



# **MINLEX - Spain Country Report**

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# 1. SPAIN

## 1.1. Summary of findings

Spain has a long mining tradition, particularly in the production of gold and other metals, and has a large mineral potential. Spain is the only European producer of sodium sulphate and hosts 70 % of the world sepiolite resources; it is the main fluorspar producer in Europe, the world's fifth largest gypsum producer and first in Europe, and the world's second largest and only European producer of celestine. It also possesses the largest European feldspathic sand reserves for the production of feldspar. Spain is the third European producer in tungsten and fourth in copper and zinc.

Mining operations are governed by the Spanish Mining Law 22/1973, of 21 July, and its regulations were approved by Royal Decree 2857/1978 and Law 21/2013 on Environmental Assessment. These laws are applicable to the whole country. As of today (May 2019), since Act 25/2009, there are no special rules or requirements applicable to foreign applicants for authorisations or concessions governed by mining laws. **Each of the 17 Spanish Autonomous Regions may enact additional mining rules provided the basic mining system governed by national provisions is respected. According to the Mining Law, all mineral deposits and geological resources within Spain are public domain goods, thus mining activity must be preceded by the corresponding permit/concession.** The permit/concession allowing mining activity depends on the type of mineral commodity ("mineral section"). The competent authorities governing mineral exploration and extraction are: the General Directorate of Energy and Mines Policy (Ministry for the Ecological Transition) and the Departments of Industry, Environment, Culture and Public Works of each of the 17 Autonomous Regions.

Permits required for exploration and extraction depend on the type of mineral section (A, B, C or D): Metals and industrial minerals belong to Section C. Construction minerals can be A or C. The D section is only for energetics.

- Section A resources
  - Authorisation of use
- Section B resources
  - Authorisation of use of mineral or thermal waters, of mining waste or of use of underground structures
- Section C and D resources
  - Exploration permits, investigation permits, mining concessions

To understand mining procedures deadlines in Spain, it is important to note that although mining legislation is national but regionally applied, all environmental procedures to which a mining application is subject, must fulfil the environmental provisions of the autonomous communities. Therefore, the deadlines for a mining application are the result of the interrelation between mining and environmental procedures deadlines, both in hands of the autonomous communities since 1993. The number of permits and licences required is one for exploration and three to four for extraction. The average time to get the permits/licences is one year or more (depending on the possibility of an EIA simplified for an investigation permit) for exploration and 3-7 years for extraction, with a gap between the legal and the real time frame depending on the EIA procedure.

**The permitting success rates (2013-2015) have been estimated to be 90% for exploration and 10% for exploitation.** The exploration phase in Spain is covered by two different type of permits in the mining law: Exploration permits and investigation permits. Exploration permits do not allow performing mining operations such as trenches, drilling, etc., whereas investigation permits, on the other side, allows minor excavating works and drillings, and thus has currently more requirements before they are granted by

environmental authorities. Investigation permits must present a preliminary EIA and a restoration plan.

***In Spain permitting procedures are governed by a multi-authorisation system, i.e. far from a "one-stop shop" or an integrated/coordinated authorisation system.*** The system has been reported to be neither efficient nor effective and ***delays are derived from the fact that the mining, environment, culture, land planning, and other permissions are requested to different administrations with various timeframes and schedules.*** During the administrative process of granting a permit, if a report is asked (e.g. relating to water management, environment, archaeology, etc.) the process is stopped and the deadlines increase. The country expert has suggested that *"the best possible solution would be the creation of a single procedure depending on the mining authority that in turn would be responsible for dispatching reports to the other intervening authorities and collecting in due time the results of the inquiries. Conflicts among administrations would be resolved internally by the corresponding superior authorities"*.

***Besides the multi-authorisation system, another challenging issue is the environmental permit, which depends on the environmental authorities of each Autonomic Community.*** Although the law establishes clear deadlines for the environmental procedure, the mining granting process and the environmental ones are very interlocked and also there are many processes that stopped the administrative timing during the public consultation phase, such as specific reports, etc. Nevertheless, authorities rarely seem to meet the deadlines, with no administrative consequences. ***Another problem is the banning of mining operations by Autonomic Governments and Municipalities.*** According to the country expert: *"Some Autonomic Governments and Municipalities have used the land use planning under their direct control and without clear limits (this competence is constitutionally in their hands) to ban mining from their regions"*. The Supreme Court established in its decision of 3 November 2010 that restrictive planning would violate the Mining Law, but this doctrine has yet to be confirmed by legislation to provide juridical security to mining rights and to the access to mineral resources.

## **1.2. General introduction**

Spain's political regime is a parliamentary monarchy. Spain's administrative system is a highly decentralised with 17 autonomous communities and 2 autonomous cities. The nation has devolved powers to the communities which exercise their right to self-government within the limits set forth in the constitution and their Statutes of Autonomy, which contain all the competences that they assume.

Spain has a long mining tradition particularly in the production of gold and other metals and has a large mining potential. Spain is the only European producer of sodium sulphate and hosts 70% of the world sepiolite resources; it's the main fluorspar producer in Europe, the world's fifth largest gypsum producer and first in Europe, the world's second largest and only European producer of celestine. It also possesses the largest European feldspathic sand reserves for the production of feldspar. Spain is the third European producer in tungsten and fourth in copper and zinc.

### **Mineral ownership**

All minerals including territorial sea and continental shelf are of public domain (state-owned) (Art 2 of the ML). No mineral resource is owned by the landowner, but less valuable resources, in terms of unitary values or which need minor processing (aggregates, construction rocks, clays, etc.) can only be exploited by the land owner (or its lessees) by and administrative permit, instead of by a mine concession.

### **1.3. Legislation governing mineral exploration and extraction**

Mining operations in Spain are governed by the Spanish Mining Law 22/1973, of 21 July, and its regulations approved by Royal Decree 2857/1978, of 25 August. These laws are applicable to the whole country. The exploration and production of hydrocarbons are regulated by the Hydrocarbons Law 21/1974. Permits regarding natural oil and gas are governed by specific regulations (mainly Act 34/1998, of 7 October, on hydrocarbons modified by Law 8/2015, of 21<sup>st</sup> May). However, principles and procedures are similar to the ones under mining laws. As of today, since Act 25/2009, of 22 December, there are no special rules or requirements applicable to foreign applicants for authorisations or concessions governed by mining laws. Each of the seventeen Spanish Autonomous Region may enact additional mining rules provided the basic mining system governed by national provisions is respected. According to Law 22/1973, all mineral deposits and geological resources within Spain are public domain goods. Therefore, mining activity must be preceded by the corresponding permit or concession. The specific permit/concession empowering mining activity depends on the type of mineral commodity (“mineral section”).

Law 22/1973 sets forth four sections:

- Section A: resources and deposits of little economic value and restricted geographic marketing, such as gravel, sand or ornamental rocks, etc.
- Section B: thermal waters and minerals, subterranean structures and sediments (waste) arising from mining activities.
- Section C: resources and deposits not included in Sections A, B and D.
- Section D: coal; radioactive minerals; geothermic resources; bituminous rocks; and mineral deposits or geological resources of interest for energy.

**Table 1:** Spain. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
mining, minerals management, technical safety, concession	ES-L1	Mining Law 22/1973.	y	y	y	y	y	y	y	y	
	ES-L2	Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	y	y	y	y	y	y	y	y	Detailed Regulations of mines
	ES-L3	Law 54/1980, of 5 November modifying the Law 22/1973 of 21 July of Mines with special attention to the energy mineral resources	y	y	y	y	y	y	y	y	
	ES-L4	Royal Decree 107/1995 of 27th January establishing the criteria to include resources under section A of the Mining Law	y	y	y	y	y	y	y	y	
	ES-L5	Law 03/2008, of 23 May of mining planning of Galicia	y	y	y	y	y	y	y	N	Regional Legislation in Galicia

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
	ES-L6	Law 10/2014, of 1st October of mining planning of the Balearic Islands.	y	y	y	y	y	y	y	N	Regional Legislation in Balearic Is.
Environment	ES-L7	Law 21/2013 of 9th December of Environmental Assessment	y	y	y	y	y	y	y	y	National
	ES-L8	Royal Decree 975/2009 of 12th June on management of extractive industries wastes and protection and reclamation of land affected by mining operations. Royal Decree 777/2012 of 4th May, modifying Royal Decree 975/2009.	n	n	n	y	y	y	y	y	National. Mining waste legislation
	ES-L9	Royal Decree 9/2005 of 14th January which establishes a list of potentially soil contaminating activities and criteria and standards for declaring that sites are contaminated.	n	n	n	y	y	y	y	n	National. Legislation on polluted soils
	ES-L10	Royal Legislative Decree 1/2008, of 11/01/2008, which passes the revised text of the Law of Environmental Impact Assessment of projects	y	y	y	y	y	y	y	y	y



Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
	ES-L11	Law 7/2007 of integrated management of environmental quality. BOE 190, de 9-8-2007. Autonomic Government of Andalusia	y	y	y	y	y	y	y	n	Andalusia legislation
	ES-L12	Law 12/1981, of 24th December 1981, establishing additional regulations to protect natural spaces of special interest affected by mining activities.	y	y	y	y	y	y	y	n	Catalonia legislation
	ES-L13	Order 06/06/1988 that partially develops the decree 343/1983, of 15/07/1983, about environmental protection regulations applied to mining activities	y	y	y	y	y	y	y	n	Catalonia legislation
	ES-L14	Decree 202/1994, of 14/06/1994, establishing the criteria to establish the financial guarantees of the reclamation programs of mining activities	y	y	y	y	y	y	y	n	Catalonia legislation
	ES-L15	Order TES/421/2012, of 12/12/2012, establishing technical specifications of the annual revision of the amounts of the financial guarantees of the	y	y	y	y	y	y	y	n	Catalonia legislation

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
		reclamation programs of mining activities									
	ES-L16	Decree 45/1994, of 4 March, of evaluation of impact assessment of Aragon. BOA 35, de 18-03-1994	y	y	y	y	y	y	y	n	Aragon legislation
	ES-L17	Law 17/2006, of 11 December, of integrated environmental control in Cantabria. BOE 15, de 17-1-2007.	y	y	y	y	y	y	y	n	Cantabria legislation
	ES-L18	Decree 4/1986, of 23 January, of implementation and regulation of EIA studies. BOIB 24-1-1986. Modified by decree 85/2004, of 1st October	y	y	y	y	y	y	y	n	Balearic Islands legislation
	ES-L19	Law 4/2007, of 8th March, of EIA in Castile-La Mancha. BOE 118, of 17-5-2007	y	y	y	y	y	y	y	n	Castile-La Mancha legislation
	ES-L20	Legislative Decree 1/2000, of 18th May, passing the integrated text of the EIA Law and Environmental Auditing in Castile-Leon. BOCyL of 27-10-2000 y C.e BOCyL 214, of 6-11-2000.	y	y	y	y	y	y	y	n	Castile-Leon legislation

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
	ES-L21	Law 20/2009, of 4 <sup>th</sup> December, on prevention and environmental control of activities BOE 12, of 14-1-2010	y	y	y	y	y	y	n	Catalonia legislation	
	ES-L22	Regional Law 4/2005, of 22th March, of intervention for environmental protection. BOE 108, de 6-5-2005.	y	y	y	y	y	y	n	Navarra legislation	
	ES-L23	Regional Decree 93/2006, of 28th December, approving the Regulations developing Regional Law 4/2005. BON 8, de 17-1-2007	y	y	y	y	y	y	n	Navarra legislation	
	ES-L24	Law 2/1989, of 3rd March, of EI Studies. DOGV 1021, de 1-3-1989	y	y	y	y	y	y	n	Valencia legislation	
	ES-L25	Law 1/1995, of 2 January, of environmental protection of Galicia. DOG 29, de 10-02-95 & C.e DOG 72, de 12-04-95	y	y	y	y	y	y	n	Galicia legislation	
	ES-L26	Law 11/1990, of 13th July, of prevention of the ecological impact. BOCA 92, de 23-07-1990	y	y	y	y	y	y	n	Canary Islands legislation	
	ES-L27	Law 5/2002, of 8th October, of Environmental protection	y	y	y	y	y	y	n	La Rioja legislation	

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
		in La Rioja. BOR 253, de 22-10-2002									
	ES-L28	Law 2/2002, of 19th June, of Environmental Assessment of the Community of Madrid. (Partially modified by Law 2/2004, 31st May). BOE 176, de 24-07-2002	y	y	y	y	y	y	y	n	Madrid legislation
	ES-L29	Law 1/1995, of protection of the environmental of the Region of Murcia. BOM 78, de 3-4-1995 & C.e BOM 83, de 08-04-1995	y	y	y	y	y	y	y	n	Murcia legislation
	ES-L30	Law 3/1998, of 27th February, General of Environmental Protection. BOPV 59, de 27-3-98 partially modified by the Constitutional Court sentence 101/2006, BOE de 4-5-2006.	y	y	y	y	y	y	y	n	Basque Country legislation

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
water management	ES-L31	Royal Legislative Decree 1/2001, of 20th July, passing the integrated text of the Water Law.	n	n	n	y	y	y	y	y	National
	ES-L32	Royal Decree 1620/2007, of 7th December, establishing the juridical regime for the reutilization of purified waters	n	n	n	y	y	y	y	y	National
	ES-L33	Legislative Decree 3/2003, of 4th November, by which approves the consolidate text of the water legislation in Catalonia	n	n	n	y	y	y	y	n	Catalonia legislation
	ES-L34	Decree 171/2014, of 23th December, the plan of management of the river basin district of Catalonia.	y	y	y	y	y	y	y	n	Catalonia legislation
Land use planning, spatial development, soil management	ES-L35	Royal Legislative Decree 2/2008 of 20th June, which approves the revised text of the Land Law.	n	n	y	y	y	y	y	y	National
	ES-L36	Royal Legislative Decree 7/2015, of 30th October, which passes the revised text of the Land Law and Urban Rehabilitation.	n	n	y	y	y	y	y	y	National

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
	ES-L37	Royal decree 1492/2011, of 24th October, which passes the Regulation for economic assessment of the Land Law.	n	n	y	y	y	y	y	y	National
	ES-L38	Law 8/2013, of 16th June on Rehabilitation, regeneration and urban renovations	n	n	n	n	n	n	n	n	National
	ES-L39	Decree 129/2006, of 27th June 27 which approves the Land Use Plan.	n	n	y	y	y	y	y	n	Andalusia
	ES-L40	Law 4/2009 of 22nd June, of the Land Use Plan	n	n	y	y	y	y	y	n	Aragon
	ES-L41	Legislative Decree 1/2004 of 22nd April, approving the revised text of the existing legislation in the field of Planning and Urbanism	n	n	y	y	y	y	y	n	Asturias
	ES-L42	Decree 278/2007 of 4th December, which approves the Regulation of Planning and Urbanism of Asturias.	n	n	y	y	y	y	y	n	Asturias
	ES-L43	Law 6/1999 of April 3 of the Guidelines for Regional Planning and Taxation Measures.	n	n	y	y	y	y	y	n	Balearic Islands

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
	ES-L44	Law 14/2000 of 21 December, Land Planning	n	n	y	y	y	y	y	n	Balearic Islands
	ES-L45	Law 2/2014, of 25th March, of Planning and Land Use.	n	n	y	y	y	y	y	n	Balearic Islands
	ES-L46	Law 7/2012 of 13th June about urgent measures for Sustainable Urban Planning.	n	n	y	y	y	y	y	n	Balearic Islands
	ES-L47	Law 6/1997, of July 8th,of the rural land	n	n	y	y	y	y	y	n	Balearic Islands
	ES-L48	Law 1/1991, of 30th January, of Protected Natural Areas and Urban Regime of Special Protection Areas, amended by Law 1/2000, March 9th Law 6/1997, of July 8th,of the rural land.	n	n	y	y	y	y	y	n	Balearic Islands
	ES-L49	Law 14/2014, of 26th December on the harmonization and simplification on the protection of land and natural resources.	n	n	y	y	y	y	y	n	Canary Islands
	ES-L50	Legislative Decree 1/2000 of 8th May which approves the Revised Laws of Land and Natural Areas.	n	n	y	y	y	y	y	n	Canary Islands
	ES-L51	Law 6/2010 of 30th July, of urgent measures in the field	n	n	y	y	y	y	y	n	Cantabria

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					exploration	extraction	post-extraction	local	regional	(central) national	
		of Planning and Urbanism of Cantabria (BOE 28.08.2010)									
	ES-L52	Law 2/2001, of June 25th, of Spatial and Urban Land Scheme.	n	n	y	y	y	y	y	n	Cantabria
	ES-L53	Legislative Decree 1/2010 of 18 May, which approves the revised text of the Law for Land Planning and Urban Activity.	n	n	y	y	y	y	y	n	Castile-La Mancha
	ES-L54	Decree 29/2011 of 19th April, which approves the Regulation of the Activity Execution of the Consolidated Law for Spatial Planning and Urban Activity	n	n	y	y	y	y	y	n	Castile-La Mancha
	ES-L55	Decree 242/2004, of 27th July, approving the Regulation of Rural Land	n	n	y	y	y	y	y	n	Castile-La Mancha
	ES-L56	Decree 248/2004, of 14th September, approving the Regulation of Planning.	n	n	y	y	y	y	y	n	Castile-La Mancha
	ES-L57	Law 10/1998, of 5th December, of Land Planning	n	n	y	y	y	y	y	n	Castile-Leon
	ES-L58	Law 23/1983 of 21st November of Territorial Policy.	n	n	y	y	y	y	y	n	Catalonia



Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
	ES-L59	Legislative Decree 1/2010 of August 3rd, by which the revised text of the Urban Planning Law is approved.	n	n	y	y	y	y	y	n	Catalonia
	ES-L60	Law 8/2005 of June 8th, of Protection, Management and Landscape Planning.	n	n	y	y	y	y	y	n	Catalonia
	ES-L61	Law 1/1995 of 16th March, by which the Territorial Plan General is approved	n	n	y	y	y	y	y	n	Catalonia
	ES-L62	Law 3/2012, of 22th February modifying the revised text of the Urban Planning Law passed by Legislative Decree 1/2010, of 3 <sup>rd</sup> August	n	n	y	y	y	y	y	n	Catalonia
	ES-L63	Decree 305/2006, of 18th July passing the regulation of the Urban Law	n	n	y	y	y	y	y	n	Catalonia
	ES-L64	Decree 64/2014, of 13th May passing the regulation on protection of the urban legality	n	n	y	y	y	y	y	n	Catalonia
	ES-L65	Law 1/2015, of 5th February on the special regime of the Aran Valley	n	n	y	y	y	y	y	n	Catalonia
	ES-L66	Decree 7/2007 of 23th January, approving the	n	n	y	y	y	y	y	n	Extremadura

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
		Regulation of Planning of Extremadura									
	ES-L67	Law 15/2001, of 14th December, of Soil and Land Management	n	n	y	y	y	y	y	n	Extremadura
	ES-L68	Law 10/1995 of 23rd November, of Land Planning	n	n	y	y	y	y	y	n	Galicia
	ES-L69	Law 6/2007 of 11th May, with urgent measures concerning spatial planning and coastline.	n	n	y	y	y	y	y	n	Galicia
	ES-L70	Law 9/2002 of 30th December, about Urban Planning and Rural Environment Protection.	n	n	y	y	y	y	y	n	Galicia
	ES-L71	Law 7/2008, of 7th July, of Landscape Protection.	n	n	y	y	y	y	y	n	Galicia
	ES-L72	Decree 19/2011, of 10th February, of the Regional Planning Guidelines definitively approved.	n	n	y	y	y	y	y	n	Galicia
	ES-L73	Law 9/2001, of July 17th, of Land	n	n	y	y	y	y	y	n	Madrid
	ES-L74	Law 4/1992, of July 30th , about Management and Protection of Natural Resources (derogated by	n	n	y	y	y	y	y	n	Murcia

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					exploration	extraction	post-extraction	local	regional	(central) national	
		Law 1/2001, 24th April, Land law)									
	ES-L75	Legislative Decree 1/2005 of 10th June, approving the revised text of the Land Law in the Region of Murcia.	n	n	y	y	y	y	y	n	Murcia
	ES-L76	Provincial Decree 85/1995, of 3 April, approving the Regulation of development of Regional Law 10/1994, of July 4, for Spatial Planning and Urbanism.	n	n	y	y	y	y	y	n	Navarra
	ES-L77	Regional Law 35/2002, 20 December, for Spatial Planning and Urban Development.	n	n	y	y	y	y	y	n	Navarra
	ES-L78	Law 4/1990 of 31th May, for Spatial Planning.	n	n	y	y	y	y	y	n	Basque Country
	ES-L79	Decree 28/1997 of 11th February, approving the Regional Planning Guidelines	n	n	y	y	y	y	y	n	Basque Country
	ES-L80	Decree 90/2014, June, protection, management and landscape management in regional planning.	n	n	y	y	y	y	y	n	Basque Country
	ES-L81	Law 2/2006 of 30 June, about Land and Urban Development	n	n	y	y	y	y	y	n	Basque Country

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
	ES-L82	Law 5/2006 of May 2nd, for Spatial Planning and Urban Development.	n	n	y	y	y	y	y	n	La Rioja
	ES-L83	Law 5/2014, 25th July, for Spatial Planning, Urbanism and Landscape.	n	n	y	y	y	y	y	n	Valencia
culture heritage	ES-L84	Law 16/1985 of 25th June of Spanish Historical Heritage	n	n	y	y	n	n	n	y	National
	ES-L85	Law 1/1991, of 21 February of heritage of the Autonomous Community of Andalusia, modified by Law 7/1997, of 31 December	n	n	y	y	n	y	y	n	Andalusia
	ES-L86	Decree 58/1994, of 11th March, setting out rules for archaeological works, use and advertising of metal detection devices. BOCyL of 03.15.1995	n	n	y	y	n	y	y	n	Castile-Leon
	ES-L87	Law 12/2002, of 11th July, of Cultural Heritage of Castile & Leon (BOCYL, supplement No. 139 of 07.19.2002), amended by	n	n	y	y	n	y	y	n	Castile-Leon

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
		Law 8/2004 of 22 December, amending Law 12/2002, of 11th July of Cultural Heritage of Castile & Leon, BOE 14, of 01.17.2005.									
	ES-L88	Law 9/1993, of 30th September, of the Catalan Cultural Heritage. DOGC 10.11.1993, C.e in DOGC of 24/11/1993 and BOE 04/11/1993	n	n	y	y	n	y	y	n	Catalonia
	ES-L89	Decree 231/1991, of 28th September, on archaeological interventions. DOGC 1518, of 15-11-1991	n	n	y	y	n	y	y	n	Catalonia
	ES-L90	Decree 78/2002, of 5 <sup>th</sup> march, of the regulations for the protection of the archaeological and paleontological heritage. DOGC 3594, of 13-3-2002.									
	ES-L91	Law 2/1999 of 29th March, of Historical and Cultural Heritage of Extremadura. DOE 22/05/1999 and BOE of 22/06/1999.	n	n	y	y	n	y	y	n	Extremadura
	ES-L92	Decree 37/1997, 18th March, about archaeological and use of metal detection	n	n	y	y	n	y	y	n	Extremadura

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
		devices in the activities affecting the Archaeological Heritage of the Community of Extremadura. DOE 03/25/1997.									
	ES-L93	Decree 93/1997, of 1st July, by which the archaeological activity is regulated in the Community of Extremadura. DOE, 07.17.1997.	n	n	y	y	n	y	y	n	Extremadura
	ES-L94	Law 8/1995, of 30th October, of the Cultural Heritage of Galicia. DOG of 08/11/1995 and BOE of 01/12/1995	n	n	y	y	n	y	y	n	Galicia
	ES-L95	Decree 199/1997, of 10th July, by which regulates archaeological activity in the Autonomous Community of Galicia. DOG of 06.08.1997 and C.e in DOG of 04.11.1997	n	n	y	y	n	y	y	n	Galicia
	ES-L96	Law 10/1998 of 9th July, of Historical Heritage of the Community of Madrid. BOCM of 07/16/1998 and BOE of 09/28/1998.	n	n	y	y	n	y	y	n	Madrid
	ES-L97	Law 4/1990 of 11th April, of measures to promote the Historical Heritage of the	n	n	y	y	n	y	y	n	Murcia

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
		Region of Murcia. BORM 17/05/1990 and BOE 07.17.1990.									
	ES-L98	Decree 180/1987 of 26th November about archaeological activities. BORM 04/01/1988.	n	n	y	y	n	y	y	n	Murcia
	ES-L99	Regional Law 14/2005 of 22nd November, of the Cultural Heritage of Navarra. BON 141 of 25.11.2005	n	n	y	y	n	y	y	n	Navarra
	ES-L100	Regional Decree 218/1986, of 3rd October, by which the licensing for conducting excavations and archaeological work is regulated. BONA of 13.10.1986.	n	n	y	y	n	y	y	n	Navarra
	ES-L101	Law 7/1990, of 3rd July 3, of Basque Cultural Heritage.	n	n	y	y	n	y	y	n	Basque Country
	ES-L102	Decree 234/1996, of 8th October which establish the system to determine the areas of archaeological presumption.	n	n	y	y	n	y	y	n	Basque Country
	ES-L103	Decree 341/1999, of 5th October, about the conditions of transfer, delivery and storage of	n	n	y	y	n	y	y	n	Basque Country

Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
		assets of archaeological and paleontological interest discovered in the territory of the Basque Country									
	ES-L104	Law 4/1998 of 11th June, of the Valencian Cultural Heritage. Generalitat of Valencia	n	n	y	y	n	y	y	n	Valencia
Public administration, court procedures	ES-L105	Complementary organic Law 1/2009 3rd November about Reform Law of procedural legislation for the implementation of the new Judicial Office.	n	n	y	y	y	y	y	y	National
	ES-L106	Organic Law 19/2003 23rd December, amending the Organic Law 6/1985 of 1st July, of the judicial authority.	n	n	y	y	y	y	y	y	National
	ES-L107	Law 29/1998 of 13th June regulating the Administrative Jurisdiction.	n	n	y	y	y	y	y	y	National
	ES-L108	Law 1/2000 of 7th January on Civil Procedure.	n	n	y	y	y	y	y	y	National
	ES-L109	Law 29/2002, of 20 <sup>th</sup> December, first law of the civil code of Catalonia. DOGC 3798, of 13-1-2003 and BOE 32, of 6-2-2003.	n	n	y	y	y	y	y	n	Catalonia



Legislative sector	Code	English title	Permitting Provisions (Y/N)	Dead-lines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
					exploration	extraction	post-extraction	local	regional	(central) national	
mining, minerals management, technical safety, concession - Fiscal Legislation	??	Law 27/2014 of 27 November of corporate taxes. Chapter VIII refers to mining	n	n	y	y	y	y	y	y	National
	ES-L111	Royal Decree 647/2002 of 5th July declaring priority mineral raw materials referring to in Law 43/1995	n	n	y	y	y	y	y	y	National
	ES-L112	Law 6/1977 of 4th January of Promotion of Mining	n	n	y	y	y	y	y	y	National

#### **1.4. Authorities governing mineral exploration and extraction**

The permit/concession allowing mining activity depends on the type of mineral commodity ("mineral section"). The competent authorities governing mineral exploration and extraction are: General Directorate of Energy and Mines Policy (Ministry for Ecological Transition), Ministry of Education, Culture and Sports and the Ministry of Public Works, Departments of Industry, Environment, Culture and Public Works of each of the 17 Autonomous Regions.

**Table 2:** Spain. Relevant authorities in exploration and extraction permitting.

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
First instance permitting (local, regional, central, national)	ES-E1	Dirección General de Política Energética y Minas. Ministerio para la Transición Ecológica	General Directorate of Energy and Mines Policy. Ministry for Ecological Transition	Pº de la Castellana 160. 28046 Madrid, España. <a href="https://energia.gob.es/es-es/Paginas/index.aspx">https://energia.gob.es/es-es/Paginas/index.aspx</a>	Issues permits (exploration, investigation and concessions) in areas affecting several and contiguous autonomic communities. Responsible of national mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
	ES-E2	Dirección General de Industria Energía y Minas de Galicia	General Directorate of industry Energy and Mines of Galicia	Edif. Admtvo. San Caetano, s/n, Bloq. 5 Pl. 4 - 15781 - Santiago de Compostela. <a href="http://ceei.xunta.gal/a-conselleria/direccion-xeral-de-enerxia-e-minas">http://ceei.xunta.gal/a-conselleria/direccion-xeral-de-enerxia-e-minas</a>	Issues permits (exploration, investigation and concessions) in Galicia. Responsible of Galician mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines  Regulation of Mines. Law 03/2008, of 23 May of mining planning of Galicia and it's Accompanying Budget Law (Orzamentos 2015)	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E3	Dirección General de Innovación, industria y Comercio de La Rioja	General Directorate of Innovation, Industry and Commerce of La Rioja	C/ Marqués de la Ensenada, 13 - 15 (Entrada por C/ Albia de Castro). Logroño. <a href="http://www.larioja.org/territorio/es/minas">http://www.larioja.org/territorio/es/minas</a>	Issues permits (exploration, investigation and concessions) in La Rioja. Responsible of La Rioja mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General	
ES-E4	Dirección General de Industria y Energía de Madrid	General Directorate of Industry Energy and Mines of Madrid	28016, Calle de Cardenal Marcelo Spínola, 14, 28016 Madrid. <a href="http://www.madrid.org/cs/Satellite?c=Page&amp;cid=1109266101058&amp;idConsejeria=1109266187242&amp;idListConsj=1109265444710&amp;idOrganismo=1109266227096&amp;pagename=ComunidadMadrid%2FEstructura">http://www.madrid.org/cs/Satellite?c=Page&amp;cid=1109266101058&amp;idConsejeria=1109266187242&amp;idListConsj=1109265444710&amp;idOrganismo=1109266227096&amp;pagename=ComunidadMadrid%2FEstructura</a>	Issues permits (exploration, investigation and concessions) in Madrid. Responsible of Madrid mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E5	Dirección General de Energía y Actividad Industrial y minería de Murcia	General Directorate of Energy and Industrial and mining activity of Murcia	C/ Nuevas Tecnologías, s/n. Murcia. <a href="https://www.carm.es/web/pagina?IDCONTENIDO=217&amp;IDTIPO=200&amp;PLANT_PERSONALIZADA=/JSP/CARM/nuevoPortal/organigramas/plantillaDetalleOrganigrama.jsp&amp;IDESTRUCTURAJERARQUICA=353&amp;RASTRO=c818\$m4791">https://www.carm.es/web/pagina?IDCONTENIDO=217&amp;IDTIPO=200&amp;PLANT_PERSONALIZADA=/JSP/CARM/nuevoPortal/organigramas/plantillaDetalleOrganigrama.jsp&amp;IDESTRUCTURAJERARQUICA=353&amp;RASTRO=c818\$m4791</a>	Issues permits (exploration, investigation and concessions) in Murcia Responsible of Murcia mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E6	Dirección General de Industria, Energía e Innovación de Navarra	General Directorate of Industry Energy and Innovation of the Navarra	Parque Tomás Caballero Nº 1 Edificio "Fuerte del Príncipe II" 31005 PAMPLONA. <a href="http://www.navarra.es/home_es/Gobierno+de+Navarra/Departamento+Educacion/organigrama.htm?idunidadactual=10003700">http://www.navarra.es/home_es/Gobierno+de+Navarra/Departamento+Educacion/organigrama.htm?idunidadactual=10003700</a>	Issues permits (exploration, investigation and concessions) in Navarra. Responsible of Navarra mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E7	Dirección General de Energía, Minas y Administración Industrial del País Vasco	General Directorate of Energy, Mines and Industrial Administration of the Basque Country	DONOSTIA-SAN SEBASTIAN, 1. 01010 VITORIA-GASTEIZ (ALAVA). <a href="http://www.industria.ejgv.euskadi.eus/r44-hm20001/es/contenidos/institucion/2102/es_4980/r01hRedirectCont/contenidos/organo/8_directoria_energia_minas/es_10427/dir_energia.html#">http://www.industria.ejgv.euskadi.eus/r44-hm20001/es/contenidos/institucion/2102/es_4980/r01hRedirectCont/contenidos/organo/8_directoria_energia_minas/es_10427/dir_energia.html#</a>	Issues permits (exploration, investigation and concessions) in the Basque Country. Responsible of Basque Country mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E8	Dirección General de Industria y Energía de Valencia	General Directorate of Industry and Energy of Valencia	Carrer de Castan Tobeñas, 77, 46018 València. <a href="http://www.indi.gva.es/">http://www.indi.gva.es/</a>	Issues permits (exploration, investigation and concessions) in Valencia. Responsible of Valencia mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E9	Dirección General de Energía y Minas de Aragón	General Directorate of Industry Energy and Mines of Aragón	Edificio Pignatelli. Pº María Agustín 36. 50071 Zaragoza (Zaragoza). <a href="http://www.aragon.es/Temas/Industria">http://www.aragon.es/Temas/Industria</a>	Issues permits (exploration, investigation and concessions) in Aragón. Responsible of Aragón mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E10	Dirección General de Minería y Energía de Asturias	General Directorate of Mining and Energy of Asturias	Pza. España, 1 - 3ª planta. 33007 Oviedo. <a href="http://www.asturias.es/">http://www.asturias.es/</a>	Issues permits (exploration, investigation and concessions) in Asturias. Responsible of Asturias mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E11	Dirección General de Innovación e Industria de Cantabria	General Directorate of Innovation and Industry of Cantabria	Calle Albert Einstein, 2 (PCTCAN) 39011 Santander. <a href="http://cantabria.es/web/direccion-general-industria/mineria">http://cantabria.es/web/direccion-general-industria/mineria</a>	Issues permits (exploration, investigation and concessions) in Cantabria. Responsible of Cantabrian mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E12	Dirección General de Energía, Minas y Seguridad Industrial de Cataluña	General Directorate of Energy, Mines and Industrial Safety of Cataluña	Carrer de Pamplona, 113. 08018 Barcelona. <a href="http://sac.gencat.cat/sacgencat/AppJava/organisme_fitxa.jsp?codi=5397">http://sac.gencat.cat/sacgencat/AppJava/organisme_fitxa.jsp?codi=5397</a>	Issues permits (exploration, investigation and concessions) in Catalonia. Responsible of Catalonia mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E13	Dirección General de Industria e Innovación Tecnológica de Castilla-León	General Directorate of Industry and Technological Innovation of Castille-Leon	Plaza del Milenio, 1 (Edificio de Usos Múltiples) - C.P.: 47014 - Valladolid (Valladolid). <a href="http://www.gobierno.jcyl.es/web/jcyl/Gobierno/es/Plant">http://www.gobierno.jcyl.es/web/jcyl/Gobierno/es/Plant</a>	Issues permits (exploration, investigation and concessions) in Castille-Leon. Responsible of Castille-Leon mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
			illa66y33/1284433942995/_/_/_						
ES-E14	Dirección General de Industria, Energía y Minas de Castilla-La Mancha	General Directorate of Industry Energy and Mines of Castille-La Mancha	C/ Río Estenilla, s/n - 45071 Toledo. <a href="http://mineriadlm.castillalamancha.es/">http://mineriadlm.castillalamancha.es/</a>	Issues permits (exploration, investigation and concessions) in Castille-La Mancha. Responsible of Castille-La Mancha mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E15	Dirección General de Industria, Energía y Minas de Extremadura	General Directorate of Industry, Energy and Mines of Extremadura	Paseo de Roma, S/N, Módulo D 1ª Planta, 06800, Mérida. <a href="http://industriaextremadura.gobex.es/kamino/index.php/area-de-minas">http://industriaextremadura.gobex.es/kamino/index.php/area-de-minas</a>	Issues permits (exploration, investigation and concessions) in Extremadura. Responsible of Extremadura mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E16	Dirección General de Energía y Minas de Andalucía	Directorate of Industry Energy and Mines of Andalusia	Avda. Albert Einstein, 4. Isla de la Cartuja. 41092 - Sevilla. <a href="http://www.juntadeandalucia.es/organismos/empleoempresaycomercio/areas/industria/minas.html">http://www.juntadeandalucia.es/organismos/empleoempresaycomercio/areas/industria/minas.html</a>	Issues permits (exploration, investigation and concessions) in Andalusia. Responsible of Andalusia mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E17	Dirección General de Política Industrial de las Islas Baleares	General Directorate of Industrial Policy of the Balearic Islands	<a href="http://www.caib.es/govern/organigrama/area.do?codigo=186&amp;lang=es">Plaça de Son Castelló, 1 (Polígon de Son Castelló) - 07009 Palma.</a> <a href="http://www.caib.es/govern/organigrama/area.do?codigo=186&amp;lang=es">http://www.caib.es/govern/organigrama/area.do?codigo=186&amp;lang=es</a>	Issues permits (exploration, investigation and concessions) in Balearic Islands. Responsible of Balearic Islands mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines. Law 10/2014, of 1st October of mining planning of the Balearic Islands.	
ES-E18	Consejería de Obras Públicas de Ceuta	Dpt of Public Works and Environment of Ceuta	Explanada Muelle de Poniente, s/n, Galería C, Bajo. 51001 CEUTA. <a href="http://www.ceuta.es/ceuta/por-consejerias/fomento">http://www.ceuta.es/ceuta/por-consejerias/fomento</a>	Issues permits (exploration, investigation and concessions) in Ceuta. Responsible of Ceuta mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E19	Consejería de Medio Ambiente de Melilla	Dpt of Environment of Melilla	Plaza España, 0 S N Primera Planta Ala Derecha Palacio De La Asamblea, 52001 Melilla. <a href="http://www.melilla.medioambiente.com/">http://www.melilla.medioambiente.com/</a>	Issues permits (exploration, investigation and concessions) in Melilla. Responsible of Melilla mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	



Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E20	Dirección General de Industria de las Islas Canarias	General Directorate of Industry of the Canary Islands	Plaza De los Derechos Humanos, 0 S/N Usos Múltiples, I, 8 º, 35003 Las Palmas de Gran Canaria, Las Palmas. <a href="http://www.gobierno.decanarias.org/cenic/industria/temas/minas/">http://www.gobierno.decanarias.org/cenic/industria/temas/minas/</a>	Issues permits (exploration, investigation and concessions) in Canary Islands. Responsible of Canary Islands mining policy	y	y	y	Mining Law 22/1973. Royal Decree 2857/1978 25th April that passes the General Regulation of Mines	
ES-E21	Ministerio para la Transición Ecológica	Ministry for Ecological Transition	Pza. San Juan de la Cruz s/n 28071 Madrid <a href="https://www.miteco.gob.es/es/ministerio/default.aspx">https://www.miteco.gob.es/es/ministerio/default.aspx</a>	Issues EIA for mining projects involving several Autonomous Communities	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
ES-E22	Ministerio para la Transición Ecológica	Ministry for Ecological Transition	Pza. San Juan de la Cruz s/n 28071 Madrid <a href="https://www.miteco.gob.es/es/ministerio/default.aspx">https://www.miteco.gob.es/es/ministerio/default.aspx</a>	Issues EIA for mining projects involving several Autonomous Communities	n	y	y	Law 6/2010 of 24th March modifying the consolidated text of the Law of Environmental Impact Assessment of projects	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E23	Ministerio para la Transición Ecológica	Ministry for Ecological Transition	Pza. San Juan de la Cruz s/n 28071 Madrid <a href="https://www.miteco.gob.es/es/ministerio/default.aspx">https://www.miteco.gob.es/es/ministerio/default.aspx</a>	Legislation to declare sites as polluted	n	n	y	ROYAL DECREE 9/2005 of 14 January which establishes a list of potentially soil contaminating activities and criteria and standards for declaring that sites are contaminated.	
ES-E24	Consejería de Medio Ambiente, Territorio e Infraestructuras. XUNTA DE GALICIA.	Dept. of Environment, Land and Infrastructures . Government of Galicia	Plz. de Europa 5-A, 2ªPlanta. Área central, Fontiñas. 15071 SANTIAGO DE COMPOSTELA	Issues EIA for mining projects in Galicia	n	y	y	Law 21/2013, of 9 December, of environmental assessment.	
ES-E25	Consejería de Medio Ambiente y Ordenación del Territorio. Dirección General de Prevención y Calidad Ambiental. Comunidad Autónoma de Andalucía	Dpt. of Environment and Planning. Autonomous Community of Andalusia	Av. Manuel Siurot, 50 ES- 41013 – Sevilla	Issues EIA for mining projects in Andalusia	n	y	y	Law 21/2013 of 9th December of Environmental Assessment  Law 7/2007 de 9 de July, Environmental Quality.  Law 2/1989 Protected Natural Spaces. Law 42/2007 Adds to Natura 2000.	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	ES-E26	Instituto Aragonés de Gestión Ambiental (INAGA). Comunidad Autónoma de Aragón	Aragon Institute of Environmental Management. Aragón	C/ Pablo Ruiz Picasso, 63 C. Planta 3ª (recinto EXPO) ES-50018 – Zaragoza	Issues EIA for mining projects in Aragón	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
	ES-E27	Consejería de Medio Ambiente, Ordenación del Territorio y Urbanismo. Dirección General de Medio Ambiente. Comunidad Autónoma de Cantabria	Dpt. of Environment, Planning and Urbanism. Autonomous Community of Cantabria	C/ Lealtad, 24 ES-39002 – Santander	Issues EIA for mining projects in Cantabria	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	ES-E28	Consejería de de Agricultura. Dirección General de Calidad e Impacto Ambiental. Comunidad Autónoma de Castilla-La Mancha	Dpt. of Agriculture. General Directorate of Quality and Environmental Impact. Autonomous Community of Castille-La Mancha	C/ Quintanar de la Orden, s/n ES-45071-Toledo	Issues EIA for mining projects in Castile-La Mancha	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
	ES-E29	Consejería de Fomento y Medio Ambiente. Dirección General de Calidad y Sostenibilidad Ambiental. Comunidad Autónoma de Castilla_León	Dpt of Public Works and Environment. General Directorate of Quality and Environmental Sustainability. Autonomous Comunity of Castille-Leon	C/ Rigoberto Cortejoso, 14 ES-47014 - Valladolid	Issues EIA for mining projects in Castile-Leon	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E30	Departamento de Territorio y Sostenibilidad . Dirección General de Calidad Ambiental. Generalitat de Catalunya	Dpt of Land and Sustainability. General Directorate of Environmental Quality. Generalitat of Catalunya	C/ Diagonal, 523-525 ES- 08029 – Barcelona	Issues EIA for mining projects in Catalonia	n	y	y	Law 21/2013 of 9th December of Environmental Assessment. Law 20/2009, of 4th December, on prevention and environmental control of activities. Law 12/1981, of 24 <sup>th</sup> December, establishing additional regulations to protect natural spaces of special interest affected by mining activities.	
ES-E31	Consejería de Agricultura, Medio Ambiente y Territorio. Dirección General de Medio Natural, Educación Ambiental y Cambio Climático. Comunidad Autónoma de Baleares	Dpt of Agriculture, Environment and Land. General Directorate of Environment, Environmental education and Climatic Change. Autonomous Community of Balearic Islands	C/ Gremi Corredors 10, Polígono Son Rossinyol ES-07009 - Palma	Issues EIA for mining projects in Balearic Islands	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E32	Consejería de Educación, Universidades y Sostenibilidad . Viceconsejería de Medio Ambiente. Comunidad Autónoma de Canarias	Dpt of Education, Universities and Sustainability. Deputy Councillor of Environment. Autonomous Community of Canary Islands	Av. de Anaga, 35. Edificio de usos múltiples, 4ª planta. ES-38071 - Santa Cruz de Tenerife	Issues EIA for mining projects in Canary Islands	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
ES-E33	Consejería de Medio Ambiente y Ordenación del Territorio. Dirección General de Evaluación Ambiental. Comunidad Autónoma de Madrid	Dpt of Environment and Land Planning. General Directorate of Environmental Assessment. Autonomous Community of Madrid	C/ Alcalá, 16; 3ª planta ES- 28014 - Madrid	Issues EIA for mining projects in Madrid	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
ES-E34	Consejería de Agricultura y Agua. Dirección General de Medio	Dpt of Agriculture and Water. General Directorate of Environment.	C/ Catedrático Eugenio Úbeda Romero, 3 planta 4ª ES- 30071 - Murcia	Issues EIA for mining projects in Murcia	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
		Ambiente. Comunidad Autónoma de Murcia	Autonomous Community of Murcia							
	ES-E35	Departamento de Desarrollo Rural, Medio Ambiente y Administración Local. Dirección General de Medio Ambiente y Agua. Comunidad Autónoma de Navarra	Dpt of Rural Development, Environment and Local Administration . General Directorate of Environment and Water. Autonomous Community of Navarra	C/ González Tablas, 9 – 4ª planta ES-31005 - Pamplona	Issues EIA for mining projects in Navarra	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E36	Consejería de Fomento, Ordenación del Territorio y Medio Ambiente. Dirección General de Calidad Ambiental. Comunidad Autónoma de Asturias	Dpt of Public Works, Land-use Planning and Environment. General Directorate of Environmental Quality. Autonomous Community of Asturias	C/ Coronel Aranda, 2 - 2ª planta ES-33005 – Oviedo	Issues EIA for mining projects in Asturias	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
ES-E37	Consejería de Infraestructuras, Territorio y Medio Ambiente. Dirección General de Calidad Ambiental. Comunidad Autónoma de Valencia	Dpt of Infrastructures, Land and Environment. General Directorate of Environmental Quality. Autonomous Community of Valencia	Complejo Administrativo 9 d'Octubre Torre 1-5ª planta C/ Castañ Tobeñas, nº 77 ES-46018 - Valencia	Issues EIA for mining projects in Valencia	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	



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					exploration	extraction	post extraction		
ES-E38	Consejería de Agricultura, Desarrollo Rural, Medio Ambiente y Energía. Dirección General de Medio Ambiente. Comunidad Autónoma de Extremadura	Dpt of Agriculture, Rural Development, Environment and Energy. General Directorate of Environment. Autonomous of Extremadura.	Avenida de Luis Ramallo, s/n ES-06800 – Mérida	Issues EIA for mining projects in Extremadura	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
ES-E39	Consejería de Agricultura, Ganadería y Medio Ambiente. Dirección General de Calidad Ambiental. Comunidad Autónoma de La Rioja	Dpt of Agriculture, Livestock and Environment. General Directorate of Environmental Quality. Autonomous Community of La Rioja.	C/ Prado Viejo 62 bis ES-26071 Logroño	Issues EIA for mining projects in La Rioja	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
ES-E40	Consejería de Medio Ambiente. Comunidad	Dpt of Environment. Autonomous city of Melilla.	Plaza de España, s/n ES-52001 – Melilla	Issues EIA for mining projects in Melilla	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	Autónoma de Melilla								
ES-E41	Consejería de Fomento y Medio Ambiente. Comunidad Autónoma de Ceuta	Dpto of Public Works and Environment. Autonomous Ciy of Ceuta.	Plaza de España, Edificio de Correos ES-51001 – Ceuta	Issues EIA for mining projects in Ceuta	n	y	y	Law 21/2013 of 9th December of Environmental Assessment	
ES-E42	Dirección General de Política Energética y Minas. Ministerio de Industria, Energía y Minas	General Directorate of Energy and Mines Policy. Ministry of Industry, Energy & Tourism	Pº de la Castellana 160. 28046 Madrid, España. <a href="http://www.minetur.gob.es/energia/mineria/">http://www.minetur.gob.es/energia/mineria/</a>	Regulation about land reclamation after mining	n	n	y	Royal Decree 975/2009 of 12th June on management of extractive industries wastes and protection and reclamation of land affected by mining operations. Royal Decree 777/2012 of 4th May, modifying Royal Decree 975/2009.	
ES-E43	Ministerio de Hacienda	Ministry of Finances	C/. Alcalá, 9. Madrid. <a href="http://www.minhap.gob.es/es-ES/Paginas/Home.aspx">http://www.minhap.gob.es/es-ES/Paginas/Home.aspx</a>	Legislation about corporate taxes in Spain. Includes a chapter referring to mining. Depletion allowance and freedom of amortisation	y	y	n	Law 43/1995 of 27 December of corporate taxes. Chapter IX refers to mining	

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					exploration	extraction	post extraction		
ES-E44	Ministerio de Hacienda	Ministry of Finances	C/. Alcalá, 9. Madrid. <a href="http://www.minhap.gob.es/es-ES/Paginas/Home.aspx">http://www.minhap.gob.es/es-ES/Paginas/Home.aspx</a>	Legislation declaring certain mineral raw materials as priority for the country.	y	n	n	Royal Decree 647/2002 of 5th July declaring priority mineral raw materials referring to in Law 43/1995	
ES-E45	Ministerio para la Transición Ecológica	General Directorate of Energy and Mines Policy. Ministry for Ecological Transition	Pº de la Castellana 160. 28046 Madrid, España. <a href="https://energia.gob.es/es-ES/Paginas/index.aspx">https://energia.gob.es/es-ES/Paginas/index.aspx</a>	Fiscal advantages for mining operations	y	y	y	Law 6/1977 of 4th January of Promotion of Mining	
ES-E46	Ministerio de Educación Cultura y Deporte	Ministry of Education, Culture and Sports	Calle Alcalá, 34. 28014 Madrid . <a href="http://www.mecd.gob.es/portada-mecd/">http://www.mecd.gob.es/portada-mecd/</a>	Archaeological studies on EIA	Y	Y	N	Law 16/1985 of 25 <sup>th</sup> June of Spanish Historical Heritage	
ES-E47	Ministerio de Educación Cultura y Deporte	Ministry of Education, Culture and Sports	Calle Alcalá, 34. 28014 Madrid. <a href="http://www.mecd.gob.es/portada-mecd/">http://www.mecd.gob.es/portada-mecd/</a>	Archaeological studies on EIA. National.	Y	Y	N	Royal Decree 1680/1991, of 15 <sup>th</sup> November, which develops the ninth additional provision of Law 16/1985 of June 25 <sup>th</sup> of Spanish Historical Heritage about State guarantee for works of cultural interest. BOE 28/11/1991.	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E48	Ministerio de Educación Cultura y Deporte	Ministry of Education, Culture and Sports	Calle Alcalá, 34. 28014 Madrid. <a href="http://www.mecd.gob.es/portada-mecd/">http://www.mecd.gob.es/portada-mecd/</a>	Archaeological studies on EIA. National.	Y	Y	N	Royal Decree 64/1994 of 21st January, which modifies the Royal Decree 111/1986, of 10th January about partial development of Law 16/1985 of 25th of June about Spanish Historical Heritage. BOE 52, of 2.3.1994	
ES-E49	Ministerio de Educación Cultura y Deporte	Ministry of Education, Culture and Sports	Calle Alcalá, 34. 28014 Madrid. <a href="http://www.mecd.gob.es/portada-mecd/">http://www.mecd.gob.es/portada-mecd/</a>	Archaeological studies on EIA. National.	Y	Y	N	Royal Decree 162/2002, of 8th February, which modifies the Article 58th of Royal Decree 111/1986, of 10th January, about partial development of Law 16/1985 of 25th June about Spanish Historical Heritage. BOE 35, of 02.08.2002.	
ES-E50	Consejería de Cultura y Deporte. Junta de Andalucía	Dpt of Culture and Sports. Autonomous Community of Andalucía	Palacio de Altamira. Calle Santa M <sup>a</sup> La Blanca, 1. 41004 Sevilla. <a href="http://www.juntadandalucia.es/cultura/web">http://www.juntadandalucia.es/cultura/web</a>	Archaeological studies on EIA . Autonomic	Y	Y	N	Law 1/1991, of 3rd July of Historical Heritage of Andalucía. BOJA of 13.09.1991 and BOE 09.26.1991	
ES-E51	Consejería de Cultura y Deporte.	Dpt of Culture and Sports. Autonomous	Palacio de Altamira. Calle Santa M <sup>a</sup> La	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 32/1993, of 16th March approving the Regulation of Archaeological	

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					exploration	extraction	post extraction		
	Junta de Andalucía	Community of Andalucía	Blanca, 1. 41004 Sevilla. <a href="http://www.juntadeandalucia.es/cultura/web">http://www.juntadeandalucia.es/cultura/web</a>					Activities. BOJA of 17.03.1995	
ES-E52	Consejería de Cultura y Deporte. Junta de Andalucía	Dpt of Culture and Sports. Autonomous Community of Andalucía	Palacio de Altamira. Calle Santa M <sup>a</sup> La Blanca, 1. 41004 Sevilla. <a href="http://www.juntadeandalucia.es/cultura/web">http://www.juntadeandalucia.es/cultura/web</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 19/1995 of 7th February, which approves the Regulation about Protection and Promotion of Historical Heritage of Andalusia. BOJA of 17.03.1995.	
ES-E53	Departamento de Educación, Universidad, Cultura y Deporte. Comunidad Autónoma de Aragón	Dpt of Education, University, Culture and Sports. Autonomous Community of Aragón	Avda. Gómez Laguna, 25. 50071 - ZARAGOZA. <a href="http://www.aragon.es/DepartamentosOrganismosPublicos/Departamentos/EducacionUniversidadCulturaDeporte">http://www.aragon.es/DepartamentosOrganismosPublicos/Departamentos/EducacionUniversidadCulturaDeporte</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 3/1999, of 10th March of the Aragonese Cultural Heritage. BOA 29/03/1999.	
ES-E54	Departamento de Educación, Universidad, Cultura y Deporte. Comunidad Autónoma de Aragón	Dpt of Education, University, Culture and Sports. Autonomous Community of Aragón	Avda. Gómez Laguna, 25. 50071 - ZARAGOZA. <a href="http://www.aragon.es/DepartamentosOrganismosPublicos/Departamentos/EducacionUniversidadCulturaDeporte">http://www.aragon.es/DepartamentosOrganismosPublicos/Departamentos/EducacionUniversidadCulturaDeporte</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 6/1990 of 23rd January, which approves the authorisation regime for conducting the archaeological and paleontological activities in	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	Autónoma de Aragón	Community of Aragon	s/EducacionUniversidadCulturaDeporte					Aragon. BOA 15, of 7.2.1990	
ES-E55	Consejería de Educación, Cultura y Deporte. Comunidad Autónoma de Asturias.	Dpt of Education, Culture and Sports. Autonomous Community of Asturias	Plaza de España nº 5, 3ª planta. 33007 - OVIEDO. <a href="http://www.asturias.es/portal/site/webasturias/menuitem.m.6ae732be36e43aef9fe97477f230030/?vgnnextoid=c2c8dacb4c42c010VgnVCM100000bb030a0aRCRD&amp;i18n.http.lang=es">http://www.asturias.es/portal/site/webasturias/menuitem.m.6ae732be36e43aef9fe97477f230030/?vgnnextoid=c2c8dacb4c42c010VgnVCM100000bb030a0aRCRD&amp;i18n.http.lang=es</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 1/2001 of 6th March, of cultural heritage	
ES-E56	Consejería de Educación, Cultura y Universidades. Comunidad Autónoma de las Islas Baleares	Dpt of Education, Culture and Univerdity. Autonomous Community of Balearic Islands	Calle Alfons el Magnànim, 29-4º. 07004 - PALMA DE MALLORCA. <a href="http://www.caib.es/govern/organigrama/area.es.jsp?codo=7">http://www.caib.es/govern/organigrama/area.es.jsp?codo=7</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 12/1998 of 21st December, about the Historical Heritage of the Balearic Islands. BOCAIB of 12.29.1998	
ES-E57	Consejería de Cultura, Deportes, Políticas Sociales y	Dpt of Culture, Sports, Social Policies and Housing. Autonomous	Tenerife. Calle Leoncio Rodríguez 3, 5ª planta. Edificio El Cabo. 38071 Sta. Cruz	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 4/1999 of 15th March, of Canary Islands Historical Heritage. BOC 36, of 24.03.1999	

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					exploration	extraction	post extraction		
	Vivienda. Comunidad Autónoma de las Islas Canarias	Community of Canary Islands	de Tenerife. Gran Canary. C/ Prof. Agustín Millares Carló, 18 Edif. Usos Múltiples II. Pl. 3ª. 35071 Las Palmas de Gran Canaria. <a href="http://www.gobiernodecanarias.org/cultura/index.asp">http://www.gobiernodecanarias.org/cultura/index.asp</a>						
ES-E58	Consejería de Educación, Cultura y Deporte. Comunidad Autónoma de Cantabria	Dpt of Education, Culture and Sport. Autonomous Community of Cantabria	Calle Vargas, 53, 7ª planta. 39010 SANTANDER. <a href="http://www.consejeriactdcantabria.com/">http://www.consejeriactdcantabria.com/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 11/1998 of 13th October, of Cultural Heritage of Cantabria. BOC 02.12.1998.	
ES-E59	Consejería de Educación, Cultura y Deporte. Comunidad Autónoma de Cantabria	Dpt of Education, Culture and Sport. Autonomous Community of Cantabria	Calle Vargas, 53, 7ª planta. 39010 SANTANDER. <a href="http://www.consejeriactdcantabria.com/">http://www.consejeriactdcantabria.com/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 51/1996, 10th June, which approves the Regulation of Archaeological Performances. BOC 14/06/1996	
ES-E60	Consejería de Educación, Cultura y Deportes. Comunidad	Dpt of Education, Culture and Sports. Autonomous	Bulevar Río Alberche, s/n.45071 - TOLEDO. <a href="http://www.castilla">http://www.castilla</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 4/1990 of 30th May, of Historical Heritage of Castile-La Mancha. DOCyM	

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					exploration	extraction	post extraction		
	Autónoma de Castilla La Mancha	Community of Castille La Mancha	lamancha.es/gobierno/educacionculturaydeporteshttp://www.castillalamancha.es/gobierno/educacionculturaydeportes					of 06.13.1990 and BOE of 14.09.1990.  Law 4/2013, of May 16 <sup>th</sup> , Cultural Heritage of Castile - La Mancha	
ES-E61	Consejería de Cultura y Turismo. Comunidad Autónoma de Castilla-León	Dpt of Culture and Tourism. Autonomous Community of Castille-Leon	Monasterio Nuestra Señora de Prado.Autovía Puente Colgante, s/n. 47071 - VALLADOLID.http://www.jcyl.es/web/jcyl/CulturaPatrimonio/es/Plantilla66y33/1246988230374/	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 37/1985, of 1st April, establishing the rules of archaeological and paleontological excavations of the Community of Castile and Leon. BOCyL of 04/30/85	
ES-E62	Consejería de Cultura y Turismo. Comunidad Autónoma de Castilla-León	Dpt of Culture and Tourism. Autonomous Community of Castille-Leon	Monasterio Nuestra Señora de Prado.Autovía Puente Colgante, s/n. 47071 - VALLADOLID.http://www.jcyl.es/web/jcyl/CulturaPatrimonio/es/Plantilla66y33/1246988230374/	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 58/1994, of 11th March, setting out rules for archaeological works, use and advertising of metal detection devices. BOCyL of 03.15.1995	



Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-E63	Consejería de Cultura y Turismo. Comunidad Autónoma de Castilla-León	Dpt of Culture and Tourism. Autonomous Community of Castille-Leon	Monasterio Nuestra Señora de Prado. Autovía Puente Colgante, s/n. 47071 - VALLADOLID. <a href="http://www.jcyl.es/web/jcyl/CulturaPatrimonio/es/Plantilla66y33/1246988230374/">http://www.jcyl.es/web/jcyl/CulturaPatrimonio/es/Plantilla66y33/1246988230374/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 12/2002, of 11th July, of Cultural Heritage of Castile y Leon (BOCYL, supplement No. 139 of 07.19.2002), amended by Law 8/2004 of 22 December, amending Law 12/2002, of 11th July of Cultural Heritage of Castile y Leon, BOE 14, of 01.17.2005.	
ES-E64	Departamento de Cultura. Generalitat de Catalunya	Dpt of Culture. Autonomous Community of Catalunya	Rambla de Santa Mónica, 8.08002 - BARCELONA. <a href="http://cultura.gencat.net/index.htm">http://cultura.gencat.net/index.htm</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 9/1993, of 30th September, of the Catalan Cultural Heritage. DOGC 10.11.1993, C.e in DOGC of 24/11/1993 and BOE 04/11/1993  Decree 78/2002, of 5th March passing the regulation of protection of the archaeological and palaeontological heritage	
ES-E65	Departamento de Cultura. Generalitat de Catalunya	Dpt of Culture. Autonomous Community of Catalunya	Rambla de Santa Mónica, 8.08002 - BARCELONA. <a href="http://cultura.gencat.net/index.htm">http://cultura.gencat.net/index.htm</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decreto 231/1991, de 28 de octubre, sobre intervenciones arqueológicas. DOGC de 15-11-1991	

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					exploration	extraction	post extraction		
ES-E66	Consejería de Educación y Cultura. Comunidad Autónoma de Extremadura.	Dpt of Education and Culture. Autonomous Community of Extremadura.	Calle Santa Julia, 5. 06800 MÉRIDA (BADAJOZ). <a href="http://www.juntaex.es/juntaex/presi-dencia/pj-consejo-gobierno-composicion-trinidad-nogales/">http://www.juntaex.es/juntaex/presi-dencia/pj-consejo-gobierno-composicion-trinidad-nogales/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 2/1999 of 29th March, of Historical and Cultural Heritage of Extremadura. DOE 22/05/1999 and BOE of 22/06/1999.	
ES-E67	Consejería de Educación y Cultura. Comunidad Autónoma de Extremadura.	Dpt of Education and Culture. Autonomous Community of Extremadura.	Calle Santa Julia, 5. 06800 MÉRIDA (BADAJOZ). <a href="http://www.juntaex.es/juntaex/presi-dencia/pj-consejo-gobierno-composicion-trinidad-nogales/">http://www.juntaex.es/juntaex/presi-dencia/pj-consejo-gobierno-composicion-trinidad-nogales/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 37/1997, 18th March, about archaeological and use of metal detection devices in the activities affecting the Archaeological Heritage of the Community of Extremadura. DOE 03/25/1997.	
ES-E68	Consejería de Educación y Cultura. Comunidad Autónoma de Extremadura.	Dpt of Education and Culture. Autonomous Community of Extremadura.	Calle Santa Julia, 5. 06800 MÉRIDA (BADAJOZ). <a href="http://www.juntaex.es/juntaex/presi-dencia/pj-consejo-gobierno-composicion-trinidad-nogales/">http://www.juntaex.es/juntaex/presi-dencia/pj-consejo-gobierno-composicion-trinidad-nogales/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 93/1997, of 1st July, by which the archaeological activity is regulated in the Community of Extremadura. DOE, 07.17.1997.	

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					exploration	extraction	post extraction		
ES-E69	Consejería de Cultura, Educación y Ordenación Universitaria. Xunta de Galicia	Dpt of Culture, Education and University Planning	Edificios Admtvos. San Caetano, s/n.15781 - SANTIAGO DE COMPOSTELA. <a href="http://culturaeturismo.xunta.es/">http://culturaeturismo.xunta.es/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 8/1995, of 30 th October, of the Cultural Heritage of Galicia.DOG of 08/11/1995 and BOE of 01/12/1995	
ES-E70	Consejería de Cultura, Educación y Ordenación Universitaria. Xunta de Galicia	Dpt of Culture, Education and University Planning	Edificios Admtvos. San Caetano, s/n.15781 - SANTIAGO DE COMPOSTELA. <a href="http://culturaeturismo.xunta.es/">http://culturaeturismo.xunta.es/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 199/1997, of 10th July, by which regulates archaeological activity in the Autonomous Community of Galicia. DOG of 06.08.1997 and C.e in DOG of 04.11.1997	
ES-E71	Consejería de Empleo, Turismo y Cultura. Comunidad Autónoma de Madrid	Dpt of Employment, Tourism and Culture. Autonomous Community of Madrid	Alcalá, 31. 28014 - MADRID. <a href="http://www.madrid.org/agenda-cultural/">http://www.madrid.org/agenda-cultural/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 10/1998 of 9th July, of Historical Heritage of the Community of Madrid. BOCM of 07/16/1998 and BOE of 09/28/1998.	
ES-E72	Consejería de Cultura y Turismo. Comunidad Autónoma de Murcia	Dpt of Culture and Tourism. Autonomous Community of Murcia	Palacio González Campuzano. Plaza de Romea, 4. 30071-MURCIA. <a href="http://www.carm.es/web/pagina?IDCONTENIDO=820&amp;IDTIPO=1">http://www.carm.es/web/pagina?IDCONTENIDO=820&amp;IDTIPO=1</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 4/1990 of 11th April, of measures to promote the Historical Heritage of the Region of Murcia.BORM 17/05/1990 and BOE 07.17.1990.	

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					exploration	extraction	post extraction		
			40&RASTRO=c\$m 22660						
ES-E73	Consejería de Cultura y Turismo. Comunidad Autónoma de Murcia	Dpt of Culture and Tourism. Autonomous Community of Murcia	Palacio González Campuzano. Plaza de Romea, 4. 30071-MURCIA. <a href="http://www.carm.es/web/pagina?IDCONTENIDO=820&amp;IDTIPO=140&amp;RASTRO=c\$m22660">http://www.carm.es/web/pagina?IDCONTENIDO=820&amp;IDTIPO=140&amp;RASTRO=c\$m22660</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 180/1987 of 26th November about archaeological activities. BORM 04/01/1988.	
ES-E74	Departamento de Cultura, Turismo y Relaciones Institucionales. Comunidad Autónoma de Navarra	Dpt of Culture, Tourism and Institutional Relations. Autonomous Community of Navarra	Avenida Carlos III, 2 - 1ª Planta. 31002 Pamplona. <a href="http://www.navarra.es/home_es/Navarra/Instituciones/Gobierno+de+Navarra/Organigrama/Los+departamentos/Cultura+y+Turismo/">http://www.navarra.es/home_es/Navarra/Instituciones/Gobierno+de+Navarra/Organigrama/Los+departamentos/Cultura+y+Turismo/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Foral Law 14/2005 of 22nd November, of the Cultural Heritage of Navarra. BON 141 of 25.11.2005	
ES-E75	Departamento de Cultura, Turismo y Relaciones Institucionales. Comunidad Autónoma de Navarra	Dpt of Culture, Tourism and Institutional Relations. Autonomous Community of Navarra	Avenida Carlos III, 2 - 1ª Planta. 31002 Pamplona. <a href="http://www.navarra.es/home_es/Navarra/Instituciones/">http://www.navarra.es/home_es/Navarra/Instituciones/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Foral Decree 218/1986, of 3rd October, by which the licensing for conducting excavations and archaeological work is	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	Autónoma de Navarra	Community of Navarra	Gobierno+de+Navarra/Organigrama/Los+departamentos/Cultura+y+Turismo/					regulated. BONA of 13.10.1986.	
ES-E76	Departamento de Educación, Política Lingüística y Cultura. Comunidad Autónoma del País Vasco	Dpt of Education, Linguistic Policy and Culture. Autonomic Community of the Basque Country	Calle Donostia-San Sebastián, 1. 01010 VITORIA-GASTEIZ. <a href="http://www.kultura.ejgv.euskadi.net/r46-704/es/">http://www.kultura.ejgv.euskadi.net/r46-704/es/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 7/1990, of 3rd July 3, of Basque Cultural Heritage.	
ES-E77	Departamento de Educación, Política Lingüística y Cultura. Comunidad Autónoma del País Vasco	Dpt of Education, Linguistic Policy and Culture. Autonomic Community of the Basque Country	Calle Donostia-San Sebastián, 1. 01010 VITORIA-GASTEIZ. <a href="http://www.kultura.ejgv.euskadi.net/r46-704/es/">http://www.kultura.ejgv.euskadi.net/r46-704/es/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 234/1996, of 8th October which establish the system to determine the areas of archaeological presumption.	
ES-E78	Departamento de Educación, Política Lingüística y Cultura. Comunidad	Dpt of Education, Linguistic Policy and Culture. Autonomic Community of	Calle Donostia-San Sebastián, 1. 01010 VITORIA-GASTEIZ. <a href="http://www.kultura">http://www.kultura</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Decree 341/1999, of 5th October, about the conditions of transfer, delivery and storage of assets of archaeological and paleontological interest	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	Autónoma del País Vasco	the Basque Country	a.ejgv.euskadi.net/r46-704/es/					discovered in the territory of the Basque Country	
ES-E79	Consejería de Educación, Cultura y Deporte. Generalitat Valenciana	Dpt of Education, Culture and Sport. Generalitat of Valencia	Avda. Campanar, 32. 46015 - VALENCIA. <a href="http://www.cult.gva.es/">http://www.cult.gva.es/</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 4/1998 of 11 th June, of the Valencian Cultural Heritage. Generalitat Valenciana	
ES-E80	Consejería de Educación, Cultura y Turismo. Comunidad Autónoma de La Rioja	Dpt of Education, Culture and Tourism. Autonomous Community of La Rioja	Marqués de Murrieta, 76.26071 - LOGROÑO. <a href="http://www.larioja.org/npRioja/defaultpage.jsp?idtab=24816">http://www.larioja.org/npRioja/defaultpage.jsp?idtab=24816</a>	Archaeological studies on EIA. Autonomic	Y	Y	N	Law 7/2004 of 18th October 2004. Rules governing the Cultural, Historical and Artistic Heritage of La Rioja	
ES-E81	Ministerio de Fomento	Ministry of Public Works	Paseo Castellana, 67, 28046 Madrid. <a href="http://www.fomento.gob.es/">www.fomento.gob.es/</a>	Land legislation affects mining permits	Y	Y	Y	Royal Legislative Decree 2/2008 of 20th June, which approves the revised text of the Land Law.	
ES-E82	JUNTA DE ANDALUCÍA. CONSEJERIA DE MEDIO AMBIENTE Y ORDENACIÓN	Dpt. of environment and Land Planning Autonomic Government of Andalusia	Avda. Manuel Siurot, 50. 41071. Sevilla	Land legislation affects mining permits	Y	Y	Y	Decree 129/2006, of 27th June 27 which approves the Spatial Plan.	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
		DEL TERRITORIO								
	ES-E83	DIPUTACIÓN GENERAL DE ARAGÓN. DEPARTAMENTO DE VERTEBRACIÓN DEL TERRITORIO, MOVILIDAD Y VIVIENDA. DIRECCIÓN GENERAL DE MOVILIDAD E INFRAESTRUCTURAS.	Dpt of Land Planning, Mobility and Housing. Autonomous Community of Aragon	EDIFICIO PIGNATELLI. Pº María Agustín, 36. 50071. Zaragoza	Land legislation affects mining permits	y	y	y	Law 4/2009 of 22nd June, of the Spatial Plan	
	ES-E84	PRINCIPADO DE ASTURIAS. CONSEJERÍA DE INFRAESTRUCTURAS, ORDENACIÓN DEL TERRITORIO Y MEDIO AMBIENTE. DIRECCIÓN GENERAL DE	Dpt of Infrastructures, Land Planning and Environment. Autonomous Community of Asturias	C/ Coronel Aranda, 2.33071. Oviedo	Land legislation affects mining permits	y	y	y	Legislative Decree 1/2004 of 22nd April, approving the revised text of the existing legislation in the field of Planning and Urbanism	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	TRANSPORTE S Y MOVILIDAD								
ES-E85	PRINCIPADO DE ASTURIAS. CONSEJERÍA DE INFRAESTRUCTURAS, ORDENACIÓN DEL TERRITORIO Y MEDIO AMBIENTE. DIRECCIÓN GENERAL DE TRANSPORTES Y MOVILIDAD	Dpt of Infrastructures, Land Planning and Environment. Autonomous Community of Asturias	C/ Coronel Aranda, 2.33071.Oviedo	Land legislation affects mining permits	y	y	y	Decree 278/2007 of 4th December, which approves the Regulation of Planning and Urbanism of Asturias.	
ES-E86	GOBIERNO BALEAR. CONSEJERÍA DE AGRICULTURA, MEDIO AMBIENTE Y TERRITORIO. DIRECCIÓN GENERAL DE	Dpt of Agriculture, Environment and Land. General Directorate of Transport. Autonomous Community of	c/ d'Eusebi Estada, 28. 07004. Palma de Mallorca	Land legislation affects mining permits	y	y	y	Law 6/1999 of April 3 of the Guidelines for Regional Planning and Taxation Measures. Law 14/2000 of 21 December, Spatial. Law 2/2014, of 25th March, of Planning and Land Use. Law 7/2012 of 13th June about urgent measures for Sustainable Urban Planning.	



Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	TRANSPORTES	Balearic Islands						Law 1/1991, of 30th January, of Protected Natural Areas and Urban Regime of Special Protection Areas, amended by Law 1/2000, March 9th and Law 6/1997, of July 8th, of the rural land.	
ES-E87	GOBIERNO DE CANARIAS. CONSEJERÍA DE OBRAS PÚBLICAS Y TRANSPORTES DEL GOBIERNO DE CANARIAS. DIRECCIÓN GENERAL DE TRANSPORTES	Dpt of Public Works and Transport. Autonomous Community of Canary Islands	Avda. de Amaga, 35. Edificio Servicios Múltiples I Planta 9. 38071. Santa Cruz de Tenerife. C/Profesor Agustín Miralles Carló, 22. Edificio Servicios Múltiples I Planta 11. 35071. Las Palmas de Gran Canaria	Land legislation affects mining permits	y	y	y	Legislative Decree 1/2000 of 8th May which approves the Revised Laws of Land and Natural Areas. Law 14/2014, of 26 th December on the harmonization and simplification on the protection of land and natural resources.	
ES-E88	DIPUTACIÓN REGIONAL DE CANTABRIA. CONSEJERÍA DE INNOVACIÓN, INDUSTRIA, TURISMO Y	Dpt of Innovation, Industry, Tourism and Commerce. Autonomous	C/ Cádiz, 2 – 1º. 39071. Santander	Land legislation affects mining permits	y	y	y	Law 2/2001, of June 25th, of Spatial and Urban Land Scheme. Law 6/2010 of 30th July, of urgent measures in the field of Planning and Urbanism of Cantabria (BOE 28.08.2010)	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
		COMERCIO. DIRECCIÓN GENERAL DE TRANSPORTE S Y COMUNICACIONES	Community of Cantabria							
	ES-E89	JUNTA DE COMUNIDADES DE CASTILLA – LA MANCHA. CONSEJERÍA DE FOMENTO. DIRECCIÓN GENERAL DE CARRETERAS Y TRANSPORTES  Dirección general de vivienda y urbanismo	Dpt of Public Works. Autonomous Community of Castile-La Mancha	Pº del Cristo de la Vega, s/n.45071.Toledo	Land legislation affects mining permits	y	y	y	Legislative Decree 1/2010 of 18 May, which approves the revised text of the Law for Spatial Planning and Urban Activity. Decree 29/2011 of 19th April, which approves the Regulation of the Activity Execution of the Consolidated Law for Spatial Planning and Urban Activity. Decree 242/2004, of 27th July, approving the Regulation of Rural Land. Decree 248/2004, of 14th September, approving the Regulation of Planning.	
	ES-E90	JUNTA DE CASTILLA Y LEÓN. CONSEJERÍA DE FOMENTO	Dpt of Public Works and Environment. General Directorate of	C/ Rigoberto Cortejoso, 14. 47014. Valladolid	Land legislation affects mining permits	y	y	y	Law 10/1998, of 5th December, for Spatial Planning.	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
		Y MEDIO AMBIENTE. DIRECCIÓN GENERAL DE TRANSPORTES	Transport. Autonomous Community of Castile-Leon							
	ES-E91	GENERALITAT DE CATALUNYA. DEPARTAMENT DE TERRITORI I SOSTENIBILITAT. DIRECCIÓ GENERAL DE ORDENACIÓ DEL TERRITORI I URBANISMO	Dpt of Land and Sustainability. General Directorate of Transport. Generalitat of Catalunya	Avda. Josep Tarradellas, 2-6. 08029. Barcelona	Land legislation affects mining permits	y	y	y	<p>Law 23/1983 of 21st November of Territorial Policy. Legislative Decree 1/2010 of August 3rd, by which the revised text of the Urban Planning Law is approved. Law 1/1995 of 16th March, by which the Territorial Plan General is approved. Law 8/2005 of June 8th, of Protection, Management and Landscape Planning. Law 3/2012, of 22th February modifying the revised text of Urban Planning Law passes by Legislative Decree 1/2010, of 3<sup>rd</sup> August. Decree 305/2006, of 18<sup>th</sup> July passing the regulation of the Urban Law.</p> <p>Decree 64/2014, of 13<sup>th</sup> May passing the regulation on protection of the urban legality. Law 1/2015, of 5<sup>th</sup></p>	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
								February on the special regime of the Aran Valley.	
ES-E92	JUNTA DE EXTREMADURA. CONSEJERÍA DE MEDIO AMBIENTE Y RURAL, POLÍTICAS AGRARIAS Y TERRITORIO. DIRECCIÓN GENERAL DE URBANISMO, ORDENACIÓN DEL TERRITORIO Y TRANSPORTE	Dpt of Environment and Rural, Agricultural and Land Policies. Autonomous Community of Extremadura	Avda. de las Comunidades, s/n. 06800. Mérida	Land legislation affects mining permits	y	y	y	Law 15/2001, of 14th December, of Soil and Land Management. Decree 7/2007 of 23th January, approving the Regulation of Planning of Extremadura.	
ES-E93	XUNTA DE GALICIA. CONSEJERÍA DE MEDIO AMBIENTE TERRITORIO E INFRAESTRUTURAS. DIRECCIÓN	Dpt of Environment, Land and Infrastructures. Government of Galicia	Plaza de Europa, 5 A (2ª planta) – Área Central – Fontiñas. 15071. Santiago de Compostela	Land legislation affects mining permits	y	y	y	Law 10/1995 of 23rd November, for Spatial Planning. Law 6/2007 of 11th May, with urgent measures concerning spatial planning and coastline. Law 9/2002 of 30th December, about Urban Planning and Rural Environment Protection. Law 7/2008, of	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
		GENERAL DE MOVILIDAD							7th July, of Landscape Protection. Decree 19/2011, of 10th February, of the Regional Planning Guidelines definitively approved.	
	ES-E94	COMUNIDAD DE MADRID. CONSEJERÍA DE TRANSPORTES, INFRAESTRUCTURAS Y VIVIENDA. VICECONSEJERÍA DE TRANSPORTES, INFRAESTRUCTURAS Y VIVIENDA	Dpt of Transports, Infrastructure and Housing. Autonomous Community of Madrid	C/ Orense, 60.28020. Madrid	Land legislation affects mining permits	y	y	y	Law 9/2001, of July 17th, Law of Land	
	ES-E95	REGIÓN DE MURCIA. CONSEJERÍA DE FOMENTO DE INFRAESTRUCTURAS. DIRECCIÓN GENERAL DE TRANSPORTE	Dpt of Public Works and Infrastructures. Autonomous Community of Murcia	Pl. Santoña, 6. 30071. Murcia	Land legislation affects mining permits	y	y	y	Law 4/1992, of July 30th, about Management and Protection of Natural Resources (derogated by Law 1/2001, 24th April, Land law). Legislative Decree 1/2005 of 10th June, approving the revised text	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	S, COSTAS Y PUERTOS							of the Land Law in the Region of Murcia.	
ES-E96	COMUNIDAD FORAL DE NAVARRA. DEPARTAMENTO DE FOMENTO. DIRECCIÓN GENERAL DE ORDENACIÓN DEL TERRITORIO, MOVILIDAD Y VIVIENDA	Dpt of Public Works. Autonomous Community of Navarra	Avda. San Ignacio, 3.31002. Pamplona	Land legislation affects mining permits	y	y	y	Foral Law 35/2002, 20 December, for Spatial Planning and Urban Development. Provincial Decree 85/1995, of 3 April, approving the Regulation of development of Regional Law 10/1994, of July 4, for Spatial Planning and Urbanism.	
ES-E97	GOBIERNO VASCO. DEPARTAMENTO DE MEDIO AMBIENTE Y POLÍTICA TERRITORIAL. DIRECCIÓN DE PLANIFICACIÓN DEL TRANSPORTE	Dpt of Environment and Land Policy. Autonomous Government of the Basque Country	Donostia-San Sebastián, 1. 01010. Vitoria-Gasteiz. Alava	Land legislation affects mining permits	y	y	y	Law 4/1990 of 31th May, for Spatial Planning. Law 2/2006 of 30 June, about Land and Urban Development. Decree 28/1997 of 11th February, approving the Regional Planning Guidelines. Decree 90/2014, June, protection, management and landscape management in regional planning.	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	ES-E98	LA RIOJA. CONSEJERÍA DE O. P., POLÍTICA LOCAL Y TERRITORIAL. DIRECCIÓN GENERAL DE O.P. Y TRANSPORTES	Dpt of Public Works, Land and Local Policy. Autonomous Government of La Rioja	C/ Marqués de Murrieta, 76.26071. Logroño	Land legislation affects mining permits	y	y	y	Law 5/2006 of May 2nd, for Spatial Planning and Urban Development.	
	ES-E99	GENERALITAT VALENCIANA. CONSEJERÍA DE VIVIENDA, OBRAS PÚBLICAS Y VERTEBRACIÓN DEL TERRITORIO. DIRECCIÓN GENERAL DE OBRAS PÚBLICAS, TRANSPORTES Y MOVILIDAD	Dpt of Housing, Public Works and Land Planning. Generalitat of Valencia	C/ Castán Tobeñas, 77. Ciudad Administrativa 9 de octubre - Torre 1. 46018. Valencia	Land legislation affects mining permits	y	y	y	Law 5/2014, 25th July, for Spatial Planning, Urbanism and Landscape.	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
Water management	ES-E100	CONFEDERACIÓN HIDROGRÁFICA DEL CANTÁBRICO	Water authority of the Cantabrian Basin	OVIEDO: Plaza de España, 2 - Tel: 98 596 84 00	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	
	ES-E101	CONFEDERACIÓN HIDROGRÁFICA DEL DUERO	Water authority of the Duero Basin	Central Offices C/ Muro, 5 47004 VALLADOLID Teléfono: 983 21 54 00 / Fax: 983 21 54 38	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	
	ES-E102	CONFEDERACIÓN HIDROGRÁFICA DEL EBRO	Water Authority of the Ebro Basin	Paseo de Sagasta, 24-26, 50006 Zaragoza	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	
	ES-103	CONFEDERACIÓN HIDROGRÁFICA DEL	Water authority of the	Plaza de España, Sector II y Sector III, C.P 41071 Sevilla (España)	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	



Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
	GUADALQUIVIR	Guadalquivir Basin	Tel. 955637502. Fax: 955637512						
ES-104	CONFEDERACIÓN HIDROGRÁFICA DEL GUADIANA	Water authority of the Guadiana Basin	Avda Sinforiano Madroñero s/n - 06011 Badajoz - Tlf. 924 212100	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	
ES-105	CONFEDERACIÓN HIDROGRÁFICA DEL JÚCAR	Water authority of the Jucar Basin	Oficina de Valencia (Sede central)  Avda. Blasco Ibáñez, 48 - 46010 Valencia  96 393 8800  96 393 8801	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	
ES-106	CONFEDERACIÓN HIDROGRÁFICA DEL MIÑO-SIL	Water Authority of the Miño-Sil Basin	Servicios Centrales  C/ Curros Enríquez, nº 4 - 2º  32003 OURENSE	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
ES-107	CONFEDERAC IÓN HIDROGRÁFICA DEL SEGURA	Water Authority of the Segura Basin	Sede Principal en Plaza Fontes.  Plaza de Fontes, nº 1. CP 30.001, Murcia. Fax 968 211 845	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	
ES-108	CONFEDERAC IÓN HIDROGRÁFICA DEL TAJO	Water Authority of the Tagus Basin	Madrid Avenida de Portugal, 81.- 28071 Madrid.	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law	
ES-E109	Agencia Catalana del Agua	Water Authority of the Catalonia Basin	C/ Provença, 204.  08036 Barcelona  935672800	Water permitting	y	y	y	Royal Legislative Decree 1/2001, of 20th July which passes the revised text of the Water Law. Legislative Decree 3/2003, of 4 <sup>th</sup> November, by which approves the consolidated text of the water legislation in Catalonia.  Decree 171/2004, of 22th December, the plan of management of the river basin district of Catalonia.	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
Court jurisdiction	ES-E109	Juzgados de lo civil	Civil Courts	There are 434 civil courts in Spain	Civil legal cases related with mining	y	y	y	Law 1/2000 of 7th January on Civil Procedure.	
	ES-E110	Juzgados de lo mercantil	Commercial Courts	There are at least 1 commercial court per province (50)	Court cases of companies against companies	y	y	y	Complementary organic Law 1/2009 3rd November about Reform Law of procedural legislation for the implementation of the new Judicial Office. Organic Law 19/2003 23rd December, amending the Organic Law 6/1985 of 1st July, of the judicial authority.	
	ES-E112	Juzgados de lo contencioso administrativo	Courts for Administrative litigations	50 courts, one per province	Court cases against the administration	y	y	y	Law 29/1998 of 13th June regulating the Administrative Jurisdiction.	

### **1.5. Licensing procedures for exploration**

#### **Rights to Use Surface of Land**

The holder of a mining right must reach an agreement with the landowner in order to occupy the land for carrying out the mining activity.

The holders of authorisations for Section B minerals and the holders of permits and concessions for Section C and D minerals are empowered by law to initiate the expropriation procedure. In case of Section A minerals, expropriation must be approved in view of the circumstances at stake.

The holder of an authorisation for Section B minerals as well as the holder of an exploration permit, an investigation permit or a mining concession for Sections C and D minerals is entitled by law to occupy the surface of land necessary to carry out the mining activity under said titles. Therefore, when an agreement with the landowner is not possible, the holder of said mining titles can initiate the expropriation procedure. The expropriation (or temporary occupation) requires the previous payment of a price by the holder of the mining right to the landowner. The price will be finally decided by a public technical committee.

On the contrary, the holder of an authorisation for Section A minerals shall only benefit from the expropriation procedure under specific circumstances.

#### **Transfer of rights**

The transfer of rights on Sections A and B minerals must be duly approved by the Regional Government in view of the transfer title and provided that the assignee has legal capacity.

Direct transfer of reconnaissance and exploration permits and mining concessions of Sections C and D is also subject to prior authorisation by the Regional Government.

This authorisation should be granted upon compliance of certain legal requirements, such as the legal capacity of the assignee, a verification of its technical and economical solvency, the viability of the financial scheme of the mining activity, the payment of the applicable tax, or the constitution of certain guarantees, among others.

Although it is not expressly provided by law, in principle and on a general basis, this prior authorisation could also be requested in case of change of control.

Government authorisations only have effect from an administrative point of view, thereby not affecting any civil rights and obligations arising from legal acts executed by individual parties.

#### **Mining square**

The unit of mining property is the mining square, defined in the law as “a volume with unlimited depth whose surface is located between two geographic parallels and two meridians, whose distance is 20 sexagesimal seconds, which must coincide with whole number degrees or minutes, or alternative with a number of seconds that must necessary be or twenty or forty”. In the Spanish latitudes, this is approximately 475 x 615m, that is, a surface of around 30 Ha (which will vary according to the exact latitude). Longitudes are referred to the Greenwich Meridian and the projection used is the system ETRS89 in the Peninsula and Balearic Islands and the system REGCAN95 in the Canary Islands.

## Differences for the different types of mineral deposits

Mining exploration and extraction operations are as follows:

- Section A resources
  - Authorisation of use
- Section B resources
  - Authorisation or Concession of use of mineral or thermal waters
  - Authorisation of use of mining waste
  - Authorisation of use of underground structures
- Section C and D resources
  - Exploration permits
  - Investigation permits
  - Mining Concessions

Specific rights to conduct exploration are not required for minerals under Sections A and B. The exploration of minerals under Sections C and D could be preceded by an exploration permit issued by the Regional Government.

Mining activities must be expressly authorised or conducted under a concession. Section A and B minerals can be exploited by means of a previous authorisation. Minerals under Sections C and D can be exploited by means of a previous concession. Requirements for concessions are stricter than the requirements set forth to obtain an authorisation.

Since mining activities are mainly transferred to the Regional Governments (except in those cases where the area requested includes territory of two or more Regional Governments, as in these cases the mining law assigns the permitting to the Ministry for Ecological Transition, which has also has, together with the Geological Survey of Spain, the right to request its own mining exploration permits called State Reserves), all the permitting procedures are performed in the Provincial Mining Authorities, listed in Annex 1.

The administrative procedure to obtain Sections A and B authorisations is simpler than the administrative procedure to be complied with to apply for, and obtain, concessions for Sections C and D minerals. As said, requirements to obtain concessions are stricter than those required to obtain an authorisation. As a consequence, the term to obtain a concession is usually longer than the term for authorisations.

We will include here a summary of the procedures related to the **resources of section C**, as they are the most commonly requested.

In the investigation and extraction of **section C resources**, the Law established three types of administrative concessions:

1. **Exploration permit**<sup>1</sup>. Provides the right to carry out studies and preliminary reconnaissance works of regional scope, using all type of techniques except those which might alter the surface of the land. The objective of this type of studies is to establish the possibilities of finding a mineral resource in a certain area. The surfaces which can be permitted go from 8700 to 93,000 Ha for a period of 1 year which can be extended one more.

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<sup>1</sup> The Spanish mining law uses the terms "exploración" (exploration) and "Investigación" (investigation) for the different type of permits disregarding the real meaning of the words as they are synonyms.

2. **Investigation permit.** Provides the right to carry out all type of research in order to define the existence of resources of the section C so that later a mining concession can be obtained. The permitted surface can extend from 30 to 9000 Ha, and the permit can last for 3 years that can be extended for another 3 and exceptionally for additional periods.
3. **Extraction concession.** Provides the right to exploit resources of the section C, except those which have been previously reserved by the State, and applying all mining techniques available. The concession can have from 30 to 9000 Ha, and the concession is granted for 30 years which can be extended two times up to a maximum of 75<sup>2</sup> years. The law established two type of mining concessions:
  - a. **Direct extraction concession.** A concession obtained without preliminary investigation, by proving the existence of the resources.
  - b. **Extraction concession derived from an investigation permit.** A concession obtained by proving the existence of a resource inside a previous investigation permit.

As commented above, the mining procedure is processed in the Provincial Mining Authorities following these formalities:

#### **A) Exploration permit**

1.- Present a formal application at the Provincial Office which will be registered in the Exploration Permits Register. The order of this register will define the priority. The application must include:

- Name and address of applicant
- Designation of the requested perimeter in whole number sexagesimal degrees and minutes, enclosing an area between 300 and 3000 mining squares (with a tolerance in more or less than 10 to 100).
- Total number of mining squares and list of provinces and municipalities affected.
- Name of the exploration permit.

2.- Maximum 30 days after presenting the application the applicant must present:

- Documents accrediting the company
- Exploration program including:
  - Techniques to be used
  - Means available
  - Works to be carried out
  - Maps

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<sup>2</sup> The mining law establishes a maximum of 30 years renewable for two additional periods of 30 years, but the Law 33/2003, of 3rd November of Public Administrations Assets in its art 93 establish a maximum of 75 years for public land concessions.

- Budget
- Financial plan and feasibility warranties
- The project must be signed by a mining engineer or a geologist and registered in an Official Professional Association
- Payment of the processing fees (depending on the surface requested)

3.- The mining authority notifies the applicant the resolution of the process

If the permit is granted it will be published in the National Official Bulletin and in the Provincial Official Bulletin, if not, the applicant will retain during 30 days the priority on the requested land to apply for an investigation permit or a mining concession.

The request for an extension of an existing exploration permit must be presented one month before the permit is due.

The request of an investigation permit upon an existing exploration permit can be presented up to one month after the permit has expired.

## **B) Investigation permit**

1. Present a formal application in the Provincial Office of the Council of Industry of the Autonomic Government. If the permit extends in several provinces, the application should be presented in the provincial office of the province where the surface is bigger. The application must be addressed to the General Director of Industry of the Autonomous Community indicating:
  - a. Name, address and company and/or business name if applicable of the applicant.
  - b. Location, limits (in degrees, minutes or fractions of 20 to 40 seconds) and extension (which must be from 1 and 300 mining squares).
  - c. Name of the permit.
2. 30 days from the date of the application: Payment of the processing fees (depending on the surface requested).
3. 60 days from the date of application:
  - ✓ Documents accrediting the company
  - ✓ Final designation of the required area, which can be the same as in the application or smaller inside the original zone.
  - ✓ Investigation project including:
    - Investigation program
    - Minerals to be investigated
    - Geological context
    - Techniques to be used
    - Staffing
    - Maps with the location of the permit and the works to be carried out
    - Budget and schedule of works
    - Financial plan and feasibility warranties
    - The project must be signed by a mining engineer or a geologist and registered in an Official Professional Association
4. The mining authorities will then review the information provided which might:
  - a. Accept the project without modification
  - b. Impose changes to the project, if this are not accepted the procedure will be cancelled. The applicant can present allegations in one month which will be resolved in two months.
  - c. Impose a deposit of 10% of the total investment of the 1<sup>st</sup> year of investigation which should be paid in 15 days,
5. The final admission will be taken 8 days after the required documentation was presented or the modifications imposed are accepted.

6. Public disclosure. The application will be announced by the Provincial Delegation in the National Official Bulletin and in the Provincial Official Bulletin and will be sent to the Municipalities affected by the application. There will be a period of 15 days after publication to accept allegations.<sup>3</sup>
7. Field verification. The provincial mining authority will perform a field check with the applicant.
8. Demarcation. The provincial mining authority will map the limits of the permit which will be granted marking the mining squares and the adjoining permits. A copy of the map will be given to the applicant.
9. Awarding of the permit. Maximum 6 months after the application was finally admitted (not counting public disclosure and allegations times), the permit must be granted.
10. Maximum 4 months after the awarding, the applicant must present the Plan of Works of the first year of the investigation permit, including maps, memoire and budget. The Works Plan must be signed by the Project Manager which the applicant should officially appoint.
11. Maximum 6 months after the awarding, the applicant must send to the provincial mining authority a communication on the start of the works, naming the Project Manager.
12. Maximum 10 months after the start of works the applicant must present the Plan of Works for the second year of the permit, including the results of the research and works carried out in the first year and the plan of works for the second year, as well as the investment plan for the second year.
13. Year plans must be successively presented in the subsequent years during the life of the permit.

The owner of an investigation permit must start the investigation works 6 months after the permit is awarded and maintain the activity following the plan presented in the plans of works.

The owner of an investigation permit might renounce to the whole or part of the permit awarded at any time. The renounce letter must be addressed to the General Director of Industry of the corresponding Autonomous Community. If a partial renounce is requested the minimum area must be maintained and a new program of works must be sent.

The request for an extension to continue the exploration after the permit has expired should be presented 30 days before expiration by means of an application letter addressed to the General Director of Industry of the corresponding Autonomous Community.

Investigation permit can be transferred as a whole or partially, provided that the acquiring firm fulfils the legal requirements and the working plan development is guaranteed.

#### Public entities involved in the process

Mining activities in Spain have been mainly transferred to the Regional Governments (except in those cases where the area requested includes territory of two or more Regional Governments, as in these cases the mining law assigns the permitting to the Ministry for

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<sup>3</sup> Allegations (application) are all published in the bulletin (and can be found online) and processed to take the decision by the mining authority.

Comments by general public can be registered in any official register and are sent to the mining authority. The mining authority does not make public the main concerns/objections. It is difficult not to award an investigation permit with the law in the hand.



Ecological Transition), all the permitting procedures are performed in the Provincial Mining Authorities, listed in Annex 1 which also includes the National Mining Authorities.

#### Geographic areas covered by permit

Exploration permit. The surfaces which can be permitted go from 8,700 ha to 93,000 ha for a period of 1 year which can be extended one more.

Investigation permit. The permitted surface can extend from 30 to 9000 ha, and the permit can last for 3 years that can be extended for another 3 and exceptionally for additional periods.

### **1.6. Licensing procedures for extraction**

#### **C) Exploitation concession derived from an investigation permit**

1. Present a formal application with the designation of the land located inside the investigation permit.
2. Either with the application or in 3 months:
  - a. Report with the geological description of the deposit, research carried out and results, resources and reserves.
  - b. Feasibility study and exploitation project including:
    - ✓ Exploitation system
    - ✓ Schedule of the works
    - ✓ Investment budget
    - ✓ Economic study and financial sources with feasibility guarantees
    - ✓ Project of concentration or production facilities (if required)
3. The provincial mining authority will then review the projects, if the requested surface is less than that of the investigation permit, makes a new demarcation and pass the application in one month to the General Directorate of Mines that should resolve in 60 days.
4. The resolution will be forwarded to the applicant.
  - a. If the concession is awarded, the applicant has 15 days to pay the fees corresponding to the issuing of the mining concession.
  - b. If the concession is not awarded, the applicant can continue the investigation until the permit expires.

The mining authorities shall publish the resolutions in the National Official Bulletin and in the Provincial Official Bulletin.

5. 30 days after the resolution the mining authorities will call the applicant to collect the concession document and the demarcation plan. The concession document will include:
  - a. Name or company name and address of the applicant
  - b. Name and number of the concession. Type of resources which will be extracted
  - c. Extension, location, municipalities and provinces of the concession
  - d. Date of the demarcation map
  - e. Environmental protection special conditions

Mining concessions are registered in the Mining Registry and in the Property Right Register (although this last thing it's not mandatory). The receipt of the payment of the concession fees will serve as authorisation of the starting of the operation.

6. 6 months after the concession is awarded, the applicant shall present the Working Plan and installations to be carried out in the first year of the operation.
7. 1 year after the concession is awarded the applicant must communicate the starting of the works and the appointment of the Project Manager.
8. Every year in January, the applicant must present the Annual working plan which is currently presented on-line. The mining authority might approve or impose

changes to the working plans. If no modifications are suggested in 3 months, the plan is considered approved.

The owner of a concession must:

- Maintain the exploitation activities as established in the mining working plan. If for any reason (climatology, labour, market conditions, etc.) works are to be suspended, the mining authority must be duly informed, which might accept the suspension for a period of less than one year.
- Notify the mining authorities if new resources are found which are different from those authorised and might be of interest. The owner can renounce of claim the exploitation of the new resources.
- Facilitate the drainage and ventilation of adjacent mining operations.
- Fulfil the mining police requisites.
- Pay the mining taxes (mining surface fees)

When an operator owns several concessions in the same zone and of the same mineral resource, works can be concentrated in one or several concessions during five years (which can be extended for five years' periods) provided that the mining authority authorizes the grouping.

The owner of a mining concession can renounce at any moment to all or part of the concession, by sending an application to the mining authority.

Concessions can be automatically cancelled if (among other reasons):

- Taxes are not paid
- Failure to comply the obligations established in the mining law
- Failure to comply with the conditions established in the concession title or in the annual mining plans
- If once works have been unauthorised halted, the operation does not recommence in 6 months from the time the requirement to restart has been sent.
- If resources are exhausted

#### **D) Direct exploitation concession**

1. Present a formal application with the designation of the land located inside the concession, including:
  - a. Technical report with the justification of the concession
  - b. Document accrediting the company
2. The resolution is notified to the applicant
3. 60 days after a positive notification the applicant must present:
  - a. Final designation of the land required
  - b. General exploitation plan including:
    - ✓ Geological description of the deposit
    - ✓ Resources and reserves
    - ✓ Exploitation and processing plan
    - ✓ Plan of installations and equipment to be employed
    - ✓ Budget
    - ✓ Concession location plan
    - ✓ Location of works to be carried out

- c. Economic and feasibility studies and guarantees
4. The mining authority studies the documentation presented, demarcates the concession and public the application for public enquire.
5. The mining authority resolves and communicated the applicant the resolution which has 15 days to pay the fees corresponding to the issuing of the mining concession.
6. The mining authorities shall publish the resolutions in the National Official Bulletin and in the Provincial Official Bulletin.
7. If the concession is not granted, the applicant has 60 days from the resolution to request an investigation permit.

The rest of the procedure is equivalent to the concession derived from an investigation permit.

#### Number and identification of public entities involved in the process

Mining activities in Spain have been mainly transferred to the Regional Governments (except in those cases where the area requested includes territory of two or more Regional Governments, as in these cases the mining law assigns the permitting to the Ministry for Ecological Transition), all the permitting procedures are performed in the Provincial Mining Authorities, listed above which also includes the National Mining Authorities.

#### Geographic areas covered by permit

Exploration permit. The surfaces which can be permitted go from 8,700 to 93,000 Ha for a period of one year which can be extended one more.

Investigation permit. The permitted surface can extend from 30 to 9000 Ha, and the permit can last for three years that can be extended for another three and exceptionally for additional periods.

Exploitation concession. The concession can have from 30 to 9000 Ha, and the concession is granted for 30 years which can be extended two times up to a maximum of 75 years.

#### Legal nature of the rights

Mining permits in Spain are considered real state and register in the Mining Registry and in the Property Registry (although this last thing it's not mandatory).

Right Register and can be transmitted and sold by holders under certain legal circumstances, which include the formal authorisation of the mining authority.

#### Description and analysis of any link between exploration permit and future license for exploitation.

The owner of an exploration permit has priority to obtain investigation permit on the explored surface<sup>4</sup>. Similarly, the owner of an investigation permit has priority over other interested parties to obtain the mining concession over the territory included in the investigation permit.

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<sup>4</sup> All in accordance with the prescription of the Mining Law and its Bylaws

Average length to get an extraction permit

To understand mining procedures deadlines in Spain, it is important to note that although mining legislation is national but regionally applied, all the environmental procedures to which a mining application is subject, must fulfil the environmental provisions of the autonomous communities. Therefore, the deadlines for a mining application are the result of the interrelation between mining and environmental procedures deadlines, both in hands of the autonomous communities since 1993.

Mining authorities' deadlines are subject to EIA procedural deadlines, and only small exploitations of **section A** resource (sand and gravels or hard rock quarries for aggregates etc.) are subject to simplified EIA procedures.

Strictly speaking, the mining deadlines are governed by the mining legislation of 1973 and its by-laws of 1978, but since the implementation of the EIA in 1993, mining and environmental deadlines are closely interlinked as already pointed out. In fact, in terms of practical schedules, mining deadlines are not the most significant both in legal and real deadlines of the mining applications proceedings, since they are constricted by the law 21/2013 regulating the environmental impact study.

As a guide, a record time of processing of a **section A** mining authorisation application took 6 months in the Autonomous Community of Castile- La Mancha, whilst if administrative difficulties in relation normally with environmental issues arise, then processing an application may take various years (can be up to 10 years). In Catalonia, the data obtained from the mining authority indicate that permits for section A resources took from 7 months to 1 year to be granted from 2013 to 2015.

The exploration phase in Spain is covered by two different type of permits in the mining law: Exploration permits and investigation permits. Exploration permits do not allow performing mining operations such as trenches, drilling, etc., whereas investigation permits, on the other side, allow minor excavating works and drillings, and thus has currently more requirements to be granted by the environmental authorities. Investigation permits must present a preliminary EIA and a restoration plan.

**Table 3:** Spain. Legal vs real timeframe to obtain a mining permit.

ES	Legal timeframe to grant mining permit			Real timeframe to grant mining permit Including the estimation of the EIA procedure timing		
	Exploration	Investigation	Exploitation	Exploration	Investigation	Exploitation
Section C + D resources	6 months	7 to 10 months	2 months if the concession derives from an investigation permit and "not defined by the law" for direct exploitation concessions (Article 91 law 1978) then the company has 6 months to	(no data available)	(no data available) Depending on the existence of EIA for the exploration activities. Can be more than a year	3 to 7, in some cases even to 10 years  (some cases with very complicate environmental issues)

ES	Legal timeframe to grant mining permit			Real timeframe to grant mining permit		
				Including the estimation of the EIA procedure timing		
			<i>deliver the work plan"</i>  <i>All mining timeframes are suspended during the EIA process since the EIA 1993 law and specially the 2013 legislation</i>			
Section A + B resources	Not applicable	Not defined by the law	Not defined by the law	> 1 year	Not applicable	from 3 to 7 years

Source: IGME

- Deadlines can be longer because, as indicated by some mining administrations, there are provinces where there is only one civil servant to follow up the applications of all sections (in many cases more than a hundred files for a single civil servant), forming a "bottleneck".

- Resources of section A require the right of access to the land (either by buying or by renting the land), if this requirement is fulfilled then the process begins. There are no legal deadlines

- If the investigation permit finds exploitable resources, then the applicant must request the conversion of the permit into an exploitation concession 3 months before the permit expires

- Data of the last column sourced from mining authorities.

It is also important to note that:

- Before the law 21/2013 the public information of the environmental agency should include the technical project and the EIA. The approval period of the application could be around 3 or 4 years (case of Castile- La Mancha)
- Since the law of 21/2013 is the mining authority that raises public information including technical project, EIA and restoration plans and waste management plan if any (depending on the case)

Example:

The following is a brief description of the minimum deadlines that may be involved in the processing of a mining concession application and its environmental approval, for more details, see the reference (\*).

Real time limits in the particular case of Castile-La Mancha which can be considered a very realistic example of what happens in the rest of Spain can be (taking into account that the environmental authority that will grant the approval is regional and not national):

1. Public information of the application is published in the official gazette (simplified today with Internet). A period of 1 month is allowed for the public to submit allegations
2. Allegations are received by the mining authority and sent to the applicant so that it corrects the application where necessary. The authority has one month to send them back.
3. The applicant has up to a year to modify the 3 documents, if not the application is cancelled.
4. When all revised documents are received, the mining authority sends them to the environment agency to start the environmental impact declaration, which depending on the case can:
  - Refuse the application for environmental incompatibility
  - Continue with the process
  - Request corrections and give the applicant 3 months to correct them
5. The environmental authority has a period of *1 month* to issue the Environmental Impact Declaration *and 2 months* in the case that the area is inside a Nature protected space, etc.
6. Once the Environmental Impact Declaration is made, the dossier returns to the mining administration that can grant or not the permit. The timeframe here goes from 3 months to 1 year in case there is any modification of the mining squares (i.e. less squares authorized than those requested).
7. These deadlines are established by the law 4/2007 of Castile-La Mancha Autonomous Community.

The law provides for a voluntary process that can also be used by presenting a previous environmental assessment report, so that the autonomous entity presents a document of scope.

All the above deadlines refer to concessions to operate sections C and D, in case the environmental procedure is simplified (there is less involvement) the deadlines are logically lower. The mining concessions applications for sections A are more frequent in number but although they could clearly enter the simplified process, they are sometimes processed by ordinary evaluation.

References, In order to understand the example of the Autonomous Communities processing cycle of a mining concession application, refer to the following text and to the schematic diagrams 6.1 pp. 19-20 (In Spanish):

(\*)

[http://www.castillalamancha.es/sites/default/files/documentos/pdf/20150113/guias\\_ea\\_organos\\_sustantivos.pdf](http://www.castillalamancha.es/sites/default/files/documentos/pdf/20150113/guias_ea_organos_sustantivos.pdf) (accessed 04.04.17)

## **Integrity Assessment**

Today and in general, there are no recorded cases of lack of transparency in the permitting and concessions procedures, or cases of unequal treatment on the basis of nationality of the entrepreneur, administrative barriers to the freedom of establishment, signals of "mala fide" administration and corruption, as well as basic information on disharmonies in geoinformation confidentiality classification schemes. In Spain, the basic legislation regarding transparency in the public administrations are the Law 19/2013 of Transparency

Access to the Information and Good Governance and the Organic Law 3/2018 of 5<sup>th</sup> December of Protection of Personal Data and Digital Rights Guaranty.

The main area where we still detect a certain level of arbitrariness by the mining authorities in certain regions is in the decision about the awarding of mining permit in public tenders of previous permits that have been cancelled by the administration due to the various reasons this can happen. Theoretically the awarding is made by a team of experts from the mining authority and ruled by the rules of public contracts (best technical project, best financially supported firm, etc.).

Cases are known in Andalucía (the recent case of Aznalcollar)<sup>5</sup> and Galicia, with has still in courts the case of a gold concession in A Coruña.

All this cases have ended in the courts but have long delayed the possibility of starting the projects.

## **Tax regime**

### **Fiscal stimulus to mining**

The corporate income tax, taxes the income of private enterprises in Spain, and is regulated by the following legislation:

- Law 27/2014, of 27<sup>th</sup> September on Corporate Income Tax (BOE, 28-november-2014)
- Royal Legislative Decree 4/2004, of 5<sup>th</sup> March approving the consolidated text on the Corporate Income Tax (BOE, 11-march-2004)

Chapter VIII of the law includes art. 91 on the freedom to amortize all the investments in 10 years since the beginning of the operation. And also includes Art. 91 referring to the depletion allowance (exclusively for resources of the sections C, D and B or the priority substances described in the Royal Decree 647/2002, of 5<sup>th</sup> July), which allows the reduction of the consolidated tax base. The depletion allowance shall not exceed 30% of the total consolidated tax base.

The amounts used to reduce the tax base should be only employed in the following activities:

- a. Exploration of new mineral deposits and other geological resources
- b. Research on processing improvements
- c. Research in the geological knowledge of the deposits and estimation of reserves
- d. Acquisition of stocks of firms carrying out the activities a,b and c, provided that the stocks are maintained during 10 years.
- e. Laboratory and research equipment applied to the mining operations
- f. Reclaiming operations (Included in the planned restorations plans).

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<sup>5</sup> The Aznalcollar case is a court case for the awarding of the concession to one of the bidders which was presented by the loser. Courts finally decided that the awarding was correct. The A Coruña case is still in the courts and probably will not come to an end soon. These extreme cases are not representative of the normal functioning of the mining authorities today. (The Aznalcollar case has been recently reopened).

The investment must be made during the following 10 years after the reduction in the tax base has been made.

Main problems or major modifications related to exploration and exploitation permits

- Environmental constraints

According to our Spanish expert: *“In Spain, the main problem to obtain a mining permit is the environmental process, which is dependent on the environmental authorities of the different Autonomous Communities, the ample zones of the country with some degree of environmental protection, the complex way that the mining activities affect the environment and the public consultation process and how this is managed by the Environmental Administrations and how this is linked to the social licensing process. Although the law establishes clear deadlines for the environmental procedure, the authorities never seem to meet those deadlines, with no administrative consequences”.*

Cobre Las Cruces (Seville) is a good example of good permitting practice, although the project as a whole took a long time.

In 1990 Riomin Exploraciones S.A. (later known as Cobre Las Cruces S.A.), of the Riotinto, Group requests a mining permit (Faralae II) to explore the area, which is granted in 1992. The deposit is found in 1994. In 1999 the Project is handled by MK Gold Company (now MK Resources Company) part of Leucadia National Corporation. In 2001 the mining concession Las Cruces derived from the investigation permit is requested. The concession is granted in 2003. In August 2005 Inmet Mining Corporation acquires 70% of the shares of MK Resources. Since November 2010 the Company is fully owned by Inmet Mining Corporation until March 2013 the Canadian Company First Quantum buys 85% of Inmet. Production started in 2009.

The company has already deposited more than 23 M€ in environmental financial guarantees, which will rise to € 43 M in the final phase of the project.<sup>6</sup>

In summary:

1990. Mining investigation permits requested

1992. Investigation permits granted

1994. Deposit found

2001. Mining concession requested

2003. Concession granted.

2006. Extraction starts

2009. Copper production starts

Although this huge copper project took 19 years to start production since the first investigation permits, the administrative process was relatively quick as it took only 2 years to obtain the concession.

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<sup>6</sup> Reclamation of mining operations is compulsory and has to be financially guaranteed, the reclamation budget drives the amount of the guarantee



According to our Spanish expert, "Other bottlenecks observed in the system:

*In recent times, several new Mining Legislation drafts have been presented by the successive Governments to try and solve the main problems detected in the application in the current legal framework, but none has been successful. The detected problems can be categorized as follows:*

*1.- Banning of mining operations by Autonomic Governments and Municipalities*

*Some Autonomic Governments and Municipalities have used the land planning under their direct control and without clear limits (this competence is constitutionally in their hands) to ban mining from their regions. The Supreme Court established in its sentence of 3 November 2010 that a restrictive planning would violate the Mining Law, but such doctrine has yet to be confirmed by the legislator to provide juridical security to mining rights and to the access to mineral resources.*

*2.- Road and public works extraction operations*

*Art 37.3 of the current Mining Bylaws exempted from mining procedures (and thus mining and environmental authorities' authorisations) the aggregates extraction for public works in a normal moderate use. This article has been abusively used by public works contractors to compete disloyally with mining companies. This must be properly regulated to avoid abuses and environmental damages.*

*3.- Definition of occasional extraction*

*Art 3.2. of the Mining Law excludes from the application of the Law all occasional extractions and of scarce importance of minerals resources, notwithstanding its classification, carried out by the land owners for its exclusive use and without the use of any mining technique. Abuses have been detected in this type of extractions using the concept of "improvement in farms".*

*4.- Definition of processing plant*

*A processing plant associated to a mining operation must be clearly defined because if it is really associated practically and geographically related to a mining operation, then the Mining Law and its Bylaws are of application as well as the legislation on mining waste (RD975/2009) and the legislation of mining safety (RGNBSM) thus the mining authority would be in charge of the work inspection instead of the Work Inspectorate. The current legal definition does not clarify if cement plants or dimensional stone cutting plants are or not included.*

*5.- The environmental impact assessment*

*Mining operations must fulfil the environmental requirements, but once this are fulfilled, the criteria to reject a mining proposal should be based exclusively in standard or objective reasons, distinguishable, predetermined and public, which should respect the equilibrium between the mining right and the public environmental interests. Thus mining extraction permissions should only be rejected in case of irreversible environmental impacts (critical impact according to the legislation) or in cases when the public environmental interest is particularly important and thus should prevail above the right to access to mineral resources (protected species, waters, public woods, etc. covered by environmental protection legal instruments).*

*6.- The need of an integrated authorisation system*

*It has been clearly demonstrated that the current multi-authorisation system is not very operative and delays are derived from the fact that the mining, environment, culture, land planning, etc. permissions are requested to different administrations with various timeframes and schedules. The best solution proposed is the creation of a single procedure depending on the mining authorities that in turn would be responsible of dispatching the reports to the other intervening authorities and collecting in due time the results of the enquires. A favourable report from all other authorities would be then considered as an authorisation. Conflicts among administrations would be resolved internally by the*

*corresponding superior authorities (Autonomous Community or Council of Ministries). A maximum of six months should be established for the whole procedure.*

*7. The need of improving the administrative processing with information technologies*

*Although already many regional governments have implemented on-line processing of mining plans, there is clearly a need to increase the staffing and resources of the provincial offices that handle to permitting process."*

## **Environmental Procedures governing NEEI permitting in Spain**

### **1.- Introduction**

The Mining Law of 1973 already includes several indications to adopt measures to protect the environment (probably the first mining law in Europe to include these provision) as a condition to obtain the mining permit and also included sanctions if those were not duly fulfilled (these for the first time in the Spanish legal framework) which could reach the cancellation of the permit in the case of severe infractions. In spite of these provisions, mining did affect the environment in Spain due to the energy crisis in the seventies that made supply for development prevail over environmental protection.

Later the Spanish constitution of 1978 included among its driving principles of social and economic policies the protection of the environment. From these principles two royal decrees were passed which anticipated the Directive 85/337/CEE of environmental impact assessment which was later transposed in the national legislation by the Royal legislative Decree 1302/1986:

1. Royal Decree 2994/1982 on the reclamation of the natural space affected by mining activities.
2. Royal Decree 1116/1984 on reclaiming of the natural space affected by open cast coal operations and the rational use of these energy resources.

Later after the publication of the Directive 2006/21/CE of management of the extractive industries, this was transposed by the Royal Decree 975/2009 which incorporated the indications of the former royal decrees, regulating more than just the simply reclamation of mining waste. The royal decree makes compulsory a Plan of Reclamation of Natural Spaces which must be presented by the applicant of any mining permit which must be approved together with the concession. It also includes a calendar of execution of the reclamation and an estimated cost (both can be revised during the life of the project). The reclamation plan, once approved is obligatory and in order to assure the fulfilment of the plan, a series of financial guarantees are established.

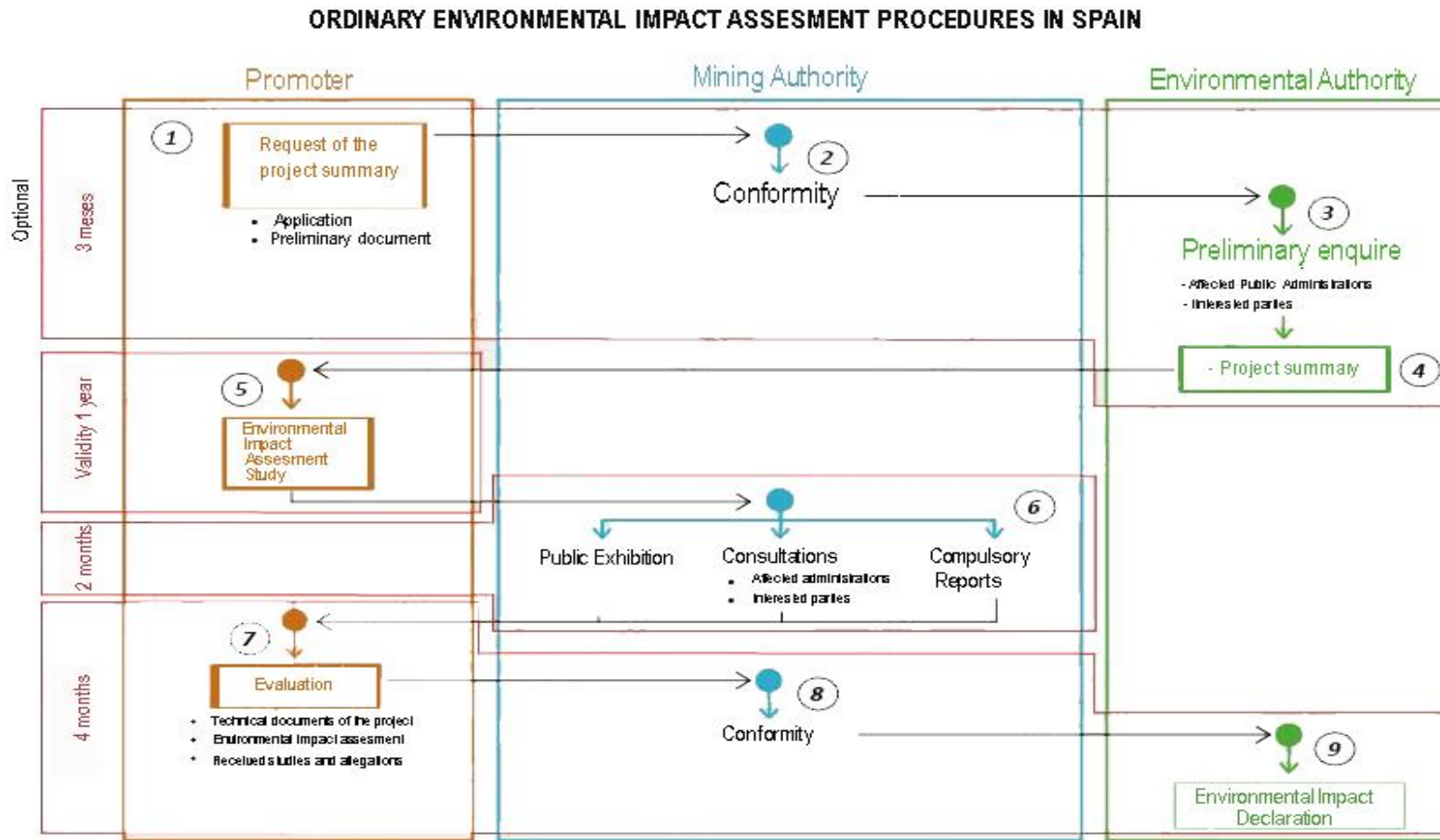
Today the national environmental legislation in application today to mining operation in Spain is:

- Royal Decree 975/2009 on the management on the waste management of extractive industries and on the protection and reclamation of the areas affected by mining activities (last revision made by Royal Decree 777/2012).
- Law 21/2013 of environmental assessment (substituting the Royal Decree 1/2008 which in turns substituted the original Royal Legislative Decree 1302/1986)

Then there are autonomic legislations of most of the 17<sup>th</sup> autonomic regions which either copy or develop the basic legislation.

The figure included below shows the ordinary EIA procedures in Spain.

**Fig. 1:** Spain. Basic EIA procedures.

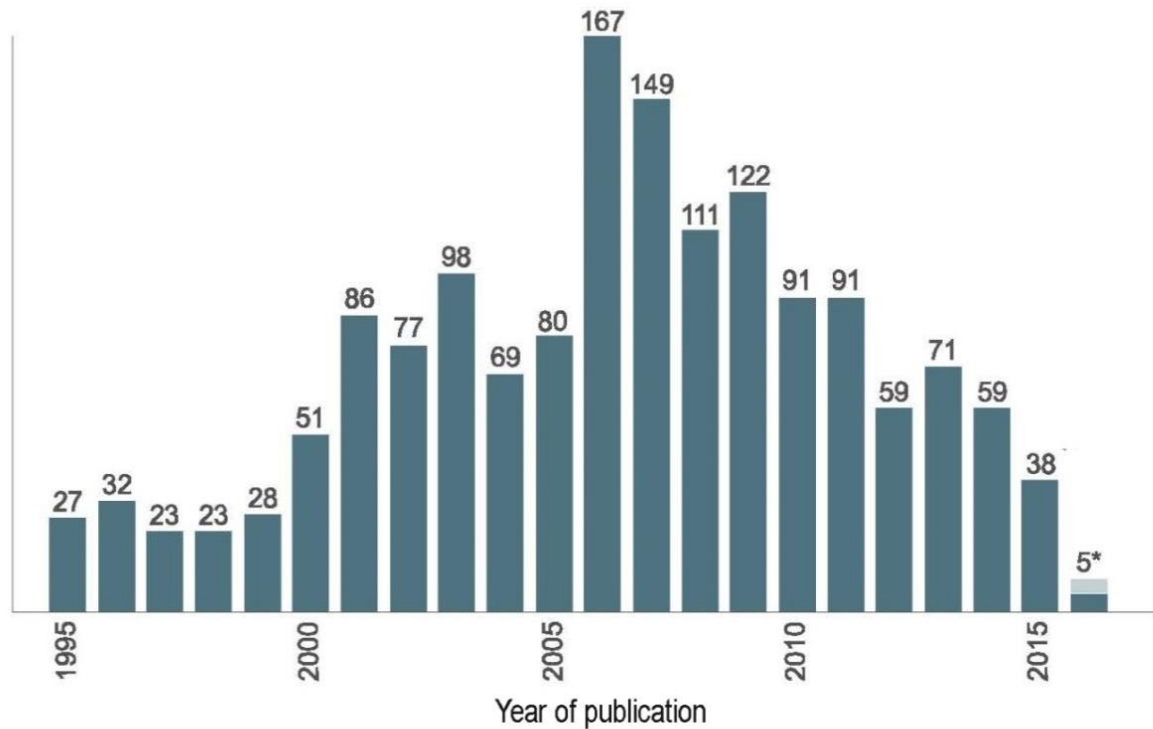


Source: IGME

The EIA process for any type of project including mining operations governing a zone, ends with an Environmental Impact Declaration that establishes the impacts foreseen and the remediation measures envisaged.

Published EIDs in Spain have suffered a sharp decline from 2006 onwards due probably to the economic crisis and to political uncertainty as visible in Fig. 2.

**Fig. 2:** Spain. Environmental Impact Declarations (1995-2016).



Source: Official Bulletin

\* In 2016, 2 out of 5 resolutions were approved in 2015.

### **1.7. Court cases on permitting procedures**

#### The procedural and institutional framework of court appeals

In Spain, the Jurisdiction in charge of controlling the administrative decisions on environmental protection and mining activities is the Contentious-Administrative jurisdiction. Within such jurisdiction, there are three levels of courts:

- 1) The first instance courts that deal with the resolutions issued by the city council, and the central and regional governments delegations, among others. There are, at least, one first instance court per province (the most populated provinces have more courts).
- 2) High Regional Court and National Court.

The High Regional Courts, which are 17 (one per Autonomous Region) deal with the appeals against the Judgments issued by the first instance Courts. In addition, they have powers to decide on the appeals filed against certain resolutions issued by the regional governments, among others.

The National Court (*Audiencia Nacional*) is the one competent to decide on the appeals filed against the decisions issued by certain regulatory bodies and Ministries.

- 3) The Supreme Court has powers to decide on the cassational appeals filed against any of the Judgments issued by the abovementioned Courts and against certain decisions taken by the Central Government.

The most important role of the Supreme Court, especially after a recent modification of the cassational appeal, is to establish judicial precedents in leading cases thus ensuring uniformity in the administration of justice by the remaining Courts. Any decision issued by the First Instance Courts, the High Regional Courts or the National Courts is subject to appeal before the Supreme Court provided that, in view of the circumstances of the case, it is necessary that the Supreme Court issues a Judgment to ensure the uniformity of the interpretation and application of the law. Otherwise, the appeal would not be admitted for processing.

Usually, the appeals that are related to mining authorisations or environmental decisions on mining activities must be filed before the First Instance Courts or the High Regional Courts. Some cases have been decided by the Supreme Court so that there is quite significant case law on both fields.

#### Most decisive and representative court judgements

#### **Case Zibetti Mine – Navarra, Spain – On the environmental impact assessment of a mining quarry located in a special conservation area**

Case No.: ordinary proceedings no. 147/2011

Name of Court: High Court of Justice of Navarra

Date of Judgment: 8<sup>th</sup> October 2015

Judgement reference No.: 266/2015

Name of plaintiff (or appellant): (i) Ms. Eva Zubillaga Villabona, Ms. María Roncesvalles Martínez Sagardía, Ms. María Isabel Cleix Navarro, Ms. María Esther Larrea Errea, Mr. Vicente Huarte Villanueva and the legal association named "Coordinadora Monte Alduide"; and (ii) the "Sociedad Española De Ornitología".

Name of defendant: Regional Government of Navarra.

Name of codefendants: (i) "Magnesitas Navarras, S.A."; (ii) City Council of Valle de Erro; (iii) Council of Eugui; (iv) Community of councils of Erro and Zilbeti; and (v) Council of Zilbeti.

Judgement in favour of: plaintiffs.

Relevant stage of permitting: Exploitation of minerals and environmental impact assessment.

Piece of legislation on which the claim (or appeal) is based: (i) Royal Legislative Decree 1/2008 (which transposes Directive 85/337/CEE); (ii) Law 42/2007 (which transposes Directive 92/43/CEE -the so-called Habitats Directive-); and (iii) Royal Decree 1997/1995.

## **1 Brief summary of the case**

The plaintiffs challenged several resolutions of the Regional Government of the Autonomous Region of Navarra related to the assessment of the environmental impact of implementing and exploiting a magnesite quarry in Monte Legua Acotada (basically, the Environmental Impact Declaration and connected resolutions). They alleged that the resolutions are null and void since they breach certain European Union ("EU") directives and the national and regional applicable laws.

The High Court of Justice of Navarra addressed all the arguments alleged by the plaintiffs and concluded that the challenged resolutions breached the relevant EU and national laws, since they were favourable to a project that affected significantly the integrity of the zone where the quarry was to be settled. The Judgement has been appealed to the Supreme Court.

## **2 Legal analysis of the case**

### **2.1 Description of the issue**

The resolutions of the Regional Government of Navarra that are challenged in this proceedings are the following: (i) resolution of the General Director of Environment and Water of 26<sup>th</sup> November 2010, which approves an Environmental Impact Declaration favourable to the implementation and exploitation of a magnesite quarry in Monte Legua Acotada; (ii) resolution of the Regional Government of Navarra of 13<sup>th</sup> December 2010 whereby the Sectorial Project of Supra-municipal Incidence (*Proyecto Sectorial de Incidencia Supramunicipal*) for the implementation and exploitation of the former quarry was approved; and (iii) resolutions of the Regional Government of Navarra of 17<sup>th</sup> January 2011 and of 7<sup>th</sup> February 2011 on the public utility declaration of the project.

Then a magnesite quarry authorised by the challenged resolutions was to be located in Monte Alduide, which is a Special Area of Conservation - SAC (*Zona de Especial Conservación*, "ZEC") in the Autonomous Community of Navarra. The main environmental aims of this SAC are to protect the environment and certain species of the local animal and plant life that had to be guaranteed by the relevant Public Authorities.

### **2.2 High Court of Justice Judgement**

The two claims lodged by the plaintiffs were accumulated in the same proceedings and commonly resolved in the judgement that we are analysing.

The most relevant arguments alleged by the plaintiffs, and the response given to them by the Court, can be summarized as follows:

- (i) Plaintiffs: The Environmental Impact Assessment (*Estudio de Impacto Ambiental*, "EIA") did not include the compulsory assessment of alternatives and is therefore insufficient. This fact constitutes a breach of Directives 92/43/CEE and 85/337/CEE (and the transposing Spanish laws) and the case law of the Court of Justice of the European Union (the "CJEU").

Court: The activity of the projected quarry is subject to environmental assessment regulations and, therefore, the development company (Magnesitas Navarras) had the obligation to submit a summary of alternatives to its project under Art. 5.3 and Annex IV of Directive 85/337/CEE. The breach of this requirement would entail the nullity of the corresponding resolutions.

However, in this case the alternatives to the project were set out in the memory of the EIA. Therefore, the development company did not breach its obligations of information under Directive 85/337/CEE.

The Court added that the EIA cannot be considered insufficient for not taking into account, as an alternative, a quarry of the co-defendant located in other Spanish province (Soria). The Judgment states that Art. 5.3 does not seem to request the assessment of alternatives in an unlimited territorial area but only those that are relevant for the project. Therefore, since the alternatives that were closer to the project were analysed, the obligations under Directive 85/337/CEE were fulfilled in this regard.

- (ii) Plaintiffs: The assessment of the environmental impact of the quarry should have been carried out jointly with that of a nearby magnesia manufacturing plant, according to Articles 4.2 (Annex II), 5 (Annex IV) and 6.2 of Directive 85/337/CEE and national applicable laws.

Court: This argument was rejected because the Court considers that there is not an environmental connection between the two activities. The Court states that Art. 6.3 of Directive 92/43/CE only requires a common assessment in the event of projects that, not having a direct relation with a given location, may affect each other in some way. On the contrary, the project that we are analysing does not affect the activity of the magnesia manufacturing plant in any way and therefore both activities must be independently assessed.

- (iii) Plaintiffs: The area where the magnesia quarry was located should have been declared a Special Protection Area for Birds - SPA (in Spanish, "ZEPA"). Art. 4.4 and Annex I of Directive 79/409/CEE (which, according to the case law of CJEU, shall be applicable despite the zone not having been declared a SPA) sets forth that Member States must protect such areas and avoid that they are damaged.

Court: The area in which the quarry is located has already been declared a Special Area of Conservation (SAC) and is therefore subject to Directive 92/43/CE. According to Art. 7, this regime displaces the one set forth in Directive 79/409/CEE (alleged by the plaintiffs).

- (iv) Plaintiffs: The challenged resolutions authorise a quarry that is of only economic interest and will cause damages to the integrity of the affected area, and therefore sections 2, 3 and 4 of Art. 6 of Directive 92/43/CEE and the relevant national laws have been breached.

Court: According to Directive 92/43/CEE and the national transposing law, projects in SAC areas must be assessed in order to determine their affection to the conservation objectives of such area, and may only be authorised when it is certain that they will not cause a damage to its integrity. In that regard, the Court considers that the probability or risk of a significant disruption is sufficient to apply the regime of Directive 92/43/CEE.

Since the challenged resolutions refer to a quarry located in a SAC area, the Regional Government of Navarra should have taken into account the regime of Directive 92/43/CEE when assessing whether or not to authorise the quarry. However, despite the existence of technical reports that concluded the quarry would significantly affect the area in which it was located, the Regional Government decided to authorise the project without imposing the relevant corrective and preventive measures.

The Court concludes that the technical reports (issued by public servants of the Government), together with the expert reports provided by the plaintiffs, demonstrate that the quarry would affect the integrity of the SAC area. In this regard, the Court deems irrelevant the fact that the quarry would occupy only a 0,25% of

the whole surface of the SAC area, since the decisive factor is the affection of this quarry in the total area.

In view of the above, neither the environmental impact declaration (statement, called DIA in Spanish) nor the rest of resolutions issued by the Government that are challenged in the proceedings should have been favourable to the implementation and exploitation of the quarry. Therefore, the challenged resolutions were contrary to Directive 92/43/CEE and the national transposing laws.

- (v) Plaintiffs: The challenged resolutions authorise a mining quarry in a “Monte de utilidad pública”, which is an area of public utility according to national law, without justifying the priority of the quarry over the public forest utility of the area. It is also alleged that the declaration of compatibility of both uses is contrary to the law.

Court: The declaration of compatibility is not arbitrary, but it is unlawful. This is due to the fact that the reports on which it is based have just been declared null and void by the Court.

- (vi) Plaintiffs: According to the municipal planning regulations, the area where the quarry is to be located is classified as a protected undeveloped land (“*suelo no urbanizable protegido*”). This kind of land is not compatible with a quarry.

Court: Regardless of the provisions of the municipal planning regulations, as per national laws on land use a quarry would not be compatible with the protection granted to undeveloped land. Therefore, the activity of the quarry could not be authorized.

- (vii) Plaintiffs: according to the national Law on Water, the Sectorial Project (one of the challenged resolutions) was approved without having obtained the previous favourable report of the Ebro Basin Body (Confederación Hidrográfica del Ebro, (“CHE”), which is the public authority with powers on water.

Court: The applicable law requires a previous favourable report from the CHE in relation to any act or plan that affect the regime and exploitation of continental waters or the uses permitted in lands belonging to the hydraulic public domain. Since the quarry would produce such an affection and it was approved without having been reported by the CHE, the challenged resolutions are null and void.

### **3 Implications of EU law on national law**

The High Court of Justice of Navarra’s decision concerns, basically: (i) Art. 5.3 and Annex IV of Directive 85/337/CEE (transposed to national law by Royal Legislative Decree 1/2008); and (ii) sections 2, 3 and 4 of Art. 6 of Directive 92/43/CE (transposed to national law by Law 42/2007).

Art. 5.3 and Annex IV of Directive 85/337/CEE: this article requires the applicant to inform the Public Authorities inter alia of the main alternatives to its project and the reasons to choose one of them. This requirement has been included without significant changes in Royal Legislative Decree 1/2008.



The Court considers that the applicant in this case did not breach these provisions because it evaluated several alternatives of location of the accesses and the systems or methods of exploitation. The Court also considered that the applicant was not obliged to include as an alternative a quarry that was far from the location of the project and not comparable to the alternatives taken into account in that project.

Sections 2, 3 and 4 of Art. 6 of Directive 92/43/CE: these sections set forth the obligation of the Member States to protect the special conservation areas (Natura 2000) and avoid them being damaged. In particular, section 3 establishes that any project that may significantly affect such areas shall be adequately assessed in order to determine its repercussions over the area. The project may only be authorised if the assessment demonstrates that it will not damage the integrity of the area, unless the project is considered necessary on urgent public interest grounds (provided that the Member State takes all compensatory measures to guarantee that the global coherence of Natura 2000 is protected).

These sections of Art. 6 have been included without significant changes in Law 42/2007.

In this case, the project was not declared of urgent public interest (IROPI), nor did the Regional Government take the compensatory measures that would have been necessary in such case. The Court considered that the technical reports demonstrated the adverse effects of the project on the integrity of the relevant area, and declared that these effects may be based on a mere probability or risk of disruption.

#### **4 Recommendations**

It could be advisable that the European directives on environmental impact assessment would better define the scope of the obligation to analyse alternatives in order to clarify which type of alternatives must be taken into account when assessing the convenience of a project (for example, establishing a territorial limitation taking as reference the point where the project would be located).

On the other hand, more coordination between the regulation on environmental impact assessment and the regulations on Natura 2000 would be useful. Sometimes it is difficult to determine whether an environmental impact statement fulfils the requirements of the Natura 2000 regulations. It would also be useful that the European Environmental authorities, on the basis of the current information available, approved criteria to assess the different types of mining exploitation from the Natura 2000 values (e.g. establishing the types of mining exploitations that should be considered incompatible with certain Natura 2000 values irrespective of the corrective measures that could be implemented).

Another measure that may be useful would consist of carrying out a brief preliminary assessment to see how problematic it can be conducting a project in a certain area (*i.e.* try to provide some predictability). It would also be desirable to have an early community engagement in order to try to avoid appeals.

#### **1.8. Success rates of exploration and extraction permits**

It is difficult to know the success rate of exploration and extraction licenses in Spain, due to the fact of the time it takes to obtain a concession in Spain. A personal interview with some regional mining authorities revealed that the number of investigation permits requested annually in Spain is very varied as it relates with the state of the economy of the country and the mining policy of the different Autonomous Communities. In the last few years, an average of 80 permits are directly requested in Spain annually. Of this the success rate of investigation permits is 90%, as, in general, there is no problem to get the permit and start the exploration. How many of those reaches the concession phase, is difficult to estimate as this depends on many factors. But once the investigation permits

pass to concession, the success rate drops to 10% in average<sup>7</sup>, due to the lengthy procedure and to the fact that to start an extraction, permits from authorities other than mining<sup>8</sup> are needed that might be complex to obtain.

Also relevant in the analysis of the rate of success, is the distribution of the mineral production value by Autonomous Communities. In 2014, three of them represented more than half of the total national production value: Andalusia contributed with 23.3%, followed by Catalonia with 18.5%, and by Castile & Leon with 12%.

In some Autonomic Communities, the interest for mining has suddenly increased the number of claims, not because of the interest of companies, but because the Governments have made a call for public tenders of abandoned or cancelled<sup>9</sup> mining permits (Andalucía placed more than 300 in the market last year, Galicia placed a tender of around 100 at once). Public tenders are different than normal permit requests, as it is fuelled by the autonomic mining authorities and according to the Mining Law, but have indeed increased the number of permits in circulation (Mining tender are the procedure established in the Mining Law for abandoned or cancelled permits).

The following table summarizes the existing permits in Spain in 2013 (Source: Minerals 4EU. <http://www.minerals4eu.eu/>) and the tables below, show the evolution of mining permitting in Andalusia provided by the Andalusian Mining Authorities for the period 2013-2016 and Catalonia provided by the Catalan Mining Authorities for the same period. In order to have an exact measure of the success rate of permitting, only permits started in that period and that have been duly processed and finished have been considered. In Andalusia, the average success of investigation permits is 23%, of authorisation section A 44% and of concessions section C 19%. This makes an average permitting success in Andalusia of 25,6% for 152 requested permits in 3 years.

In the case of Catalonia, the average rate of success of investigation permits is 21,5% and 60% in the case of authorisation of the section A. As for the case of concessions section C, the rate is today 0% (9 in process and 1 cancelled). This makes an average permitting success in Catalonia of 40,7% for 59 requested permits in 3 years.

A weighed average for the rate of success of the permitting of the regions which produce 41,8% of the total national production makes an average of 28,9%, of which 22,8% is in investigation permits, 55,1% in authorisations section A and 11,53% in exploitation concession.

**Table 4:** Spain. Existing permits in 2013.

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7 Companies simply default because they do not want to wait for all the permits. The only Autonomous Communities where we have obtained data are Andalusia and Catalonia. The average has been estimated from that information and the opinion of other mining authorities.

8 Normally in the environmental procedures

9 The mining authorities can cancel a permit if no works are carried out according to the approved plan. This permits cannot be directly left open for any other interested party. They have to be put to open tender.

Commodity Group	Commodity	Expenditure <sup>10</sup> €	Total number of exploration licence(s) active during 2013	Total number of exploration licence(s) issued during 2013	Total size of area (km <sup>2</sup> ) under exploration licence(s) at the end of 2013	Total number of companies exploring for this commodity
<b>Non-Ferrous Base</b>	Cu	26.796.950	15	1	300,90	5
	Pb	171.666	1	0	5,10	1
	Zn	0	1	1	14,10	1
	Sn	55.209.884	17	4	293,54	7
	Ni	0	26	2	1066,50	1
<b>Precious Metals</b>	Au	587.247.137	29	7	1083,21	15
	Ag	0	2	1	66,90	2
<b>Ferrous and Alloy Metals</b>	Iron Ore	0	2	1	15,90	2
	Ti	0	1	0	14,70	1
<b>Minor Metals</b>	W	13.884.452	8	5	341,20	6
	Sb	0	1	1	10,50	1
	Co	0	3	0	153,00	1
	Li	0	1	0	3,60	1
<b>Industrial Minerals</b>	Potash	4.246.713	5	1	350,10	1
	Fluorspar	262.008	6	3	21,60	2
	Gypsum	1.870.446	34	7	154,20	9
	Kaolin	176.276	17	3	71,92	9
	Feldespar	1.158.684	6	0	81,88	4
	Common Clay	178.544	29	9	55,50	16
	Special Clays	1.382.407	7	0	90,90	4
	Baryte	622.710	5	2	18,50	3
	Sulfur	N/A	1	1	3,60	1
	Talc	0	2	0	15,80	1
	Salt	91.686	2	2	6,00	2
<b>Construction Minerals e.g. Sand, Gravel, Crushed Rock, Aggregate, Dimension Rock</b>	Sand	167.686	12	1	94,10	7
(Limestone, quartzite, andesite, sandstone, silica)	Crushed Rock	6.478.515	103	24	648,50	65

	Aggregate	124.740	20	3	70,00	9
(Marble, quartz, granite, shale)	Dimension rock	1.007.625	46	10	438,67	21
<b>TOTAL</b>		701.078.128	<b>402</b>	<b>89</b>	<b>5490,42</b>	<b>198</b>

Source: IGME.

**Table 5:** Spain. Success rate in mining permitting in Andalusia 2013-2016.

Investigation permits	Nº	% with regards to processed
Requested and processed	113	
Favourable	26	23%
Rejected	87	77%
Pending	110	

Source: IGME and Junta de Andalusia.

Note: Some requested investigation permits are referred to mining permits bids with several candidates to one only permit.

**Table 6:** Spain. Success rate in mining permitting in Andalusia 2013-2016. Section A and C.

Authorisations Section A	Nº	% with regards to processed
Requested and processed	23	
Favourable	10	44%
Rejected	13	56%
Pending	25	

Concessions Section C	Nº	% with regards to processed
Requested and processed	16	
Favourable	3	19%

10 Amount of money included in the approved budget of the permits

Rejected	13	81%
Pending	20	

Source: IGME and Junta de Andalusia.

**Table 7:** Success rate in mining permitting in Catalonia 2013-2016.

Investigation permits	Nº	% with regards to processed
Requested and processed	14	
Favourable	3	21,5%
Rejected	4	28,6%
Pending	7	

Authorisations Section A	Nº	% with regards to processed
Requested and processed	35	
Favourable	21	60%
Rejected	3	8,6%
Pending	10	

Concessions Section C	Nº	% with regards to processed
Requested and processed	10	
Favourable	0	0%
Rejected	1	10%
Pending	9	

Source: IGME and Direction of Energy, Mines and Industrial Security of Catalonia.

### **1.9. EU legislation impacting permits and licenses for exploration and extraction**

- 1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

No

- 2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

*Exploration and Investigation Permits applications can be signed by geologists (BSc or Grade) and other professionals. There is no request in Spain to certificate the signatories, but before the year 2010 the projects had to be registered by the Professional Association<sup>11</sup> (Geologists or Mining Engineers, etc.) thus there was a professional visa of mining projects. After the 2010 Decree (Royal Decree 1000/2010, of 5<sup>th</sup> August on registration of project in Professional Associations), which precisely excluded the registering of projects (Visado) unless requested by the client, no control is currently exerted on signatories of mining projects. The mining concessions annual mining plans, can only exclusively be signed by Mining Engineers (Master) or Technical Mining Engineers (Grade).*

*Although the study plans of geologists in Spain do not obviously include the same training on mining operations as those of mining engineers and recent graduates in both careers have different knowledges, the current system clearly restricts the competence, when compared to the rest of Europe, where geologists can freely compete with mining engineer on the base of knowledge, experience and skills, so there should be a system where professional experience is considered when allowing professionals to work in the mining operations. (In some punctual cases, the courts are correcting this situation).*

*The Mining Law disregards the acquired professional competences of geologists specialized in mining operations and establishes a restriction to practice, granting mining engineers and mining technicians' exclusive authority when signing and handling mining projects. (In some punctual cases, the courts are correcting this situation).*

*This has been recently emphasized by the National Authority for Markets and Competition (CNMC) (<https://www.cnmc.es/>) ([https://www.cnmc.es/Portals/0/Ficheros/download/cnmc\\_competition.pdf](https://www.cnmc.es/Portals/0/Ficheros/download/cnmc_competition.pdf))*

*that affirms, with regards to existing professional reserves of activity in Spain due to legal prescriptions, that technical capacity and professional competence is a preferred criteria than a concrete academic title, that such reserves of activity to certain professional is a restriction of effective competition that can reduce efficiency and innovation, affect costs, difficult scale economies and constitute an obstacle to free movement of professional in Europe and can only be justified in case of market failure that could affect general interest and according to principles of proportionality, necessity and non-discrimination.*

- 3) Do you have legislation on financial guarantees (with regard to the Extractive Waste Directive, Art. 14)? Is the cost calculation of this guarantee done by an independent third party?

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<sup>11</sup> Membership is not compulsory and project certification is not compulsory any more

*In Spain, there is a Royal Decree 975/2009 on the management on the waste management of extractive industries and on the protection and reclamation of the areas affected by mining activities (last revision made by Royal Decree 777/2012) which establishes that the cost calculation must be done by the operator and the Mining Administration must check it regarding the real needed works and the real cost at market prices, before approve it.*

*Financial guarantees are established in the Mining Law regarding reclaiming costs exclusively. The cost is only established in the reclamation plan and they guarantee must cover full costs.*

*The Royal Decree 975/2009 on the management of waste from extractive industries and protection and rehabilitation of the space affected by mining activities requires the provision of two financial guarantees (one for the activity and another for the management of mining waste).*

- 4) Is there a list of inert mine waste published in your country in accordance with Art. 1(3) of Comm. Dec. 2009/359/EC?

*Yes. (Order MAM/304/2002, of 8th February, by which are made public the operations of valorisation and discarding of residues and the European list of residues. [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2002-3285](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2002-3285))*

List of Waste Code	LIST OF INERT WASTE FROM MINE AND QUARRY EXTRACTION, AND CHEMICAL AND PHYSICAL TREATMENT OF MINERALES	Table
<b>01 01</b>	<b>Waste from mineral extraction</b>	
01 01 02	Waste from non-metallic mineral extraction	A
<b>01 04</b>	<b>Waste from chemical and physical treatment of minerals</b>	
01 04 08	Waste from crushed gravel and rocks other than 01 04 07	B
01 04 09	Waste from sand and clay	C
01 04 10	Waste of dust and fine sand other that 01 04 07	D
01 04 12	Waste and other residues from washing and cleaning minerals, other than 01 04 07 & 01 04 11	E
01 04 13	Waste from stone cutting and sawing other than 01 04 07	F

<b>01 05</b>	<b>Mud and other drilling residues</b>	
01 05 04	Mud and drilling residues containing fresh water	G

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries for abandoned sites as well?

Yes

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Art. 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Art. 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

Yes

- 7) Does a mine operator has to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

*Yes, the same authorities*

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

*Yes. Royal Decree-Law 18/2017, 24th November, transposes the directive. On the other hand, the rules don't appear in our Mining Act.*

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

*The Directive has been transposed, but the rules do not appear in the mining legislation as these were passed before the transparency legislation. They must nevertheless be applied also in mining administrative procedures.*



10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipment when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

Yes

11) Do you have national or regional guidance document or a piece of legislation specific to the Environmental Impact Assessment (EIA) on mineral extraction (incl. mineral processing, waste management, closure)? If yes, please provide link and/or text in English and/or in original language.

*CATÁLOGO DE MEDIDAS PRÁCTICAS DE PROBADA EFICACIA ADOPTADOS DE CARA A LA RESTAURACIÓN DE INSTALACIONES DE RESIDUOS CERRADAS O ABANDONADAS EN NUESTRO PAIS. C:\DOCUMENTOS\Actividad 1. Catálogo de Medidas Prácticas-Texto explicativo.pdf (PDF)*

*REVISIÓN DE TÉCNICAS Y MEDIDAS CORRECTORAS REALIZADAS PARA LA RECUPERACIÓN AMBIENTAL DE LAS INSTALACIONES DE RESIDUOS MINEROS . C:\DOCUMENTOS\Actividad 2 Medidas restauración no naturales final.pdf (PDF)*

*ANÁLISIS DE PROCESOS DE RESTAURACIÓN ESPONTANEOS O NATURALES, COMO MODELO PARA EL DISEÑO DE MEDIDAS DE RESTAURACIÓN C:\DOCUMENTOS\Actividad 3 Restauración natural final.pdf (PDF)*

*EVALUACIÓN DE RESULTADOS ALCANZADOS MEDIANTE MEDIDAS Y TÉCNICAS DE REHABILITACIÓN. ANEXO I: EL CASO DE LA PRESA DE LOS LODOS MINEROS AQUISGRANA (LA CAROLINA-JAÉN) ANEXO II: EL CASO DE LA PRESA DE LODOS MINEROS DE RODALQUILAR (NIJAR- ALMERIA) C:\DOCUMENTOS\Actividad 4 Evaluación de resultados completo.pdf (PDF)*

*EVALUACIÓN DE LA UTILIDAD DE TÉCNICAS DISEÑADAS Y EJECUTADAS EN PROYECTOS DE MINERÍA ACTIVA DE CARA A SU EMPLEO EN INSTALACIONES CERRADAS O ABANDONADAS. C:\DOCUMENTOS\Actividad 5 Aplicabilidad técnico-económica.pdf (PDF)*

*DESARROLLO DE MODELOS DE MEJORES TÉCNICAS DISPONIBLES (MTD) PARA LA RECUPERACIÓN PRÁCTICA Y REHABILITACIÓN AMBIENTAL DE INSTALACIONES DE RESIDUOS CERRADAS O ABANDONADAS. C:\DOCUMENTOS\Actividad 6 Desarrollo de modelos de aplicación FINAL.pdf (PDF) Documents elaborated by IGME (Spanish Geological Survey) at the request of*

*Dirección General de Calidad y Evaluación Ambiental y Medio Natural (Ministry of Agriculture, Feed and Environment, now Ministry for Ecological Transition)*

12) Could you please specify that at which permitting stage (value chain stage, e.g. non-penetrative prospection, exploration, setting mining plot, approving technical operation plan, starting extraction) is a detailed EIA is required in your country?

*In general, in approving technical operation plan, necessary to start the extraction. In some regions, could be necessary in exploration steps.*

13) Does your country apply the option of Article 4(b) of the EIA Directive (2011/92/EU) („... for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10 ... through thresholds or criteria set by the Member State”) for mining projects? If yes, under what criteria?

14) Was there any case in your country when Article 10 of the EIA Directive (2011/92/EU) was applied („limitations ... with regard to commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest”)? Which were these exclusions, if any?

*NO*

15) Do competent authorities in your country apply the IPPC permit and the Extractive Waste BREF for mining under the scope of the Industrial Emissions Directive?

*Yes, but the competent authorities are the industry not mining authorities.*

16) Do you have national BREF(s) (Best Available Technique Reference Document(s)) specific to the whole (or stages or subsectors) minerals extractive sector?

*NO*