



MINLEX - Slovenia Country Report

This version has been extracted from MINLEX's Final Report



Disclaimer: The information and views set out in this study are those of the MinPol team and do not necessarily reflect the official opinion of the European Commission. Neither the European Commission institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

This project has received funding from the European Commission under Contract n° SI 2.717317



TABLE OF CONTENTS

1.	SLOVENIA	2
1.1.	Summary of findings	2
1.2.	General introduction	2
1.3.	Legislation governing mineral exploration and extraction	4
1.4.	Authorities governing mineral exploration and extraction	11
1.5.	Licensing procedures for exploration.....	16
1.6.	Licensing procedures for extraction	17
1.7.	Court cases on permitting procedures.....	18
1.8.	Success rates of exploration and extraction permits	18
1.9.	EU legislation impacting permits and licenses for exploration and extraction.....	19

1. SLOVENIA

1.1. Summary of findings

Slovenia's non-energy minerals industry consists of extraction of non-metals, i.e. industrial minerals and aggregates for the construction and the manufacturing industry and other uses. Such minerals include bentonite, chert, quartz sand, calcite, tuff, industrial dolomite, ceramic clay, brick clay, natural stone (limestone, tonalite, other natural stones), raw materials for the lime and cement industry (limestone and marl for industrial purposes), crushed limestone, dolomite, magmatic and metamorphic rocks, gravel and sand, sea salt. No metals are extracted. All mineral resources are state property and owned by the government, i.e. by the Slovenian state.

The primary legal basis of mineral extraction activity is the Slovenian Mining Act No. 56/1999, as amended subsequently, which defines the conditions for the exploration activities and extraction of minerals. Other important laws are the Environmental Protection Act and the Spatial Planning Act. **The competent authority for granting exploration and extraction rights for mineral resources is the Energy Directorate** (within the Ministry of Infrastructure). **The local municipalities are an important co-authority as they are responsible for the municipal spatial plans. All areas with a mining concession (or with mining rights) need to be included in the municipal spatial plans and designated as "mineral extraction areas"**. For such plans strategic environmental assessment or at least screening is needed.

Slovenia's permitting procedures work well. No judgment can be made about exploration permitting procedures since at the moment no exploration rights have been granted. **Concerning the time duration to obtain a mining concession, it takes on average about a year.** The main problems reported by developers are the length of a) the permitting/licencing procedure, b) difficulties until the municipality incorporates the mineral extraction area in the respective spatial plan, especially when those areas lie in Natura 2000 protected areas, water protected areas or other sensitive areas and c) obtaining the necessary environmental protection guidelines, which represent a set of measures for the conservation of nature and are prepared by the Ministry of Environment and Spatial Planning.

1.2. General introduction

Slovenia is an EU country in southern Central Europe which covers 20,273 km² of the territory between the Alps, Adriatic Sea and the Pannonian basin. On January, 1st 2015 Slovenia had a population of 2,062,874 inhabitants. In 2014, according to data of the ministry responsible for mining and the Public Mining Service (at GeoZS), the following types of mineral resources were extracted and explored:

- ENERGY: brown coal, lignite, oil and natural gas, geothermal energy
- METALS: none
- NON-METALS: mineral resources for the manufacturing industry and other uses (industrial minerals and industrial rocks): lake chalk (production until 2003), bentonite, chert, quartz sand, calcite, tuff, industrial dolomite, ceramic clay, brick clay, natural stone (limestone, tonalite, other natural stones), raw materials for the lime and cement industry (limestone and marl for industrial purposes), aggregates: crushed limestone, dolomite, magmatic and metamorphic rocks (metadiabase, keratophyre, andesite and andesite tuff), gravel and sand
- – MINERAL RESOURCES – OTHER: sea salt

In the last ten years, the number of extraction areas has slightly dropped from 238 in 2004 to 212 in 2014. These areas are mostly open pits for exploiting industrial minerals and

construction materials with total production of almost 14,500,000 m³ in 2014. Information on extraction areas and production of mineral resources (in Slovene) are publicly available in the annual Bulletin Mineral Resources, prepared by the Geological Survey of Slovenia for the ministry in charge of mining

Mineral ownership

All mineral resources in Slovenia are a state property and owned by the government, i.e. by the Slovenian state.

1.3. Legislation governing mineral exploration and extraction

The primary legal basis of mineral extraction activity is the Slovenian Mining Act No. 56/1999 as amended by Law 68/2008, Law No. 61/10, 62/2010 corr., 76/2010, 57/2012, 111/2013, 14/2014 which defines the conditions for the exploration activities and extraction of minerals, regardless of whether they are in the earth or on its surface, the conditions for the suspension of their extraction and the conditions for ensuring health and safety in the process of exploration, extraction and termination of extraction of mineral resources to abandonment of quarry, and regulates inspection control. The Mining Act is the law of the Republic of Slovenia transposing Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the exploration and production of hydrocarbons. The provisions of this Act do not apply to: a) exploration and extraction of sand and gravel from river beds, and b) elimination of consequences of natural and man-made disasters in areas where the mines are closed under the conditions set in this Act.

Other important laws are the Environmental Protection Act and the Spatial Planning Act. The Environmental Protection Act is strategically important in setting long-term directions and goals of the Ministry concerning environmental protection aimed at preventing or mitigating adverse impacts presenting a threat to sustainable development. It constitutes the regulatory framework for the environment in Slovenia. Moreover, the Resolution on the National Environmental Protection Programme brings forward the following four key areas: climate change, nature and biodiversity, quality of life, and waste and industrial pollution. The Spatial Planning Act regulates spatial planning as part of physical planning so that it lays down types of spatial planning document, their content and mutual relations, and procedures for their drafting and adoption. Furthermore, it regulates the provision of utility services to building sites and the setting-up and functioning of a spatial information system. The Spatial Planning Act also transposes into the legislation of the Republic of Slovenia the requirements of Directive 2001/42/EC.

Table 1: Slovenia. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	Web link	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	SI-L1	Mining Act (ZRud-1-UPB3)	https://www.uradni-list.si/1/conten t?id=116414	y	y	y	y	y	y	n	y	also new law on geology is in preparation.

Legislative sector	Code	English title	Web link	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	
	SI-L2	National Mineral Resource Management Programme - general part (36100-5/2009/6)	http://www.mg.gov.si/fileadmin/mg.gov.si/pageuploads/Porocila/DP_min_sur.pdf	y	y	y	y	y	y	n	y	prepared by Geological Survey of Slovenia, approved by the ministry in charge of mining. New national mining strategy in preparation.
environment	SI-L3	Environment Protection Act (OJ, RS, no. 39/06 – official consolidated text, 49/06 – ZMetD, 66/06 – odl. US, 33/07 – ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09, 108/09 – ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15 in 30/16	https://www.uradni-list.si/1/content?id=72890	y	n	y	y	n	y	n	y	- Obligation for preparation of SEA for municipality land-use plans, -Obligation for EIA
	SI-L4	Decree on environmental encroachments that require environmental impact assessments (Of.J. RS, št. 51/14, 57/15)	http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED6527	INA	INA	INA	INA	INA	INA	INA	INA	

Legislative sector	Code	English title	Web link	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	
	SI-L5	Decree on EIA report (Of.J.RS, št. 36/09)	Not available	INA	INA	INA	INA	INA	INA	INA	INA	
	SI-L6	Decree on criteria for assessment significant environmental impacts in SEA for plans and programmes (Of.J.RS, št. 9/09)	https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/90651	INA	INA	INA	INA	INA	INA	INA	INA	
	SI-L7	Decree on environmental report and strategic environmental assessment (Of.J. RS, št. 73/05)	https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/57458	INA	INA	INA	INA	INA	INA	INA	INA	
	SI-L8	Rules on Detailed Criteria for Determining Environmental Damage (OJ RS, No. 46/09)	http://www.mkqp.gov.si/fileadmin/mkqp.gov.si/pageuploads/zakonodaja/vrstvo_okolja/environmental_damage_en.pdf	n	n	n	y	n	y	n	y	implementing legislation based on ZVO-1-UPB1

Legislative sector	Code	English title	Web link	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	
	SI-L9	Decree on the Types of Measures for Remedying Environmental Damage (OJ RS, No. 55/09) (0071-75/2009/10)	http://www.mkgp.gov.si/fileadmin/mkgp.gov.si/pageuploads/zakonodaja/varstvo_okolja/measures_environmental_damage_en.pdf	n	n	n	n	n	y	n	y	implementing legislation based on ZVO-1-UPB1
nature conservation, forestry	SI-L10	Nature Conservation Act (Gazette of Rep.Slovenno. 96/04 – uradno prečiščeno besedilo, 61/06 – ZDru-1, 8/10 – ZSKZ-B in 46/14) ZON	http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1600	y	n	n	y	n	n	n	y	
	SI-L11	Underground Cave Protection Act Official journal of the Republic of Slovenia, No. 2/04, 61/06 – ZDru-1 in 46/14 – ZON-C)	http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2068	n	n	n	y	n	n	n	y	Nature conservation legislation
water management	SI-L12	Waters Act RS, No. 67/02, 2/04 – ZZdrI-A, 41/04 – ZVO-1, 57/08, 57/12, 100/13, 40/14 in 56/15)	http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1244	n	n	n	y	n	n	n	y	related to spatial plans, regulates interventions in water

Legislative sector	Code	English title	Web link	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	
	SI-L13	Rules on the content of application for acquiring water permit and on the content of application for acquiring groundwater research permit (Official GazetteRS, no. 79/07) 0071-144/2007	http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV7945	n	n	n	y	n	n	n	y	water permits (based on 2nd paragraph of 126th article of the Waters Act)
land use planning, spatial development, soil management	SI-L14	Spatial Management Act ZUreP-1-NPB4	http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1581	n	n	n	y	n	n	n	y	
	SI-L15	Spatial Planning Act (Gazette of Rep.Slovenia, no. 33/2007) ZPNačrt	http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4675y	n	n	n	y	n	n	n	y	
	SI-L16	Ordinance on Spatial Planning Strategy of Slovenia (Gazette of Rep.Slovenia, no. 76/2004 and 33/07 – ZPNačrt) OdSPRS	http://www.pisrs.si/Pis.web/pregledPredpisa?id=STRA12	n	n	n	y	n	n	n	y	
	SI-L17	The Spatial Development Strategy of Slovenia (Official Gazette of the	http://www.mop.gov.si/fileadmin/mop.gov.si/pageuploads/p	n	n	n	y	n	n	n	n	y

Legislative sector	Code	English title	Web link	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	
		Republic of Slovenia, no 76/2004)	odrocja/prostorski_razvoj/SPRS_angleska_verzija.pdf									
	SI-L18	Decree on Spatial order of Slovenia (Gazette of Rep.Slovenia, no. 122/2004) 350-34/2004-1	http://www.uradni-list.si/1/objava.jsp?urlid=2004122&stevilka=5064	n	n	n	y	n	n	n	y	Based on 3rd paragraph of 38th article of the Spatial Management Act
transportation, construction, catastrophe protection, police, military	SI-L19	Construction Act (Official Gazette RS, no. 102/04) ZGO-1	http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3490	n	n	n	y	n	n	n	y	
	SI-L20	Construction Products Act (Official Gazette RS, no. 82/2013) ZGPro-1	https://www.uradni-list.si/1/conten t?id=114669	n	n	n	y	n	n	n	y	Based on The EU Regulation no. 305/2011. Specifications, product standards, waste
	SI-L21	Decree on waste (Official Gazette RS, no. 103/2011) 00719-63/2011	https://www.uradni-list.si/1/conten t?id=106484	n	n	n	y	n	n	n	y	Based on 5rd paragraph of 20th article of the Environment Protection Act. Inert waste, recycling
	SI-L22	Decree on waste management (Official Gazette RS, no.	https://www.uradni-list.si/1/conten t?id=106484	n	n	n	y	n	n	n	y	Based on 2nd paragraph of 19th article of the Environment

Legislative sector	Code	English title	Web link	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	
		Decree on waste management (Official Gazette RS, no. 34/08) 00719-19/2008/9	list.si/1/content?id=85862									Protection Act. waste classification
culture heritage	SI-L23	Cultural Heritage Protection Act ZVKD-1	https://www.uradni-list.si/1/content?id=84972	n	n	n	y	n	n	n	y	identification of cultural heritage
	SI-L24	Rules on the Cultural Heritage Register (Official Gazette RS, no. 66/09) 0070-10/2009/17	http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV9583	n	n	n	y	n	n	n	y	Based on 67 th and 72 nd article of the Cultural Heritage Protection Act. Regulates detail content and maintenance of the register.
public administration, court procedures	SI-L25	Public Administration Act (Official Gazette RS, no. 113/2005) ZDU-1-UPB4	https://www.uradni-list.si/1/content?id=59463	n	n	n	y	n	n	n	y	new ZDU-1-NPB17: https://zakonodaja.com/zakon/zdu-1
	SI-L26	Personal Data Protection Act of the Republic of Slovenia ZVOP-1	http://www.mp.gov.si/fileadmin/mp.gov.si/pa/geuploads/mp.gov.si/PDF/zakonodaja/130730_Personal_Data_Protection_Act_of_Sloveni	n	n	n	y	n	n	n	y	determines the rights, responsibilities, principles and measures to prevent unconstitutional, unlawful and unjustified encroachments on the privacy and dignity of an individual in the processing of personal data.

Legislative sector	Code	English title	Web link	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	
			a_status_2013_final....pdf									

1.4. Authorities governing mineral exploration and extraction

In Slovenia, **the main responsible authority for mining is the Energy Directorate** within the national Ministry of Infrastructure. The Energy Directorate competencies include conferring mining rights for exploration and extraction of mineral resources. The inspection of the implementation of the provisions of the Mining Act has to be performed by the Mine Inspector. The Mine Inspector's office has to co-operate in its activities with other inspection offices as well as with expert organisations in mining (Art. 85 ML).

The Energy Directorate performs tasks relating to the efficient use of energy and to the provision of renewable sources of energy, energy supply, sources of energy and mining. Its key activities among others include:

- ensuring rational economic management of raw mineral resources and conferring mining rights for exploration and extraction of raw mineral resources;
- management of the energy sector database information system for the needs of the sectoral ministry and elaboration of economic analyses for the energy sector; and
- drawing up legislative and other acts for the energy and mining sectors (Mining Law, National Program of Mineral Resource Management).

In general, the concession agreement (there is no "permit" in Slovenia) cannot be denied if the ownership, which is checked along with the application, is clear and allowed. In Slovenia, the state is the owner of all mineral resources and the local municipality is obliged to give consensus on the extraction area with spatial planning documents. An appeal can be made. Whether the appeal is successful or not is decided by the Constitutional Court which considers complains. The Supreme Court has no role in this subject because all appeals are governed by the Constitutional Court.

A part of the Geological Survey of Slovenia is dedicated to tasks and obligations of the Public Mining Service (PMS) in a scope of a public service in national interest (according to the current Mining Act (ZRud - UL RS 61/10, 62/10-pop., 76/10 in 57/12), controlled and funded by Ministry in charge of mining (Ministry of Infrastructure, Energy Directorate). PMS provides expert basis in a process of preparation of local spatial plans. The Ministry in charge of spatial planning in Slovenia, as well as for the Environment, is the Ministry of Environment and Spatial Planning who is the main authority for confirmation of the municipality plan before adoption.

Table 2: Slovenia. 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)	SI-E1	Ministrstvo za infrastrukturo, Direktorat za energijo, Sektor za energetiko in rudarstvo	Ministry of Infrastructure, Energy Directorate, Sector for energetic and mining	Langusova ulica 4 SI-1535 Ljubljana Slovenija http://www.mzi.gov.si/en/areas_of_work/energy/	decision-making and legislative processes	Y	Y	Y	Mining Act	-
	SI-E2	Ministrstvo za infrastrukturo, Inšpektorat za infrastrukturo, Inšpekcija za enegetiko in rudarstvo	Ministry of Infrastructure, Inspectorate of RS of Infrastructure, Inspection for energetic and mining	Vožarski pot 12 SI-1000 Ljubljana / http://www.ii.gov.si/	mining inspection	Y	Y	Y	Mining Act	Inspectorate for energy and mining
	SI-E3	Ministrstvo za okolje in prostor, Direktorat za okolje	Ministry of the Environment and Spatial Planning, Environmental Directorate	Dunajska cesta 47	Strategic Environmental Assessment for municipality spatial plans and municipality detail spatial plans	Y	Y	Y	Environment Protection Act and relevant SEA decrees	Preparation framework for extraction is municipality spatial /land use 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		
	SI-E4	Ministrstvo za okolje in prostor, Direktorat za prostor	Ministry of the Environment and Spatial Planning, Spatial planning, construction and housing directorate	Dunajska cesta 47 SI-1000 Ljubljana	to protect national, regional and local characteristics of the land, architecture and landscape	n	y	y	Spatial Planning Act, National Spatial Plans	-
	SI-E5	Ministrstvo za okolje in prostor, Direkcija RS za vode	Ministry of the Environment and Spatial Planning, Slovenian Water Agency	Hajdrihova ulica 28c SI-1000 Ljubljana / http://www.dv.gov.si/	water permits, protection of water bodies, water management (also: excavations from rivers and underground water protection), drafting of key programme documents in the field of water management	n	y	y	Waters Act, Rules on the content of application for acquiring water permit and on the content of application for acquiring groundwater research permit	started operating on 1 January 2016
	SI-E6	Zavod za ohranjanje narave	Institute of the Republic of Slovenia for Nature Conservation	Tobačna ulica 5, 1000 Ljubljana / http://www.zrsvn.si/	nature conservation	y	y	y	Nature Conservation Act	regional units

	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		
	SI-E7	Ministrstvo za kulturo, Direktorat za kulturno dediščino	Ministry of Culture, Cultural Heritage Directorate	Maistrova ulica 10 1000 Ljubljana / http://www.mk.gov.si/	protection of cultural heritage - including this to spatial plans	n	y	n	Cultural Heritage Protection Act	
	SI-E8	Zavod za varstvo kulturne dediščine	Institute of the Republic of Slovenia for protection of cultural heritage	Poljanska cesta 40 1000 Ljubljana / http://www.zvkds.si/	identification of cultural heritage, suggests and prepares the Cultural Heritage Register	n	y	y	Rules on the Cultural Heritage Register	regional units
	SI-E9	Ministrstvo za okolje in prostor, Direktorat za prostor	Ministry of the Environment and Spatial Planning, Spatial planning, construction and housing directorate	Dunajska cesta 47 SI-1000 Ljubljana	building/construction	n	y	y	Construction Act	-
Second instance permitting (regional, central, national)	SI-E10	212 občin	212 municipalities		developing local spatial plans	Y	Y	Y	Spatial Planning Act sets responsibilities of municipalities	<u>Register of municipal regulations:</u> http://rpls.pisrs.si/

	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	SI-E11	Vrhovno sodišče RS	Supreme Court of the Republic of Slovenia	Tavčarjeva 9 1000 Ljubljana / http://www.sodisce.si/		n	Y	Y		-
	SI-E12		Constitutional Court of Slovenia							

1.5. Licensing procedures for exploration

Summary of all the different permitting procedures for exploration

Exploration permit for a certain type of mineral raw materials in a specific research area and for a specific time period can be granted only on the basis of previously completed public tender procedure.

The decision to implement a public tender is accepted by the Ministry responsible for mining, namely:

- based on the findings on the interest of economically feasible mineral resources extraction,
or
- based on the application filed at the Ministry responsible for mining by interested legal or natural person.

Differences for the different types of mineral deposits

No differences exist per type of mineral.

Description of the permitting procedures

If the application for the public tender to grant mining exploration permit is submitted by two or more eligible applicants, the selection process of holder of mining rights for the exploration is conducted as an auction, at which candidates from their bids on the amount of the compensatory payment for exploration of mineral raw materials compete for an exploration permit. The auction process is governed by 25a Art. of ZRud-1.

Public entities involved in the process

In Slovenia, the main responsible authority for mining is the Energy Directorate within the national Ministry of Infrastructure. The Energy Directorate competencies include conferring mining rights for exploration and extraction of mineral resources. The inspection of the implementation of the provisions of the Mining Act has to be performed by the Mine Inspector.

The local municipality is the other important public authority involved.

Geographic areas covered by the permit

No size limits theoretically, level of extraction is defined by Mining Project

Legal nature of the rights

The exploration concession agreement is exclusive, but afterwards could be transferred to other legal and physical person if all requirements are completed.

Links between the exploration permit and a future license for extraction

The company which has explored the area has the advantage in public tender to get a mining right

Average length to get an exploration permit

So far no "exploration permit" has been granted yet (after 1999 when Slovenian Mining Act has been adopted)

1.6. Licensing procedures for extraction

Summary of all the different permitting procedures for extraction

The concession for the mineral resources extraction in a specific extraction area may be granted based on previously issued Mining Concession Act and on the basis of public tender implementation for the selection of the mining rights holder for extraction. In the specific cases provided by the second paragraph of 34th Article of the Mining Act (Official Gazette of RS, No. 14/14 - official consolidated text; hereinafter: ZRud-1) a public tender procedure is not required.

Mining Concession Act is issued by the Government based on the proposal of the Ministry responsible for mining. Ministry proposes to Government issuing a mining concession act:

- based on the assessment that there is a need to exploit certain types of mineral raw materials in a specific research area,
or
- based on the application of legal or natural person of interest for granting a mining rights for the extraction for a certain type of mineral resources on a given upstream region.

Content of the application to obtain the mining rights and terms for granting a mining concession Act is set in the 35th Article of ZRud-1.

Differences for the different types of mineral deposits

No difference between different types of minerals and their deposits referring the licence procedure

Public entities involved in the process

In Slovenia, the main responsible authority for mining is the Energy Directorate within the national Ministry of Infrastructure. The Energy Directorate competencies include conferring mining rights for exploration and extraction of mineral resources. The inspection of the implementation of the provisions of the Mining Act has to be performed by the Mine Inspector. The local municipality in charge of the spatial planning are also a relevant actor.

Geographic areas covered by the permit

The area has to be defined in a municipality spatial plan as an area for mineral extraction and the applicant has to have a permit/right for use of the land before he submit an application of interest for granting of mining right.

Rights and duties of the licensee

Licence describes: the exact area, the duration of the right, the obligation for reclamation, the volume of MR that can be extracted

Legal nature of the rights

Rights are transferable.

Links between the exploration permit and a future license for extraction

Holder of an exploration permit has priority when requesting a mining concession.

Average length to get an extraction permit

On average, about a year (to get the concession or mining right)

Main problems or major modifications related to extraction permitting

According to our Slovenian expert: *"The main problem is time and money consuming permit and licence procedure. To became a part of a Municipality spatial plan. To enforce environmental protection guidelines which represent a set of measures for the conservation of biodiversity, for example, the protection of wild flora and fauna. The document is prepared by the institution responsible for nature protection"*.

1.7. Court cases on permitting procedures

No information available.

1.8. Success rates of exploration and extraction permits

According to information supplied by the Ministry of Infrastructure, the Ministry did not receive any application for exploration in the last three years so there were no rejected or granted exploration permits. As for exploitation permits, during the period 2013-2015, the average number of applications approved reached a 75%, with a rejection rate of 15%.

There are varieties of reject reasons, e.g. areas are not consistent with the spatial planning documents, in a deposit there weren't enough mineral resources, etc.

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)?

Slovenia has a restrictive and explicate regulation on MR management (exploration, extraction) - Mining Act (Official Gazette of the Republic of Slovenia, No 14/14 - official consolidated text) and related implementing regulation

- 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?

All the technical documentation should be signed by experts (miners or geological engineers), also permit procedure is lead and finished by legal entity (Ministry responsible for mining) - all the ministry officers are mining experts.

- 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?

There is a financial guarantee for "reclamation", each concessioner estimates the reclamation costs for his extraction site

- 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 (in Slovenia all waste from quarries and open pits (aggregates, industrial minerals) are treated as "non-hazardous waste" that can be used for later remediation of open pits)

- 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?

Our Ministry responsible for environment supported by GeoZS experts prepare and maintain a list /record of ancient /abandoned sites

- 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)?

We have now such landfills due the lack of active metal mines (all metal mines were closed several decades ago)

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

Revised Evaluated "mining projects" includes also all kind of waste

- 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?

DIRECTIVE 2013/34/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Document available at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0034&from=EN>

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

DIRECTIVE 2013/50/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Document available at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0050&from=EN>

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipments 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?

CE marks are not mandatory in the exploration –extraction equipment.