that ‘The annual amount of the fees referred to in the preceding paragraph shall not be less than L. 10 000 and L. 50 000, respectively’.

Article 26

The mines granted in concession must be kept in operation except where the Minister for the National Economy, ((...)), authorises suspension of the works or gradual execution thereof.

The power to authorise suspension of the works falls to the same authority as is responsible for issuing concessions for the exploitation of mineral deposits. This power in any case falls to the chief engineer of the mining district in the case of suspension for a period not exceeding one year.

The concession-holder must exploit the mine using technical and economic means commensurate with the importance of the deposit, and shall be liable vis-à-vis the State for regular maintenance thereof, even during periods of suspension of work.

Article 27

Any transfer, by deed between living persons, of the concession must be previously authorised by the Minister for the National Economy.

Any deed which does not have the abovementioned authorisation, shall be null and void both vis-à-vis the Administration and between the parties.

Independently of the abovementioned nullity, the Minister for the National Economy may declare the concession to be forfeited, in compliance with the provisions of Article 41.

For mines located in areas of interest to national defence, the Minister for the National Economy shall authorise the abovementioned transfers after having consulted the Military Administration.

The decree authorising the transfer shall be registered subject to a fixed fee of L. 10.

Article 28

The Minister for the National Economy may demand that the concession-holder's heir be represented by a person approved by the Administration.

The concession-holder's heirs must, within three months from the start of succession, appoint, by the majority indicated in Section 678 of the Civil Code, a single representative for all legal relations with the State and with third parties.

After this deadline, said representative shall be appointed ex officio by the president of the court in whose jurisdiction the mine is located, at the request of the chief engineer of the mining district, without the need to consult the interested parties.

Article 29

Mining concession-holders must provide the Public Administration with statistical data and any other information requested of them. They must also make available to delegated officials all the means necessary to inspect the works.

In the event of refusal, the abovementioned officials may request the necessary assistance from the public authority.

Article 30

Only mortgage creditors may initiate expropriation of the right of the mining concession-holder.

Both the expropriation and the creditor classification proceedings shall follow the rules of the Code of Civil Procedure. The writ of expropriation of immovable property must also be notified to the Minister for the National Economy.

The auction price remaining, after satisfying creditors, goes to the concession-holder.

The winner of the auction shall take over all the rights and obligations established in favour of and to be met by the concession-holder in the deed of concession and in this decree, provided that, in the unquestionable judgment of the Minister for the National Economy, the winner of the auction meets the requirements of Article 15.

Article 31

The concession-holder is required to pay compensation for any damage resulting from the operation of the mine.

As regards the provision of any security, the provisions of Article 10 shall apply.

Article 32

Within the perimeter of the concession, the works necessary for the storage, transport and processing of materials, for the production and transmission of energy, and in general for the exploitation of the deposit and for the safety of the mine, are considered to be for public use for all due purposes of Law No 2359 of 25 June 1865.

In the event of a dispute concerning the necessity and the terms and conditions for the abovementioned works, the chief engineer of the mining district shall decide.

Where the works referred to in the first paragraph of this article must be performed outside the perimeter of the concession, the concession-holder may request the declaration of public use for the purposes of the abovementioned law. Said declaration shall be made by the Minister for the National Economy, ((...)).

At the request of the concession-holder, the Minister for the National Economy may order emergency occupation, provisionally determining compensation and arranging for the lodgement of same.

Chapter IV – Termination of the concession.

Article 33

The concession shall cease in the event of:

a) expiry of the term;

b) surrender;

c) forfeiture;

d) expiry of the term.

Article 34

An expired concession may be renewed, if the concession-holder has complied with its obligations.

Article 35

If the concession is not renewed, the concession-holder must, upon expiry of the term, hand over the mine and its appurtenances to the Administration.

The concession-holder shall only have the right to keep, with the precautions established for this purpose by the chief engineer of the mining district, the objects intended for exploitation that can be separated without prejudice to the mine.

Article 36

If, on expiry of the term, the mine is granted in concession to others, handover from one concession-holder to another must be performed with the intervention of the chief engineer of the mining district.

In the event of disagreement between the parties, the abovementioned engineer shall provisionally determine the sum to be paid for the objects intended for exploitation that can be separated without prejudice to the mine, which the new concession-holder wishes to keep. The

sum must be deposited in the Cassa Depositi e Prestiti. An appeal against said liquidation may be filed by the interested parties with the judicial authority.

Article 37

Mortgages registered on the mine shall be settled on the items and on the sums due to the concession-holder. The latter must also notify, at least one month in advance, the registered mortgage creditors of the date on which the operations for the handover of the mine to the Administration or to the new concession-holder will take place.

b) Surrender.

Article 38

A concession-holder wishing to surrender a concession must file the relevant declaration with the Minister for the National Economy, without attaching any conditions thereto.

From the date of filing of the declaration of surrender, the concession-holder shall become custodian of the mine and shall not carry out any further mining work, or make any changes whatsoever to the condition thereof.

The chief engineer of the mining district shall check the condition of the mine and order any safety and conservation measures he considers necessary.

In the event of non-compliance, he shall order ex officio execution thereof, at the expense of the concession-holder.

Article 39

The Minister for the National Economy, ((...)), shall issue a decision on the surrender.

c) Forfeiture.

Article 40

The Minister for the National Economy may declare forfeiture on the part of the concession-holder, where the latter:

1. fails to fulfil the obligations imposed by the deed of concession;
2. fails to comply with the provisions of Articles 25, 26 and 27.

Article 41

Forfeiture of the concession shall be declared, after notification of the reasons to the concession-holder, by decree of the Minister for the National Economy, ((...)).

An appeal against the decree of forfeiture may be filed before the Council of State, in its judicial capacity, in the cases provided for by Article 26 of the Consolidated Law on the Council of State, approved by Royal Decree No 1054 of 26 June 1924.

Provisions common to surrender and forfeiture.

Article 42

The decree accepting surrender and the decree declaring forfeiture shall be published in the Official Gazette of the Kingdom and transcribed to the property title office.

From the date of the abovementioned decrees, the concession-holder is exempted from the payment of the proportional fee and from the obligations imposed by the deed of concession.

Article 43

The mine surrendered or forfeited may be granted in concession again.

The new concession-holder shall have the right to use the works, installations and other appurtenances necessary for the exploitation of the mine. It may also keep the objects intended for exploitation that can be separated without prejudice to the mine, as long as it pays the price therefor to the previous concession-holder, under the terms of Article 36.

Article 44

The Minister for the National Economy, having consulted the Higher Mining Council, may proceed with a new concession for a mine which has been surrendered or forfeited, even if mortgages are registered on said mine, placing on the concession-holder the obligation of prior settlement with registered creditors and determining the other guarantees that it deems appropriate to provide in the interests of third parties.

Within a year from the transcription of the decree of acceptance of the surrender or decree declaring forfeiture, the mortgage creditors may assert their rights, even if the agreed deadline has not expired, promoting the sale by auction of a mining concession for which no provision is made under the terms of the preceding paragraph. In such a case, the auction price shall, once mortgage or privileged creditors have been satisfied, go to the State.

The provision contained in the last paragraph of Article 30 shall apply to the winner of the auction.

Once the abovementioned year has passed, no other action may be proposed on the mining concession and the Minister for the National Economy shall be free to grant a new concession.

Likewise, if no bidder emerges at the auction, the mine shall be free of all burdens and may be the subject of a new concession.

TITLE III. Quarrying.

Article 45

The right of use of quarries and peat bogs shall fall to the owner of the land.

Where the owner does not undertake exploitation of the quarry or peat bog or does not develop the latter sufficiently, the chief engineer of the mining district may set a deadline for the commencement, resumption or intensification of the works. Once the deadline set has expired without results, the chief engineer of the mining district may grant the concession for the quarry or peat bog in accordance with the rules contained in Title II of this decree, as applicable. Where the subject of the concession is the exploitation of peat bogs that would benefit from drainage works, the competent Civil Engineering Office shall be consulted in advance.

An appeal may be filed against the decree of the chief engineer of the mining district granting the exploitation of the quarry or peat bog, before the Minister for Industry and Commerce, which shall issue a decision after consulting the Higher Mining Council.

The owner shall receive payment of the value of the installations, the usable works and the extracted material that can be used at the quarry or the peat bog.

The fees due to third parties on the quarry or on the peat bog shall be settled on the basis of the amounts assigned to the owner under the preceding paragraph.

In any case, the provisions of Articles 29, 31 and 32 are applicable to quarries and peat bogs.

((Where the exploitation of quarries and peat bogs gives rise to a serious danger of hydrogeological instability, such as to pose a risk to the safety of people and human settlements, the region, except where it has provided otherwise, may prescribe, by order of the president indicating a deadline, safety measures for which the operator shall be responsible. In the event of non-compliance with said order, the region may, by reasoned decision of the Council, order the immediate revocation of the authorisation and the acquisition of the quarry as public property of the region. If the quarry is part of the public property of the region, the Regional Council shall order revocation of the concession)).

TITLE IV. Effects of proximity and mining consortia.

Article 46

Where, due to proximity or any other cause, the working of a mine, quarry or peat bog causes damage or is beneficial to another mine, quarry or peat bog, there shall be compensation or indemnity between those concerned.

Article 47

For the execution, maintenance and use of any works necessary for the beneficial joint exploitation of mines, quarries or peat bogs, voluntary or mandatory consortia may be established.

The constitution of a mandatory consortium shall be ordered by decree of the Minister for the National Economy, after consulting the Higher Mining Council.

Article 48

Mandatory and voluntary consortia for mines, quarries or peat bogs may be granted, by decree of the Minister for the National Economy, the right to collect members' contributions with fiscal privileges and according to fiscal procedures.

All deeds drawn up in the direct interest of the abovementioned consortia shall be registered at a fixed fee of L. 10.

All mortgage transactions performed in the interest of the abovementioned consortia are also subject to a fixed fee of ten lire.

The increase in income for mines, quarries or peat bogs from the works carried out by the consortia shall, for twenty years from the date of the completion of said works, be exempt from property tax.

Article 49

If the works are not carried out within the deadlines laid down, the Minister for the National Economy shall appoint a commissioner who, at the expense of the consortium, shall take over management thereof.

The commissioner shall ask each of the interested parties to deposit the respective share of the expenses, making use, in the event of non-compliance, of the procedures established for collection of direct taxes.

Article 50

Where inconsistency in the system of exploitation of adjacent or neighbouring mines, held by different concession-holders, compromises the existence of mines or the safety of persons or the possibility of more advantageous exploitation, the working of said mines may be placed under single management.

In this case, the concession-holders shall be asked to agree on the appointment of the persons to be responsible for managing the common interests.

If, after the deadline set for this purpose, the above has not been carried out, the Minister for the National Economy shall delegate one or more commissioners charged with managing the common interests.

The commissioner shall, together with the concession-holders, assess the individual interests and, based on the results of the assessment, shall order the allocation of expenses and products.

Appeals against the basis for the allocation shall be decided by the Court in whose jurisdiction the mines are located.

Such appeals shall not stay the execution of the decisions complained of.

TITLE V.Criminal provisions

Article 51

Anyone who engages in the exploration or exploitation of minerals without the authorisation of the Minister for the National Economy shall be punished with a fine of not less than L. 5000, in addition to confiscation of the excavated material.

Any explorer who fails to comply with the provisions of Article 12 shall be liable for the same penalty.

Article 52

Any concession-holder who neglects regular maintenance of the mine shall be punished with a fine of not less than L. 5000, without prejudice to compensation for damages to the State.

Any concession-holder who fails to comply with the provisions of the first paragraph of Article 29 shall be liable for the same penalty.

TITLE VI. General and transitional provisions.

Article 53

Mining concessions and investitures granted without a time limit, according to the laws in force to date, shall be maintained as perpetual concessions, where there are no reasons for forfeiture.

Temporary concessions shall remain in force until the expiry date set in the individual deeds of concession, provided that there are also no reasons for forfeiture.

Article 54

In territories where, by virtue of the laws in force to date, the right of use of the mineral substances fell to the owner of the land, mines which, in the unquestionable judgment of the Minister for the National Economy, appear to be under normal exploitation on the date of publication of this decree, shall be granted in perpetual concession to whomsoever proves to be the legitimate owner.

Ownership, even if acquired in other territories, of mines under normal exploitation at the date of publication of this decree shall also be converted into a concession.

Article 55

Mining contracts in force on the date of publication of this decree shall be maintained for the term provided therein.

Article 56

In the territories indicated in Article 54, mines in which operation has been suspended or abandoned for whatever reason, shall be granted in perpetual concession to the respective owner who undertakes to reactivate same within one year from the date of the decree of concession, or within a longer deadline that may be established by the Minister for the National Economy, after consulting the Higher Mining Council.

Article 57

Concessions confirmed or granted pursuant to Articles 53, 54 and 56 shall be subject to the provisions of this decree, whatever the provision in force at the time they were conferred and the conditions or methods of said conferment.

Article 58

Exploration authorisations and mining surveys shall be kept for the time for which they were issued, in compliance with the provisions of this decree, where the respective holders do not come under any of the cases of forfeiture laid down by the provisions in force to date.

Article 59

In the territories indicated in Article 54, anyone who has legitimately acquired the right of use of mineral deposits of which exploitation has not yet been started, has priority over other applicants

to obtain an exploration authorisation, provided that the application is submitted within one year from the date of publication of this decree.

Article 60

For the purposes of the preceding articles, within one year from the publication of this decree, the following must be declared:

- a) concessions, whether perpetual or temporary;

- b) operating or abandoned mines.

The declaration must be accompanied by the titles proving the right of use or the ownership of the mine.

Where the declaration is not made within the abovementioned deadline, any right shall be considered forfeited and the Minister for the National Economy shall be free to dispose of the subsurface in accordance with the rules contained in this decree.

Article 61

If the right over the same mine is shared by two or more persons, they must appoint, by the majority indicated in Section 678 of the Civil Code, a single representative for all legal relations with the State and with third parties, within six months from the publication of this decree.

After expiry of this deadline, the representative shall be appointed *ex officio* by the president of the Court at the request of the chief engineer of the mining district under the terms of Article 28.

Article 62

If the Administration finds that two or more mines, which are neighbouring or adjacent, do not represent, taken individually, a field worth exploiting, it may promote shared operation thereof, pursuant to Article 50.

Article 63

The exploitation of deposits of substances which, pursuant to Article 2, fall into the category of mines, shall be granted in perpetual concession to the owner of the deposit and shall be subject to the provisions of this title, as applicable.

Article 64

All provisions of laws and decrees hitherto in force concerning the matters covered by this decree are repealed.

Nothing new is introduced to:

- a) the laws in force concerning mining policy;
- b) the powers conferred on the Minister for the National Economy for mining exploration and exploitation to be carried out on behalf of the State;
- c) the legal system and the arrangements for use of mines and thermal and mineral springs pertaining to the State.

Within a year from publication of this decree, the municipalities of Carrara and Massa shall issue a regulation, to be approved by the Minister for the National Economy, to regulate concessions for the respective marble quarries.

Article 65

The King's Government shall be authorised to issue the rules for implementation of the present decree, which shall come into force on the date of its publication in the Official Gazette of the Kingdom.

We hereby order that this decree, bearing the seal of the State, be included in the official collection of laws and decrees of the Kingdom of Italy, being notified to anyone who is required to comply and ensure compliance therewith.

Issued in Rome, on 29 July 1927 - Year V

VITTORIO EMANUELE.

Mussolini - Belluzzo - Volpi

- Rocco.

Countersigned by the Minister of Justice: Rocco.

Registered at the Court of Auditors, on 18 August 1927 - Year V

Government Acts, Book 263, sheet 161 - Ferretti.