

**LEGISLATIVE DECREE No 210 of 3/5.10.1973  
Regarding the Mining Code - (Government Gazette, Series I, No 277).**

\*\*\* (See also Legislative Decree No 180/1974 [Government Gazette, Series I, No 347] 'On the regulation of issues arising during the application of the Mining Code due to the abolition of Regional Administrations'.)

**CHAPTER A**

**GENERAL PROVISIONS**

**Article 1.  
Mineral materials**

For the purposes of applying this Code, mineral materials, as found in nature, are classified from a legal point of view as mined minerals or ores and quarried minerals.

**Article 2.  
Mined minerals**

1. The following mineral materials are considered as mined minerals or ore:

- (a) Metals in their native state (copper, gold, etc.).
- (b) Compounds of all metals (aluminium, silver, arsenic, antimony, vanadium, barium, bismuth, tungsten, potassium, zirconium, cadmium, tin, cobalt, platinum, manganese, magnesium, molybdenum, lead, nickel, iron, strontium, titanium, mercury, copper, gold, chromium, zinc, etc.).
- (c) Rare earth metals.
- (d) Minerals of radioactive elements.
- (e) Native sulphur, graphite, phosphorite, fluorite, asbestos, talc, alunite, mica, feldspar, potassium alum, sodium chloride, compounds of boron, bromine and iodine, sepiolite, dolomite containing more than 21% of magnesium oxide.
- (f) Precious stones.
- (g) All solid fossil fuels, including peat.
- (h) Natural deposits of organic fertilisers.
- (i) Hydrocarbons of all kinds in solid or gaseous state, as well as their oxidation products (ozokerite, asphalt, pitch tar, pitch tar limestones and slates etc.).
- (j) Resinous mineral materials.
- (k) Helium gas and native gases. '(l) Geothermal potential'

\*\*\*Indent (l) was replaced as per above under Article 4(2) of Law 1475/1984 (Government Gazette, Series I, No 131).

2. Mined minerals or ores are considered likewise the mineral materials referred to in Article 5 hereof, in so far as the mined minerals referred to in the preceding paragraph can be extracted therefrom by means of machinery or chemical or thermal or metallurgical methods, and be economically exploited.

3. The provisions of the preceding paragraph shall not apply to areas in which mining exploitation works referred to in Article 5 hereof are carried out, in accordance with the provisions on the exploitation of quarries.

\*\*\*NOTE: In accordance with Article 64(4) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018):

'4. Mining explorations for finding mined minerals deposits, as those are defined in Article 2 of Legislative Decree 210/1973 shall be carried out under the conditions of Articles 69, 70 and 74 of Law 4442/2016.'

**Article 3.**

### **Mined minerals ownership.**

Land ownership rights do not extend to the mined minerals, whether they are found on the surface or below it. The right to explore and exploit these minerals, other than those reserved in favour of the State according to Article 143, is granted to anyone according to the provisions hereof. .

\*\*\*NOTE: Article 2(1) of Law 1475/1984 (Government Gazette, Series I, No 131) states that:

'The first indent of Article 3 of the Mining Code (Legislative Decree 210/1973 [Government Gazette, Series I, No 277]) shall also apply to the right of ownership of geothermal potential. With respect to the right of prospection, exploration and exploitation of such potential, the provisions of Article 143 of the same Code shall apply'.

### **Article 4. Dispelling doubts**

Where in doubt, whether the a mined mineral is reserved in favour of the State or subject to concession in accordance with the provisions hereof, such doubt shall be dispelled by decision of the Minister for National Economy, issued after obtaining assent of the Mines Council.

### **Article 5. Quarried minerals**

The following mineral materials, subject to the provisions of Article 2(2) hereof, are considered as quarried minerals: marble, limestone of all kinds, dolomite containing less than 21% of magnesium oxide, slate, aimargos, clay, kaolin, silt, montmorillonite, bentonite, chalk, gypsum, alabaster, flysch, tuff, amphibolite, prasinitis, quartzite, ophite, olivines, peridotite, syenite, diorite, granite, trachyte, basalt, rhyolite, dakitis, andesite, diabase, obsidian, perlite, pumice or lava, psammite, sand and every rock similar to the above.

### **Article 6. Ownership thereof**

Quarried minerals belong to the owner of the land in which they are found, who is entitled to exploit these under the restrictions of the specific provisions on quarries.

### **Article 7. Deadlines**

The deadlines hereof and of the provisions enacted hereunder, commence and expire according to the provisions of Articles 144 and 145 of the Civil Procedure Code.

### **Article 8. Ownership by aliens**

'1. For the conclusion of any contract having as its object the transfer of mining rights to aliens,

natural or legal persons, or the granting of the right use and profit therefrom, it is required prior to its conclusion to obtain the approval of the Council of Ministers, on a proposal from the Minister for Industry, without prejudice to the provisions of Articles 74, 75, 76 and 77 hereof. Otherwise, said contract is void.

2. Prior approval of the Council of Ministers, on a proposal from the Minister for Industry, shall also be required for the acquisition of shares of domestic companies, having mining right, by persons referred to in paragraph 1 of this article.

3. Approval by the Council of Ministers is not required for the preparation of preliminary contracts referred to in paragraph 1 of this article, in so far as such preliminary arrangements include a clause providing that the conclusion of the definitive contracts is conditional upon the prior approval thereof by the Council of Ministers.

4. In the event of forced auction of mines, irrespective of the area in which they are located, alien natural or legal persons may bid only if they have deposited to the auction employee the approval by the Council of Ministers referred to in paragraph 1 of this article'.

\*\*\*Article 8 was replaced as per above by Article 2(1) of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 9.**

1. 'Approval by the Council of Ministers, on the proposal of the Minister for Industry, shall also be required in case of acquisition of rights by aliens, natural or natural or legal persons, as a result of succession, legacy or donation upon death, according to the provisions of Article 8 hereof'.

\*\*\*Paragraph 1 in quotation marks was replaced by Article 2(2) of Law 274/1976 (Government Gazette, Series I, No 50)

2. Where said approval is not granted, the succession rights are deemed to be automatically vested in the State, which is obliged to auction them and allocate the proceeds to the alien successors, after deducting all costs incurred by the State.

#### **Article 10.**

1. The 'Minister for Development' may refuse to grant the approval referred to in Articles 8 and 9 hereof or provide such an approval on a conditional basis, at his/her discretion. Where the approval concerns the acquisition of shares of domestic companies with mining rights, approval may be provided, inter alia, on a conditional basis, ensuring the majority of the Greek shareholders or including the obligation to convert the shares into registered shares before their acquisition.

2. An approval granted on a conditional basis according to the preceding paragraph, must state the sanctions to be imposed in the event of non-compliance with the conditions set out therein. The sanctions may include the deprivation of the aliens of their acquired mining rights or forced sale of the acquired shares under the terms set out in a relevant Presidential Decree, which shall also state the fate of the proceeds.

3. The deprivation of rights referred to in the preceding paragraph shall be declared by decision of the 'Minister for Development', after obtaining the assent of the Mines Council and shall be notified by a Bailiff or Police Authority, against evidence, to the person concerned.

\*\*\*NOTE: Article 1(12) of Law 3065/2002 (Government Gazette, Series I, No 251/18.10.2002) states that:

12. In Articles 10(3) and 11 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277), as replaced under Article 2(III) of Legislative Decree 274/1976 (Government Gazette, Series I, No 50), the phrase 'Council of Ministers' is replaced by the phrase 'Minister for Development'.

4. The person concerned must be invited to the discussion of the case before the Mine Council. In case of default of appearance on the date mentioned in the invitation, the Council shall deliver its opinion in his/her absence.

5. The decision on the deprivation of rights is subject to appeal before the Administrative Court of

Mines, within thirty days of its notification.

#### **Article 11.**

For the purposes of applying the provisions of Articles 8 and 9 hereof, companies which acquired legal personality or other legal entities having their seat in Greece, shall be deemed alien, if according to the 'Minister for Development' they are legally or financially dependent or influenced by aliens, taking into consideration the nationality of the shareholders' majority, the nationality of the company's capital and other critical data in each particular case.

\*\*\*NOTE: Article 1(12) of Law 3065/2002 (Government Gazette, Series I, No 251/18.10.2002) states that:

12. In Articles 10(3) and 11 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277), as replaced under Article 2(III) of Legislative Decree 274/1976 (Government Gazette, Series I, No 50), the phrase 'Council of Ministers' is replaced by the phrase 'Minister for Development'.

#### **Article 12.**

'Aliens, natural or legal persons, holding shares of Public Limited Liability Companies which have acquired rights in mines, may not upon the dissolution of the company and the distribution of its assets, acquire rights on the mines of the dissolved company, without the prior approval of the Council of Ministers, on the proposal of the Minister for Industry'.

\*\*\*Article 12 was replaced as per above by Article 2(4) of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 13.**

##### **Acquisition of rights in border areas and other areas**

1. "For the acquisition by Greek, natural or legal persons, in any manner whatsoever, of mining rights in border area islands or islets, coastal inland or inland areas, designated or determined according to Articles 1 and 4 of Compulsory Law 1366/1938 'on the prohibition of transactions in border, coastal areas, etc.' or in the areas referred to in the provisions of Compulsory Law 376/1936 'On security measures for fortifications', the approval of the Minister for Industry is required".

\*\*\*Paragraph 1 in quotation marks was replaced as per above by Article 2(5) of Law 274/1976 (Government Gazette, Series I, No 50)

2. The powers arising from the provisions of the preceding paragraph shall be exercised by the Prefect who issued the licence, in case they relate to the process of acquiring or losing mineral exploration licence rights, or the Deputy Minister - Regional Governor having territorial jurisdiction over the area where the mine is located, in case they relate to the procedure for the acquisition of mining rights or deprivation of such rights.

3. The deprivation or loss referred to in the preceding paragraph shall be declared by decision of the Deputy Minister - Regional Governor or Prefect, where appropriate, after obtaining the assent of the Industry Committee operating in the Regional Administration or Prefecture, and shall be notified by Bailiff or Police Authority, against receipt, to the person concerned.

4. The interested party must be invited to the discussion of the case before the Industry Committee. In case of default of appearance on the date mentioned in the invitation, the Committee shall deliver its opinion in his/her absence.

5. The decision on the deprivation or loss of rights is subject to appeal before the Administrative Court of Mines, within thirty days of its notification.

#### **Article 14.**

1. Service of documents or decisions drawn up or issued hereunder, by the Administration or by its Councils and Committees, as well as summons or decisions of the Administrative Court of Mines, addressed to the person applying for a mineral exploration licence, the beneficiary of a mineral exploration licence, the mining rights (mine) owner or the acquirer of mining rights by a legal transfer inter vivos or as a result of death or (the acquirer) of the use and right to profit from such rights, shall be made to the address or registered offices or address of the appointed representative ad litem notified to the Prefect, having territorial jurisdiction over the area where the mine referred to in the licence is located.

2. The representative ad litem shall be appointed according to the provisions of the Civil Procedure Code and must be a resident of the country. A certified copy of the appointment of the representative ad litem with a precise note of the address thereof, shall be communicated by the person who appointed him/her to said Prefect, by a Bailiff.

3. If the person to whom the service is being made and his/her representative ad litem are not found in their notified addresses or in the event no address has been notified and no representative ad litem has been appointed, the services referred to in paragraph 1 hereof, shall be made to the Secretary of the Court of First Instance having territorial jurisdiction over the largest part of the mining site.

### **CHAPTER TWO MINERAL EXPLORATION**

#### **Article 15. Mine Ownership**

The right of ownership in the mine (Mine Ownership) shall be granted after a previous mineral exploration and compliance with the procedure mentioned in the articles herein below.

#### **Article 16. Mineral exploration**

Mineral exploration means carrying out according to the rules of science and art scientific studies or projects of all kinds, either on the surface or underground, in a particular area for the purpose of finding metallic minerals deposits.

#### **Article 17.**

'No person may carry out mineral exploration, in privately owned ground or not, if he/she not has not received the metallic minerals exploration licence provided for in the articles herein below. The right to mineral exploration and the exploration works are granted and authorised, respectively, by virtue of the mineral exploration licences, granted by the Prefect having territorial jurisdiction over the exploration area.'

\*\*\*Article 17 was replaced as per above by Article 64(5) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

#### **Article 18.**

Mineral exploration is strictly forbidden on public, municipal or community streets and squares, on land held by railways, airports, cemeteries or other public sites.

#### **Article 19.**

The carrying out of mineral exploration is governed by the provisions of the existing Regulation on mineral (mining) works.

#### **Article 20. Applying for a licence**

1. A mineral exploration licence is issued upon application, served by Bailiff on the Prefect having territorial jurisdiction over the area to be explored and registered, immediately after being served, in a special Mines Book kept by the Prefecture, under order number to be handwritten and written out in full by the Prefect on the service report.

2. In case the application relates also to an area outside the administrative boundaries of the Prefecture on the Prefect of which the application was served, that space is not included in the licence granted.

3. 'Mineral exploration licences shall in no case be granted to alien natural or legal persons'.

\*\*\*The third paragraph in quotation marks was added under Article 1 of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 21.**

1. The application must include the following:

(a) Full name and address of the applicant and tradename, seat and address in the case of legal persons.

(b) Exact description of the boundaries of the area to be explored, which must be enclosed within one and the same circumference and must not have an area of more than ten (10) square kilometres.

2. In the application for the granting of mineral exploration, the Municipality or Community in which the area to be explored is located must be mentioned.

3. In the event more than one person submits a common application for the exploration of the same area, the licence is issued in the name of the person(s) who physically signed the application or via a legally authorised representative, unless the person who did not sign said application, notifies by service to the Prefect by Bailiff within a month from the submission of the application, a declaration of acceptance thereof in his/her name.

#### **Article 22.**

1. The boundaries of the area to be explored must be identified by means of azimuthal coordinates, by reference to the National Trigonometric Network. The application must also mention the Reference Centre, which must be identified by its geographical coordinates, i.e. L - latitude, measured from Ecuador north, and M - longitude, measured by the Meridian of Athens.

2. In order to find the area of the surface of the area, the analytical method is applied.

3. To determine the perimeter of the surface of the area, the boundaries are given in the order in which they are indicated.

#### **Article 23.**

1. The application shall be accompanied by a duplicate receipt of the Treasury for an amount of EUR three thousand (3 000) as a State fee and a certificate of nationality of the applicant - natural person, and an extract from the Articles of Association, containing the registered office and the purpose of the applicant - legal person. This amount shall be adjusted every three years by decision of the Minister for Environment, Energy and Climate Change.

2. Applications for a mineral exploration licence pending at the time of publication hereof are subject to the obligation to pay the aforementioned State fee referred to in paragraph 1, unless they withdraw their applications within three (3) months of the entry into force of this provision.'

\*\*\*Article 23, as previously amended, was replaced as per above by Article 12(6) of Law 4203/2013 (Government Gazette, Series I, No 235/1.11.2013).

#### **Article 24.**

An application for a mineral exploration licence submitted in breach of the provisions of Article 20(1), Article 21(1), Articles 22(1) and 23 hereof, shall automatically be invalid as of the moment when it was submitted and can never be considered to reserve the area it concerns.

#### **Article 25.**

1. An application for granting a mineral exploration licence, submitted on the basis of the provisions of Article 20(1), Article 21(1), Articles 22(1) and 23 hereof, gives the applicant the right of priority, as from the service of the application on the competent Prefect, provided that on the date of service there are no prior titles referred to in Article 26 hereof.

2. In the event of several applications for mineral exploration licences, served on the competent Prefect, on the same day and for the same area, the right of priority is given to the application first served.

#### **Article 26.**

1. An application for a mineral exploration licence concerning an area for which, on the day the application was served on the competent Prefect, there exists a mine concession or earlier valid or irrevocable mineral exploration licence or earlier valid application for a mineral exploration licence, is automatically void.

2. In the event the areas partially coincide, the application is automatically void as to the coincidental part.

3. The licence shall be considered as irrevocable where it is not possible to challenge it by judicial remedies, either because the legal remedies exercised were rejected or the time limit for commencing such proceedings expired.

4. The application for a mineral exploration licence which complies with the legal provisions is not considered automatically void and gives rise to the applicant's right of priority, provided that the irrevocable mineral exploration licence with which it coincides is revoked as void by the Prefect, within a reasonable time, which may not exceed six months of its publication in the Government Gazette.

5. Moreover, the application for mineral exploration licences is automatically void, in cases where the area described in the application coincides with a State owned mining area.

6. The right derived from the application for a mineral exploration licence cannot be transferred by legal act inter vivos.

#### **Article 27.**

In all cases where the application for a mineral exploration licence is automatically void, fully or partially, and under the provisions of Articles 24 and 26 hereof, the Prefect is obliged to issue a relevant decision rejecting it, which shall be registered in the mines book kept by the Prefecture.

#### **Article 28. Withdrawal**

1. Upon withdrawal of its application for a mineral exploration licence, the area shall be vacant as from submission to the Prefect of the withdrawing document.

2. The withdrawal statement is recorded in the mines book kept by the Prefecture, with no further formality required.

3. If the applicants of a mineral exploration licence are more than one, the share of the person who withdrew or was deprived of his/her rights according to Article 81 hereof or died without a successor, shall increase proportionately the shares of the others.

4. The sum paid as a State fee according to Article 23 hereof shall in no case be reimbursed.

#### **Article 29. Exploration Licence**

1. The Head of the Region, provided that the application for a mineral exploration licence fulfils the conditions laid down in Articles 20, 21(1), 22(1), and 23 hereof, after checking the boundaries and area of the site to determine that the requested site is vacant in accordance with Article 26 and without prejudice to Article 31 hereof, shall, within two months of the application being made, issue a declaratory act establishing the completion of the check and inviting the person concerned to specify, within the requested area, as it may have been reduced after the check carried out, the type of works it intends to carry and their position.'

\*\*\*Paragraph 1 was replaced as per above by Article 74(1) of Law 4442/2016, inserted under Article 67 of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

2. According to the type of exploration works, the following are required:

(a) Submission of a written statement, signed by a competent scientist, in cases where the intended exploration works have no intervention on the ground. In such cases, it is not required to obtain any further administrative permit or act.

(b) Submission of Standard Environmental Commitments and approved standardised technical study, in accordance with Annex B of Law laying down PROVISIONS ON THE IMPLEMENTATION OF STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, in cases where exploration works involve limited area excavations (0.5 m<sup>3</sup>/stremma) and generally limited ground intervention (such as seismic disruption methods using explosives), following the opinion of the competent Mining Inspection Department of the Corps of Inspectors and Auditors Special Secretariat of the Ministry of Environment and Energy.

(c) Submission of a decision approving environmental conditions and an approved standardised technical study, in accordance with Annex B of the Law laying down PROVISIONS ON THE IMPLEMENTATION OF STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS,

in cases where the proposed exploration concerns drilling or any in-depth intervention on the ground by erecting exploration galleries, etc.

3. If the supporting documents are complete, the Head of the Region shall, within 30 days, issue an instrument of approval entitled 'Mineral Exploration Licence', granting the right to carry out mineral exploration in the requested area, as may have been reduced, and approving exploration works, in accordance with the information provided in paragraph 2.

4. In the event that the results of the explorations indicate the need to perform works elsewhere within the area of the mineral exploration licence or any other type of works other than those approved by the mineral exploration licence granted, the entity shall notify to the territorially competent Region the corresponding supporting documents, provided for in paragraph 2, prior to the commencement of such works and always within the period of validity of the permit.

5. Exploration works following the establishment of the metallic minerals rights (mine) ownership are carried as per paragraph 2(b) and (c) after the approval by the competent service of the Ministry of Environment and Energy of a standardised technical study, in accordance with Annex B of Law - laying down- PROVISIONS ON THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS, upon submission of Standard Environmental Commitments or a decision on the approval of environmental conditions, where applicable. The approval is granted following the opinion of the competent Mining Inspection Department of the Corps of Inspectors and Auditors Special Secretariat of the Ministry of Environment and Energy.

6. The carrying out of exploration works after the establishment of the metallic minerals rights (mine) ownership shall be subject to notification in cases where the exploration works envisaged have no intervention on the ground. Paragraph 2(a) shall apply mutatis mutandis. In this case, the declaration shall be submitted to the competent department of the Ministry of Environment and Energy."

' 7' (2). The decision granting the mineral exploration licence, shall mention the boundaries of the area of the site on the basis of azimuthal coordinates, referenced in the National Trigonometric Network as specified in Article 22 hereof. Where the site is reduced by the Prefect, the boundaries are also mentioned by azimuthal coordinates according to the above.

\*\*\* Paragraphs 2, 3, 4, 5 and 6 were added and the initial paragraph 2 was renumbered into paragraph 7 under Article 74 of Law 4442/2016, which was added under Article 67 of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

### **Article 30.**

The right to carry out mineral exploration extends both to the surface of the area, as defined in Article 29 herein, as well to the area under the surface, as determined by the vertical levels of the straight lines connecting the above boundaries to an unlimited depth.

### **Article 31.**

1. The Prefect may, for reasons of public interest, related to the security of the State, refuse to grant mineral exploration licences, in total or in part, or may grant such permits under conditions, by issuing for that purpose a reasoned decision.

Violation by the licensee of the conditions set shall constitute a reason for the Prefect to revoke the permit.

2. If the above reasons concern one or more applicants, his/her share shall increase the shares of the other applicants in proportion to their shares.

\*\*\* Article 32 WAS REPEALED under Article 64(12) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

### **Article 32.**

1. In the event of existence of other grounds of public interest, in the opinion of the Prefect, he/she, following the opinion of the Industry Committee operating in the Prefecture, may include in the mineral exploration licence conditions, on the basis of which the mineral exploration is permitted and/or limit the site for which the licence was requested.

2. Where said Committee determines the conditions or limits the site, an ordinary member thereof must also be a mining mechanic serving in the Prefecture or the Mines Service of the competent Regional Administration.

3. Similarly, when the Committee discusses the relevant application, the applicant is also invited to present his views.

4. Violation by the licensee of the conditions set out shall constitute a reason for the Prefect to revoke the licence.

### **Article 33.**

1. If the reasons of public interest, referred to in Article 31(1) hereof, cease to exist, within three years after the date of publication of the Prefect's decision refusing to grant a mineral exploration licence, the right of the previous paragraph is lost without any further action by the Prefect.

3. In the event of a limitation of the requested site for reasons of public interest, pursuant to Articles 31 and 32 hereof, if these grounds cease to exist during the validity period of the permit, the Prefect shall, provided that the Presidential Decree on the concession of the mine has not been issued, grant the area which was removed, by revoking its previous decision and issuing a new one, granting a two-year mineral exploration licence.

### **Article 34.**

1. Decisions adopted by the Prefect regarding the granting, refusal, amendment or revocation of mineral exploration licence shall be published in summary in the Government Gazette within thirty days of their issuance.

2. The decision granting or amending the mineral exploration licence shall be valid for 3 years from its publication. Hereinafter where the provisions hereof provide for the submission of an appeal, data or any other action, within the two year validity period of the mineral exploration licence period

prescribed by the previous law, these are submitted or carried out within the three year validity period of Article 34(2) hereof.

\*\*\*Paragraph 2 in quotation marks was amended as per above under Article 3 of Law 274/1976 (Government Gazette, Series I, No 50)

3. Extension of the validity period of the mineral exploration licence is not possible.

#### **Article 35.**

Any decisions adopted by the Prefect regarding the granting, refusal, amendment or revocation of a mineral exploration licence, shall be subject to an appeal by the applicant and any third party claiming metallic mining rights within the site that the decision of the Prefect concerns.

#### **Article 36.**

Appeals under Article 35 hereof shall be brought before the Administrative Court of Mines within sixty days of the publication of the Prefect's decision in the Government Gazette.

#### **Article 37.**

1. The person granted, by the Prefect, mineral exploration licence, or his successor or person deriving rights therefrom, where he/she carries out such explorations and related works within the site, is deemed vis-a-vis anyone, even the owner of the surface of the site, as the quasi-proprietor and may file all related possession actions and invoke all legal means of protection for the smooth carrying out of the mineral exploration.

[ 2. The holder of a mineral exploration licence, or his successor or the person deriving rights therefrom, shall be entitled following the submission of the application fulfilling all legal conditions regarding the concession and until the issuance of the Presidential Decree 'on the concession of the mine', carry out further mineral exploration within the licensed site. In such a case, the provisions of the previous paragraph shall apply].

\*\*\* Article 2 WAS REPEALED under Article 64(12) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

#### **Article 38. Temporary occupation**

1. The holder of a mineral exploration licence or his successor or person deriving rights therefrom shall be entitled to occupy temporary territories within the site of mineral exploration licence for the purpose of conducting such explorations, as well as temporarily occupy territories outside the area of the explorations for the purpose of carrying out the necessary works for the conduct of explorations, such as access roads to the licensed area, installation of pipes, installation of pillars for the supply of electricity, etc., insofar as and to the extent such occupation is necessary for the conduct of mineral exploration.

2. The person intending to temporarily occupy the grounds referred to in the preceding paragraph shall compensate the owner, usufruct or possessor of the surface of the land for the temporary deprivation of his income or the use thereof.

#### **Article 39. Compensation - guarantee**

1. In the event of any disagreement between the holder of the mineral exploration licence or his successor or the person deriving rights therefrom and the owner, usufruct or possessor of the land's surface, the site to be occupied and the duration of the occupation shall be determined by the Head of the Mine Service of the competent Regional Administration, whereas the compensation payable by the single member Court of First Instance of the region having territorial jurisdiction over the occupied site, in accordance with the interim measures procedure.

2. The same Court shall order the provisional seizure of the site specified in the preceding paragraph, subject to compliance with the provisions of Article 40 hereof.

3. The court may, by the same decision, at the request of the owner, usufruct or possessor of the land's surface, submitted at the hearing of the application of the owner, usufruct or possessor of the land's surface, submitted at the hearing of the application of the owner, usufruct or possessor of the land's surface for the determination of the compensation payable, oblige the person temporarily occupying the site to provide a guarantee by depositing a Bank letter of guarantee or Deposits and Loans Fund's Deposit Note for the purpose of securing the compensation of the owner, usufruct or possessor of the land's surface, against any damage caused as a result of the exploration works.

4. If, for the provisional occupation of sites referred to in Article 38 hereof, a licence of a State, Community or other Authority is required under the applicable laws, the application of the granting thereof, may be submitted by the person temporarily occupying the site, without the assistance of the owner, usufruct or possessor of the land's surface.

#### **Article 40.**

1. The occupation of the area to be explored is permitted as soon as the compensation determined according to the procedure of the previous paragraph has been paid to the owner, usufruct or possessor of the land's surface. If the decision also provides for a guarantee for the occupation of the area to be explored, it is also required to submit to the Secretary of the issuing Court a Bank letter of guarantee or Depository Note, referred to in Article 39(3) hereof. The Secretary of the Court must draw up a relevant report for this purpose.

2. Said Bank letter of guarantee or Depository Note shall be returned to the depositor after the lapse of sixty days from the expiry of the time of occupation and provided that no seizure has been made by the owner, usufruct or possessor of the occupied site.

3. Any other seizure other than the one mentioned in the foregoing paragraph, is automatically void and shall not be taken into consideration for the purpose of returning the letter of guarantee or the depository note.

#### **Article 41.**

1. During the validity period of the mineral exploration licence until the issuance of the Presidential Decree on the concession of the mine, no exploitation shall be permitted relating to the ore deposits found as a result of the explorations. The licensee or his successor or the person deriving rights therefrom are entitled to freely obtain only ore extracted in the course of the explorations.

[ 2. However, the Prefect issuing the mineral exploration licence, may, after submission by the licensee or his successor or the person(s) deriving rights therefrom of the application regarding the concession which fulfils the legal conditions, permit the exploitation of the ore deposits found during the explorations, provided that from the submitted financial and technical study and/ or any other

additional elements or reasons, it is justified in his/her opinion to commence exploitation before the issuance of the Presidential Decree 'on the concession of the mine'].

\*\*\* Article 2 WAS REPEALED under Article 64(12) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

3. In the event of loss for any reason of the mineral exploration rights, the former licensee or successor thereof or person deriving rights therefrom, shall be entitled within six (6) months to freely obtain the ores extracted, otherwise they shall be obtained by the owner of the land's surface without any compensation or consideration.

#### **Article 42. Withdrawal from the permit**

1. The mineral exploration licensee is entitled to submit to the Prefect who issued the licence a notarised declaration withdrawing from his/her rights.

2. Upon the acceptance of the withdrawal, the site being the object the mineral exploration licence is considered vacant from the submission of the withdrawal to the Prefect.

3. The withdrawal declaration shall be compulsorily accepted by the Prefect by decision published in the Government Gazette, provided that the withdrawal does not prejudice the rights of third parties stemming from a contract submitted for approval under Article 74 hereof.

#### **Article 43.**

**Where there are more than one mineral exploration licensees, the share of the licensee who withdrew or was deprived of his/her rights or died without a successor, shall increase, in proportion to their shares, the shares of the other permit holders, together with all rights and obligations, which shall not be liable for more than the value of the increased share.**

### **CHAPTER THREE MINE CONCESSION**

#### **Article 44. Concession application**

The mineral exploration licensee shall be entitled, during that two-year period of the licence, in so far as he/she carried out the mineral exploration, within the meaning of Article 16 hereof and found ore deposits, to submit an application to the competent Prefect, requesting the concession to him/her, in total or in part, of the licensed site.

#### **Article 45.**

The concession application must contain:

(a) Full name, father's name and address of the applicant and tradename, seat and address in the case of legal persons.

(b) The ores, found during the explorations, and

(c) The boundaries of the mining site being the object of the concession, mentioned by azimuthal coordinates, according to Article 22(1) hereof.

#### **Article 46.**

Where there are more than one mineral exploration licensees, an application submitted by one for the concession shall also benefit the others.

#### **Article 47.**

1. Together with the application for concession or at the latest by the expiry of the two-year validity period of the mineral exploration licence, the following must be submitted:

(a) Note issued by the State Treasury for an amount of 'sixty-five thousand (65 000)' drachmas as a State fee. This amount shall in no case be reimbursed.

\*\*\*Following successive adjustments, the amount in quotation marks

[See ΔIM/ΦI/5417/16-24 April 1986 (Government Gazette, Series II, No 279), Δ7/Φ1/22566/1990 (Government Gazette, Series II, No 693), Δ7/Φ1/999/13/11-28/1/1994 (Government Gazette, Series II, No 56)] was adjusted again as per above under decision Δ7/A/Φ1/12901/580/26/6- 14/7/1997 of the Ministers for Finance and Development (Government Gazette, Series II, No 574).

(b) Promissory note from a State Treasury or Bank letter of guarantee of an amount of '(900 000 or 1 300 000)' drachmas, provided that the mining site under concession is of an area of up to five square kilometres or larger, respectively, as a guarantee for the exploitation of the deposits found or for carrying out studies and explorations for the exploitation thereof or for the extension of the mineral exploration within mining site under concession.

\*\*\*The amounts in quotation marks, following successive adjustments,

[See Δ7/Φ1/22566/1990 (Government Gazette, Series II, No 693), Δ7/Φ1/999/13/11.1.1994 (Government Gazette, Series II, No 56)] were adjusted again as per above under decision Δ7/A/Φ1/12901/580/26/6- 14/7/1997 of the Ministers for Finance and Development (Government Gazette, Series II, No 574).

'(c) A financial and technical study, sufficient and accurate, signed by a geologist and mining engineer licenced to practice the profession. This study is a key element for definitive concession of the mine'.

\*\*\*Indent (c) in quotation marks was replaced as per above by Article 4(1) of Law 274/1976 (Government Gazette, Series II, No 50)

2. The financial and technical study referred to in the preceding paragraph must include the following:

(a) Determination of the locations where the mineral exploration were made and the means to access them.

(b) Geological and deposit study of the explored areas, within the site under concession, together with the necessary geological sections.

(c) a description of the executed studies, explorations and expenditure incurred, separately.

(d) The average percentage of the main metallic minerals and impurities found in the deposits following the explorations.

(e) Description of the type and size of the deposit found and of any possible and probable deposits calculated.

(f) Preliminary study on the feasibility of financial exploitation of the deposit found as well as views on the prospects for the exploitation of the mining site in general; and

(g) The type and extent of any studies, exploration works, or laboratory research that may be required in relation to both the area explored and the wider area.

'(h) Planned installations, works and associated expenditure for the opening of the mine and the

commencement of its methodical exploitation’.

\*\*\*Indent h in quotation marks was added as per above by Article 4(2) of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 48.**

1. The application for a concession shall be registered on the same day in the special book of mines kept by the Prefecture under order number.

2. The Prefect, where the this application meets the requirements of Articles 44, 45(c) and 47 hereof, and the requested site for concession coincides with the area of the licence granted, transmits the file together with the relevant financial and technical study to the Minister for Industry.

3. The Minister for Industry, following the opinion of IGME on the metallurgy found and the explorations carried out within the site requested for concession and after establishing that the financial and technical study is accurate and sufficient, returns the relevant file to the Prefect, so than the latter can issue the relevant notice in accordance with Article 51 hereof.

4. If the Minister for Industry, pursuant to the preceding paragraph, finds that the financial and technical study is inaccurate or inadequate, he shall grant, by reasoned decision, notified by a Bailiff or Police Authority, to the applicant, against receipt, an one year extension to the three-year mineral exploration licence, so that a new accurate and adequate financial and technical study can be submitted. If the new economic and technical study submitted is found to be accurate and sufficient, according to the procedure set out in the preceding paragraph, the provisions of the paragraph preceding the latter paragraph shall apply.

5. In the event of expiry of the extension period referred to in the preceding paragraph, or re-submission of a financial and technical study pursuant to paragraph 3 hereof, the Minister for Industry shall, by decision, reject the application for the concession and any right stemming therefrom shall be lost, whereas the mining area, which referred in the application shall be considered vacant from the date on which the extension granted expires. This decision shall be notified to the party concerned by a Bailiff or Police Authority, against receipt. The promissory note or Bank letter of guarantee referred to Article 47(1)(b) hereof shall be returned.

6. An appeal may be brought against the decision referred to in the previous paragraph, in accordance with the provisions of Article 56(2)’.

\*\*\*Article 48 was replaced as per above by Article 5 of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 49.**

The application for concession is automatically void:

(a) If it has been submitted in breach of Articles 44, 45(c) and 47 hereof.

(b) If the site described therein does not coincide at all with the site of the mineral exploration licence in relation to which the application for concession was submitted, and

(c) \*\*\*Indent c was repealed under Article 6 of Law 274/1976 (Government Gazette, Series I, No 50).

#### **Article 50. Rejection of application**

1. In any of the cases referred to in Article 49 hereof, the Prefect is required to issue a rejection decision, notified by a bailiff or police authority, against receipt, to the person who submitted the

application for concession.

2. If the Prefect's rejection decision is annulled as a result of an appeal under Article 56 hereof, the site of the mineral exploration licence to which the rejected application for concession relates shall be deemed to be vacant as from the expiry of its two-year validity period, and the promissory note or the Bank letter of guarantee of Article 47(1) hereof, if submitted, shall be returned.

#### **Article 51. Notice**

'In the event the Minister for Industry establishes compliance with the provisions of Article 48(3) hereof and the file is returned to the Prefect, in accordance with the provisions thereof, the Prefect shall issue a notice, proposing the concession only of the coinciding site of the application for concession, to the mineral exploration licence site, inviting the person that submitted the application for concession as well as anyone invoking mining rights on the site under concession, to submit appeals against it'.

\*\*\*Article 51 was replaced as per above by Article 7 of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 52.**

The notice must include:

- (a) Full name and address of the natural person applying for the concession, and tradename, seat and address in the case of legal persons.
- (b) The order number and date of registration of the application for concession in the special Mines Book kept by the Prefecture.
- (c) The number, date and boundaries of the mineral exploration licence, concerning the mining site up for concession.
- (d) The boundaries of the proposed mining site up for concession, as defined in Article 22 hereof.
- (e) The metallic mineral found. (f) The Municipality or the Community in which the mining site is located.

#### **Article 53.**

1. The notice of the Prefect is published in the Government Gazette and is notified by bailiff or by police authority, against receipt, to the person who applied for the concession of the mining site.

2. The notice is also published, at the expense and at the request of the person who applied for the concession of the mining site in one daily newspaper of the State Capital, and in two, preferably daily, of the Capital of the Prefecture, in which the mining site to be conceded is located. Unless such newspapers are published in the Capital of the Prefecture, the notice shall be published in a daily newspaper of the State Capital.

3. Within forty days from the date on which the Prefect's notice was notified to the person who

applied for the concession of the mining site, and when such time limit expires before forty days have passed from the expiry of the two-year period mining explorations licence, the publications of paragraph 2 hereof and the submission of copies of the newspapers to the Prefect must take place.

**Article 54.  
Loss of right**

1. The person who applied for the concession and does not comply with the provisions of Article 53(2) and (3) hereof, shall lose every right stemming from the submitted application, and the mining site which the application concerned shall be deemed vacant from the expiry of the time limit prescribed by Article 53(3).

2. The aforementioned loss is confirmed by the Prefect by decision, notified by a Bailiff or Police Authority, against evidence, to the person who applied for the concession.

**Article 55.  
Appeals**

The appeals referred to in Article 51 hereof are brought before the Mines Director within thirty days of the last day of the publications referred to in Article 53(1) and (2) hereof.

**Article 56.**

1. The decisions taken by the Prefect under Articles 50 and 54 hereof are subject to appeal by the person who applied for the concession.

2. Appeals under the preceding paragraph shall be brought before the Administrative Court of Mines within thirty days of the notification of the contested decision of the Prefect.

**Article 57.**

During the hearing of the appeals against the notice of the Prefect on the concession of mines, allegations made by anyone against the validity of the mineral exploration licence are inadmissible.

**Article 58.**

Following the publications referred to in Article 53 hereof, and where no appeal has been brought against the notice, the Prefect shall submit to the Deputy Minister for National Economy the file of the notice containing all relevant supporting documents and other information.

**Article 59.  
Concession**

1. The Minister for Industry, after examining the supporting documents and other elements of the notice, must immediately issue a Presidential Decree on the concession of the Mine.

2. The concession of the mine is made for fifty years, and may be renewed for twenty-five years at the discretion of the Administration, shaped by the rate of exploitation, the degree of processing of the ore, the size of the facilities and any existing deposits. In exceptional cases and in so far as, on the basis of the opinion of IGME, the continuation of the exploitation of the Mine by the same owner or person deriving rights therefrom, is deemed necessary, a renewal may be granted for another

twenty-five years. An application for a renewal is submitted within the last ten years of the abovementioned twenty-five-year period and the decision of the Minister for Industry shall be issued within one year of the application's submission. At the end of the concession, the mine together with the extraction installations, shall become property of the State, without any compensation being due by the latter. By decision of the Minister for Industry, the other installations relating to the mine may be expropriated in favour of the State, in accordance with the provisions on forced expropriation.

3. The provisions of the preceding paragraph shall also apply in respect of mines whose concession presidential decrees have been issued up to the date of entry into force hereof. In this case, however, the above fifty years period shall commence as of the date of entry into force hereof.

4. Leases of state mines expiring after a period of more than fifty years of the date of entry into force hereof shall be deemed to expire on the completion the fifty years period, which may be extended for a further twenty-five years in accordance with the terms of paragraph 2 applied proportionately'.

\*\*\*Article 59 was replaced as per above by Article 8 of Law 274/1976 (Government Gazette, Series I, No 50)

### **Article 60.**

The Presidential Decree on the concession of the mine must include the following:

(a) Full name, father's name and nationality of the beneficiary and tradename, seat and address in the case of legal persons.

(b) The number and date of the mineral explorations permit and notice.

(c) the Prefecture, Municipality or Community in the territory of which the mine under concession is situated, as well as the boundaries and area thereof, defined in accordance with the provisions of Article 22 hereof.

(d) The ore found. (e) That the beneficiary shall have the exclusive right to extract and in general to exploit the ore found and any other mineral ores found in the area of the mine under concession, except for those reserved in favour of the State, and

(f) The general conditions under which the mine is placed under concession which are connected with the financial and technical study referred in Article 47 hereof and in general the exploitation of the Mine by technical means, corresponding to its importance'.

\*\*\*Indent f in quotation marks was added as per above by Article 9(1) of Law 274/1976 Government Gazette, Series I, No 50), whereas the pre-existing indent f was renumbered as '(g)'.

(g) That the beneficiary will be subject to the loss of his rights (revocation) in the event of non-compliance with the provisions hereof or conditions of the concession.

### **Article 61. Deprivation of rights**

1. The conditions laid down by the Prefect for the granting of the mineral explorations permit pursuant to Articles 31 and 32 hereof, shall also apply to the concession of the mine and may be adjusted or amended by a decision of the Minister for National Economy, issued following the consent of the Mines Council.

2. In the event of a breach of these conditions, the Minister for National Economy may, by a decision issued upon obtaining the assent of the Mine Council, declare the mine owner deprived of his/her Mine Owning rights.

3. The person concerned must be invited to the discussion of the case before the Mine Council. In case of default of appearance on the date mentioned in the invitation, the Council shall deliver its opinion in his/her absence.

4. The decision on the deprivation of rights shall be notified by a bailiff or police authority, against receipt, to the person concerned and may be subject to an appeal before the Administrative Court of

Mines, within thirty days of its notification.

#### **Article 62.**

All concessions of mines are void in so far as they infringe on the acquired mining rights of the State. In such a case no one is liable against anyone.

#### **Article 63. Withdrawal from Mine Ownership**

The provisions of Articles 42, 124, 125 and 126 hereof shall apply mutatis mutandis to the withdrawal from Mine Ownership rights. The withdrawal is submitted to the Deputy Minister - Regional Governor having territorial jurisdiction over the mine. Withdrawal from a part of the mine's site is not permitted.

#### **Article 64. Mine delimitation**

1. As of the issuance of the Presidential Decree referred to in Article 59 hereof, the mine owner is entitled, by application accompanied by a collection note from a State Treasury of an amount of 'three hundred and fifty thousand (350 000) drachmas', to request the delimitation of the mine, by artificial landmarks in accordance with boundaries referred to in the Presidential Decree, following the on-the-spot control of the Head of the Mines Service of the Regional Administration, where the mine is located.

\*\*\*Following successive adjustments, the amount in quotation marks  
[See ΔIM/ΦI/5417/1986 (Government Gazette, Series II, No 279), Δ7/Φ1/22566/1990 (Government Gazette, Series II, No 693), Δ7/Φ1/999/13/11.1.1994 (Government Gazette, Series II, No 56)]

was adjusted again as per above under decision Δ7/A/Φ1/12901/580/266-14/7/1997 of the Ministers for Finance and Development (Government Gazette, Series II, No 574).

2. During the delimitation, the owners of mines adjacent to the one being delimited are invited by the Head of the Mines Service, by a bailiff or police authority, against evidence, and are heard.

3. In the case of non-appearance of mine owners at the date set by the invitation, the delimitation works may also take place in their absence.

4. Such delimitation, under the control of the Head of Mines Service, creates a presumption of precision in favour thereof, against which rebuttal is permitted. The relevant dispute as to the boundaries of the mines under concession is brought before the ordinary courts.

### **CHAPTER FOUR - MINE OWNERSHIP MEANING - CONTENT - AMEDMENTS**

#### **Article 65. Mine Ownership Right**

1. The mines and their constituents are immovable properties, and from the publication in the Government Gazette of the Presidential Decree on the concession referred to in Article 59 hereof the

right of ownership on the mine (Mine Ownership) is established, consisting of an independent right in rem, distinct from the right of ownership on the land.

2. On the initiative of the mine owner the Presidential Decree on the concession is transcribed in the relevant transcription books.

#### **Article 66.**

1. Unless otherwise provided herein, the provisions of the Civil Code on immovable property shall apply to Mine Ownership established in accordance with Articles 59 and 65 hereof.

2. Metallic minerals, after their extraction for the mine, are considered as movable property.

#### **Article 67. Content - area**

1. Without prejudice to the provisions of Articles 18 and 19 hereof, the mine owner shall have the exclusive right to explore, extract and in general exploit all mineral materials within the concession site,

save for those reserved for the State in accordance with the provisions of Article 143 hereof.

2. Said right extends both to the surface of the land within the area delimited in the Presidential Decree on the concession and in the site below the surface, delimited by vertical planes of the straight lines connecting the boundaries and in unlimited depth.

3. The mine owner also has the right to carry out all works necessary for the purpose of exercising its rights, perform related works as well as construct the necessary facilities, both on the surface and underground.

#### **Article 68.**

1. The mine owner or his successor or person deriving rights therefrom shall have the right, without owing compensation to the owner of the land, to use for the purpose of the exploitation the mine or to freely dispose of the quarried mineral extracted during the exploitation of the mining minerals and such minerals resulting from the mechanical or chemical processing of mining minerals, as well as those included in the resulting slag by the chimney processing of the metallic minerals.

'[Aggregates extracted during the exploitation of mining minerals belong to the State and may, by decision of the competent prefect, be disposed of for the needs of the prefecture or municipal authorities or transferred to purely municipal or community enterprises for exploitation or sold by auction]. By way of exception, for the purposes of mine exploitation or landscape restoration, the exploiter may use the quantities necessary for this purpose.'

\*\*\*Article 68(1) was amended as per above as regards the aggregates in accordance with Article 3(7) of Law 1428/1984 (Government Gazette, Series I, No 43), and indent within [ ] was amended by Article 49(4) of Law 1832/1989 (Government Gazette, Series I, No 54).

2. The above provision shall not apply to marbles, kaolin, bentonite, green clay, perlite, pumicite, lava, gypsum and alabaster, to which the provision of Article 6 hereof applies.

3. For the purpose of mining exploitation, it is also permitted, without the need to pay compensation, to extract and recover quarried products from premises owned by the State, either inside or outside

the mine and in areas which are not the object of a concession. In such a case, the provisions of quarrying exploitation shall apply.

#### **Article 69.**

1. The mine owner's right referred to in Article 67 hereof, also extends to existing within the mine ownership's site ore waste, that is to say, minerals extracted in earlier times and non-processed in chimneys, as well as slags, such as residual minerals extracted in earlier times and non-processed in chimneys.

2. Acquired rights to the above ore waste and slag under Law ΦKH of 1875 or other earlier provisions hereof shall be respected. The other unconceded ore minerals belongs to him/her who made the most important mineral exploration, in accordance with the opinion and decision of the Minister for National Economy, issued after consulting the Mine Council. Such decision is published in the Government Gazette. If mining explorations were not carried out by anyone, the above right over other metallic minerals shall be granted to the first concessionaire, under the same procedure.

3. If, however, such ore which is one with the main ore is already conceded to another mine owner, the extractor must separate it and make it available to the concessionaire after deducting the expenses for the extraction and separation.

#### **Article 70.**

The metallic minerals or waste of mechanical or chemical processing or chimney slag abandoned by previous mine owners or their successors or persons deriving rights therefrom within the Mine Ownership site, shall belong to the acquired Mine Ownership on such site, in so far as at least one year has passed from the irrevocable decision on the deprivation of rights of the previous mine owners.

#### **Article 71.**

1. Concessionaires of specific metallic minerals before Law ΓΦΚΔ/1910 'on Mines' shall be entitled to exploit any other metallic mineral within the concession site, save for those reserved in favour of the State in accordance with the provisions of Article 143 hereof. The same applies to Mine Ownership established during Turkish occupation by Diktats ('Firmania'), which shall be treated as equivalent to the Mine Ownerships established in accordance with the provisions hereof also in respect of the duration of their validity.

2. If a concession for specific Metallic minerals has been granted to more than one persons for the same sites, the right to explore, extract and exploit

#### **Article 72.**

Those who have acquired a licence to extract mineral on the surface pursuant to Article 35 of Law ΧΞ/1861, are considered to have automatically acquired the right to also exploit the site underground as exclusive mine owners, in so far as they have not already lost all rights under Law ΧΞ due to extraction neglect.

#### **Article 73. Mine Products**

1. Mine products are those designated under the provisions hereof as Metallic minerals or ores, after their extraction from the mine, either unprocessed or subjected to the process necessary for their marketing as well as the resulting by-products when processed.

2. The processing provided for in the preceding paragraph may be effected by various physical or mechanical means, such as by sorting, crushing, grinding, classification, washing or processing by

hydromechanical or chemical methods as well as by roasting or furnace.

3. Where in doubt in respect of the classification of a processed mineral or by-product thereof, as mining product, such doubt shall be dispelled by a decision of the Minister for National Economy issued after obtaining assent from the Mines Council.

#### **Article 74. Contract approval and form**

1. Contracts having as their object the establishment, amendment, or transfer of metallic minerals rights or the concession of the use and profit of such rights stemming from a mineral exploration licence or mine under concession, as well as those amending them, shall be concluded following the approval referred to in Article 76(1) hereof.

2. The contracts referred to in the preceding paragraph, as well as their termination, shall be void unless concluded before a notary.

3. The provisions of paragraph 1 do not apply to constitution of a mortgage.

4. In respect of Mines Ownership, the conclusion of contracts of paragraph 1, must be preceded by the transcription of the relevant presidential decree on the concession in the transcription books of the office in the region of which the mine is located.

5. On succession, the transcription of the preceding paragraph may also be made by the heirs.

#### **Article 75.**

1. Within three months of the conclusion of the deeds relating to the contracts of Article 74(1) hereof, copies must be submitted by the interested parties, in duplicate, for the purposes of the approval referred to in Article 76 hereof.

'which (the approval) shall be deemed to be provided at the time when the contracts of Article 74(1) were concluded, unless otherwise specified by the parties. In the latter case, the approval shall be deemed to be provided at the time designated by the parties.'

\*\*\* The phrase above in quotation marks was added at the end of paragraph 1 by Article 64(5) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

2. The approval referred to in the preceding paragraph is not required in respect of preliminary agreements referred to in Article 74(1) hereof.

#### **Article 76.**

1. The approval referred to in Article 75 hereof shall be granted by decision of the Prefect in so far as it is sought for the acquisition of permitted mineral exploration rights or the Deputy Minister - Regional Governor of the region in which the mine is located in so far as it is sought for the acquisition of rights on Mines Ownership and "it is deemed to be provided at the time of conclusion of the contracts of par. Article 74(1) were concluded, unless otherwise specified by the parties. In the latter case, the approval shall be deemed to be provided at the time designated by the parties.'

\*\*\* The phrase in quotation marks at the end of paragraph 1 was added by Article 64(6) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

2. The competent Deputy Minister - Regional Governor or Prefect may, however, refuse the approval referred to in the preceding paragraph if the content of the contract is contrary to public policy or the refusal is dictated by the security of the State.

3. Summary of the decisions of paragraph 1 of this article shall be published in the

Government Gazette and a certified copy of the decision of the Deputy Minister - Regional Governor together with the deed submitted or the summary of the awarding decision, shall be transcribed by the person concerned in the transcription books of the office in the region of which the mine is located.

#### **Article 77. Auctioning**

1. The provisions of Article 74(1) hereof, shall also apply to the acquisition of the rights referred to in that paragraph by auction.

2. In the case referred to in the preceding paragraph, a certified copy of the summary of the award decision shall be submitted for approval.

3. Distribution of the auction's product can only take place after such approval has been granted. In the event of refusal to grant such approval. In the event of refusal to grant such approval, the auction's proceeds shall be reimbursed to the successful tenderer, following the deduction of the auction costs.

#### **Article 78. Succession notification**

1. The acquisition of mining rights of Article 74(1) hereof, or rights resulting from the application for a mineral exploration licence, as a consequence of universal succession, legacy or donation a result of death must be notified by letter of declaration of the acquirer, provided that it concerns rights resulting from an application for a mineral exploration licence or a mineral exploration licence, to the Prefect, to whom the application for the mineral exploration licence is pending; And in so far as it concerns rights on Mines Ownership, to the Deputy Minister - Regional Governor having territorial jurisdiction over the mine site.

2. In the event of acquisition by the same act of rights on Mines Ownership and rights resulting from an application for a mineral exploration licence or a mineral exploration licence, the statement referred to in the preceding paragraph shall be submitted, to the Deputy Minister - Regional Governor as concerns rights on Mines Ownership and to the Prefect as concerns all other rights.

3. The same obligation to submit a declaration, as set forth in paragraph 1 of this article, shall also apply to those who, by virtue of a final judicial decision, are recognised as holders of rights under Article 74(1) hereof or rights resulting from an application for a mineral exploration licence.

#### **Article 79.**

1. The notification declaration, together with the relevant legalisation documents, must be submitted to the Prefect or the Deputy Minister - Regional Governor, the latest, within six months as concerns residents of the State, and one year from the death of the deceased or the issue of the final judgment under paragraph 3 of the previous article as regards foreign residents.

2. "Aliens, in addition to the relevant legalisation documents referred to in paragraph 1 of this article, must also submit the approval of the Council of Ministers referred to in Article 9 hereof".

\*\*\* Paragraph 2 in quotation marks was replaced as per above by Article 2(6) of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 80.**

Only after the submission of the declaration under Article 79 hereof together with relevant legalisation documents and, in the case of aliens, the approval referred to in Article 9 hereof, the acquirers of mining rights in accordance with the provisions of Article 78(1) and (3) are recognised by the State.

**Article 81.**  
**Deprivation of rights**

1. In the event of a breach of the provisions of Article 79 hereof, the Prefect or the Deputy Minister - Regional Governor may, after obtaining the assent of the Committee of Industry operating in the competent Prefecture or Regional Administration, by virtue of his/her decision published in the Government Gazette, declare the deprivation of the beneficiaries' rights.

2. The decision of the Prefect or the Regional Governor may be appealed before the Mining Administrative Court, within sixty days of its publication in the Government Gazette.

**Article 82.**  
**Leasing**

1. Where leasing of the Mine Ownership right has been concluded and effected in accordance with Articles 74, 75 and 76 hereof, if the lessor, whether or not he granted the use of the leasehold, transferred ownership of the leasehold to third parties, or granted another right in rem which excludes the exploitation by the lessee, the new acquirer undertakes the rights and obligations of the lease, unless the lease contract expressly states that the lease will be terminated in any of the above cases. The same shall apply in the event of forced sale of the leasehold as a result of enforcement, and in the event of deprivation of the Mine Ownership rights of the lessor and in so far as the leased site is not rendered vacant under the provisions hereof or in any case of withdrawal one of the mine co-owners from its leased share.

2. The provisions of paragraph 1 hereof shall apply mutatis mutandis to the leasing of the mining explorations licence rights.

**Article 83.**

The provisions of Article 610 of the Civil Code do not apply to mine leases.

**Article 84.**  
**Lease**

"1. For the leasing of mine ownership rights as well as rights arising from mining exploration licences, a maximum fair lease limit is established on the sale price of the ore or its processing product:

(a) 12% of that price, if the ore is sold on the mine floor as it is extracted (run of mine, tout venant) without any mechanical preparation or other processing.

(b) 8% of that price, if the ore is sold on Free on Board or Free on Truck terms (F.O.B. or F.O.T.) as it is and as extracted (run of mine, tout venant) without any mechanical preparation or other processing.

(c) 4% of that price, in the case of ore sold on Free on Board or Free on Truck (FOB or FOT) terms, following a mechanical preparation (for example, breaking, water purification and classification) and or enrichment (for example hydromechanical and physio-mechanical, including the differential float, during which surface physico-chemical phenomena are used).

(d) the 2% of that price, in the case of ore sold Free on Board or in terms of Free on Truck (F.O.B. or F.O.T.) is subject, in addition to all of the above, and in which processing operations carried out and chemical process, i.e. after export metal processing, but the production of finished product, namely metal or metal alloy surcharge (for example magnesite roasting for magnesia production).

(e) 1.5% of that price, if the ore is sold on Free on Board or Free on Truck (FOB or FOT) terms, following all of the above processing, and processing in which chemical processes are carried out, i.e. after export metallurgical processing, which results in the production of the final metallurgical product, i.e. metal or alloy."

"(f) By joint decision of the Ministers for Finance and Environment, Energy and Climate Change it is possible to specify the manner and criteria for calculating or varying the leases up to the maximum fair lease, as defined in indents (a), (b), (c), (d) and (e) of this paragraph."

\*\*\*Indent f was added by Article 12(5) of Law 4203/2013 (Government Gazette, Series I, No 235/1.11.2013).

\*\*\* Paragraph 1 was replaced as per above by Article 63(1) of Law 4042/2012 (Government Gazette, Series I, No 24/13.2.2012). ATTENTION: Entry into force on 1.1.2013.

"2. Of the leases certified and collected annually by the Greek State for leasing mine ownership rights of the State in State Mining Spaces, a rate of twenty percent (20%) is allocated by joint decision of the Ministers for Finance and the Environment, Energy and Climate change, to the municipalities within which the mining activity is carried out, depending on the percentage of area of exploitation site which falls within the administrative boundaries of each municipality, in accordance with the applicable approved technical studies.

The allocation decision referred to in the preceding subparagraph shall be issued in the second half of each year and shall relate to the leases collected on the basis of the contractual obligations of the lessees for the preceding year."

\*\*\* Paragraph 2 as replaced by Article 63(2) of Law 4042/2012 (Government Gazette, Series 24/13.2.2012), which entered into force on 1.1.2013, was replaced once again as per above by Article 12(2) of Law 4203/2013 (Government Gazette, Series I, No 235/1.11.2013). Article 12(4) of the same Law states that: "4. The first allocation to the municipalities of the percentage provided for in paragraphs 2 and 3 hereof shall be for leases and fees respectively, certified and collected for the year 2013."

3. Any agreement the lease of which exceeds the limits set forth in the preceding paragraphs shall be void concerning the amount of lease which exceeds the abovementioned limits of the lease.

4. The provisions of this article shall also apply to leases already in force in relation to such rights for the period from the date of entry into force hereof until the expiry of these contracts, the lessee being exempt from the obligation to pay the excess of any a greed lease higher than the above limits.

5. The provisions of this article shall not apply to the leasing of public mines in so far as they relate to the extraction of ores reserved in favour of the State, as provided for in Article 143 hereof.

## **Article 85. Dispute resolution**

Any disputes between a lessor and lessee concerning the application of Article 84 hereof shall fall within the jurisdiction of the single member court of first instance in the territorial jurisdiction of which the mine or mineral exploration licence site is located, which shall issue its decision in accordance with the procedure provided for in Articles 647 to 662 of the Civil Procedure Code.

\*\*\* Articles 85(A), (B) and (C) hereof were REPEALED by Article 43(4) of Law 4262/2014 (Government Gazette, Series I, No 114/10.5.2014).

`Article 85A.

1. In order to ensure an adequate supply of existing or established Greek Metallurgical Industries, the Minister for Industry may, by reasoned decision, oblige the exploiter of these mines, to sell all or part of the extracted minerals to said industries, in so far as it does not already supply its own or other metallurgical industry in Greece, of the capacity of the mine, or there are no contractual obligations on its part to make available to others these products, proven by document of a certified date and on the condition that such obligations do not exceed five years from the date of their conclusion. The products are sold at current selling prices of ore the same quality in Greece or abroad in the immediately preceding six months and, in the absence of such prices, based on the average international price of the product or, in the absence thereof, at reasonable price, determined by the Minister for Industry following the opinion of IGME. In no event may that decision be suspended.

In the event of non-compliance with such imposed obligation within three months of the invitation of the person concerned by the Administration or in the case of reduced production of the mine having reference to the facts of art, international experience, production capacity, the person not complying with the content of the Ministerial decision shall be deprived of his/her rights on the mine (ownership or lease) by decision of the Minister for Industry, after having being invited to express his/her views and upon obtaining the assent of the Mines Council. In such a case, the mine becomes the property of the State. The provisions of Articles 124, 125 and 127 of the Mining Code apply in this case as well. The Ministerial decision on the deprivation of rights cannot in any case be administratively suspended.

2. The Council of Ministers may, by its decision, exempt the miner owner from such an obligation, if he/she by submitting an application within the three month period referred to in par. 1, has undertaken the obligation to set up a similar metallurgical industry of interest to the national economy within a short period of time and to provide the necessary guarantees for the timely realisation of such investment.

3. The metallurgical industries to which the sale of ore is to be made must be either owned by natural persons having Greek nationality and being legally established in Greece, or legal persons seated in Greece and having the majority of their shares or portions of participation owned, during all the aforementioned compulsory ore sales period to natural persons having Greek nationality and residing in Greece, or legal persons seated in Greece and having the majority of their shares owned by natural persons of Greek nationality permanently residing in Greece or by Greek Banks or group of Greek Banks.

4. By Presidential Decree, adopted on a proposal from the Minister for Industry, it is possible to regulate, in particular with regard to the application of this article, matters relating to the capacity of mines, determination of ore prices, finding of any reduced mine capacity and all other matters related to the application of this article'.

\*\*\*Article 85A was added by Article 16 of Law 274/1976 (Government Gazette, Series I, No 50).

\*\*\* Articles 85(A), (B) and (C) hereof were REPEALED by Article 43(4) of Law 4262/2014 (Government Gazette, Series I, No 114/10.5.2014).

"Article 85b.

1. With a view to securing adequate supply of metallurgical industries established in Greece, it is possible, by decision of the Council of Ministers, to forcefully lease mines to said metallurgical industries and in so far as the exploiter of the mine does not already supply its own or other metallurgical industry in Greece in quantities corresponding to the production capacity of the mine, in accordance with to the rules of normal economic and technical exploitation. This decision of the Council of Ministers is a settled and enforceable title for the establishment, possession and exploitation of the area of the mine, from which (area) the mine owner is alienate during the forced lease period. This lease shall be concluded only if, after a prior hearing of the person concerned, the latter refused to enter into a contract according to which he/she will undertake to extract and sell in the prices mentioned in Article 16 hereof the

quantities provided for in accordance with the opinion of IGME, for the supply of the metallurgical industry. The lease of this article is concluded against a lease equal to the maximum fair lease referred to in Article 84 hereof, which is played by the lessee to the mine owner or the person deriving rights therefrom, with the guarantee of the State. In no event may that decision be suspended. The industries to which the leasing is made, throughout the leasing term, must belong either to individuals having Greek citizenship and permanently established in Greece, or legal persons seated in Greece and having the majority of their shares or portions of participation owned, during all the aforementioned compulsory ore sales period to natural persons having Greek nationality and residing in Greece, or legal persons seated in Greece and having the majority of their shares owned by natural persons of Greek nationality permanently residing in Greece or by Greek Banks or group of Greek Banks. In any event a sales contract for the products of the mine has been concluded and the mine owners or the exploiter of the mine does not fulfil its obligations, the latter shall be deprived of their rights by decision of the Minister for Industry, upon obtaining the assent of the Mines Council. In such a case, the mine becomes the property of the State. The provisions of Articles 124, 125 and 127 of the Mining Code apply in this case as well. The Ministerial decision on the deprivation of rights cannot in any case be suspended. During the compulsory leasing of the mine, the mine owner is exempt from the ore production obligations referred to in Article 106 of the Mining Code. An appeal may be brought before the Administrative Court of Mines against the enforceable administrative acts issued in accordance with the present and preceding paragraph hereof.

2. The provisions of this article shall not apply if the Council of Ministers decides in accordance with paragraph 2 of the preceding to exempt the mine owner from its obligation under Article 85a hereof to sell ore for the supply of metallurgical industries.

3. By a Presidential Decree issued on the proposal of the Minister for Industry, it is possible to regulate the procedure and the conditions for concluding the above compulsory leasing and any matter relating to the application of this article and any other relevant details”.

\*\*\*Article 85B was added by Article 17 of Law 274/1976 (Government Gazette, Series I, No 50).

\*\*\* Article 85(A), (B) and (C) hereof were REPEALED  
by Article 43(4) of Law 4262/2014 (Government Gazette, Series I, No 114/10.5.2014).

#### Article 85C

“A metallurgical industry, in the sense hereof, is intended to extract from the ore the metals contained therein, whether pure or in the form of alloys or chemical compounds thereof. As a metallurgical industry is also considered that which produces not only said finished metallurgical product but also unfinished, such as, for example, the roasting of magnesite or the production of alumina from bauxite or the roasting of ferro-silicon. The industrial processing carried out by various methods of enriching the ore by removing the poor parts of it without altering its mineralogical nature, is not considered as metallurgy”.

\*\*\*Article 85C was added by Article 18 of Law 274/1976 (Government Gazette, Series I, No 50)

### **Article 86.**

#### **Transcription of decisions**

1. Any irrevocable decision concerning the deprivation of rights or withdrawal from Mine Ownership rights and any decision to abolish Mine Ownership shall be transcribed, by the State, in the transcription books of the office having territorial jurisdiction over the mine.

2. If, as a result of the deprivation or withdrawal, the share of the deprived or withdrawn shareholder increases the shares of the other co-owners, then the decision on the withdrawal and increase shall be transcribed by the persons whose shares were increased.

3. Without the transcription of the preceding paragraph, the new acquirer may not, in respect of the share increased, draw up a valid contract referred to in Article 74(1) hereof.

**Article 87.**  
**Transcription fees and rights**

1. State fees for transcription of the Presidential Decree on the concession, as well as any other act or decision or document in general, requiring transcription, in accordance with the provisions hereof, including the rights of the transcription employee, the special fee for salaried land registries, as well as any other related fee, rights, contribution, etc. of the State and any third party, in general, cannot exceed one thousand (1 000) drachmas, in total.

2. Transcribed acts, decisions or documents in general, in accordance with the provisions hereof, by the State, are not subject to any charge, right, contribution etc. in favour of the State and any third party in general.

**CHAPTER FIVE**

**MINE CO-OWNERS AND REGULATION OF RELATIONS BETWEEN MINE CO-OWNERS**

**Article 88. Co-ownership**

1. More than one recipients or acquirers of mine concession, in equal or unequal shares, are considered to be owners of undivided shares (co-ownership), and the division of the mines' site is not permitted.

2. In respect of co-owners, the provisions of Article 43 hereof shall apply mutatis mutandis.

**Article 89.**

'1. Decisions on any matter relating to the management and exploitation of the common mine shall be taken by a majority of all shares, without prejudice to paragraph 3.'

\*\*\*Paragraph 1 was replaced as per above by Article 12(7) of Law 4203/2013 (Government Gazette, Series I, No 235/1.11.2013). Par. 11 of the same article states that:

" 11. Paragraphs 7 to 10 do not apply to mining minerals reserved in favour of the State within the meaning of Article 143 of legislative decree 210/1973.'

2. When there is a risk of losing the rights over the common mining rights of the mine co-owners, according to the provisions hereof, or (risk of) damage or destruction thereof, each of the co-owners shall be entitled, without the consent of the other, to take the necessary measures for its preservation or maintenance.

"3. Where one of the co-owners is the Greek State, regardless of the percentage of co-ownership it holds, and provided that the common mine is in a public mining area or borders with at least one public mining area, then the management and in general the exploitation of the common mine is carried out, on behalf of all mine co-owners, exclusively by the Greek State, which is obliged in this case to pay to the other co-owners the percentage of the lease collected for the common mine which corresponds to their shares in proportion to the share of each of them."

\*\*\*Paragraph 3 was added by Article 12(8) of Law 4203/2013 (Government Gazette, Series I,

No 235/1.11.2013). Par. 11 of the same article states that:

" 11. Paragraphs 7 to 10 do not apply to mining minerals reserved in favour of the State within the meaning of Article 143 of legislative decree 210/1973.'

### **Article 90. Management**

'1. Where, as a result of not obtaining for any reason whatever the majority of Article 89(1), it is made difficult to manage and in general exploit the mine, at the request of any mine co-owner and upon the summoning of all other co-owners, if this is possible, the single-member first instance court having territorial jurisdiction over the area where the mine is located, may order the appointment of a manager in accordance with the procedure laid down in Articles 686 et seq. of the Code of Civil Procedure."

\*\*\* Paragraph 1 was replaced as per above by Article 12(9) of Law 4203/2013 (Government Gazette, Series I, No 235/1.11.2013). Par. 11 of the same article states that:

" 11. Paragraphs 7 to 10 do not apply to mining minerals reserved in favour of the State within the meaning of Article 143 of legislative decree 210/1973.'

2. The court may assign the management to one or more persons, mine co-owners or not.

3. The decision referred to in par. 1 on the appointment of a manager may be appealed within 30 days of its notification before the President of the Court of Appeals, who shall examine the case in accordance with the procedure laid down in Articles 686 et seq. of the Code of Civil Procedure.

4. Until the decision on the appointment becomes final, the manager cannot conclude contracts of a duration of more than two years.

5. The Court referred to in paragraph 1 of this article may, at the request of any mine co-owner and upon the summoning of all other mine co-owners, where this is possible, replace or revoke the appointed manager, in accordance with the procedure laid down in Articles 686 et seq. of the Code of Civil Procedure.

### **Article 91.**

The appointment, resignation or revocation of the manager shall be opposed to third parties only after they are recorded in the transcriptions book.

### **Article 92.**

1. The manager managing the mine co-ownership shall represent the mine co-owners before the courts.

2. The transaction concluded by the manager within the limits of his/her power shall also act in favour of the co-owners, although they are not mentioned therein.

### **Article 93.**

Each of the mine co-owners can freely sell, in accordance with the provisions hereof, his common share of the mine. The transferee and the acquirer are jointly and severally liable, in respect of the obligations undertaken by decision of the mine co-owners, until the notification of the divestiture to the

other mine co-owners or the manager.

#### **Article 94.**

1. The common mine may be mortgaged by decision of the majority of 4/5 of the shares or the majority of 2/3 and an authorisation of the multi-member court of first instance in the territorial jurisdiction of which the common mine is situated.

2. The court hears the case in accordance with the non-contentious proceedings procedure, where all mine co-owners are invited, in so far this is possible, otherwise the relevant notice shall be published at least five days earlier in one daily newspaper published in the Capital of the Prefecture where the mine is located, and if such does not exist, in one daily newspaper of Athens.

3. A mine co-owner may not mortgage his share without the assent of a 2/3 majority. Assent shall be provided before a notary.

#### **Article 95.**

1. Co-owners representing 4/5 of the shares can divest of the entire common mine.

2. The remaining ownership is transferred after the corresponding consideration has been paid to the beneficiary or by means of voluntary deposit.

#### **Article 96.**

1. Mine Co-owners representing half the shares may divest of the common mine by means of a public auction, upon the authorisation of the multi-member court of first instance in the territorial jurisdiction of which the mine is situated, issued in non-contentious proceedings, where all mine co-owners shall be invited to participate, if possible.

2. The Auction shall take place within three months of the decision of the multi-member court of first instance authorizing the divestment becoming final and at the place designated therein.

#### **Article 97. Responsibility**

1. Mine co-owners are jointly and severally liable for all obligations hereunder as well as the payment of taxes, fees, dues and other rights due to the State.

2. The same several liability shall apply to the payment of any costs or compensation to third parties as a result of the operation of the mine, which may not extend beyond the value of the mine co-owner's share.

3. If the person severally liable in accordance with the preceding paragraphs does not pay with interest to the mine co-owners who paid, within three months of the notification of the payment the latest, the debt borne by him/her and in so far as there is no reasonable doubt in respect of the debt, he/she shall be deprived of his/her share in the mine, in favour of the mine co-owners who paid or the successors thereof, in proportion to their shares, subject to the provisions on the right of recourse between them.

4. The deprivation of rights is declared upon the application of the person(s) who paid by decision of the multi-member court of first instance in the territorial jurisdiction of which the mine is located.

#### **Article 98.**

The provisions of Article 97(3) and (4) hereof, also apply in the event of a decision on the

exploitation of the mine by a financial contribution from the shareholders, in the event one of the mine co-owners does not wish to pay the contribution corresponding to his share in accordance with the decision on the exploitation.

**Article 99.**

Once the deprivation has been announced in accordance with the provisions of Articles 97 and 98 hereof, the mine co-owner deprived of his rights bears no other responsibility in respect of any obligations or payment made by the other mine co-owners at a time prior to the deprivation.

**Article 100.**

The provisions of Articles 97, 98, 99 hereof shall also apply to claims referred to in these articles arising before the date of entry into force of this Article.

**Article 101.**

The provisions of Articles 97, 98, 99 and 100 hereof shall apply mutatis mutandis where more than one applicants apply for mineral exploration permits, as well as to co-beneficiaries of mineral exploration permits.

**CHAPTER SIX  
OBLIGATIONS AND RIGHTS OF MINE OWNERS**

**Article 102. Exploitation**

The exploitation of mines is characterised by the application of the provisions hereof as being of public interest.

**Article 103.**

As of the publication of the presidential decree on the mine concession the mine owner or his/her successor, or anyone deriving rights therefrom, are obliged to commence the exploitation of the mineral deposits found on the mine site, by technical and financial means corresponding to their importance.

**Article 104.**

If, for any reason, the mine owner or his/her successor or anyone deriving rights therefrom does not proceed to exploit the mine in accordance with Article 103 hereof, it is obliged to carry out mineral explorations within the site in accordance with Article 106 hereof.

**Article 105.**

Mining projects for the exploitation of the mines, as well as mine exploitation works in general, are subject to the restrictions and prohibitions of the Mining Works Regulation, as in force.

#### **Article 106.**

"Without prejudice to Articles 107 and 108 hereof on deposits of mines, if the mine has not been exploited for a period of three years, the mine owner shall be deprived of the Mine Ownership rights unless during these three years, she/he carried out mineral explorations of a value equivalent to the amount of two hundred thousand (200 000) drachmas per square kilometre within the mine area.

The abovementioned substitution of the mining obligation by explorations is only valid for a period of three years, extended at the request of the mine owner for up to three years, by decision of the Minister for Industry, provided that the miner wishes to spend for each year the amount of one million (1,000,000) drachmas per square kilometre for mining projects and exploration activities within the mine area."

\*\*\* Paragraph 1 in quotation marks was replaced as per above by Article 10 of Law 274/1976 (Government Gazette, Series I, No 50)

\*\*\*NOTE: In accordance with paragraph 2(a) of Ministerial Decision Δ7/Φ1/31625/1179/1990 (Government Gazette, Series II, No 784) of the Minister for Industry, Energy and Technology, the amounts indicated in paragraph 1 were adjusted as follows:

- 200,000 to 1,000,000 and
- from 1,000,000 to 10,000,000

2. The three-year period mentioned in the preceding paragraph shall commence, in respect of mines the Presidential Decrees of which were issued up to 1 of January of the year following the year of entry into force hereof, from that date, whereas in respect of mines the Presidential Decrees of which were issued later, from the 1st of January of the year following the year of publication of the Presidential Decree.

#### **Article 107.**

"A Mine Owner or person deriving rights therefrom for the purpose of securing deposits, may, in respect of a mine being exploited within the meaning of Article 103 hereof, maintain mines of the same mining kind as reserves without the imposition of sanctions under the provisions of Article 106 hereof, whether under concession or leased, of a total area of up to 15 square kilometres, for the mine being exploited, provided that they belong to the same metallogenic area and the mining explorations referred to in Article 110 hereof will take place. Especially if the reserved deposit mines for one being exploited are two, their total area may range up to 20 square kilometres".

\*\*\*Article 107 was replaced by Article 11 of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 108.**

1. The area of the mine deposits for each exploiter, referred to in Article 107 hereof shall be increased to thirty or seventy (70) square kilometres, provided that the mine owner during each three-year period:

(a) Produced from the exploited mine products worth at least ten (10) million drachmas or thirty-five (35,000,000) million drachmas, respectively or

\*\*\*NOTE: In accordance with paragraph 2(b) of Ministerial Decision Δ7/Φ1/31625/1179/1990 (Government Gazette, Series II, No 784) of the Minister for Industry, Energy and Technology, the amounts set out in (a) were adjusted as follows:

- from 10,000,000 to 100,000,000 and

- from 35,000,000 to 350,000,000

(b) new installations and mechanical equipment, as well as expenditure for mineral explorations during the three years period for the exploited mine, amounted, before depreciations, to at least fifteen (15,000,000) million drachmas, or forty five (45,000,000) million drachmas, respectively.

\*\*\*NOTE: In accordance with paragraph 2(c) of Ministerial Decision Δ7/Φ1/31625/1179/1990 (Government Gazette, Series II, No 784) of the Minister for Industry, Energy and Technology, the amounts set out in (b) were adjusted as follows:

- 15,000,000 to 150,000,000 and
- from 45,000,000 to 450,000,000

2. The provisions of the preceding paragraph shall apply separately to each exploited mine of the undertaking of the same type of ore and the same metallogenic area.

3. In the event that a factory for metallurgical processing of ore is established or is about to be established, apart from enrichment, it is possible, by a reasoned decision of the Council of Ministers, after the opinion of IGME, to increase the deposit mines to the required by the ore supply of the factory, for a time equal to the importance of the investment for said factory. In this case, the mine deposits are not required to belong to the same metallogenic area".

\*\*\*Article 108 was replaced as per above by Article 12 of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 109.**

\*\*\*Article 109 was repealed by Article 13 of Law 274/1976 (Government Gazette, Series I, No 50).

#### **Article 110.**

1. In any case of maintenance of mines, in accordance with Articles 107, 108 and 109 hereof, apart from the requirements of said provisions it is also required, within the three year period referred to in Article 106 hereof, to carry out within those mines mineral exploration, of an expenditure amounting to (ten thousand) drachmas per square kilometre of their area.

\*\*\*NOTE: In accordance with paragraph 2(d) of Ministerial Decision Δ7/Φ1/31625/1179/1990 (Government Gazette, Series II, No 784) of the Minister for Industry, Energy and Technology, the amount indicated in 1 was adjusted from 10,000 to 100,000 drachmas.

2. The total expenditure for the area of the mines maintained, for the mineral exploration referred to in the preceding paragraph, may be allocated to the exploration of any area of the maintained mines at the choice of the mining undertaking.

3. The mining undertaking may also use up to half of the expenditure, referred to in the preceding paragraph, for the exploration of its similar operating mines.

#### **Article 111.**

\*\*\*Article 111 has been repealed by Article 13 of Law 274/1976 (Government Gazette, Series I, No 50).

#### **Article 112.**

1. The obligation to carry out mineral exploration in accordance with the provisions of Articles 104, 106 and 110, ceases to exist at upon the end of the explorations.

`2. There shall be no obligation to conduct mineral exploration in the cases referred to in Article 108(1)(a) and (b) hereof, provided that the sale of the ore in the domestic or foreign market or the product produced therefrom, is economically unattractive’.

\*\*\* Par. 2 was replaced as per above by Article 22 of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 113.**

1. For the purposes of applying the provisions of Articles 107, 108 and 111 hereof, both the exploited mine or the mine in which exploration is carried out, as well as the mines maintained, must be owned, leased, or used by the same mining undertaking at a percentage over 50 %.

2. The provisions of the preceding paragraph shall apply mutatis mutandis to mining undertakings maintaining establishments in accordance with Article 109 hereof.

#### **Article 114.**

For the purposes of ascertaining the mining products or existing installations and the mechanical equipment or the deposits kept or the amount of expenditure and the type of minerals explorations carried out by the mining undertaking under Articles 107, 108, 109, 110, 111 and 112 hereof, the mining products or existing installations and equipment, the Deputy Minister - Regional Governor or employees of the Mines Service under the former’s command, may order an on-site inspection and/or audit of the accounts of the undertaking.

“In this case, a relevant opinion of the Institute of Geological and Mining Research - IGME shall be prepared and submitted to the Ministry of Industry.”.

\*\*\*The last indent in quotation marks was inserted by Article 5 of Law 274/1976 (Government Gazette, Series I, No 50)

#### **Article 114B**

`1. If, due to mineral exploration or the exploitation of the mine, a significant change in the basic characteristics of the environment may be caused, the explorations licensee or the exploiter of the mine shall notify to the Prefect or the Minister for Industry, respectively, as soon as works commence, the measures to be taken to reduce such change as far as possible and, to restore within a specific time frame as far as possible the essential characteristics of the environment on the basis of the technical possibilities after the end of the mineral explorations or works. The Prefect or the Minister for Industry, where appropriate, shall, within six months, and within the framework of the general environmental protection policy of the Government, approve the proposed measures or, where he/she deems them inadequate or inappropriate, determine those being adequate or appropriate for the protection and restoration of the environment. The relevant decision shall be notified to the person concerned by a bailiff or police authority, against a receipt.

2. If the beneficiary of the mineral explorations permit or the mine exploiter do not propose any of the abovementioned measures and the mineral explorations or the exploitation of mine result in a significant change in the basic characteristics of the surrounding area, the measures to be taken by the mineral explorations licensee or the mine exploiter or concessionaire to prevent such risks or to restore as far as possible the essential characteristics of the environment, may be ordered by virtue of a decision of the Prefect in the case of a mineral explorations licence or the Minister for Industry in case of concession of a mine.

3. If the mineral explorer or the mine exploiter do not taken the measures referred to in paragraphs 1 and 2 hereof, the expenditure required for such measures to be taken by them, which is to be calculated by the Directorate-General of Mines of the Ministry of Industry, shall be conformed and imputed against the person liable under the foregoing provisions, by decision of the Prefect or the Minister for Industry, where appropriate, increased by 50% due to untimely compliance and shall be collected as a public revenue in accordance with the provisions of KEDE, to be used solely for the purpose of carrying out the works required for that purpose by the State. Details regarding the distribution and use of the abovementioned collected amounts for the purpose for which they are

intended and any necessary detail for the implementation hereof, shall be set out by a Joint Decision of the Ministers for Industry and Finance.

4. The decisions mentioned in paragraphs 1, 2 and 3 of this hereof, notified to the person concerned by a bailiff or police authority, against receipt, may be challenged by an appeal before the Administrative Court of Mines within thirty days of its receipt; Enforcement shall be suspended until a judgment of the Court has been given”.

\*\*\*Article 114B was inserted by Article 20 of Law 274/1976 (Government Gazette, Series I, No 50).

#### **Article 114C**

1. If the exploitation of the mine is made under such conditions as to seriously jeopardise its normal overall economic performance, or its maintenance or the possibility of further normal exploitation, on opinion of the Inspectorate and Mines and the Institute of Geological and Mining Research (IGME), the necessary measures for the prevention of such risks may be ordered to be taken, within a reasonable time, by decision of the Minister for Industry.

2. If the mine owner fails to comply, fully or partially, with the abovementioned measures within the prescribed time limit, his/her mining rights may be revoked, by a specially reasoned decision of the Minister for Industry, issued after obtaining the assent of the Mining Council, after hearing the mine owner.

3. The decisions referred to in paragraphs 1 and 2 shall be notified to the person concerned by a bailiff or a police authority, against receipt, and the person concerned may submit an action against these decisions before the Administrative Court of Mines within thirty days of notification of the decision. In such a case, the enforcement of the decision shall be suspended up to the issuance of the Court's judgment.

\*\*\*Article 114C was added by Article 21 of Law 274/1976 (Government Gazette, Series I, No 50).

#### **Article 115.**

##### **Forced expropriation of mines**

“The Ministers for National Economy, Development and Finance, by joint decision”, published in Government Gazette and issued [], after consulting the Mines Council, may expropriate, for the purpose of being given for exploitation, operating, in accordance with the provisions of Articles 107 108, 109 and 111 hereof, mines, to the appropriate undertaking, whether public or private, presenting the guarantees of intense and cost-effective exploitation in the interest of the National Economy or for the establishment of a metallurgical processing industry, other than for enrichment, of the extracted ore, provided that the undertaking having such exploitation rights does not operate such mines efficiently or does not establish an industry, as mentioned above, within the reasonable time limit set by the Minister for National Economy, by its decision.

\*\*\*The words in quotation marks in the first indent replaced the words ‘the Council of Ministers by its decision’ and the words [on the proposal of the Minister for National Economy] were deleted in accordance with Article 1(48) of Law 2412/1996 (Government Gazette, Series I, No 123).

#### **Article 116.**

If the mining undertaking, against which the expropriation provided for in Article 115 hereof was ordered, considers that due to such expropriation it is economically unprofitable to continue its operation, and where among the expropriated mines are mines within a radius of thirty kilometres from the active centre of exploitation thereof, "The Minister for Economy and Finance", upon application of the undertaking, submitted within one month of the notification of the expropriation decision, issues a new expropriation decision including the mines expropriated by the first decision and the mines within said region of the mining undertaking together with the underground and surface installations and mechanical equipment in general.

By the same decision, published in the Government Gazette, within one month of submission of said application, the first decision on the expropriation of the operating mines of the mining undertaking is withdrawn.

In the event that the above-mentioned monthly deadline expires without the expropriation being extended to the remaining mines, the decision on the mandatory expropriation of the operating mines shall be deemed to be automatically revoked.

\*\*\*NOTE: Article 1(15) of Law 3065/02 (Government Gazette, Series I, No 251/18.10.2002) indicates that:

15. In Article 116 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277), the phrase 'The Council of Ministers, following a proposal by the Minister for National Economy' is replaced by the phrase 'The Minister for Economy and Finance'.

#### **Article 117.**

1. The enforced expropriation provided for in Articles 115 and 116 hereof shall be in favour of and at expense of the business unit in favour of which it is made, in accordance with the provisions of Law 797/1971 'on forced expropriations'.

2. Concession and expropriation under the provisions of Articles 115 and 116 hereof of operating mines only for the purpose of intensive and efficient exploitation, where it refers to mines within a distance of fifty kilometres from the loading or unloading or operating centre of the undertaking against which the expropriation is ordered, shall not extend to more than five mines within that radius, at the option of the business.

#### **Article 118. Submission of data**

1. Anyone, under any capacity according to the provisions hereof, exploiting a mine, privately owned or leased, private or public, or conducting mineral explorations according to the provisions of Articles 103 and 104 hereof, is obliged for every calendar year and until the 30.06 of the following year, to submit to the competent Mines Inspectorate and the Directorate-General of the Minister for Industry a statement containing clearly the following categories of data:

(1) Mine details: (a) Area, (b) Prefecture, (c) Community, (d) Ore, (e) Mine Owner; (f) in the event of acquisition of mining rights by transfer, the full name and registered office of the notary, the deed number and the number of the approval decision of the Minister for Industry.

2) Data of the exploiter: (a) Tradename of the undertaking: Registered office, address, telephone, full name of the legal representative of the undertaking; (b) in the event of the exploitation of the mine on the basis of a lease, full name and registered office of notary, lease contract number and number of the approval decision of the Minister for Industry.

3) Personnel: (a) Responsible technical Manager of exploitation, (c) Responsible supervisor engineer, (d) Other technical personnel, (e) Administrative personnel of the mine and of the mining centre office (f) Employees in total in the various departments of the mine and installations, (h) Statistics on safety, accidents and occupational illnesses, (i) Full name of the person responsible for handling the explosives

4) Scientific, technological and financial data in respect of the mine and its activity: (a) Geological and mineralogical data of the metallurgical area together with the necessary maps;

(b) Description of the geological and mining explorations carried out together with relevant maps and details;

(c) Description of the exploration results in terms of deposits and analyses;

(d) Description of mine exploitation and ore production, weights and analyses;

(e) Detailed description of the exploitation methods, the mechanical equipment of the mine, the loading and transport of the extraction products;

(f) Description together with the relevant maps of the system for the transportation and loading of the ore on ships or railways and a list of the necessary information thereon as well as the maximum loading capacity per 8 hours.

5) Any Enrichment Description of methods, installation plans and complete flowchart. Treatment during the year, weights, analyses, yields.

6) Any metallurgical processing: (a) Description of methods, installation plans, complete flowcharts; (b) Ore processing, weights, products, analyses and yields; (d) Analogous data for any other processing

7) Production and product movement: Tables for the yearly production of the various ore products and their sales within the country or abroad, countries where the products are sent abroad and sale prices, extracted and not sold ore at the end of the year

8) The quantity of wood, fuel, electricity and explosives consumed: Number of wages paid and number of craftsmen in mines and construction sites by specification.

9) Investments: Total amount of investments made and its analysis. 10) Deposits: (a) Certain and probable reserves in tonnes and data on the basis of which they were calculated, (b) What is the average quality of the ore.

2. Each mining undertaking shall be required to submit, within the time limit set in paragraph 1 and to the Authorities mentioned therein, a summary statement of all the mines owned or leased by the undertaking. The summary shall indicate the type of ore in each mine, if exploited within the meaning of Article 103 hereof, which reserve mines correspond to this and which explorations are carried out therein in accordance with Articles 106, 107 and 108 hereof.

3. By decision of the Minister for Industry, published in the Government Gazette, it may be established that more data than the those referred to in paragraphs 1 and 2 above, shall be submitted annually.

4. Where no exploitation or carrying out of mineral explorations takes place, instead of the data referred to in the preceding paragraph, a statement shall be submitted in triplicate, indicating the reasons for such inaction, together with the necessary supporting documents in respect of the reasons invoked.

5. The information referred to in the activity Statement is characterised as confidential.

6. In the event of failure to submit in a timely manner the data specified paragraph 1 hereof or the statement referred to in paragraph 4 hereof, the mine owner or the person carrying out the mineral explorations is requested to submit these data, within three months of said request. The request is made by the Directorate-General for Mines of the Ministry of Industry and is communicated to the person requested by bailiff or the police authority, against receipt. If the requested persons fails to submit such data or declaration within the prescribed time limit, his/her Mine Ownership right is revoked by reasoned decision of the Minister for Industry, issued after having heard the person declared revoked. Said decision is notified to the latter by bailiff or police authority, against receipt. In such a case, the provisions of Articles 122(2) and 123 to 127 of the Mining Code shall apply.

7. Under the responsibility of the Mining Inspectorate or the Directorate General for Mines of the Ministry of Industry or the Institute of Geological and Mining Research, provided that the relevant order given to the latter by the Ministry of Industry, the data mentioned in par. 1 may be checked at any time, and the owner or operator of the Mine is obliged to provide to the abovementioned bodies any data in its disposal and permit the visit to the installation and in general the mines' site.

\*\*\*Article 118 was replaced as per above by Article 14(1) of Law 274/1976 (Government Gazette, Series I, No 50)

\*\*\*NOTE: Decision 6296/1975 of the Minister for Industry determining the data on the mineral movement declaration was issued.

### **Article 119. Report**

1. Every three years and within three months from 30.04 of the year following the three year period, the Head of the Mines Service of each Regional Administration shall prepare and submit, through the Deputy Minister - Regional Governor, to the competent Mines Authority of the Ministry for National Economy, separately for each of the mines located within the competence of Regional Administration, a report on the mining activity of the mine owner or its successor or the person deriving rights therefrom, within the above three years and whether it, subject to the provisions of Articles 106, 107, 108, 109, 110, 111 and 112 hereof, complies with the provisions of Articles 103 and 104 hereof.

2. A relevant report is prepared and submitted to the Minister for Industry by the Institute of Geological and Mining Research (IGME). "

3. In addition, the Minister for Industry may assign to IGME. audits, studies and opinions on any financial matters relating to mining".

\*\*\* Paragraphs 2 and 3 in quotation marks were added by Article 15 of Law 274/1976 (Government Gazette, Series I, No 50)

### **Article 120. Guarantee**

If it appears in the report referred to in Article 119 hereof that the activity of the mine owner or its successor or the person deriving rights therefrom complies with the provisions of Articles 103 and 104 hereof, the guarantee deposited under Article 47 hereof is returned to the beneficiary by the Mining Service of the Ministry of National Economy, upon the consent of the Mining Council.

### **Article 121. Deprivation of rights**

1. If the same report, referred to in Article 119, concludes that no exploitation or mining exploration in accordance with the provisions of Articles 103 and 104 hereof takes place, the Mining Service shall transmit that report together with any observations and recommendation documents, to the Mines Council, which after hearing the Mine Owner or in the case of a lease also the lessee, who shall be invited for that purpose, gives an opinion, without prejudice to the provisions of Articles 106, 107, 108, 109, 110, 111 and 112 hereof, on the deprivation of the mine ownership rights, in so far as the invoked reasons on the non-operation or non-carrying out of the mining exploration are not considered as compelling reasons.

2. If the mining undertaking maintains similar mines of an area larger than the one which can be justified pursuant to Articles 107, 108, 109, 110, 111 and 112 hereof, it shall be entitled, by declaration submitted to the Mines Council before the latter gives its opinion referred to in the preceding paragraph, to determine, in turn, which one it prefers to maintain. In the case of non-submission of such declaration, the mines to be maintained shall be determined by the Mines Council.

3. In case of non-appearance of the mine owner or the lessee at the date set out in the invitation, referred to in par. 1, the Mine Council shall give its opinion in his/her absence.

4. The Mine Council may, prior to giving its opinion of the deprivation of rights, provide to the mine

owner a time limit of up to one year to complete the exploitation or supplement the mining explorations under the provisions hereof, and if such time limit expires without the mine owner taking appropriate action, the Council shall give its opinion on the deprivation of rights.

#### **Article 122.**

1. The Minister for National Economy within a month of the notification thereto of the opinion of the Mining Council on the deprivation of rights, shall issue a reasoned decision concerning on the deprivation of rights, which shall be notified by bailiff or police authority, against receipt, to the mine owner and to the lessee or the person deriving rights therefrom, if any.

2. The decision on the deprivation of rights shall be subject to appeal before the Administrative Mining Court, within thirty days of its notification to the persons referred to in the preceding paragraph.

#### **Article 123.**

The time limit for bringing the appeals and the bringing of the appeals under articles 10, 13, 61, 81 and 122 hereof, shall suspend the enforcement of the contested decision.

#### **Article 124.**

All decisions of the Minister for National Economy or the Deputy Ministers - Regional Governors taken in accordance with the provisions of Articles 10, 13, 61, 81 and 122 hereof, shall be also communicated to the mortgage lenders and other in rem lenders announced to them.

#### **Article 125.**

1. When the decision on the deprivation or rights becomes definitive in accordance with the provisions of Articles 10, 13, 61, 81 and 122 hereof, any mortgage lender or person having rights in rem may within two months request from the single member court of first instance, having territorial jurisdiction over the area in which the mine is located, the judicial expropriation of the mine at its own cost, and the payment of the relevant proceeds. Within this two-month time limit, the former mine owner may, at his own expense, request the auction.

2. The former mine owner may not bid in the auction.

3. After the satisfaction of the lenders in rem and the reimbursement of the expenses incurred, any amount left over from the auction shall be reimbursed to the former mine owner.

#### **Article 126.**

1. If, within the prescribed two-month period referred to in Article 125, the judicial expropriation of the mine has not been requested or the auction thereon has not resulted in the sale of the mine, the Minister for National Economy or the Deputy Minister - Regional Governor, declares, where appropriate, by decision published in the Government Gazette, the abolition of the Mine Ownership.

2. By the same decision referred to in the preceding paragraph, the forfeiture of the deposited guarantee under Article 47 hereof is ordered in favour of the State.

3. From the date of publication in the Government Gazette of the decision referred to in paragraph 1, the Mine Ownership is abolished and any encumbrances in rem are deleted, and the site which it

occupied is freed for a new concession in accordance with the procedure of Articles 15 et seq. hereof.

4. Upon the deprivation of rights in accordance with Article 10(2) and (3) hereof and publication in the Government Gazette of the decision on the abolition of Mine Ownership, in accordance with the preceding paragraph, the exploitation of the mining site occupied by the abolished Mine Ownership, are to devolve to the State.

#### **Article 127.**

1. No compensation is due by the State to the mine owner deprived of his rights in respect of the mine to which the deprivation related and underground or surface installations therein.

2. The former mine owner shall the right to remove from the mine within one year after the deprivation of his rights become definitive, the installations referred to in the preceding paragraph, as well as the extracted Metallic minerals or waste from mechanical or chemical treatment or chimney slag.

#### **Article 128. Forced expropriation of land**

1. It is permitted to forcefully expropriate urban or rural real estate, inside or outside the mine, or to encumbrance them with rights in rem for the purpose of carrying out works intended for the exploitation of mines, galleries, wells, trenching, excavations, squares for ore or waste (sterile) storage, construction for the installation of machinery, factories for sorting, enrichment, chimneying and metallurgical processing, offices, warehouses, employees' and workers' dwellings, roads, railways, overhead transmission systems, loading dock facilities, aqueducts, etc., such purpose being understood to be of public interest.

2. The forced expropriation of properties referred to in the preceding paragraph is permitted when as a consequence of the underground or surface expropriation works, the buildings thereon, or the life or health of their residents are considered at risk.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

#### **Article 129.**

Forced expropriation shall be prohibited in respect of: (a) premises or land referred to in Article 18 hereof; and (b) properties the usage of which for the execution of works referred to in Article 128 hereof, substantially obstructs or interferes with the operation of any other more productive mining or industrial undertaking.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 130.**

The forced expropriation under Article 128 hereof shall be declared by decision of the Minister for National Economy.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 131.**

1. For the issuance of a decision on forced expropriation, the mine owner or his successor or the person deriving rights therefrom must submit an application to the Regional Administration which has territorial jurisdiction over the expropriated property or the larger part thereof, which must set out the reasons for the forced expropriation.

2. The application must be accompanied by: (a) a cadastral layout depicting the area to be expropriated and the individual properties therein as well as the names of the Municipalities and Communities within which the land to be expropriated is located; (b) a cadastral list showing the alleged owners of the properties to be expropriated, the area of each of them and all main identifying elements of the constructions and crops existing thereon; (c) a study of all projects carried out within the area to be expropriated together with their budget and blueprints, as well as a report on the need thereof, drawn up by a competent licenced engineer.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 132.**

The possessor or holder of land, whose forced expropriation is being prepared, is obliged to allow the necessary preliminary works to be carried out therein for the purpose of counting and drawing up the plans. The execution of these works should not impede the use and reaping of the benefits. The person liable for the expropriation costs shall be liable to remedy any damage or wear resulting from the performance of the above preliminary works.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the

decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 133.**

1. The Head of the Mines Service of the competent Regional Administration, following the submission of an application for compulsory expropriation, shall transmit a copy of the documents under Article 131(2)(a) and (b) hereof, to the Municipalities or Community in which the properties to be expropriated are located, requesting to receive any relevant observations as to the owners' names, location, type and area of each of the properties to be expropriated.

2. Municipalities and Communities must reply to the Head of the Mines Service within twenty (20) days of receipt of his/ her document as soon as possible.

3. Based on the information provided by the Municipalities and Communities or after one month from the dispatch of the documents referred to in par. 1, the Head of the Mining Service, upon inspection either on the spot or from his/her office, shall make the necessary corrections to the data submitted, draw up a report and submit it together with the entire file to the Minister for National Finance, recommending the declaration of expropriation or the total or partial rejection of the application.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series i, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 134.**

1. The Minister for National Economy, following assessment of said data submitted to him/her, pursuant to Article 133(3) hereof, shall issue a decision to be published in the Government Gazette, ordering the expropriation or rejection of the application in whole or in part.

2. The forced expropriation is considered to have been declared by the publication of the relevant decision in the Government Gazette.

3. The decision referred to in par. 1 constitutes also the approval of the execution of works for the purpose of expropriation without the need for any other permit by a second Administrative Authority, subject to the provisions of Articles 158, 159, 160 and 161 hereof.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 135.**

The forced expropriation concerns the thing, irrespective of the person being so far its proprietor or beneficiary, any incorrect spelling of the latter's name or its complete omission in the decision declaring the forced expropriation or in the cadastral chart or the layout, shall not affect the validity of the expropriation.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 136.**

Forced expropriation of property automatically entails the expropriation of any existing building, permanent construction, tree or plantation thereon as well as any constituents thereof under the provisions of Article 953 et seq. of the Civil code, even though they were not explicitly included in the decision declaring the expropriation.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 137.**

An application for annulment before the Council of State against the decision declaring the forced expropriation, brought within thirty days of the publication of the decision on expropriation in the Government Gazette, shall be tried within sixty days of its submission to the secretary of the Council of State, the latest, whereas the decision on the application shall be issued within thirty days of the hearing.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

### **Article 138.**

As regards the effect of the expropriation, its revocation, the procedure for determining the remuneration payable and the procedure for the recognition of its beneficiaries, the corresponding

provisions of Chapters B (Articles 7-10), C (Articles 11-12), D (Articles 13-23) and E (Articles 24-30) of Legislative Decree 797/1971 "on compulsory expropriations" shall apply.

\*\*\*NOTE: In accordance with Article 15 of Law 4273/2014 (Government Gazette, Series I, No 146/11.7.2014), the following shall apply:

"The forced expropriation of land and the establishment of rights in rem in favour thereof for the purpose of exploiting solid fuels (lignite, peat, etc.) in areas where exclusive exploration and exploitation rights have been granted to PPC SA, under the provisions of Legislative Decree 4029/1959 (Government Gazette, Series I, No 250) of Law 134/1975 (Government Gazette, Series I, No 180) et al., and the decisions issued on the basis of the above provisions, shall be declared in accordance with the provisions of Articles 128-138 of Legislative Decree 210/1973 'On the Mining Code' (Government Gazette, Series I, No 277), in favour of the Greek State, the expenses being paid by the person requesting that the expropriation be declared'.

#### **Article 139.**

The provisions of Articles 37, 38, 39 and 40 hereof shall apply mutatis mutandis to the concession of mines by the mine owner or his/her successor or by the holder of rights therefrom.

#### **Article 140.**

##### **Guarantee in relation to works**

If the mine owner carries out works or in the general exploitation works either below inhabited buildings or not or at sites where industrial projects are carried out, or in the immediate vicinity of these buildings or sites or other mines, he must guarantee that if such works and projects cause damage to the owners, he must rectify this.

2. In the event that the parties concerned do not reach a relevant agreement, the guarantee shall be determined by the single member first instance court of the Region in which the buildings or sites lie, which shall decide under the rules of proceedings for interim measures, and shall be deposited with the Deposits and Loans Fund or at one of the recognised Banks.

3. The guarantee referred to in the preceding paragraph may also consist of a letter of guarantee from a recognised Bank submitted to the Head of the Mines Service of the Regional Administration in territory of which the mine is located.

4. Once the reasons for which the guarantee was provided cease to exist, it is returned to the beneficiary in accordance with the procedure under which it was provided.

5. In any event, no compensation shall be due for the building or other works of the owner of the site at a time when the owner of the site was diligently capable of foreseeing the damage caused to them by the exploitation.

#### **Article 141.**

Claims for compensation for damage caused by mining extraction operations or any metal ores processing, not based on a contract, shall be barred two years after the damage occurred.

#### **Article 142.** **Mining areas**

1. Mines Ownership must always be subordinate to the construction of public works, and the mine owner cannot obstruct the construction of such works, having only the right to compensation under common law.

2. In respect of areas which are of significant mining interest or where there exist or are in the process being established significant mining or metallurgical (metalworking) installations, these, by virtue of a presidential decree, issued upon the proposal of the Minister for National Economy, may be designated as "mining areas" and the development therein of other activities may be prohibited, in so far as they impede mining or activities related to mining or metallurgical installations, or where due to the mining or said activities, the development of the other activities is impeded.

Moreover, for the mining or the operation of mining or metallurgical installations within the above-designated mining areas, other reasons of public interest, other than those considered relevant to the security of the country or the security of buildings and in those leaving in them shall be set aside.

## **CHAPTER SEVEN GOVERNMENTAL MINING RIGHTS**

### **Article 143. Exploration rights etc. of the State**

Only the State shall have the right to search, explore and exploit the following mining minerals:

- (a) Hydrocarbons in liquid and gaseous form.
- (b) Solid fossil fuel minerals (lignite, peat, etc.).
- (c) Minerals containing radioactive elements in exploitable quantities.
- "(d) geothermal potential".

\*\*\*Indent d was replaced by Article 4 2 of Law 1475/1984 (Government Gazette, Series I, No 131).

- (e) Indigenous gases. (f) Emery.
- (g) Mineral sodium chloride together with its after its salts.
- (h) Natural deposition of organic fertilisers.

\*\*\*Note: in Accordance with Article 2 (1) of Law 1475/1984 (Government Gazette, Series I, No 131):

'The first indent of Article 3 of the Mining Code (Legislative Decree 210/1973 [Government Gazette, Series I, No 277]) shall also apply to the right of ownership of geothermal potential. With respect to the right of prospection, exploration and exploitation of such potential, the provisions of Article 143 of the same Code shall apply'.

### **Article 144. Exercise of right**

1. Subject to the provisions of Article 143 hereof, a State right shall be exercised either by direct labour operations or by lease following a Tender, launched by the Minister for National Economy or by a contract ratified by a special law.

2. In the case of a Tender, the competition between the bidders may be based on the amount of money to be paid by the exploiting contractor to the State, or the performance of exploration works or exploitation works, or the guarantee submitted to secure the exploiting contractor's obligations under the Tender or anything else. The bids may also be set free, so, in this case, the Minister for National Economy shall act after obtaining the assent of the Mines Council.

"3. Exceptionally, it is permitted for reasons of public interest, in particular in order to expedite exploration and exploitation, to lease State rights referred to in Articles 143, 146 and 148 hereof, by direct conclusion of a contract with any undertaking providing guarantees for such purpose. In particular, direct leasing of the above rights shall be permitted to the last lessee undertaking, taking into account, inter alia, the investments made, the rational exploitation, the ore processing degree, as well as the action business plan and the remaining deposits."

\*\*\*The first sentence was replaced as per above by Article 23 of Law 2545/1997 (Government Gazette, Series I, No 254)

The Mine Council shall give its opinion on the fulfilment of these conditions and on the terms included in the contract. The relevant contract shall be concluded by the Minister for National Economy (subject to prior approval by the Council of Ministers).

\*\*\*NOTE: According to Article 1(16) of Law 3065/02 (Government Gazette, Series I, No 251/18.10.2002), it is stipulated that:

16. In the last indent of Article 144(3) of Legislative Decree 210/1973 (Government Gazette, Series I, No 277) the phrase 'subject to prior approval of the Council of Ministers' shall be deleted.

4. Particularly in the case of the exercise of the State's right to hydrocarbons in liquid and gaseous form, the provisions of Law 3948/1959 "on the prospection, exploration and exploitation of hydrocarbons in liquid and gaseous forms" shall be exclusively applied.

\*\*\*NOTE: According to the provisions of Article 1(1)(B)(5) of Law 2647/1998 (Government Gazette, Series I, No 237), it is stipulated that:

'1. The following powers, exercised by Ministers, are delegated to the Regions:

- .....
- ....
- B. Responsibilities of the Minister for Development.
- .....
- ....

(e) The mines owned by the State, as exchangeable property, the exploitation of which is not carried out by way of exception under the management of the Minister for National Economy as provided by the Service of Management of Exchangeable Muslim Property (Y.D.A.M.K.) under Law 2283/1952.

5) The leasing of geothermal potentials, geothermal fields for the exploitation geothermal fluids of a temperature up to 90°C (Article 144 of Legislative Decree 210/1973 (Government Gazette, Series I, No 277 and Government Gazette, Series I, No 295) and Articles 2(3) and 3 of Law 1475/1984 (Government Gazette, Series I, No 131), as amended by Article 8 of Law 2244/1994 (Government Gazette, Series I, No 168)'.  
'.

**Article 145.**

1. During the exercise of the State's right over the emery found in the island of Naxos, the provisions on the exploitation on Naxian emery as well as those concerning to the recognised and exercised over a very long period work privilege of the emery mines of Naxos, shall remain in force.

2. \*\*\* Article 145(2) was repealed by Law 857/1978 (Government Gazette, Series I, No 239). The same article states that:

"The privilege of the emery miners of Naxos, as prescribed under the applicable provisions on emery and ...."

**Article 146.**

Also, under the provisions of Article 144(1), (2) and (3) hereof, the State exploits:

(a) Mines which came into its possession in any way.

(b) Mining areas excluded in any manner whatsoever under the applicable provisions.

(c) Metallic minerals found on the islands of Milos, Kimolos and Polyaiagos and on the islets around or between them, while Mine Ownership rights which have already been the object of a concession shall remain in force.

d) Mines or co-ownership rights thereon, which came to its possession by the property Ottoman nationals, in accordance with the provisions of the Greek-Turkish agreements.

“(f) The common mines referred to in paragraph 3 of article 89 hereof.”

\*\*\*Indent f was added by Article 12(10) of Law 4203/2013 (Government Gazette, Series I, No 235/1.11.2013). Par. 11 of the same article states that:

“ 11. Paragraphs 7 to 10 do not apply to mining minerals reserved in favour of the State within the meaning of Article 143 of legislative decree 210/1973.’

#### **Article 147.**

1. In particular, in the case of mines referred to in Article 146(d) and (e) hereof, the Minister for National Economy shall be entitled to dispose of them by means of a public Tender. In such a case, the terms of the relevant tender notices shall be determined by a joint decision of the Ministers for National Economy and Finance, who are entrusted with the award or not in accordance of the Tender's results.

2. If the mines referred to in the preceding paragraph are in the vicinity of other privately owned and operating mines, said ministers by joint decision may permit the sale to them of all or part of said mines, by direct conclusion of a contract, after obtaining the assent of the Mines Council.

3. The net profits from the exploitation of the mines referred to in Article 146(e) hereof and the proceeds from their sale in any way, shall be deposited to the exchangeable property account kept at the Bank of Greece.

#### **Article 148.**

1. Likewise, the State has the exclusive right to search, explore and exploit all metallic minerals, referred to in Article 2 hereof and found in underwater (sea and lake) areas of the country, as defined in Article 1 (2) of Law 2289/1995, as amended by this Law.”

\*\*\*\* Paragraph 1 was replaced as per above by Article 194 of Law 4001/2011 (Government Gazette, Series I, No 179/22.8.2011).

2. The right of the State referred to in the preceding paragraph shall be exercised in accordance with Article 144 hereof.

3. In the event of leasing of the said State right by contract, forced expropriation, at the expense of the lessee and in favour of the State, is permitted in respect of coastal land property for the purpose of carrying out works and installations necessary for the exploration and exploitation, by observing the prescribed procedure under Articles 128 and 139 hereof.

#### **Article 149.**

1. From the entry into force hereof, the reservation in favour of the State of the right to explore and exploit gold and platinum in native or metallic state in Macedonia as well as wild sulphur in the prefectures of Zakynthos and Aitoloakamania, ceases to apply, and the exploration, search and exploitation of these is governed by the provisions hereof.

2. The rights of the State under the preceding paragraph which are leased during the entry into force hereof, shall remain in force until the expiry or termination for any reason of the relevant lease agreements.

3. Subject to the provisions of the following paragraph, on the expiry or termination of such contracts, the areas being the object of such contracts, shall vacant for concession in accordance with the procedure prescribed under Articles 15 et seq. hereof.

4. If during the expiry or termination of contracts, referred to in the preceding paragraph, in the areas which those contracts concerned, there exist prior valid mining titles, namely, mine concession, mineral exploration licence, mineral exploration licence application, state mining area, the beneficiaries of these titles also have the right to explore, search for and exploit gold and platinum in native or metallic state.

#### **Article 150.**

1. Exploration and exploitation rights of indigenous gases granted under concession as well as the rights on lignite derived from mineral exploration licence or concession, acquired prior to the entry into force hereof, shall remain valid.

2. Pending applications on the concession of the right to exploit natural organic fertilisers, submitted before the publication hereof, shall remain valid and shall be governed as to the further procedure by the provisions applicable to date.

#### **Article 151.**

1. Mines as well as mining areas referred to in Article 146(a), (b), (d) and (e) hereof which may be declared as vacant sites by decisions of the Minister for National Economy, upon obtaining the assent of the Mines Council, only in cases where it is proved that the exercise of State rights in accordance with Article 144 (1), (2), (3) and Article 147 hereof, has been unsuccessful.

2. The mines and mining areas referred to in the preceding paragraph shall become vacant sites as of the publication in the Government Gazette of the relevant decision of the Minister for National Economy.

#### **Article 152. Sublease**

In the event of lease contract of State rights, total or partial sublease is prohibited. Infringement of this provision entails the termination of the lease in respect of the lessee and the sublessee without any compensation being owed by the State, effected by unilateral termination by the State, the Minister for National Economy being entitled to recognise as the actual exploiter of the mine/sublessee as lessee under the same terms of the terminated lease or different terms.

#### **Article 153**

In State mining rights contracts, deadlines for the execution of exploration works may be extended for a justified reason. Such extension shall be granted by a decision of the Minister for National Economy following the opinion of the Mines Council.

#### **Article 154.**

Natural deposits of organic fertilisers are those derived from the disintegration of faeces, carcasses, carnivores, eggs, terrestrial or marine birds or animals.

**Article 155.**  
**Entry of appropriations.**

The appropriations required for exploitation or maintenance works of public mines may be entered in the budget of the Ministry of National Economy annually.

**Article 156.**

Any terms on the right of priority of the lessee in respect of the disposal of the mines by the State after the expiry of the contract, concluded for the lease of State mines before 28.10.1940, shall not be binding on the State.

**CHAPTER EIGHT**  
**CONTROL AND SURVEILLANCE OF MINES EXPLOITATION - SANCTIONS**

**Article 157.**

From the publication of the decision to grant a mineral exploration licence or the presidential decree concerning the concession of a mine, the performance of any exploration and exploitation operations, such as galleries, wells, excavations, drilling, etc., shall be carried out without any other licence.

**Article 158.**  
**Licence for the installation of machinery etc.**

"The installation within mining areas and the operation of machinery of all kinds that serve the needs of the mine and processing of the ores produced therefrom by the application of mechanical, chemical, thermal or other metallurgical methods, including the necessary technical works for their installation (footings, silos, etc.), is made in accordance with the provisions of Articles 71, 72 and 73 of Law 4442/2016".

\*\*\* Article 158 was replaced as per above by Article 64(7) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

\*\*\* Article 159 WAS REPEALED by Article 64(12) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

**Article 159.**  
**Operating licence.**

1. The operation of the installations referred to in Article 158 hereof shall be permitted only upon licence granted by the Mines Service of the Regional Administration in the territorial jurisdiction of which the establishment is located.

2. The supporting documents required for issuing the licence under the previous paragraph shall be determined by decision of the Minister for National Economy.

\*\*\*NOTE: In accordance with Article 12(1) of Law 1428/1984 (Government Gazette, Series I, No 43):

'Installation of aggregate processing machinery and its operation either inside or outside the quarry area requires a licence granted in accordance with the provisions of Articles 158, 159 and 161 of the Mining Code [Legislative Decree 210/1973 (Government Gazette, Series I, No 277)]'.

### **Article 160.**

1. The licence referred to in the previous article, as well as in the following Article 161 concerning the licence for the erection of dwellings, etc., are not required in order to extend installations by means of mechanical equipment of a capacity up to 15% of the lawfully operating capacity. This extension may not exceed the above percentage of 15% in the aggregate within a two-year period.

2. Licence is also not required for the arrangement of installations operating under a legal licence.

3. Extensions or arrangements in accordance with the preceding paragraphs must be notified to the Mines Service of the competent Regional Administration within two months of the expiration of each two-year period, the first commencing as of the date on which the relevant licence was granted.

### **'Article 161.' Building permit.**

'1.a. The approval of the technical study of Article 4 of the Mining and Quarrying Works Regulation [Ministerial Decision Δ7/A/οικ. 12050/2223/23.5.2011 (Government Gazette, Series II, No 1227)] and/or

the issuance of the installation permit, where required pursuant to Article 158 hereof, by the competent authority shall also constitute a building permit within the meaning of Article 3(1) of Law 4030/2011 (Government Gazette, Series I, No 249) for the construction of building installations that serve the needs of the exploitation and processing of ores or quarries in a mining or quarrying area.

b. The building permit for the construction of the building installations in the above case shall be issued by the building authority concerned in accordance with Article 3(2) of Law 4030/2011. In this case, the architectural design and the electromechanical installation design of Article 3(2) of Law 4030/2011, accompanied by a solemn declaration from the designer engineer certifying that the designs are complete and their details comply with the applicable specifications and regulations, shall bear the stamp of the competent Authority granting the building permit in accordance with the provisions of this article.

c. For makeshift or movable accommodation, as referred to in Article 7(3) of the Mining and Quarrying Works Regulation [Ministerial Decision Δ7/A/οικ. 12050/2223/23.5.2011 (Government Gazette, Series II, No 1227)], within a mining or quarrying area, neither a building approval nor a building permit is required, only a solemn declaration by the competent engineer responsible for the structural adequacy of such constructions.

d. Inspection of the construction works of the aforementioned building installations is carried out by the building inspectors referred to in Article 10 of Law 4030/2011, in accordance with the provisions of Article 7 of Law 4030/2011 and ministerial decision 299/16.1.2014 (Government Gazette, Series II, No 57) on the proper implementation and compliance of the studies according to which the building permit was issued.

2. Said approval and building permit may also be granted by way of derogation from the provisions of the New Building Regulation and the provisions of Presidential Decree dated 24.5.1985 (Government Gazette, Series IV, No 270) after the approval by the competent authority of paragraph 1(a) hereof.'

\*\*\*Article 161 was replaced as per above by Article 54(8) of Law 4280/2014 (Government Gazette, Series I, No 159/08/08/2014)

### **Article 162.**

"Mining and Quarrying Works Regulation.

1. The works for the detection or exploitation or recovery or processing of mineral materials in any metallic or quarried mineral area shall be governed, in terms of rational activity, safety and protection, by the Mining and Quarrying Works Regulation.

2. In particular, this Regulation sets out the criteria for the rational exploration, exploitation, utilisation and processing of mineral materials, the obligations of exploiters, employers, designers,

supervisors and employees, the frameworks for the design, organisation, operation and supervision of the respective projects, qualifications and the procedure for obtaining and revoking permits for mining and quarrying that require specialisation, the conditions and measures required to ensure the safety and health of workers and all kinds of mining or quarrying works and installations, to protect the surface and the surrounding area, to safeguard local residents, passers-by, buildings, settlements, of archaeological, tourist, natural beauty interest etc. sites, roads, railways, power lines, water and telecommunications networks and other public utilities, as well as the data and supporting documents required to monitor its implementation. In addition, the above Regulation may provide for the drafting, in each project, of special regulations with additional security - protection measures approved by a decision of the Minister for Energy and Natural Resources.

“3. The provisions of Law 1588/1985 (Government Gazette, Series I, No 177), with the exception of Articles 2 and 3 and the provisions of presidential decrees issued for the implementation thereof, shall not apply to the works referred to in paragraph 1 hereof.

\*\*\*Paragraph 3 in quotation marks was replaced once again as per above by Article 18 of Law 2115/1993 (Government Gazette, Series I, No 15).

4. This Regulation is issued following the opinion of the Technical Chamber of Greece by decision of the Minister for Energy and Natural Resources published in the Government Gazette.

5. As from the entry into force of the new Mining and Quarrying Works Regulation, the provision of Article 47 of Law 669/1977 shall cease to apply”.

\*\*\*Article 162 was replaced by Article 26 of Law 1428/1984 (Government Gazette, Series I, No 43).

#### **Article 163. Directing of works.**

The exploration and exploitation works of minerals materials in which more than 30 craftsmen are engaged per day, or the capacity of mechanical machinery used for the extraction works, excluding transport vehicles, exceeds one thousand five hundred horses, must be directed on-the-spot by a Mining engineer graduate of Higher Education.

#### **Article 164. Control**

1. Mining is policed by the Head of the Mining Service of the relevant Regional Administration, consisting in the control of the mines in its area of responsibility and all the processing facilities of the extracted mining minerals.

2. He/she shall inspect, at his/her own discretion and without the permission of the exploiter, the works and facilities in the area of its competence, referred to in the preceding paragraph, and shall verify the compliance with the provisions of the Mining and Quarrying works Regulation.

3. The same shall address directly the mine exploiters and order the application of the provisions of the Mining and Quarrying works Regulation and the adoption of any additional measures required for the rational exploitation and safety of the works, the workers and the local residents.

In urgent need and as long as there is an immediate risk to the safety of the works, the lives of the workers and the residents or the buildings on the surface and their residents, he/she may order the temporary interruption of the works causing the risk.

4. The decisions and orders of the Head of the Mining Service may be appealed before the Deputy Minister - Regional Governor, in relation to which the provisions of Article 170(1), (2) and (3) hereof, shall further apply.

5. For the definitive cessation of the mining works of the entire mine or part thereof, the Minister for National Economy must decide, on the recommendation of the competent Deputy Minister - Regional Governor, and upon the opinion of the Mines Council.

During the discussion before the Mines Council, the exploiter is also invited. In case of default of appearance, the Mining Council shall deliver its opinion in his/her absence.

**Article 165.**

1. The Head of the Mines Service of each Regional Administration may, either personally or through his existing technical staff under this authority exercise the competences provided hereunder.

2. In the event of impediment or inability to exercise his/her powers, he may, by decision of the Minister for National Economy, be assisted by the mining engineers serving in the central service or other regional administrations.

**Article 166.  
Administrative and penal penalties.**

“Whoever conducts exploration or exploitation of ore minerals in sites for which he/she does not have the relevant right and conditions of exercise, apart from any civil or penal consequences, shall be punished administratively in accordance with par. 6 of article 59 of the Law laying down ‘PROVISIONS FOR THE IMPLEMENTATION OF THE STRUCTURAL REFORMS OF THE ECONOMIC ADJUSTMENT PROGRAMME AND OTHER PROVISIONS’. The illegally mined metallic minerals are automatically owned by the State. The State Real Estate Agency is responsible for managing these products.”

\*\*\* Article 166 was replaced by Article 64(8) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

**Article 167.**

“1. Any violation by the exploiter of the provisions of the Mining and Quarrying Works Regulation, the instructions of the Head of the competent Mining Inspection Department of the Special Secretariat of the Inspectorate and Auditors of the Ministry of Environment and Energy, pursuant to Articles 31, 32 and 61 as well as Articles 158, 160 and 163, irrespective of other civil, administrative or penal consequences, shall be punishable in accordance with “paragraphs 3 and 4” of Article 59 of Law 4512/2018.”

\*\*\* Paragraph 1 was replaced as per above by Article 64(9) of Law 4512/2018 (Government Gazette, Series I, No 5), as replaced by Article 63(10) of Law 4546/2018 (Government Gazette, Series I, No 101/12.6.2018) and the words ‘with paragraph 3’ were subsequently replaced by the words ‘in accordance with paragraphs 3 and 4’, as per above, under Article 77 of Law 4602/2019 (Government Gazette, Series I, No 45/9.3.2019).

2. The imposition of a monetary penalty under the preceding paragraph in the event of a violation of any of the conditions laid down in Articles 31, 32 and 61 hereof shall be excluded in the event of revocation of the mineral exploration licences or deprivation of concessionaire’s rights.

**Article 168.**

\*\*\* Article 168 was repealed by Article 14(2) of Law 274/1976 (Government Gazette, Series I, No 50)

\*\*\* Article 169 was repealed by Article 64(12) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

**Article 169.**

In the event of a repeated violation of the provisions of Articles 167 and 168 hereof, the penalties under those provisions shall be doubled.

**Article 170.**  
**Enforcement body - Appeal.**

1. The monetary penalties referred to in Articles 167, 168 and 169 hereof, are imposed by the Heads of Mining Services of the Regional Administrations in the region in which the mine is situated, by decisions duly reasoned, against which an appeal may be brought before the Deputy Minister – Regional Governor exercising jurisdiction over the Mine Service which issued the contested decision, within thirty days commencing of its notification.

2. The appeal brought within the prescribed time-limit and the time-limit for bringing the appeal shall suspend the enforcement of the penalty imposed.

3. The Deputy Minister - Regional Governor, after having consulted the Industry Committee operating in the Regional Administration, shall decide on the appeal.

4. The proceeds from the penalties imposed shall be State revenue, certified by the Mines Service which imposed it, in accordance with the procedure for establishing and collecting public revenue.

**CHAPTER NINE**  
**COLLECTIVE BODIES**  
**Article 171.**  
**Mines Council**

1. The Mines Council provided under the provisions hereof, shall continue to be governed in respect of its composition, establishment and operation by the provisions applicable to date, with the exception of the provisions hereof concerning the fee, which is not required.

2. Said Council, in addition to the powers conferred to it hereunder, shall also deliver an opinion on any matter within the competence of the Directorate-General for Mines, in so far as it is requested to do so by the Minister for National Economy.

3. The composition and operation of said Council and the provisions on its powers may be amended by decisions of the Minister for National Economy.

\*\*\*NOTE: As regards the composition of said Council see. Article 26. of Law 274/1976.

**Article 172.**  
**Administrative Court of Mines.**

1. The composition of the Administrative Court of Mines, provided by Law 186/1914 and Article 29 of Compulsory Law of 31.10.1935, as subsequently amended inter alia by the provisions hereof, shall be as follows:

(a) A State Councillor, appointed by the Council of Ministers together with his/her alternate, as President.

(b) An Appeal Court Judge, from the ordinary administrative courts, appointed by the relevant Supreme Judicial Council together with his/her alternate.

(c) An Appeal Court Judge, from the civil courts, appointed by the relevant Supreme Judicial Council, together with his/her alternate.

(a) A State Legal Counsellor, appointed by the President of the State Legal Service together with his/her alternate.

"(e) A Professor of the National Technical University of Athens, member of the Technical Chamber of Greece, appointed by the Rector together with his/her alternate.

\*\*\*Indente was replaced as per above by Article 4 of Law 367/1976.

(f) The Director General of the Mining Service of the Ministry of Industry.

(g) An economist appointed by the Minister for Coordination together with his/her alternate.

"The public hearings of the Court are attended by a Senior Official or AT9 Administrative Sector Director of the Ministry of Industry and Energy, in the capacity of Governmental Representative, appointed by the Minister for Industry and Energy together with his/her alternate. He/she shall be responsible for the collection of the case file until it is submitted for discussion and for presenting the views of the Administration".

\*\*\* The indent in quotation marks was replaced as per above by Article 48(2) of Law 669/1977 (Government Gazette, Series I, No 241).

An employee of the Secretariat of the Council of State of a 5th or 4th grade, appointed by the President of the Council of State together with his/her alternate, shall act as the Court's Secretary and will be assisted by officials of the Ministry of Industry appointed by the Minister for Industry.

Appeals and pleas before the Administrative Court of Mines shall be submitted to the Secretariat within thirty (30) days of notification of the contested act, unless otherwise specified in the individual provisions.

The establishment of the Administrative Court, on the basis of the above-mentioned composition, shall be effected by a decision of the Minister for Industry every two years, the first two-year period commencing as of the publication hereof and expiring on the 31th of December of the year following the entry into force hereof. By decision of the Minister for Industry, any necessary detail for the application of this article may be established, including the place of meeting of the Court.

The allowance of members of the Government representative and the secretary, and of the administrative staff of the Administrative Court of Mines are established by decision of the Ministers for Industry and Finance.

'2. Said Court, with the composition referred to in the preceding paragraph, shall have jurisdiction to also hear any cases already pending before it".

\*\*\* Paragraph 2 was replaced as per above by Article 48(1) of Law 669/1977 (Government Gazette, Series I, No 241).

3. The Administrative Court of Mines shall meet in public. Its decisions shall be taken by majority and with a detailed statement of reasons; they shall also include in summary the opinion of any minority without mentioning the names of the minority members, which are only mentioned in the relevant minutes kept. Decisions are publicly announced. The court accepting an appeal before it may either modify the act in question or annul it".

\*\*\*Paragraphs 1, 2 and 3 in quotation marks replaced former paragraph 1 pursuant to Article 23 of Law 274/1976 (Government Gazette, Series I, No 50)

2. Said Court shall have jurisdiction to adjudicate, in addition to the cases provided for herein, and all cases pending before up to the entry into force hereof. Its operation and overall procedure before it shall be governed the provisions in force to date.

## **CHAPTER TEN**

### **SPECIAL PROVISIONS**

#### **Article 173.**

#### **Public sites.**

1. Transfer for consideration in any way of Mine Ownership rights, as well as mineral exploration licences, is subject to a 5% State tax. The sale price or the exchange value shall be determined by the Deputy Minister - Regional Governor or Prefect, on a case by case basis, and in calculating this, the value of the first installations of the mine or the mineral exploration licensed site, shall be deducted.

2. In respect of transfer of mineral exploration licence rights, the obligation to pay the tax referred to in the preceding paragraph exists only if before the conclusion of said contract, the application for the concession of the mine and the guarantee provided in accordance with Articles 44 and 47 hereof, have been submitted.

3. Without prejudice to the provisions of the preceding paragraph, where rights referred to in paragraph 1 are conferred to a company having acquired legal personality as well as in the case of merger of a mining undertaking or a metallurgical sector undertaking with another mining undertaking, no tax other than those provided under Article 175(b), (c) and (d) shall be paid, in so far as the consideration consists of shares or a percentage of the profits. However, if the consideration consists of a certain amount of compensation or a percentage of the profits deducted before any distribution of profits, the tax payable shall be 5% of the consideration.

4. For the transfer of mine ownership rights and mineral exploration licence rights, as a donation, the tax shall be calculated at fifty (50) euro per square kilometre or fraction thereof on the area of the mine or the mining exploration site”.

\*\*\* Paragraph 4 was replaced as per above by Article 12(18) of Law 2948/2001 (Government Gazette, Series i, No 242/19.10.2001). Article 28 of that Law states that:

1. Any general or specific provisions of the existing legislation that is contrary to the provisions hereof shall be repealed

2. This Law shall enter into force on its publication in the Government Gazette, unless otherwise specified in its individual provisions.

3. In particular, where drachmas are converted into euro herein, these provisions shall enter into force on 1.1.2002.

4. The amounts in drachmas applicable on 31.12.2001, shall -as of 1.1.2002- be converted into euro at the definitive exchange rate of 1 euro = 340.750 drachmas, for other non -mentioned cases”.

4. Similarly, in the event of donations of rights, under paragraph 1, and without prejudice to the provisions of paragraph 2, a tax amounting to the equivalent of 5,000 drachmas per square kilometres or fraction thereof on area of the mine or mineral exploration licence site, shall be paid to the State.

#### **Article 174.**

1. After the submission of the contract in accordance with Article 75 hereof, in case as a result of its content it is subject to the tax imposed in favour of the State in accordance with Article 173 hereof and prior to its approval pursuant to Article 76 hereof, the Deputy Minister - Regional Governor or Prefect, as the case may be, shall, on the basis of the contractual price or value stated therein or on the basis of the area of the mine or metallic mining explorations licence mentioned therein, certify, in accordance with the applicable procedure on the certification of State revenue, against the seller, the corresponding tax in favour of the State.

2. The seller shall be liable for the payment of the tax under Article 173 hereof. The buyer shall be severally liable with the seller for the payment of this tax, in so far as by a contractual term the former undertook the obligation to pay such tax.

3. Only after the payment of the certified tax and the submission of the relevant Treasury receipt, can the Deputy Minister - Regional Governor or Prefect, as the case may be, proceed in accordance with the provisions of Article 76 hereof, with the approval of the relevant contract as provided thereunder.

4. If for any reason the approval under Article 76 hereof is refused, the tax paid shall be refunded to that person that paid it.

5. If at the opinion of the Deputy Minister - Regional Governor or Prefect, the price or value mentioned in the contract is virtual or untrue, he/she, upon an inspection may by decision determine the real price or value and certify on the basis of said determination against the buyer the corresponding supplementary tax in favour of the State.

6. The decision referred to in the preceding paragraph shall be notified to the person against whom it is issued and shall be subject to appeal within thirty days of its notification before the tax courts in accordance with the provisions of the Tax Procedure Code.

#### **Article 175.**

In all cases referred to in Article 173 hereof, save for  
(a) the tax prescribed under the provisions of said article;

(b) the fixed stamp duty;

(c) the legitimate rights of notaries; and

(d) fees for the transcription referred to in Article 87 hereof, no other tax, charge, fee or right or contribution in favour of the State, or in favour of any third party, shall be imposed.

#### **'Article 176.'**

"1. By joint decision of the Ministers for Environment, Energy and Climate Change and Finance a fee is established, which shall apply from 1.1.2013, as well as any relevant details thereto, to reserve and smelting mine concessions and mining exploration licences.

'The same decision also sets out the fines imposed in the event of non-payment of the fee or a non-compliance with the other obligations laid down therein. In the event of repeated offences, provision may be made, as appropriate, for the disqualification of the operator from the concession or for the revocation of the mineral exploration licence, in accordance with the provisions hereof on disqualification from a concession arrangement or revocation of a mineral exploration licence.'

\*\*\* The second indent (at the beginning of which number 1 was obviously placed by mistake) of paragraph 1 was added by Article 64(10) of Law 4512/2018 (Government Gazette, Series I, No 5/17.1.2018).

2. Of the fees certified and collected annually by the Greek State for active mine concessions, in accordance with the preceding paragraph, a rate of twenty percent (20%) is allocated, in respect of each active concession, by joint decision of the Ministers for Finance and the Environment, Energy and Climate change, to the municipalities within which the mining activity is carried out, depending on the percentage of area of exploitation site which falls within the administrative boundaries of each municipality, in accordance with the applicable approved technical studies. This allocation shall be made only and exclusively to cover the total budgets of specific projects planned by these municipalities and financed by the State

budget or cover all national participation for similar projects co-financed by the European Union. By the above Joint decision of the Ministers for Finance and the Environment, Energy and Climate Change, in exceptional cases where it is established by the Ministers concerned, the rate of fee for active mine concessions allocated to the municipalities concerned may be adjusted to higher levels but without exceeding 40%.

3. The provisions of this article shall not apply to any mine concessions in so far as they relate to the extraction of ores reserved in favour of the State in accordance with Article 143 hereof."

\*\*\* Article 176 was replaced by Article 63(3) of Law 4042/2012 (Government Gazette, Series I, No 24/13.2.2012) and replaced again as per above by Article 12(3) of Law 4203/2013 (Government Gazette, Series I, No 235/1.11.2013). Article 12(4) of the same Law states that: "4. The first allocation to the municipalities of the percentage provided for in paragraphs 2 and 3 hereof shall be for leases and fees respectively, certified and collected for the year 2013.'

#### **Article 177.**

1. Statutory exemptions from duties, other taxes, contributions, rights and fees in general imposed to mining undertakings when importing from abroad machinery, components, spare parts, etc., and are granted by decisions of the Prefect, having territorial jurisdiction over the area where the mining undertaking has its registered offices.

2. Any disposal of the imported items referred to in the preceding paragraph, for the purpose for which they are intended or other purpose, is prohibited unless the statutory duties, other taxes, contributions, rights and fees in general have previously been paid.

3. Disposal of the items in breach of the preceding paragraph results in the imposition of the statutory penalties and prosecution for smuggling could not be ruled out.

4. Exceptionally, the items referred to in par. 1 which were imported from abroad may be made available to another mining undertaking, which may benefit from an exemption for their use for the intended purpose, upon the permission of the Prefect who granted the exemption.

5. The Prefect of the territory in which the mine is located, observes whether the installation and use or making available of the machinery, components, spare parts etc. imported from abroad is made for the intended purpose.

## **CHAPTER ELEVEN**

### **TRANSITIONAL PROVISIONS**

#### **Article 178.**

1. The provisions of Article 7 hereof shall apply, provided that the service or the event consisting the starting point took place after its entry into force.

2. The duration of the deadlines which commenced and have not ended shall be assessed on the basis of the applicable provisions during that time.

#### **Article 179.**

1. Applicants for a mineral exploration licence or universal successors thereof as well as beneficiaries of the mining rights in general or the users or the users and profiteers of such rights, before the entry into force hereof, shall, within a time limit of three months of the entry into force hereof, notify to the Prefect of the territory in which the mining site is located, their exact address or registered office, the full name and address of the representative ad litem appointed by them in accordance with the provisions of Article 14(2) hereof.

2. Following the notification referred to in the preceding paragraph, the services referred to in Article 14 shall be made in accordance with the provisions thereof.

3. Where the time limit referred to in paragraph 1 expires and no such notification of the address is made nor appointment of a representative ad litem and notification of the address thereof as provided in Article 14(1) hereof, services are validly made to the secretary of the Court of First Instance having territorial jurisdiction over the area in which the mining site is located.

#### **Article 180.**

1. Applications for mining exploration licences pending during the entry into force hereof shall be governed as to the procedure and conditions for granting the licence by the provisions in force to date, whereas as of the granting thereof the provisions hereof shall apply.

2. Mining exploration licences granted prior to the entry into force hereof, as well as applications for mine concessions, pending at the time of entry into force hereof, subject to the provisions of the following paragraph, shall be governed as to the procedure and conditions for the concession of the mine by provisions in force to date.

3. If, at the point of entry into force hereof, the Prefect has not issued the relevant notice, he is obliged to include therein the boundaries of the proposed mining site for concession in accordance with the provisions of Article 22 hereof.

#### **Article 181.**

1. The acquisition of Mine Ownership rights and the like before the entry into force hereof shall be governed by the law applicable during the time the actual events for the acquisition thereof took place.

2. Where the boundaries of the mine ownership rights and the like, referred to in the preceding paragraph as well as those established in accordance with Article 180(2) hereof, are disputed, the provisions applicable to date shall apply.

#### **Article 182.**

Mine Ownership rights and the like existing at the point of entry into force hereof, shall be governed in relation to the area, content, transfer, protection, revocation, conclusion, obligations of the mine owners and relation between them, by the provisions hereof.

#### **Article 183.**

In relation to a mine or a mining exploration licence leased before the into force hereof, the sale thereof or their encumbrance by a land-charge or the declaration of the lessee in default, after the entry into force hereof, shall be governed by the provisions of Article 82.

#### **Article 184.**

The provisions of Article 83 hereof shall also apply to leases signed before the entry into force hereof.

#### **Article 185.**

The provisions of Articles 128 to 138 shall apply to the forced expropriations declared as of the entry into force hereof.

Forced expropriations in favour of the exploitation needs of the mines, declared before the entry into force hereof, continue to be governed by the provisions in force to date.

#### **Article 186.**

Temporary occupation of foreign property, in relation to which an application has been filed to the court for the determination of the proprietor's compensation before the entry into force hereof, shall be governed by the provisions in force to date.

#### **Article 187.**

In cases where the provisions hereof apply also to events or relationships earlier than the entry into force hereof, disputes resolved definitively or by means of a settlement shall not be affected by the application thereof.

#### **Article 188.**

1. Those who can demonstrate exploitation of dolomite containing magnesium oxide (MGO) of more than 21% during the last three years before the entry into force of Compulsory Law 534/1968 'on the inclusion of some minerals in the category of mined and quarried minerals', shall retain their rights

thereon, on an area not exceeding three hundred (300) stremmata, provided they declare this to the Prefect of the territory in which said area is located within a limitation period of 6 months following the entry into force hereof.

2. Following the declaration referred to in the preceding paragraph, a blueprint shall be submitted, on pain of nullity, indicating the boundaries of the area referred to in the preceding paragraph, identified by coordinates forming part of the National Trigonometric Network.

3. Any dispute or quarrel as to the application of the provisions of the preceding paragraphs shall be settled by the single member court of first instance, in the territory of which the abovementioned area is located.

\*\*\*Note: Article 49 of Law 669/1977 (Government Gazette, Series I, No 241) provides for a limitation period of one year limit to those who have lost the limitation period referred to in Article 188 hereof, to submit the declaration provided for by that provision.

### **Article 188A**

"The amounts referred to in Articles 47,106,108,110,166 and 167 may be adjusted every three years by decisions of the Minister for Industry published in the Government Gazette".

\*\*\*Article 188A was added by Article 24 of Law 274/1976 (Government Gazette, Series I, No 50).

## **CHAPTER TWELVE**

### **FINAL PROVISIONS**

#### **Article 189.**

#### **Repealing of provisions**

Following the entry into force hereof this, and without prejudice to Articles 171, 172, 178, 181, 185, 186 hereof and existing provisions on the employment of women and minors in mining and quarrying works, the following are hereby repealed:

1. Law ΓΦΚΔ/1910 'on mines', as subsequently amended and supplemented and codified in a single text by the Presidential Decree of 28.10/11.11.1929 'on the codification in a single text of law ΓΦΚΔ of 13 January 1910 'on mines' and supplementing and amending laws thereto".

2. Presidential decree of 9/24.8.1933 "on the terms to be observed by mine co-owners in respect of decisions to sell".

3. Compulsory Law 17/31.10.1935 "on the authentic interpretation, amendment and supplementing of provisions of Law ΓΦΚΔ 'on mines' and the Laws amending and supplementing them as those were codified by the decree of 28.10.1929", with the exception of Article 29(2), which remains in force.

4. Compulsory Law of 20/21.11.1935 "on supplementing the provisions relating to mines".

5. Compulsory Law 715/1937 "on supplementing and amending the provisions relating to mines" with the exception of Articles 7 and 10, which shall remain in force.

6. Compulsory Law 1023/1938 "on the extension of deadlines for execution of State mines research projects".

7. Article 5 of Compulsory Law 1366/1938 'on the prohibition of transactions in border, coastal areas, etc.'..

8. Article 1 of Compulsory Law 1541/1938 'amending Article 1 of the mining code etc.'..

9. Articles 9, 10, 11 of Compulsory Law 1605/1939 "on the amendment and supplementing of

several provisions relating to mines”.

10. Compulsory Law 2514/1940 ‘on amendment and supplementing of the mining provisions’, with the exception of articles 11, 13 and 14, which shall remain in force.

11. Compulsory Law 897/1941 “amending and supplementing certain mining provisions” as ratified by Law no 2744/1954 “on the ratification of laws adopted during the period of foreign occupation in connection with the Mining service of the Ministry of Industry”, with the exception of Articles 1, 7, which shall remain in force.

12. Legislative Decree 1520/1942 “on the expropriation of foreign immovable property for the needs of the exploitation of mines”, as ratified by Law 2744/1954.

13. Law 150/1942 “on the increase of State fees and rights on mines and other relevant provisions”, as ratified by Law 2744/1954.

14. Law 1911/1944 “on the increase of State fees and rights on mines and other relevant provisions”, as ratified by Law 2744/1954, with the exception of Article 9, which shall remain in force.

15. Compulsory Law 626/1945 ‘on exemption in favour of the State for the exploration and exploitation of natural sulphur of some areas’.

16. Compulsory Law 1851/1951 ‘on the amendment of tax provisions in relation to mines, etc.’, as ratified by Law 2627/1953 ratifying, amending and supplementing Compulsory Law 1851/1951, etc.”, with the exception of Articles 10 and 11, which shall remain in force.

17. Legislative Decree 2627/1953 ratifying, amending and supplementing Compulsory Law 1851/1951 ‘on the amendment of tax provisions in relation to mines, etc.’, with the exception of Articles 7, particularly the leases provided under paragraph 1(d) thereof increased to double from the entry into force hereof, 8, 10, only in respect of paragraphs 2 and 3 thereof, 11, 15, only in respect of paragraph 1 thereof, 16, only in respect of paragraph 1 thereof, 17 only in respect of paragraph 2 thereof, 19, 20, 21, 23, 24, 27 and 28, which shall remain in force.

18. Article 2 of Law 2744/1954 ratifying Laws adopted during the foreign occupation of Greece, regarding the Mine Service of the Ministry of Industry.

19. Law 3663/1957 ‘on mine transfer taxation’, with the exception of Articles 4 and 5, which shall remain in force.

20. Legislative Decree 3904/1958 ‘on the amendment, supplementing and interpretation of some provisions on mines’.

21. Legislative Decree 4029/1959 ‘on idle mines and amendment and supplementing of provisions of the mine code and the mines service’, with the exception of Articles 18, 19, 22, 27, 28, 29 and 30, which shall remain in force.

22. Legislative Decree 4103/1960 “on the determination and payment of the sublease of state mines, in relation to ores not reserved in favour of the State”.

23. Article 4 of Law 4156/1961 ‘on the ratification of the contract dated 6.7.1960 between the Greek State and Aetolian Petroleum Company S.A. and other companies’.

24. Articles 7, 8 paras. 1, 9 and 10 of Legislative Decree 4433/1964 “on State mining explorations and other mining provisions”, with the exception of Article 8(2), which shall remain in force as to the contracts concluded before the entry into force of the abovementioned Legislative Decree.

25. Compulsory Law 505/1968 “on the utilisation of natural fertiliser organisms”.

26. Article 8 of Compulsory Law 534/1968 “on the inclusion of some minerals in the category of mining and quarrying minerals”.

27. Compulsory Law 621/1968 “on the amendment and supplementing of some mining legislation provisions”.

28. Legislative Decree 528/1970 “on the replacement of Article 32 of the Mining Code and supplementing of the provisions of Legislative Decree 1520/1942” on the expropriation of foreign immovable property in favour of the exploitation needs of mines”.

29. All provisions of the Laws, whether general or specific, contrary to the provisions hereof or referring to matters governed by them.

**Article 190.  
Retention of rights.**

Mining explorations or mine concession rights acquired up to the publication of Legislative Decree 142/1969 "on the exploration and exploitation of mineral resources under water (Sea or Lakes)", on submarine areas in the territorial sea as well as sublake areas, shall remain in force.

**Article 191.  
Provisions remaining in force.**

The provisions of Legislative Decree 142/1969 "on the exploration and exploitation of underwater (sea and lake) mining resources" shall remain in force only in respect of Quarrying minerals.

**Article 192.  
Final provisions.**

The provisions of Legislative Decree of 22 June 1927 "on the ratification of the Legislative Decree of 5 May 1926 on the supplement of Law 3250 on the ratification of the Legislative Decree of 3 September 1924 on the prohibition on legal acts on immovable property" shall not apply in relation to mines.

**Article 193.**

Where general or specific laws refer provisions repealed hereunder, the corresponding provisions of this law shall apply instead of the repealed ones.

**Article 194.**

1. The Royal Decrees issued for the implementation of the provisions being repealed hereunder, shall remain in force as implementing decrees of the corresponding provisions hereof, provided that they do not conflict with the latter, and may be amended by Presidential Decrees for the implementation of the relevant provisions hereof.

2. The provisions of the preceding paragraph shall apply also in respect of ministerial decisions issued for the implementation of the provisions repealed hereunder.

**Article 195.**

No action for damages against the State may arise under any provision hereof, the latter having being established for the sake of the greater good.

**Article 196.**  
**Entry into force.**

This law shall enter into force one month after its publication in the Government Gazette, save for Article 172 hereof, which shall enter into force on the date of publication.