

# THE CODE ABOUT THE SUBSOIL OF THE REPUBLIC OF MOLDOVA

of February 2, 2009 No. 3-XVI

(as amended on 30-11-2023)

Considering importance of rational use and protection of subsoil, for the purpose of protection of interests of the state and citizens of the Republic of Moldova, and also subsoil users

The parliament accepts this code.

## Chapter I. General provisions

### Article 1. Basic concepts and determinations

For the purpose of of this Code the following basic concepts and determinations are used:

mineral resources - set of the reconnoitered and previously estimated inventories of minerals and the accompanying components which can be used in different industries of national economy;

the subsoil user (subsoil user) - the legal entity or physical person having the right according to the legislation to perform the activities connected with use of natural resources;

geological studying of subsoil - complex of the works which are carried out for the purpose of determination of structure of crust and proceeding in it processes, searches and investigation of minerals, construction or operation of the underground constructions which are not connected with mining, and also the organizations in subsoil of the protected geological objects;

excavation - construction in subsoil or on surface, created as a result of conducting mining operations and representing cavity in array of rocks;

reproduction of mineral resources - complex of exploration works with the purpose of identification of new fields or new inventories (stock gain) of minerals for compensation of their reduction due to production or other factors;

the mountain company - the business entity using subsoil for the purpose of production and conversion of minerals;

mineral raw materials - the minerals extracted and undergone primary conversion;

monitoring of condition of subsoil - system of regular observations of condition of subsoil for the purpose of timely identification of changes in their condition, estimates of these changes, the prevention and elimination of effects of negative processes and the phenomena;

geological branch - the subsoil plot provided for geological studying;

mountain branch - the subsoil plot provided for mining, construction or operation of the underground constructions which are not connected with mining and also for the organization of the protected geological objects;

the state geological information resources - set of the separate documents and document files containing geological and other information on subsoil and being in the State fund of information on subsoil and also the information products created with its use;

balance sheet inventories of minerals - the amount of minerals determined as a result of exploration works on the field which according to the approved technical and economic standards is reasonable for industrial development;

the subsoil plot - the geometrized block of subsoil allocated for subsurface use and having space borders which coordinates are fixed in tabular and/or graphical form;

subsoil - the part of crust located below soil layer, and in case of its absence - below the land surface and bottom of reservoirs and water currents, stretching to depths available to geological studying and development;

minerals - the mineral resources containing in subsoil, hydrocarbons and underground waters which chemical composition and physical properties allow to use them in the field of production of goods and consumption directly or after conversion. The petrified biological remains which are also in subsoil belong to minerals;

the mineral deposit - natural accumulation of mineral which in the quantitative and high-quality relation can be subject of industrial development in case of the modern level of the equipment and economy that is confirmed with the corresponding record in the state stock balances of minerals.

## **Article 2. Purpose and field of regulation**

(1) This code governs the mountain relations for the purpose of ensuring rational and complex use of subsoil for requirements satisfaction in mineral raw materials and other needs of national economy, protection of subsoil, safety of works when using natural resources, and also protection of the rights of physical persons and legal entities irrespective of type of property and form of business.

(2) Provisions of this Code do not extend to works on maintenance of navigable waterway and arrangement of temporary moorings.

## **Article 3. Principles of the legislation on subsoil**

The legislation on subsoil is based on the following principles:

- a) ensuring rational, complex and safe use of natural resources;
- b) ensuring protection of subsoil and environment;
- c) providing combination of national and regional interests;
- d) ensuring reproduction of mineral resources;
- e) ensuring equality and legitimate interests of all legal entities and physical persons in use of natural resources;
- f) publicity of subsurface use.

## **Article 4. Legislation on subsoil**

(1) the Legislation on subsoil is based on [the Constitution](#) of the Republic of Moldova and consists of this Code and other laws and regulations adopted according to it.

(2) the International agreements in the field of use and protection of subsoil which party is the Republic of Moldova constitute integral part of the legislation on subsoil of the Republic of Moldova.

(3) the Relations connected with use and protection of lands, waters, the woods, arising when using natural resources are regulated by the relevant laws and regulations.

(4) the Civil relations connected with use of natural resources are regulated by regulations of the civil legislation if they are not settled by regulations of this Code.

(5) Foreign legal entities and physical persons have the rights and perform duties in the subsurface use relations on an equal basis with legal entities and physical persons of the Republic of Moldova according to the legislation.

## **Article 5. Participants of the mountain relations**

(1) Participants (subjects) of the mountain relations are the state, administrative and territorial units, legal entities and physical persons of the Republic of Moldova, and also foreign legal entities and physical persons.

(2) on behalf of the state and administrative and territorial units bodies of the central and local public authority according to the powers established by the legislation participate in the mountain relations.

(3) Legal entities and physical persons after provision to them in use of subsoil plots acquire the status of subsoil users.

## **Article 6. Property on subsoil, minerals and mineral raw materials**

(1) All richness of subsoil of the Republic of Moldova, including the minerals containing in them, and also their underground spaces constitute object of exclusively public property of the state, are inalienable, on them collection cannot be turned and the term of limitation period is not applied to them.

(2) Subsoil plots cannot be alienated, they can be provided only in use. All transactions or actions in straight line or the latent form violating the right of public property of the state to subsoil are insignificant.

(3) the Extracted mineral raw materials belong to the subsoil user on the property right if other is not provided by the agreement.

## **Article 7. State fund of subsoil and State fund of mineral deposits**

(1) the Subsoil of the Republic of Moldova constitutes the State fund of subsoil which includes:

a) the subsoil plots provided in use according to provisions of the legislation on subsoil (the distributed fund of subsoil);

b) the subsoil plots which are not provided in use (unallotted fund of subsoil).

(2) the State fund of mineral deposits is constituted by all fields with the estimated industrial inventories of minerals. The state fund of mineral deposits is part of the State fund of subsoil.

(3) the State fund of subsoil and the State fund of mineral deposits are controlled the Agency on geology and mineral resources under the Ministry of the environment.

## **Chapter II. State regulation of use of natural resources**

### **Article 8. The bodies of the central public management providing public administration in the field of use and protection of subsoil**

Public administration in the field of use and protection of subsoil is performed by the Government, the Ministry of the environment and the Agency on the geology and mineral resources operating under the Ministry of the environment.

## **Article 9. Competence of the Government in use and protection of subsoil**

Competence of the Government is:

- a) ensuring realization of state policy in the field of use and protection of subsoil;
- b) determination of procedure for management of the State fund of subsoil as object of state-owned property;
- c) approval of rates and regulations of time for the exploration works financed from the government budget;
- d) approval of state programs of geological studying of subsoil for the purpose of reproduction of mineral resources for country requirements satisfaction in industrial inventories of minerals and taking measures to their realization;
- e) approval according to the offer of the Ministry of the environment of the list of minerals of national value;
- f) decision making about transfer for industrial development of mineral deposits of national value;
- g) approval of export quotas of mineral raw materials and limits of production of separate types of minerals;
- h) introduction of restrictions for use of natural resources on certain sites for ensuring national security and environmental protection;
- i) determination of procedure for use and protection of subsoil, developments and approvals of the corresponding standards, regulations and rules;
- j) determination of procedure for conducting state examination of geological information on subsoil and approvals of inventories of minerals;
- k) determination of procedure for provision of subsoil plots for mining, construction or operation of the underground constructions which are not connected with mining;
- l) determination of procedure for submission by subsoil users of the reporting on movement of inventories of minerals;
- m) determination of procedure for building of the areas of bedding of minerals and placement of the underground constructions which are not connected with mining;
- n) determination of procedure for creation and maintaining the State fund of information on subsoil;
- o) determination of procedure of the state control of geological studying of subsoil, their rational use and protection;
- p) determination of procedure of the state mountain supervision;
- q) regulation of trade in solid minerals.

## **Article 10. Competence of the Ministry of the environment**

Competence of the Ministry of the environment of resources is:

- a) development and carrying out state policy in the field of use and protection of subsoil;
- b) development of state programs of geological studying of subsoil for the purpose of reproduction of mineral resources of the country, ensuring their realization;
- c) approval of the list of the subsoil plots represented on tender on right to use by them;
- d) decision making about transfer for industrial development of the mineral deposits except for having national value;
- e) implementation of the state environmental control in the field of subsurface use;

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