

MINISTRY OF THE ECONOMY AND INNOVATION

Decree-Law No 340/2007

of 12 October 2007

Decree-Law No 270/2001 of 6 October 2001 approving the legal regime for the exploration and exploitation of mineral masses (quarries) sought to introduce regulations into quarry licensing and inspection procedures that ensured the suitability of existing operations in respect of the law and the necessary consideration of environmental values.

However, in practice, that law proved to be overly demanding by seeking to govern a field as vast and varied as that of the exploitation of mineral masses in the different classes of quarries through a single legal framework. For example, the requirement for industry operators to provide the adaptation project for already licensed quarries within 18 months, a regulation which, despite its unquestionable good intentions, proved to be impractical to apply, particularly with regard to small and medium-sized operations, despite this time limit being extended for a further six months on two occasions through Decree-Laws Nos 112/2003 of 4 June 2003 and 317/2003 of 20 December 2003.

Therefore, the main goal of this law is to better adjust Decree-Law No 270/2001 of 6 October 2001 to the industry. This will allow the objectives initially planned to be complied with, enabling the public interest of economic development to be balanced with environmental protection.

Of note among the changes introduced by this law are the re-establishing of the principle of sole interlocutor, clarification of the intervention and inspection competences of the different entities and the creation of legal instruments with more effective technical-administrative approaches and recognised technical and environmental sustainability, such as the integrated projects and three-year plans.

The adjustments made seek to achieve improved and ongoing monitoring of operations on the ground, instead of an overly burdensome administrative workload for the vast majority of operations, many of which are small in size, as is the case of traditional cobble and flagstone quarries. In the latter industry, the recommendations set out in Portuguese Parliament Resolution No 40/2003 of 9 May 2003 were also taken into consideration. The bodies of the governments of the Autonomous Regions, the National Association of Portuguese Municipalities and representative quarry industry associations were consulted.

Accordingly:

Pursuant to the provisions of Article 51 of Decree-Law No 90/90 of 16 March 1990 and in accordance with the provisions of Article 198(1)(a) of the Constitution, the Government hereby decrees the following:

Article 1

Amendment to Decree-Law No 270/2001 of 6 October 2001

Articles 2, 3, 4, 5, 7, 9, 10, 11, 13, 18, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67 of Decree-Law No 270/2001 of 6 October 2001, amended by Decree-Law No 112/2003 of 4 June 2003 and by Decree-Law No 317/2003 of 20 December 2003, now have the following wording:

Article 2

[...]

For the purposes of this Law, the following definitions shall apply:

a) 'Quarry annexes' the installations and workshops for services which form part of or assist in the exploitation of mineral masses and which are exclusively used in that activity, more specifically, workshops for the maintenance of the mechanical means used, facilities for the packaging of the substances extracted and for the support services which are indispensable for workers and extraction industry establishments.

b) 'Reserve areas' the areas intended for the exploitation of geological resources which are of special interest to the national or regional economy, the definition of which seeks to impede or lessen harmful effects for exploitation and is processed through a regulatory decree pursuant to Article 36 of Decree-Law No 90/90 of 16 March 1990;

c) 'Captive area' the area in which specific mineral masses are located which are considered to be of relevant interest to the national or regional economy, subject to special conditions for exploitation in accordance with Article 37 of Decree-Law No 90/90 of 16 March 1990;

d) [Previously sub-paragraph b).]

e) [Previously sub-paragraph c).]

f) 'Competent entity for the approval of the Environmental and Landscape Restoration Plan' (PARP) — the Institute for the Conservation of Nature and Biodiversity, I. P. (ICNB, I. P.), when the quarries are located in classified areas as set out in this article, and the Regional Coordination and Development Commission (CCDR), in other cases;

g) 'Competent entity for the approval of the extraction plan' the Regional Directorate of the Economy (DRE);

h) 'Competent entity for the approval of the quarry plan' the licensing authority after a decision by the competent entities for the approval of the PARP and Extraction Plans;

- i) [Previously sub-paragraph f).]*
- j) [Previously sub-paragraph g).]*
- l) [Previously sub-paragraph h).]*
- m) [Previously sub-paragraph i).]*

n) 'Mineral masses' the rocks and mineral occurrences which are not legally classified as mineral deposits, as defined in Article 5 of Decree-Law No 90/90 of 16 March 1990;

o) 'Best Available Techniques (BAT)' the techniques used in the production process, as well as in the design, conservation, construction, exploitation and deactivation of the installation, developed on an industrial scale in a given sector, in technically and economically viable conditions, which allow a high level of safety, environmental protection and energy efficiency to be achieved, as the result of conducting the industrial activities;

p) 'Quarry' the structure formed by any mineral mass which is the object of licensing, by the installations required for extraction, extraction area and defence zones, the deposits of extracted mineral masses, sterile masses and soils removed and the respective annexes;

q) 'Research' the series of studies and work which is the object of licensing, prior to the exploitation stage, which has as its goals the sizing, determining of characteristics and evaluation of the economic interest in using the respective mineral masses, including all the field work set out in Annex I to this Decree-Law, of which it is an integral part;

r) 'Environmental and Landscape Restoration Plan (PARP)' the technical document consisting of the environmental measures, the landscape restoration and the proposed solution for the closure of the quarry;

s) [Previously sub-paragraph n).]

t) 'Quarry Plan' the technical document consisting of the Extraction Plan and PARP, as provided for in Article 41;

u) 'Three-year programme' the programme containing the description of exploitation and landscape restoration work for a three-year period, in the execution of the approved Quarry Plan;

v) 'Depth of excavation' the difference in levels in the area of the quarry intended for extraction, between the largest original level and the lowest level provided for in the Extraction Plan;

x) 'Integrated project' the project which provides an integrated solution for exploitation and landscape restoration, which includes two or more, adjoining or neighbouring quarries.

Article 3

[...]

1 — The blocking of areas for the exploitation of mineral masses is based on:

- a)* Article 37 of Decree-Law No 90/90 of 16 March 1990.
- b)* Article 35(6) of this Decree-Law.

2 — The blocking of the areas provided for in the previous paragraph, where mineral masses are located which are of relevant interest to the national or regional economy, shall be carried out via a joint Ministerial Implementing Order issued by the ministers responsible for the areas of the environment, spatial planning and the economy, which shall define:

- a)* The location and limits of the area blocked;
- b)* The minimum area of the quarries which can be blocked;
- c)* The possible compensation due to the State in return for the exploitation;
- d)* The requirements of a technical, environmental, economic and financial nature to be observed in the research and exploitation of quarries by the holders of the respective research and operating licences, more specifically, those set out in the approved integrated project, when applicable.

3 — The blocked areas set pursuant to the previous paragraph shall be delimited in the municipal master plans.

Article 4

Defence zones

1 — Without prejudice to the provisions of a special law, the defence zones referred to in Article 38 of Decree-Law No 90/90 of 16 March 1990 shall observe the distances set in the Ministerial Implementing Order on blocking, and in the absence of such an Order, those set out in Annex II to this Decree-Law shall be observed.

2 —

Article 5

[...]

1 —

2 —

3 — Until the publication of the Ministerial Implementing Order referred to in paragraph No 1, the DREs, the CCDRs or ICNB, I. P. may order the suspension of work in the area of influence of works or sites which are required to be safeguarded.

- 4 —
- 5 —

Article 7

[...]

- 1 —
- 2 —
- a)
- b)

3 — In the case of the compulsory purchase of land in favour of third parties, the minister responsible for the area of the economy shall determine the opening of a tender to award the respective right, except as provided for in the following paragraph.

4 — That provided for in the previous paragraph shall not apply with regard to an already existing licensed operator in an adjoining area. In such a case, the compulsory purchase shall be implemented in favour of the said operator.

Article 9

[...]

- 1 —

2 — The reasoned opinion on location shall be issued by the competent entity for the approval of PARP or by the municipal authority which is territorially competent. The latter case shall apply when the area which is the object of the application is in a blocked area, a reserve area, or in a space for the extraction industry, in line with the respective Municipal Master Plan (PDM).

3 — Excepted from the provisions of No 1 are applications for the awarding of licences for projects, including integrated projects, subject to the legal regime for assessing environmental impact. In the event of an Environmental Impact Statement (DIA) which is favourable or favourable but setting conditions, such applications do not require the location certificate to be submitted with the licence application.

4 — The reasoned opinion application shall be dealt with by submitting the documents referred to in the draft in Annex III to this Decree-Law, of which it is an integral part.

5 — The entities referred to in paragraph No 2 shall issue a location certificate within a maximum period of 30 days after the submission of the reasoned opinion application. In the absence of a response at the end of this period, the application shall be considered favourable in cases where the area that is the object of the application is located in a blocked or reserve area or in a space for the extraction industry classified as such in the respective Municipal Master Plan.

6 — The effects of the location certificate terminate with the rejection of the licence application or within two years from the date of the respective issue when the corresponding licence has not been applied for.

7 — Should a special spatial plan exist, the reasoned opinions on location provided for in Nos 2 and 5 of this article shall always comply with the provisions of such a plan.

Article 10

[...]

- 1 —
- 2 —

3 — The areas defined in the licence shall be in the form of a polygon which is compatible with the limit of the building or buildings in whose area they are implanted.

4 — A research licence shall be valid for an initial maximum period of one year from the date it is awarded, which, at the request of the holder submitted 30 days in advance, may be extended once and for an equal period.

- 5 —
- 6 —

Article 11

[...]

- 1 —
- 2 —

- a) The municipal authority, when class 3 and 4 open cast quarries are involved;
- b) DRE, in the following cases:

- i) Class 1 and 2 quarries;

ii) Quarries located in blocked or reserve areas.

3 — Regardless of the licensing competences provided for in previous paragraphs, it is the responsibility of DRE and CCDR or ICNB, I. P. to decide on the Extraction Plan and PARP, respectively. The decision shall be binding on the licensing authority.

4 —

5 — The decision on the approval or rejection of a class 1 quarry operating licence application is subject to approval by the Minister of the Economy.

Article 13

[...]

.....

a) One year from the date the research licence was awarded, when provided for, at the end of which it can be renewed for successive periods of equal duration up to the awarding of the operating licence, on which date the operating stage shall start;

b)

Article 18

[...]

1 —

a)

b) When, in the absence of a research licence application, an operating licence is also not applied for within two years from the date the contract is signed;

c) When the operating licence is not applied for by the research licence holder within one year after the expiry of the latter;

d)

e)

f)

g) When the operator transfers his contractual position and the assignee does not apply for the licence at the licensing authority within two years or if the transfer application is denied;

h) When, in the event of transfer *mortis causa* of the contractual position or the termination of the legal person, the assignee does not apply for the transfer of the licence within two years.

2 —

Article 20

[...]

1 — Applicants for a research licence shall submit the following documents in duplicate and on digital support to the licensing authority:

a)

b)

c)

d) Research programme indicating the studies and work to be carried out, the underlying reasoning, techniques to be employed, detailed plans and sections of the projected field work and the post-operational situation, identifying the topographical restoration solution for the zones which are to be the target of the work;

e)

f)

2 —

Article 21

[...]

1 —

2 —

3 — The licensing authority shall send a copy of the application to the competent entity for approval of PARP and to the municipal authority, which, within 30 days after receipt of the said application, shall inform the said licensing authority of their reasoned opinion. In the absence of a response within the abovementioned time limit, the application shall be considered favourable.

4 — In the 20 days after the end of the time limit for the receipt of the reasoned opinions referred to in the previous

paragraph, the licensing authority shall analyse the application and issue a decision or a draft decision, which shall either approve or reject the licence application.

5 — The absence of a response within the time limit provided for in the previous paragraph shall be equivalent to a favourable decision. However, the licensing authority may impose suitable technical conditions within 30 days.

6 — (Previous No 5.)

7 — (Previous No 6.)

8 — The granting of the licence shall be further communicated to the Directorate General for Energy and Geology (DGEG) for purposes of alphanumeric and geo-referenced registration.

Article 22

[...]

.....

a)

b)

c)

d) When the application does not ensure the sustainable exploration and exploitation of the resource, and when it does not guarantee topographical restoration when the research is concluded.

Article 23

[...]

1 —

a)

b)

2 —

3 —

4 — Within eight days after the decision or tacit approval in accordance with the provisions set out in the previous paragraph, the licensing authority shall notify the entity responsible for approving PARP, the competent municipal authority and DGEG of the extension application and its approval or rejection.

Article 25

[...]

1 —

a)

b)

c)

2 — For registration purposes DGEG, shall be immediately notified of the termination of a licence.

Article 26

[...]

1 —

2 —

3 — Once research work has terminated, the operator shall:

a) Seal wells and gullies, filling them with the material extracted and deposited, restoring the topography and soil to a situation equivalent to that initially found;

b) Seal bore holes to avoid possible contamination of aquifers.

Article 27

[...]

1 — Applicants for an operating licence shall submit the following documents in duplicate and on digital support to the licensing authority:

a)

i)

ii)

iii)

iv) Statement of responsibility from the technician in charge of the Quarry Plan in accordance with the draft in Annex V to this Decree-Law, of which it is an integral part;

v)

vi) Location map at a scale of 1:25 000 showing site access, covering a radius of 2 km;

- vii) Cadastral map at a scale of 1: 2 000, or at a suitable already existing scale, showing the quarry and boundaries of the property, adjoining properties and accesses to the site, as well as existing easements;
- viii) Topographical map at a suitable scale for the size of the quarry, preferably 1:500 or 1: 1 000, showing the location of the quarry annexes when they are planned;

- b) Summary justifying economic viability;
- c) Technical documents relating to the Quarry Plan as provided for in Annex IV to this Decree-Law, of which it is an integral part.

2 — Subject to acceptance by the entities with responsibility for approving the Extraction Plan and PARP, it may not be necessary for the applicant to submit one or more of the technical items referred to in Annex VI, based on the characteristics of the quarry for which a licence is sought and provided that it is duly justified that such items are not required for the implementation of the Quarry Plan.

3 — *(Repealed.)*

Article 28

[...]

1 —

2 —

3 — The decision on the operating licence applications provided for in this Article shall be pronounced within 80 days from the date the application is submitted.

4 — Should the initial application not satisfy the provisions of the previous article, the licensing authority shall request the applicant to provide the missing items within 10 days. The time limit on the proceeding shall be suspended until such items are submitted.

5 — The entities with responsibility for approving the Extraction Plan and PARP may, through the licensing authority, request the applicant to provide duly justified additional documentation to that provided for in the previous article which is necessary for the technical analysis of the application. The licensing authority shall notify the applicant of the suspension of the time limit referred to in No 3 of this article.

6 — *(Previous No 5.)*

7 — *(Previous No 6.)*

a) In cases other than those provided for in No 10, DRE shall send a copy of the application to the entity responsible for approving PARP within 20 days;

b) The entity responsible for approving PARP shall notify DRE, within 40 days from the date of the request of the latter, of its decision with respect to the items in the Quarry Plan which it is responsible for analysing and state the value of the deposit to be provided by the applicant. Without prejudice to the provisions provided for in legislation on environmental impact assessment, the absence of response within the abovementioned time limit shall be considered as non-opposition. However, the conditions set out in Annex VII to this Decree-Law, of which it is an integral part, shall be taken into consideration;

c) During the time limit referred to in the previous subparagraph, DRE shall request the municipal authority to check the archaeological map and issue a reasoned opinion on the Quarry Plan and request the territorially competent Regional Health Administration (ARS) and the Authority for Working Conditions (ACT) to provide their respective reasoned opinions which are to be issued within 20 days. Absence of response within the stated time limit shall be considered as a favourable reasoned opinion;

d) Once the provisions of the previous subparagraphs have been complied with, DRE shall pronounce on the licence application within 20 days.

8 — *(Previous No 7.)*

a) The municipal authority shall send DRE and the entity responsible for approving PARP a copy of the application within 10 days;

b) Within 40 days after receipt of the document referred to in the previous subparagraph, DRE and the entity responsible for approving PARP shall notify the municipal authority of their decision on the items received, imposing technical conditions whenever necessary and the entity responsible for approving PARP shall state the value of the deposit to be provided. Without prejudice to the provisions provided for in legislation on environmental impact assessment, the absence of response within the abovementioned time limit shall be considered as non-opposition. However, the conditions set out in Annex VII to this Decree-Law shall be taken into consideration;

c) During the time limit referred to in the previous subparagraph, the municipal authority shall request ARS and ACT to provide their respective reasoned opinions which should be issued within 20 days. Absence of response within the stated time limit shall be considered as a favourable reasoned opinion;

d) Once the provisions of the previous subparagraphs have been complied with, the municipal authority shall pronounce on the licence application within 20 days.

9 — In the case of licence applications for operating quarries subject to environmental impact assessment, the proceedings governed in this article shall be suspended until the licensing authority has received the Environmental Impact Statement (DIA).

10 — In the cases referred to in the previous paragraph, the approval of PARP by the competent entity is not required. The licensing authority shall consult this entity for the purposes of establishing the value of the deposit.

11 — (Previous No 10.)

12 — Whenever a contradiction is seen between the reasoned opinions issued by the entities consulted, the licensing authority shall take the necessary actions to rectify the positions assumed.

Article 29

[...]

1 — Once the conditions have been met for awarding the licence, the licensing authority shall notify the applicant, within 20 days, to accept the conditions of the said licence in writing, and, more specifically, the deposit and respective sum. Such sum shall be provided within the time stated in the notification, which may not be more than six months.

2 — The applicant shall provide proof to the licensing authority that the deposit has been paid in accordance with the provisions of Article 52.

3 — The licensing authority shall notify the applicant of the awarding of the licence, accompanied by a copy of the approved Quarry Plan and a request to provide the respective three-year programme within 180 days, also informing the municipal authority or DRE, depending on the case, and the entity responsible for approving PARP.

4 —

5 —

Article 30

[...]

At any time during processing, an application, even when duly prepared, shall be rejected by the licensing authority in the following cases:

a)

b) When it is considered that the project's economic viability or its proper implementation are not guaranteed;

c)

d)

e)

f)

g) For health, safety, work and environmental reasons;

h) When an unfavourable Environmental Impact Statement (DIA) has been issued, in cases requiring Environmental Impact Assessment (EIA) proceedings.

Article 31

[...]

1 — The entities participating in licensing shall inspect the operation 180 days after the licence is awarded, whenever they consider it suitable based on the nature and size of the said operation with the goal of ensuring compliance with the terms and conditions of the licence and the objectives set out in the three-year programme, which shall be submitted every three years to the licensing authority.

2 — Without prejudice to the provisions of the previous paragraph, class 1, 2 and 3 quarries shall be inspected after three years have passed since the licence was awarded and every three years thereafter. The aim of such inspections is to verify compliance with the objectives set out in the respective three-year programme, legal obligations and licence requirements.

3 — The operator shall request the licensing authority to inspect the quarry when seeking to close operations.

4 — The inspections referred to in the previous paragraphs shall be coordinated by the licensing authority, which shall request the entities responsible to approve the Extraction Plan and PARP, giving a minimum notice of 15 days.

5 — Once the inspection has been concluded, a document shall be drawn up attesting to compliance by the quarry with the terms of the operating licence. In the event that compliance is not confirmed, a document setting out the measures deemed necessary and the respective deadline for completion shall be drawn up.

6 — The licensing authority is required to inform the operator within 30 days, also notifying the other entities involved, of the terms of the inspection document, as well as the respective decision.

7 — Should the measures determined under No 5 of this article not be complied with within the time limit conceded for the purpose or under inspection actions carried out, a new inspection shall be conducted at the initiative of the licensing authority and the precautionary or penalty measures considered necessary shall be applied.

8 — Class 4 quarries are not required to comply with the provisions of No 2 in this article, except when they have been the subject of an integrated project. In such cases, the person with technical responsibility provided for in Article 42(8) shall request an inspection for all the quarries included therein.

Article 32

Registration

1 — Once the operating licence has been awarded, the licensing authority shall inform DGEG of the quarry's alphanumeric and geo-referenced data for purposes of allocating the corresponding cadastral number.

2 — DGEG shall inform the municipal authority and the licensing authority of the cadastral number allocated. The licensing authority shall then inform the operator and the entities responsible for approving the Extraction Plan and PARP, without prejudice to the public dissemination of this information on the licensing authority's website.

Article 33

[...]

1 — Extraction industry establishments which are annexes to the quarry, although subject to licensing and inspection in accordance with special applicable legislation, may be installed within the licensed area of the quarry, in which case they are not required to obtain location authorisation.

2 — At the end of operations, all annexes and other infrastructures shall be removed, except if under PARP, a different use is approved.

Article 34

Extension and changes to the licensing regime

1 — When a quarry operator, having obtained the operating licence awarded by the municipal authority, wishes to exceed the limits established for class 3 and 4 quarries, they shall apply for a change to the licence, submitting the application in accordance with Article 27 and following the procedure set out in Article 28 of this law, with due adaptation with respect to the change in question.

2 — For the purposes of expanding and changing an operating licence pursuant to that set out in the previous paragraph, in cases where expansion is not greater than 30% of the quarry area and provided that an equivalent area of already exploited landscape has been restored, the operating contract shall remain in the same terms and the operator shall only be required to provide prior communication to the municipal authority and the entity responsible for approving PARP, which, should they not pronounce on the communication within 20 days, it shall be considered that they do not oppose the location, without prejudice to compliance with the legal regime on environmental impact assessment, if applicable.

Article 35

Integrated project

1 — When interest is shown in the rational exploitation of mineral masses in operation or in the good restoration of already exploited areas, the licensing authority or DGEG, at their own initiative or at the request of interested parties and after consultation with the entities responsible for approving the Quarry Plan, shall invite the owners of adjoining or neighbouring quarries to enter into a written agreement, the terms of which shall result in an integrated project. Such a project shall provide for carrying out activities and adapting the respective Quarry Plans with the aim of obtaining the coordinated development of the individual operations of each quarry.

2 — For the purposes of the provisions of the previous paragraph, the licensing authority or DGEG, after consultation with the entities responsible for approving the Extraction Plan and PARP, the municipal authority and the owners shall draw up a draft agreement setting out the conditions for coordinating the integrated project and the measures to be taken with a view to implementing the said agreement, submitting it for signature by all participating operators.

3 — Once the agreement referred to in the previous paragraph has been signed, the licensing authority or DGEG shall take the actions necessary for drawing up the integrated project and one of these entities shall be responsible for coordinating the work.

4 — Once the integrated project has been finalised, it shall be signed by the public entities involved in its preparation, and by a minimum of 50% of the operators involved.

5 — When an integrated project does not result in an expansion of more than 30% with respect to the series of licensed areas, or a final expanded area greater than 25 ha, the operators are only required to provide prior communication to the municipal authority and the entity responsible for approving PARP. Should the latter entities not issue a pronouncement within 20 days, it shall be considered that they do not oppose the location, without prejudice to compliance with the legal regime for environmental impact assessment, if applicable.

6 — In situations where the requirements of Article 37 of Decree-Law No 90/90 of 16 March 1990 are satisfied, DGEG may propose the approval of a Ministerial Implementing Order on blocking to the minister responsible for the economy, as provided for in Article 3 of this Decree Law.

7 — Should the integrated project be subject to the legal regime for environmental impact assessment, it should be understood that, for the purposes of the provisions of Decree-Law No 69/2000 of 3 May 2000, for procedural purposes, such an 'integrated project' shall be equivalent to the definition of 'project' set out in Article 2(o) of that Decree-Law.

8 — Once the integrated project is approved in accordance with Nos 4 or 5 of this article, the operators installed or to be installed in the area which is the object of the integrated project shall, within the time limit set out in Article 29(3), submit to the licensing authority the duly adapted Quarry Plan for the area which they own together with the respective three-year programme accompanied by the description for the rectification of rock removal work impacting on adjacent work in adjoining or neighbouring quarries.

9 — In the cases provided for in Nos 5 and 7 of this Article, the operators installed or to be installed in the area which is the object of the integrated project are required to comply with the conditions set out in the Environmental Impact Statement (DIA).

10 — Further to the items submitted pursuant to No 8 of this article, the licensing authority shall conduct the inspection in accordance with that set out in Article 31.

Article 36

[...]

- 1 —
- 2 —
- 3 —

4 — When a merger does not result in an expansion greater than 30% with respect to the series of licensed areas, or a final expanded area greater than 25 ha, the operators are only required to provide prior communication to the municipal authority and the entity responsible for approving PARP. Should the latter entities not issue a pronouncement within 20 days, it shall be considered that they do not oppose the location, without prejudice to compliance with the legal regime for environmental impact assessment, if applicable.

Article 37

[...]

- 1 —

2 — The licensing authority shall notify the other entities responsible for approving the Extraction Plan and PARP of transfer and loss of licence, and DGEG for purposes of updating the register.

Article 38

[...]

- 1 —
- a)
- b)

2 — DGEG shall be immediately notified of the termination of the licence for registration purposes.

3 — The termination of the legal effects of the licence does not prejudice the responsibilities of the operator or substitute to carry out the necessary safety and environmental restoration work.

Article 39

[...]

1 — *(Previous body of article.)*

- a)
- b)
- c)
- d)

2 — The expiry declaration may only be issued after compliance with the disengagement procedure provided for in Article 53 of this Decree-Law.

3 — When the expiry of the operating licence has been declared, the licensing authority shall communicate this fact to the operator and to all entities involved in the licensing and registration procedure.

Article 40

[...]

- 1 —
- a)
- b)

- c)
- d)
- e) (*Repealed.*)

2 — When, in any of the cases provided for in the previous paragraph, the provisions, determinations or incapacities referred to therein relate to non-compliance with PARP, the licence may be revoked after a binding reasoned opinion issued by the entity responsible for approving the said plan.

3 — When, in any of the cases provided for in No 1, the provisions, determinations or incapacities referred to therein relate to non-compliance with safety issues, the licence may be revoked after a duly substantiated request from the entity responsible for approving the Extraction Plan, further to a reasoned opinion from the entity responsible for approving PARP.

Article 41

[...]

1 — The operator may not conduct exploitation, closure or restoration operations without an approved Quarry Plan, which is also required for the respective licence, more specifically, with regard to the preparation of the respective three-year plans and the final objectives of the exploitation, processes and possible monitoring actions during and after such operations.

2 — The Quarry Plan includes the Extraction Plan and PARP, which shall be duly coordinated with each other. The Quarry Plan and the Extraction Plan shall be monitored over time through the compulsory provision of three-year plans and the respective inspections pursuant to Article 31, when applicable.

3 — Whenever necessary, PARP may provide for the use of soils and rocks which do not contain dangerous substances from construction work, and which cannot be reused in the respective original work. Under applicable legislation, the operator is not required to obtain specific licensing for the disposal of such waste.

4 — The Quarry Plan shall always have as underlying goals the minimising of environmental impact on the surroundings, the sustainable exploitation of the mineral mass and, taking into account the operator's economic situation, the principle of Best Available Techniques (BAT).

5 — The operator may review the Quarry Plan and seek prior approval from the competent entities when wishing to make changes.

6 — The Quarry Plan shall always be signed and initialled by its author and may also be endorsed by others involved due to their specialism in components of the plan.

Article 42

[...]

1 — The quarry's technical management shall be undertaken by a person holding higher education in a suitable specialism as recognised by DGEG.

2 — 'Suitable specialism' is understood to be a degree where the syllabus involves the areas of mine, geological or geo-technical engineering or other degrees in related technical areas provided that they are complemented by specific additional technical training or a duly corroborated minimum of five years' operating experience.

3 — The technician in charge of the quarry shall be jointly and severally liable with the operator for the implementation of the approved Quarry Plan, regardless of whether the said technician has endorsed it.

4 — (Previous No 2.)

5 — Unless the quarries are all within the same company, no technician may be responsible for more than three class 1 or nine class 2 quarries. For this purpose, one class 1 quarry corresponds to three class 2 quarries.

6 — Quarries with overall annual operations greater than 450 000 t of industrial rock and those with depths greater than 70 m or extraction of 75 000 t of ornamental rock, shall also have a minimum of one full-time technician with higher education, regardless of whether or not this person is the technician in charge.

7 — In class 3 and 4 quarries, technical responsibility may be assumed by a person of good standing recognised by the licensing authority and who has a minimum of five years' experience in this industry, except when an integrated project is involved, in which case a technician shall be proposed holding the specialism provided for in No 2 of this article.

Article 43

[...]

1 — The operator shall apply to the licensing authority with regard to changing the technician in charge. The application shall be accompanied by recognition of suitable specialism to be issued by DGEG and the respective statement of responsibility.

2 — The operator and the entities responsible for approving the Extraction Plan and PARP shall be notified of the decision.

3 — The new technician in charge shall endorse the Quarry Plan in effect and, as such, be responsible for implementing this plan.

Article 44

[...]

1 —

a)

b) Remove cover soils to a convenient distance from the upper edge of the excavation boundary and provide a band with a minimum width of 2 m free of soils, surrounding and limiting the abovementioned edge of the excavation area.

2 —

3 — Work carried out using explosives in horizontal or sub-horizontal strips in industrial rock quarries requires the operator to apply for prior authorisation from DRE.

4 — Good practice rules to be observed in underground or mixed extraction shall be approved through a Ministerial Implementing Order issued by the members of government responsible for the areas of the environment and the economy, within one year after the publication of this Decree-Law.

Article 45

[...]

1 —

2 — The boundaries of a quarry's licensed area shall be duly marked and, whenever possible, fenced.

3 — The edges of excavation areas where rock cutting has terminated shall be protected by fencing which is suitable to the conditions of the location in question.

4 — The use of gunpowder and explosives requires prior audible and visual alarms as well as protection of access points to places where risks may exist.

Article 46

[...]

1 — The licensing authority may order the execution of work or measures to ensure the safety of operations.

2 — Quarry operators and technicians in charge are responsible for taking all suitable steps to ensure the safety of workers in accordance with regulatory provisions in effect, the safety of third-parties and the preservation of assets which may be affected by operations.

3 —

Article 47

[...]

1 —

2 —

3 — In cases where explosives are used, inspection may require, whenever deemed necessary, completion of the use of explosives registration forms in order to assess the effects caused.

4 — Regardless of a favourable reasoned opinion for the use of explosives, DRE, for duly justified technical or safety reasons may limit or temporarily suspend the use of explosives and, in duly justified cases, require the use of alternative procedures.

5 —

Article 48

[...]

1 — Any archaeological find occurring during quarry operations shall be communicated within forty-eight hours to the licensing authority, the competent authority for cultural heritage and ICNB, I. P., when the quarry is located in a classified area, so that the necessary steps may be taken. Law No 107/2001 of 8 September 2001 shall apply.

2 — When a palaeontological or mineralogical find or a karstic cavity of unusual interest is involved, the operator shall notify the licensing authority, ICNB, I. P. and DGEG, which shall inform the National Laboratory of Energy and Geology (LNEG) and the competent entity at the Ministry of Science, Technology and Higher Education.

Article 49

[...]

1 — (*Previous body of article.*)

a)

b)

c) When the quarry is discontinued, or the licence expires pursuant to this Decree-Law.

2 — When operations terminate, the operator shall notify the licensing authority of the intention to close the quarry. The licensing authority shall then notify the entities responsible for approving the Extraction Plan and PARP, and an inspection shall be conducted in accordance with Article 31 to verify compliance with that set out in the Quarry Plan.

Article 50

[...]

1 —

a)

b) When the operator proves that the work interruption period is less than two continuous years;

c) When the operator has obtained prior authorisation from the licensing authority to suspend operations.

2 — When a discontinuation declaration is submitted, an inspection shall be conducted in accordance with Article 31(3), as a result of which the closure conditions shall be defined.

3 — When interruption of work has been confirmed, the licensing authority shall notify the operator to justify such interruption within 30 days or prove that it did not last two continuous years.

4 — Should the licensing authority, after consultation with the entities responsible for the Quarry Plan, not consider that the interruption is justified or not accept the proof that it did not last less than two continuous years, the said licensing authority shall notify the operator to immediately close the operation and carry out the restoration not conducted.

5 — In the situation provided for in the previous paragraph, the operator shall restore the quarry in accordance with PARP pursuant to Article 49, or in compliance with express guidelines issued by the entity responsible for approving PARP.

6 — The application to suspend operations provided for in 1(c) of this article shall be sent to the licensing authority and be duly justified and indicate the desired interruption period.

7 — After consultation with the entities responsible for approving the Quarry Plan, the licensing authority shall decide whether to accept the suspension application, set the respective conditions and inform all those involved.

8 — In the case of discontinuation of the quarry, except with respect to the provisions of Article 53, the entity responsible for approving PARP shall use the deposit provided in its favour to guarantee compliance with the legal obligations set out in the licence and PARP.

9 — In the case of quarry discontinuation and when no deposit exists, the owner of the land shall be responsible for restoring the site.

Article 51

Statistical data and technical reports on the quarry plan and research

1 — Up to the end of April every year, quarry operators shall send DGEG a statistical report on production from the previous year, drawn up in accordance with the approved model.

2 — In addition to the statistical report referred to in the previous paragraph, quarry operators shall also send the licensing authority, up to the end of the same month, a technical report, drawn up by a technician in charge of the operation, which shall include sufficient information to analyse progress in work carried out in the previous year with respect to the three-year programme arising from the Quarry Plan. More specifically, it shall include information on production achieved, labour used, explosives and power used, different oils and lubricating grease consumed, the status of exploitation and restoration work and other specifications, except if there is a standardised model report provided for the purpose.

3 — The licensing authority shall send a copy of the report to the entities responsible for approving the Quarry Plan.

4 — DRE and the entity responsible for PARP, when it is deemed necessary, may require the submission of complementary working drawings to the technical report.

5 — (Previous No 4.)

6 — Holders of research licences shall send DRE a copy of all data, technical reports and analytical results obtained during work undertaken.

7 — Statistical information provided to DRE is confidential, without prejudice to applicable legislation.

Article 52

[...]

1 —

2 —

3 — Without prejudice to the provisions of the following paragraph and after approval of PARP, the deposit shall be calculated by applying one of the calculation formulas set out in No 5 and paid to the competent entity that approved it.

4 — Should the company not provide the information necessary for the calculation, a full deposit shall be demanded by the licensing authority based on the method set out in subparagraph c) of the following paragraph.

5 — Depending on the type of mineral mass being exploited, the particularities of PARP and the type of quarry, the value of the deposit shall be calculated based on one of the methods indicated below. For class 4 quarries, the method to be used shall always be that set out in subparagraph c):

a):

$$X = Ctrec - (Ctrec : Atl) \times (Avg + Arec)$$

where:

X = value of deposit;

Ctrec = total cost of the project approved for implementation of PARP;

Avg = licensed area, in square metres, not modified at the date of compliance with the respective three-year programme;

Atl = total licensed area in square metres;

Arec = area exploited, in square metres, now restored;

b):

$$X = Ctrec - (Ctrec : Vtex) \times (Vtex - Vex)$$

where:

X = value of deposit;

Ctrec = total cost of the project approved for implementation of PARP;

Vtex = total volume provided for in the extraction plan for exploitation;

Vex = volume already exploited;

c):

$$X = C \times (Atl - Arec)$$

where:

X = value of deposit;

C = estimated unit cost updated to restore one unit of area;

Atl = total licensed area in square metres;

Arec = area exploited, in square metres, now restored;

6 — Every three years at the request of the licence holder, the deposit may be partially released, based on the degree of compliance with PARP. However, it may be increased by the beneficiary entity if changes have been made to PARP or in proportion to any non-compliance with PARP seen at the respective inspection.

7 — Whenever any payment is made by the deposit account, the operator shall re-establish the initial value within 90 days, after notification by the licensing authority or beneficiary of the deposit.

8 — When, due to the immediate application of the methods referred to in No 5, the value calculated exceeds € 250 000, the operator shall be granted a period of three years to provide the difference and ensure the full amount of the deposit is met.

Article 54

[...]
1 — Administrative inspection of compliance with legal provisions on the exercising of exploration and exploitation of mineral masses is the responsibility of the municipal authority, the police forces and the Authority for Economic and Food Safety (ASAE) under its respective competences, without prejudice to the competences of other entities involved in the licensing procedure, the Inspectorate-General of the Environmental and Spatial Planning (IGAOT) and ATC.

2 — Technical inspection of compliance with the Extraction Plan and PARP is particularly the responsibility of the competent entities for their approval, which shall act in close collaboration with the licensing authority and maintain each other informed of the inspection results.

3 —

Article 56

[...]

1 —

2 — The document shall be sent to the competent authority to instigate the infringement procedure.

Article 57

[...]

.....

a)

b) Consultation of the items corroborating the licence and other information on the research or operation of the quarry and PARP, which shall be maintained on site at the quarry or at another location, provided that such location is accepted by the licensing authority;

c)

d)

Article 58

[...]

1 — Without prejudice to the provisions of legislation on work accidents, when any accident occurs at a quarry resulting in death, serious injury or large material damage, or which jeopardises the safety of persons and property, the operator or the on-site representative, is required to notify DRE immediately as well as the closest municipal authority or police force so that appropriate measures may be taken.

2 —

3 — DRE shall visit the site of the accident as quickly as possible in order to conduct the respective inquiry to determine the circumstances and causes of the accident. A report shall then be drawn up.

4 —

5 —

Article 59

Infringements and fines

1 — The following shall constitute an infringement punishable by a fine of € 2 493.99 to € 44 891.81:

a) Research and operation in mineral deposits without a licence;

b)

c)

2 — The following shall constitute an infringement punishable by a fine of € 498.79 to € 44 891.81:

a) The non-review of the quarry plan in accordance with that set out in Article 41(5);

b) Absence of signage in accordance with that set out in Article 45;

c) Disregard of the provisions of Article 47;

d) Disregard of the provisions of Article 58;

e) Disregard of the provisions of Article 63;

3 — Non-compliance with the conditions set out in research and operating licences, with the exception of those relating to the approved PARP shall constitute an infringement punishable with a fine of € 249.39 to € 14 963.94 PARP, as shall the following:

- a) Disregard of the provisions of Article 10(5);
- b) Disregard of the provisions of Article 42(1), (4) and (6);
- c) Disregard of the provisions of Article 43(1);
- d) Disregard of the provisions of Article 44(1) and (2);
- e) Disregard of the provisions of Article 46(2);
- f) Disregard of the provisions of Article 51(1), (2), (5) and (6);
- g) Disregard of the provisions of Article 57;

4 — The maximum limit of fines applied to natural persons in accordance with Nos 1, 2 and 3 of this Article is € 3 740.98.

5 — Non-compliance with the provisions of Article 49(1), operating without an approved PARP, and non-authorized discontinuation pursuant to Article 50, shall constitute a serious environmental infringement, punishable under the terms of Law No 50/2006 of 29 August 2006,

6 — Non-compliance with the defence zones and special defence zones provided for in Articles 4 and 5, non-compliance with the conditions set out in operating licences relating to an approved PARP and non-compliance with the provisions of Article 26(3) shall constitute a serious environmental infringement, punishable under the terms of Law No 50/2006 of 29 August 2006.

7 — Non-compliance with the provisions of Article 48 and 49(2) shall constitute a minor environmental infringement, punishable under the terms of Law No 50/2006 of 29 August 2006.

8 — *(Previous No 7)*

9 — Conviction for the serious and very serious environmental infringements provided for in Nos 5 and 6 of this Article, when the specific measure of the fine exceeds half the maximum amount of the abstract fine applicable, may be published in accordance with the provisions of Article 38 of Law No 50/2006 of 29 August 2006.

Article 60

[...]

1 — In addition to the fine, the competent authority may apply the following additional penalties, depending on the seriousness of the infringement and the culpability of the agent:

- a)
- b)
- c)
- d)
- e)

2 —

3 — The penalties referred to in 1(c) and (e) have a maximum duration of two years from the final enforceable judgement, and the restart of activity shall be dependent on the express authorisation of the licensing authority, which may not be granted while the conditions leading to the infringement remain unattended.

4 —

5 — The entity responsible for applying fines relating to serious and very serious environmental infringements as provided for in Nos 5 and 6 of the previous article may also apply any additional penalties deemed suitable, in accordance with that set out in Articles 29 to 39 of Law No 50/2006 of 29 August 2006.

Article 61

[...]

1 — The initiative to instigate infringement proceedings under this Decree Law is the responsibility of the municipal authority, DRE or the entity responsible for approving PARP, which are territorially competent, IGAOT or the Authority for Economic and Food Safety (ASAE).

2 —

3 — The President of the Commission for the Application of Fines in Economic and Advertising Matters (CACMEP), the respective president of the municipal authority, the president of ASAE, the president of the entity responsible for approving PARP or the Inspector-General of the Environment and Spatial Planning shall be responsible for applying the fines provided for in this law.

4 — *(Repealed.)*

Article 62

[...]

1 — Without prejudice to the provisions of the previous articles, an unlicensed quarry operator is required to rectify the causes of the infringement and restore the situation to its condition prior to when the infringement took place or an equivalent situation.

2 — If the duty to restore the situation is not voluntarily complied with, the entities responsible for approving PARP shall act directly on account of the offender and the respective expenditure shall be charged coercively through the proceedings provided for in tax enforcements.

3 —

Article 63

Existing quarries

1 — Without prejudice to the validity of licences granted, this Decree-Law shall apply to existing quarries in accordance with that set out in the following paragraphs.

2 — Already licensed quarry operators that do not comply with the requirements laid down in this Decree/Law are required to adapt their respective operations to the requirements herein.

3 — For already licensed operations with defence zone distances which are less than those set out in this Decree-Law, the new distances shall apply if disruptions are not caused to work, as recognised by the licensing authority further to a reasoned declaration submitted by the operator.

4 — Existing contracts on the date of entry into force of this Decree-Law, signed between the owner and the operators, shall not be affected.

Article 64

Pending applications for licences or adaptation

Applications for licensing or adaptation of licences already submitted shall be framed under the provisions of this Decree-Law, without prejudice to actions and formalities already conducted.

Article 65

[...]

1 — When a situation of imminent or serious danger to safety, health or the environment is detected at an unlicensed quarry, the municipal authority, the health authorities, the police forces and the entities responsible for approving the Quarry Plan, ASAE and IGAOT may determine the enforcement of measures justified on a case-by-case basis, to prevent or eliminate such a situation.

2 — The provisions of the preceding paragraph shall apply to licensed quarries, and the licensing authority shall be responsible for enforcing precautionary measures, at its own initiative, or at the request of the entities responsible for approving the Quarry Plan and the inspection entities, with the exception of actions by ASAE and IGAOT, under their respective competences.

- 3 —
- 4 —
- 5 —
- 6 —
- 7 —
- 8 —

9 — The entity responsible for applying fines relating to the environmental infringements provided for in Article 59(5) to (7) may also apply any additional seizures deemed suitable, in accordance with that set out in Article 42 of Law No 50/2006 of 29 August 2006.

Article 66

Standardisation of procedures and obligations for Public Administration professionals

1 — DGEG is the entity responsible for coordinating and standardising the DRE procedures inherent to the application of this law.

2 — In accordance with that set out in this Decree-Law, administration agents and employees who are responsible for inspection shall orientate their work to ensure the necessary weighting and effectiveness of the transition between the legal regimes applicable to the activities set out herein. They shall ensure compatibility between the interests of the State and those of holders of research or operating licences.

Article 67

[...]

1 — Payment of a fee shall be due for carrying out the actions provided for in this Decree-Law, to be determined in a Ministerial Implementing Order issued by the members of government responsible for the areas of the economy and the environment or through a municipal regulation, depending on the case.

2 — The fees referred to in the preceding paragraph shall be paid by a transfer to the treasury bank account opened for the purpose. The money so earned shall be allocated to the entity or entities involved in the actions provided for in this law.

Article 2

Amendment to the Annexes to Decree-Law No 270/2001 of 6 October 2001

Annexes I, II, III, IV and VI to Decree-Law No 270/2001 of 6 October 2001, shall now be worded as follows:

ANNEX I

Field work during research

Research covers the series of studies and work, prior to the exploitation stage, which has as its goal the sizing, determining of characteristics and evaluation of the economic interests in exploiting mineral masses.

Research activities shall be conducted based on the principle of Best Available Techniques (BAT). In other words, given the choice between different methodologies to obtain the desired results of the research, the technique shall be used which, in accordance with BAT, most minimises environmental impact.

Except as otherwise provided for in a specific Ministerial Implementing Order on blocking, research field work shall include:

I) Activities of a general nature:

- a) Geological reconnaissance of the surface;
- b) Geophysical studies;
- c) Mechanical sounding or testing (up to 30 m in length, 6 m depth and 1 m width at the base of the channel), without prejudice to safety requirements;
- d) Sampling for laboratory or semi-industrial testing (sample volume up to 10 t);

II) Activities of an exceptional nature, only applicable in the event that the activities listed above prove to be technically inviable to obtain the desired results from research when such research relates to ornamental or industrial rock, opening of a cutting face (or two perpendicular faces) with a maximum size of 5 m in height, 10 m in length and 10 m in width.

ANNEX II

Except as otherwise provided for in specific legislation, the defence zones referred to in Article 4 of this Decree-Law shall have the following distances, measured from the edge of excavation:

Objects to be protected	Protection distances (in metres)
Rural, urban or mixed neighbouring buildings, walled or otherwise.	10
Public paths.	15
Fluid conduits.	20
Low voltage electricity pylons.	20
Aerial telephone telecommunications lines which are not part of the operation/telecommunications lines or underground cable car/electrical and telecommunications cabling.	20
Railway lines.	50
Objects to be protected	Protection distances (in metres)
Bridges.	30
Navigable rivers and channels/headwaters, permanent waterways and channels.	50
Unnavigable and non-permanent waterways.	10
Medium and high-voltage aerial electricity pylons, electrical transformer or telecommunications stations.	30
Non-specific buildings not located in a quarry and places of public use.	50
Headwaters or water catchments.	50
National or municipal roads.	50
Motorways and international roads.	50
National monuments, places classified as having tourist value, installations and works of the armed forces and security, school and hospital forces.	70
Places and zones classified as having scientific or scenic value.	100
	500

Without prejudice to safety requirements, the width of defence zones may be altered through a decision by the entity responsible for approving the Extraction Plan, taking into consideration the characteristics of the mineral mass, its stability and location, depth to be reached with respect to the object to be protected, as well as in relation to the use of explosives.

ANNEX III

Application for reasoned opinion on location

1 — Application addressed to: The President of the Regional Development Coordination Committee or the President of the municipal authority.

2 — Identification of technician in charge:

Name or company name of applicant:

Address or corporate address: ...

Post code: ...

Telephone: ...

For the purposes of the provisions of Article 9 of Decree-Law No 270/2001 of 6 October 2001, you are requested to issue a reasoned opinion and location certificate necessary for the licensing procedure relating to research/operations located in..., ward of ..., municipality of...

For this purpose, please find attached the following items:

Location map at a scale of 1:25 000;

Cadastral map at the existing scale;

Map delimiting the area of the quarry/research area; and

Boundaries of the research/operating area and defence area.

Date and signature of the applicant: ...

ANNEX IV

Draft application for the awarding of an operating licence

1 — Identification of the operator:

Name or company name: ...

Name of corporate representative: ...

Name of other partners: ...

Identity card number: ...

Date of issue: ...

Issuing entity: ...

Address or corporate address: ...

Telephone number: ...

Fax number: ...

Legal person tax number or identification number: ...

2 — Identification of quarry:

Substances extracted: ...

Quarry number, in the case of changes to the licensing regime: ...

Quarry name: ...

Area and boundaries of the quarry, in Hayford-Gauss coordinates, referenced to the central point: ...

Location: ...

Ward: ...

Municipality: ...

District: ...

3 — Date and signature of the applicant: ...

ANNEX VI

Quarry Plan

Information required

A) Class 1 quarries.

General information.....	Physical characterisation of the land.	Map 1:25 000....	Location with demarcation of the connections of the quarry to the closest main/municipal road.
		Map 1:5 000 or 1:2 000.	Delimitation of the rural buildings attached to the quarry.
		Map 1:50 000	Geological and hydrogeological map.
		Physical description.....	Description of the soils, fauna, plants, climatology, geology and hydrogeology.
	Summary of constraints	Natural	Fauna, flora, water, atmosphere, landscape, climate, mineral resources and geo-technical factors.
		Social	Population and settlement, cultural heritage, easements and restrictions.
			Structural network systems, spaces and uses defined in planning and socio-economic instruments.
	Classified areas.	Defined in Article 2(d) of this law.	
	Extraction Plan.....	Topographical map at a scale of 1:1 000 or 1:2 000.	Topographical map up to 50 m beyond the quarry boundary showing the implantation of all existing constraints (more specifically, electricity lines, waterways, lakes, ponds, etc.), planned (more specifically, annexes, areas for depositing cover soil, by-products and waste obtained, location of drainage system, signage, internal accesses, etc.) and defence zones.
			Topographical map at the same scale of the final situation of the planned operation.
Profiles at a scale of 1:1 000 or 1:2 000.		Longitudinal and transversal topographical profiles spaced at 100 m.	
Description and explanatory notes		Area of the quarry, identification of the mineral masses and calculation of reserves.	
		Description of the exploitation method.	
		Description of equipment.	
		Height and width of steps.	
		Fire diagram.	
		Transformation process and description of the products and by-products obtained and their storage.	
		Identification and description of the waste from operations and the respective disposal plan, including other materials, more specifically, soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.	
	Description of the effluents and respective circuit and treatment.		
Time forecast for the operation.			
Detailed description of the annexes.			

		Description of signage to be used.
		Description of lighting system.
		Description of ventilation system.
		Health and safety plan.
		Identification and brief description of the most significant environmental impacts.
		Description of the technical measures to minimise such impacts.
		Monitoring measures.
Environmental Plan and Landscape Restoration.	Topographical map at a scale of 1:1 000 or 1:2 000.	Map of final situation after correction/modelling, with inclusion of rainwater drainage and plant coverage.
	Profiles at a scale of 1:1 000 or 1:2 000.	Longitudinal and transversal topographical profiles spaced at 100 m (N.-S. and E.-W.).
	Description and explanatory notes	<p>Area where work is to be carried out.</p> <p>Deactivation plan with indication of all operations to be carried out and use of annexes.</p> <p>Identification and description of the waste and other materials to be used in topographical restoration, more specifically, soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.</p> <p>Plant coverage and seeding plan.</p> <p>Monitoring.</p> <p>Schedule of the operations in coordination with the Extraction Plan.</p> <p>Specifications, measurements, budget and calculation of deposit.</p>

B) Class 2 and 3 quarries.

General information.	Map 1:25 000.	Location with demarcation of the connections of the quarry to the closest main/municipal road.
	Cadastral map 1:2 000 or 1:5 000.	Delimitation of the rural buildings attached to the quarry.
	Summary of constraints	Extract from the Municipal Master Plan (PDM) constraints map showing the location of the quarry. Identification of areas classified in accordance with Article 2(d) of this law.
Extraction plan.	Map at a scale of 1:500 or 1:1 000.	Topographical map up to 50 m beyond the quarry boundary with the implantation of all existing and projected constraints.
	Map at a scale of 1:500 or 1:1 000.	Topographical map of the final projected situation which shall take into account the constraints identified and to be maintained.
	Profiles at a scale of 1:500 or 1:1 000	Respective longitudinal and transversal topographical profiles.
	Description and explanatory notes.	<p>Area of the quarry, identification of the mineral masses and estimate of existing reserves.</p> <p>Exploitation method (height and width of steps, equipment to be used, etc.).</p> <p>Planned height and width of steps.</p> <p>Storage areas for cover soils and by-products.</p> <p>Identification and description of the waste and other materials to be used in topographical restoration and the respective disposal plan, including other materials, more specifically, soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.</p> <p>Forecast annual production.</p> <p>Foreseeable useful life of the quarry.</p> <p>Description of the annexes.</p> <p>Number of workers.</p> <p>Use of explosives: Powders (kg/month); Explosives (kg/month); Fire diagram (class 2).</p> <p>Health and safety: Personal protection equipment;</p>

		Collective protection equipment; Health and Safety Plan (class 2). Compulsory signage: Identification; Quarry work; Use of gunpowder/explosives; Other.
Environmental and Landscape Restoration Plan.	Topographical map at a scale of 1:500 or 1:1 000 of the final situation after restoration.	
	Respective profiles at a scale of 1:500 or 1:1 000.	
	Identification and description of the waste and other materials to be used in topographical restoration, more specifically, soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.	
	Proposal for plant coverage and drainage.	
	Calculation of costs for total restoration.	
	Cost of landscape restoration and calculation of deposit.	€

C) Class 4 quarries.

General information...	Map 1:25 000.	Location with demarcation of the connections of the quarry to the closest main/municipal road.
	Cadastral map 1:2 000 or 1:5 000.	Delimitation of the rural buildings attached to the quarry.
	Constraints map.	Municipal Master Plan (PDM) constraints map showing the location of the quarry. Identification of areas classified in accordance with Article 2(d) of this law.
Extraction plan.	Description and explanatory notes.	Area of the quarry, identification of the mineral masses and estimate of existing reserves: Daily/annual forecast production; Equipment to be used; Number of workers; Use of gunpowder; Forecast time of operations for quarry. Support facilities: Shed; Container; Brick building; Other. Health and safety: Helmet; Safety boots with steel toecap; First aid kit; Extinguishers; Compulsory signage: Identification; Quarry work; Use of gunpowder.
Environmental and Landscape Restoration Plan.	Topographical restoration with excess materials. Spreading of soils previously removed. Seeding.	
	Estimated unit cost of landscape restoration and calculation of deposit.	€

Article 3

Addendum to Decree-Law No 270/2001 of 6 October 2001

1 — Articles 10-A, 61-A and 67-A are added to Decree-Law No 270/2001 of 6 October 2001:

'Article 10-A

Classes of quarries

1 — For the purposes of this law, quarries shall be classified from 1 to 4, in a decreasing order with respect to the impact they cause.

2 — Quarries which have an area equal to or greater than 25 ha shall be classified as Class 1.

3 — Underground or mixed quarries and opencast quarries which cover an area of less than 25 ha and exceed any of the limits set out in *a)*, *b)*, *c)* and *d)* of the following number or which use more than 2 000 kg of explosives per year in the rock removal method shall be classified as class 2 .

4 — Opencast quarries which use up to 2 000 kg of explosives per year in the rock removal method and which do not exceed any of the following limits shall be classified as class 3:

a) Area — 5 ha;

b) Depth of excavation - 10 m;

c) Production — 150 000 t/year;

d) Number of workers - 15.

5 — Traditional cobblestone and slab quarries which fall within the definition and limits of the previous paragraph shall be classified as class 4.

Article 61-A

Use of the proceeds of fines

1 — Proceeds from the fines provided for in Article 59(1), (2) and (3) shall be distributed as follows:

a) 60 % for the state;

b) 10 % for the entity which issued the notice;

c) 30% for the entity which instigated the infringement proceedings and applied the respective fine.

2 — Fines applied by municipal authorities shall be excluded from the provisions of the previous point and shall revert in full to the respective municipality.

Article 67-A

Autonomous Regions

1 — This Decree-Law applies to the autonomous regions of Madeira and the Azores, without prejudice to the competences entrusted to the respective organs of self-government and adjustments introduced by regional law.

2 — The proceeds of fines applied by the Autonomous Regions shall revert in their favour.

2 — Annex VII shall also be added to Decree-Law No 270/2001 of 6 October 2001, with the following wording:

‘ANNEX VII

Technical conditions to be imposed in the absence of a reasoned opinion

1 — Ecological values in the area in question or surrounding areas shall not be prejudiced through the effects of individual actions or work.

2 — A tree curtain shall be preserved, reinforced or implemented in the area surrounding the quarry.

3 — Proposed minimising and precautionary measures for landscape restoration shall be implemented.

4 — All work and operations proposed in PARP shall be complied with.

5 — A technical report on PARP shall be submitted annually up to the end of April and include the minimising measures executed.

6 — A deposit shall be paid in accordance with Article 52 of this Law.’

Article 4

Adaptation of existing quarries

1 — For the purposes of the provisions of Article 63(2) of Decree-Law No 270/2001 of 6 October 2001, with the wording provided by this Decree-Law, quarry operators are required to:

a) Within six months from the date of the entry into force of this Decree Law, apply for an inspection by the licensing authority in accordance with that set out in Article 31 of Decree-Law No 270/2001 of 6 October 2001, with the wording provided for in this Decree Law;

b) Within six months from the date of approval of the Quarry Plan, propose a technician to be in charge of the quarry and provide the deposit due in accordance with that set out in Articles 42 and 52 of Decree-Law No 270/2001 of 6 October 2001, with the wording provided for in this Decree Law.

2 — Further to the inspection referred to in subparagraph a) of the previous paragraph, the competent entities shall require quarry operators to ensure the necessary working conditions and the documents required for proceedings to be dealt with, defining the applicable time limits, which may not exceed 12 months.

3 — Quarries whose proceedings have already been approved or come to be approved within 180 days from the entry into force of this Decree-Law shall be exempt from new adaptation proceedings.

4 — In the remaining operations, understood to be those which are not governed by a licence as the respective licensing procedures have not advanced due to reasons of location, the provisions set out in the following Article shall apply.

Article 5

Operations not governed by a licence

1 — Within six months from the date of the entry into force of this Decree Law, operators of quarries not governed by a licence shall apply to the licensing authority to adapt their respective operations to the requirements of this law, submitting in quadruplicate, maps of the location at scales of 1:25 000 and 1:2 000 and a request which includes:

- a) Name or company name;
- b) Address or head office of the applicant;
- c) Tax identification number;
- d) The location of the operation and the names of the operator and technician in charge;
- e) A brief description of the operation and brief history of its existence, including an indication of whether the licensing process has been initiated or not and, if so, the reasons which led to its interruption.

2 — For the purposes of analysing the application to legalise the operation, a working group shall be set up, coordinated by the licensing authority and consisting of:

- a) A representative of DRE;
- b) A representative of the municipal authority; and
- c) A representative of CCDR territorially competent or of ICNB, I. P., if the operation is located in a classified area.

3 — Within eight working days from the receipt of the documentation provided for in No 1 of this Article, the licensing authority shall notify the entities referred to in preceding paragraph for purposes of appointing their representative in the working group, providing them with a copy of the documentation submitted by the applicant.

4 — The entities so notified under the previous paragraph have five working days to indicate their representative to the licensing authority.

5 — Once formed, the working group shall meet within 15 working days to define and schedule the actions to be taken with a view to appraising the quarry legalisation application.

6 — Logistical and administrative support for the working group shall be provided by the licensing authority.

7 — The working group has six months to visit the quarry and 12 months to issue a decision on the quarry legalisation application, which shall be adopted by a majority, and make take one of the following forms:

- i) Favourable decision;
- ii) Favourable decision with constraints;
- iii) Unfavourable decision.

8 — When a favourable decision with associated constraints as provided for in the previous paragraph results from the need to make the quarry compatible with spatial planning in force, with public utility restrictions or with areas included under Rede Natura 2000, the working group's decision shall require the favourable votes of the representatives of the municipal authority and CCDR or ICNB, I. P. The operating licence may only be issued after the abovementioned compatibility has been achieved.

9 — Should the working group issue a favourable decision or a favourable decision with constraints, the licensing authority shall notify the applicant of the decision and set a time limit from six months to one year for the said applicant to apply for an operating licence from the licensing authority pursuant to that set out in Article 27 of Decree-Law No 270/2001 of 16 March 2001.

10 — Until the licence as provided for in No 8 is issued, the quarry may operate on a provisional basis for a period of one year from the date of the notification of the favourable decision. At the end of this period, should the compatibility referred to in the previous paragraph not have been achieved, the licensing authority shall notify the owner of the operation to close the site in accordance with the following paragraphs.

11 — Should the working group issue an unfavourable decision with respect to the application to legalise the quarry, the licensing authority, through a reasoned decision which takes into consideration the size of the operation and the type of work to be undertaken for its closure and restoration, shall set a time limit to close the site of between a minimum of six months and a maximum of 18 months. It shall also establish the technical conditions for the operation and restoration which the owner of the operation is required to observe until the end of the time limit so set. During this period, monitoring shall be carried out to ensure compliance with that established.

12 — Non-compliance with the conditions set out in the previous paragraph shall require the closure of the quarry after a period granted to finalise restoration work and to close the site.

Article 6

Repeal provision

Article 27(3), Article 40(1)(e) and Article 61(4), all of Decree-Law No 270/2001 of 6 October 2001, are hereby repealed.

Article 7

Entry into force

This Decree-Law shall enter into force on the day after its publication.

Article 8

Republication

Decree-Law No 270/2001 of 6 October 2001 with its current wording is republished as an annex, which is an integral part of this Decree-Law.

Seen and approved by the Council of Ministers on 1 June 2007 — *José Sócrates Carvalho Pinto de Sousa — Rui Carlos Pereira — Humberto Delgado Ubach Chaves Rosa — Fernando Pereira Serrasqueiro — José António Fonseca Vieira da Silva — António Fernando Correia de Campos — José Mariano Rebelo Pires Gago.*

Passed on 24 September 2007

For publication.

The President of the Republic, Aníbal Cavaco Silva.

Countersigned on 25 September 2007.

The Prime Minister, José Sócrates Carvalho Pinto de Sousa.

ANNEX

CHAPTER I

General provisions

Article 1

Scope

This law shall apply to the exploration and exploitation of mineral masses, including research, as provided for herein.

Article 2

Definitions

For the purposes of this Law, the following definitions shall apply:

a) 'Quarry annexes' the installations and workshops for services which form part of or assist in the exploitation of mineral masses and which are exclusively used in that activity, more specifically, workshops for the maintenance of the mechanical means used, facilities for the packaging of the substances extracted, for the support services which are indispensable for workers as well as extraction industry establishments.

b) 'Reserve areas' the areas intended for the exploitation of geological resources which are of special interest to the national or regional economy, the definition of which seeks to impede or lessen harmful effects for exploitation and is processed through a regulatory decree pursuant to Article 36 of Decree-Law No 90/90 of 16 March 1990;

c) 'Captive area' the area in which specific mineral masses are located which are considered to be of relevant interest to the national or regional economy, subject to special conditions for exploitation in accordance with Article 37 of Decree-Law No 90/90 of 16 March 1990;

d) 'Classified areas' areas which are considered as being of particular interest for the conservation of nature, more specifically, protected areas, sites on the National List of Sites, sites of community interest, special conservation zones and special protection zones created under legislation in effect;

- e)* ‘Contract’ Research and operating contracts or operating contracts only;
- f)* ‘Competent entity for the approval of the Environmental and Landscape Restoration Plan’ (PARP) the Institute for the Conservation of Nature and Biodiversity, I. P. (ICNB, I. P.), when the quarries are located in classified areas as set out in this article, and the Regional Coordination and Development Commission (CCDR), in other cases;
- g)* ‘Competent entity for the approval of the extraction plan’ the Regional Directorate of the Economy (DRE);
- h)* ‘Competent entity for the approval of the Quarry Plan’ the licensing authority after decision by the competent entities for the approval of the PARP and Extraction Plan;
- i)* ‘Licensing Authorities’ the municipal authority (CM) and DRE;
- j)* ‘Operator’ the holder of the respective research or operating licence;
- l)* ‘Operating Licence’ the permit which allows the holder to exploit a specific quarry in accordance with the provisions of this law and the conditions set out in the licence;
- m)* ‘Research Licence’ the permit which allows the holder to conduct research in accordance with the provisions of this law and the conditions set out in the licence;
- n)* ‘Mineral masses’ the rocks and mineral occurrences which are not legally classified as mineral deposits, as defined in Article 5 of Decree-Law No 90/90 of 16 March 1990;
- o)* ‘Best Available Techniques (BAT)’ the techniques used in the production process, as well as in the design, conservation, construction, exploitation and deactivation of the installation, developed on an industrial scale in a given sector, in technically and economically viable conditions, which allow a high level of safety, environmental protection and energy efficiency to be achieved, as the result of conducting the industrial activities;
- p)* ‘Quarry’ the structure formed by any mineral mass which is the object of licensing, by the installations required for extraction, extraction area and defence zones, the deposits of extracted mineral masses, sterile masses and soils removed and the respective annexes;
- q)* ‘Research’ the series of studies and work which is the object of licensing, prior to the exploitation stage, which has as its goal the sizing, determining of characteristics and the evaluation of the economic interest in using the respective mineral masses including all the field work set out in Annex I to this Decree-Law, of which it is an integral part;
- r)* ‘Environmental and Landscape Restoration Plan (PARP)’ the technical document consisting of the environmental measures, the landscape restoration and the proposed solution for the closure of the quarry;
- s)* ‘Extraction Plan’ the technical document containing the description of the exploitation method: rock removal, extraction and transport systems, materials, energy and water supply systems, safety systems, signage and drainage;
- t)* ‘Quarry Plan’ the technical document consisting of the Extraction Plan and PARP, as provided for in Article 41;
- u)* ‘Three-year programme’ the programme containing the description of exploitation and landscape restoration work for a three-year period, in the execution of the approved Quarry Plan;
- v)* ‘Depth of excavation’ the difference in levels in the area of the quarry intended for extraction, between the largest original level and the lowest level provided for in the Extraction Plan;
- x)* ‘Integrated project’ the project which provides an integrated solution for exploitation and landscape restoration, which includes two or more, adjoining or neighbouring quarries.

Article 3

Blocking of areas

1 — The blocking of areas for the exploitation of mineral masses involves:

- a)* Article 37 of Decree-Law No 90/90 of 16 March 1990.
- b)* Article 35(6) of this Decree-Law.

2 — The blocking of the areas provided for in the previous paragraph where mineral masses of relevant interest to the national or regional economy are located is carried out via a joint Ministerial Implementing Order issued by the ministers responsible for the areas of the environment, spatial planning and the economy, which shall define:

- a)* The location and limits of the area blocked;
- b)* The minimum area of the quarries which can be blocked;
- c)* The possible compensation due to the State in return for the exploitation;
- d)* The requirements of a technical, environmental, economic and financial nature to be observed in the research and exploitation of quarries by the holders of the respective research and operating licences, more specifically, those set out in the approved integrated project, when applicable.

3 — The blocked areas set pursuant to the previous paragraph shall be delimited in the municipal master plans.

CHAPTER II

Relationships with third-parties

Article 4

Defence zones

1 — Without prejudice to the provisions of a special law, the defence zones referred to in Article 38 of Decree-Law No 90/90 of 16 March 1990 shall observe the distances set in the Ministerial Implementing Order on blocking, and in the absence of such an Order, those set out in Annex II to this Decree-Law shall be observed.

2 — The defence zones provided for in the previous paragraph shall also be respected whenever new work or other objects as referred to in Annex II, and which are unrelated to the quarry, are intended to be implanted in the surrounding areas to quarries.

Article 5

Special Defence zones

1 — Defence zones around other work areas or sites shall also be defined by a joint Ministerial Implementing Order issued by the competent members of government when such zones prove to be absolutely indispensable for protection purposes. Exploitation work shall be prohibited or limited in such zones.

2 — The Ministerial Implementing Order referred to in the previous paragraph shall set the width of the defence zone and declare if the operation of quarries is prohibited or the conditions which are required to be observed, without prejudice to the provisions of the following paragraph.

3 — Until the publication of the Ministerial Implementing Order referred to in paragraph No 1, the DREs, the CCDRs or ICNB, I. P. may order the suspension of work in the area of influence of works or sites which are required to be safeguarded.

4 — Special defence zones shall take into account the distances set out in Annex II to this Decree-Law, except in exceptional cases where, through a technical reasoned opinion issued by the authorities referred to in No 1 of this Article, the need to alter such zones is justified to ensure that the work or site in question is protected.

5 — In the case of already licensed quarries, the delimitation provided for in previous paragraphs shall be preceded by a hearing of the quarry operators who are possibly affected. Payment shall also be determined for just compensation for the damages caused.

Article 6

Substances extracted: for public works

1 — The acquisition of substances extracted from quarries, pursuant to that provided for in Article 41 of Decree-Law No 90/90 of 16 March 1990, shall require prior authorisation through a joint official order issued by the Minister for the Economy and the Minister overseeing public works.

2 — The acquisition referred to in the previous paragraph shall relate to the substances which, for technical and economic reasons, prove to be the most suitable for conducting the work in question.

Article 7

Compulsory purchase

1 — The declaration of public utility for purposes of the compulsory purchase of the land necessary for exploiting the mineral masses referred to in Article 34 of Decree-Law No 90/90 of 16 March 1990, may only be issued when it is expected that the quarries to be installed may produce a benefit greater than that which would arise from the normal use of such land.

2 — Once public utility has been declared in accordance with that set out in the previous paragraph, the right to apply for compulsory purchase may only be exercised when the owners of the mineral mass simultaneously:

- a) Refuse to exploit it on their own account or demonstrate that they are unable to do so properly;
- b) Refuse to grant consent for exploitation by others or require unacceptable conditions, in accordance with the criteria set out in Article 8.

3 — In the case of the compulsory purchase of land in favour of third parties, the minister responsible for the area of the economy shall determine the opening of a tender to award the respective right, except as provided for in the following paragraph.

4 — That provided for in the previous paragraph shall not apply whenever an already existing licensed operator is involved in an adjoining area. In such a case, the compulsory purchase shall be implemented in favour of the said operator.

Article 8

Operating conditions

1 — For the purposes of the provisions of the previous article, conditions which make the operation of the quarry economically unviable shall be considered as unacceptable when:

- a) The rent requested for the occupancy of the area to be exploited is manifestly higher than the earnings from the normal use of the land; or
- b) The 'variable contract payment' value requested for the production to be obtained is manifestly higher than the maximum value charged in the region.

2 — It shall be assumed that the conditions referred to in No 2 of the previous article exist, as proven by the licensing authority in a time limit to be set, and when the owner of the mineral masses in question has been notified, and neither such owner or other person with whom the operator has an agreement, apply for a licence with a view to the exploitation of the said mineral masses.

3 — During the time period referred to in the previous paragraph, the licensing authority may undertake on its own account, all actions it deems necessary to discover interest in the exploitation of the mineral masses in question and enable a contract to be signed with the respective owner.

4 — The assumption referred to in No 2 of this article may be overturned if the land owner proves, by any legally admissible means, that despite the conditions required by the said owner being acceptable, no interest was shown in exploiting the said land.

5 — For the purposes of the provisions of the previous paragraph, the conditions required by the owner shall have been advertised as a minimum, in the newspaper with the largest circulation in the region, or when this is not possible, in a national newspaper.

CHAPTER III

Reasoned opinion on location and awarding of licences

Article 9

Prior reasoned opinion on location

1 — None of the licences provided for in this law may be awarded without a favourable reasoned opinion relating to location.

2 — The reasoned opinion on location shall be issued by the competent entity for the approval of PARP or by the municipal authority which is territorially competent. The latter case shall apply when the area which is the object of the application is in a blocked area, a reserve area, or in a space for the extraction industry, in line with the respective Municipal Master Plan (PDM).

3 — Excepted from the provisions of No 1 are applications for the awarding of licences for projects, including integrated projects, subject to the legal regime for assessing environmental impact. In the event of an Environmental Impact Statement (DIA) which is favourable or favourable but setting constraints, such applications do not require the location certificate to be submitted with the licence application.

4 — The reasoned opinion application shall be dealt with by submitting the documents referred to in the draft in Annex III to this Decree-Law, of which it is an integral part.

5 — The entities referred to in paragraph No 2 shall issue a location certificate within a maximum period of 30 days after the submission of the reasoned opinion application. In the absence of a response at the end of this period, the application shall be considered favourable in cases in which the area which is the object of the application is located in a blocked or reserve area or in a space for the extraction industry classified as such in the respective Municipal Master Plan.

6 — The effects of the location certificate terminate with the rejection of the licence application or within two years from the date of the respective issue when the corresponding licence has not been applied for.

7 — Should a special spatial plan exist, the reasoned opinions on location provided for in Nos 2 and 5 of this article shall always comply with the provisions of such a plan.

Article 10

Research and operating licence

1 — The exploration and exploitation of mineral masses may only be conducted under a research or operating licence, depending on the case in question. A licence application by the interested party shall require such party to be the owner or a person who has signed a contract with the owner in accordance with this law.

2 — Licences shall define the type of mineral masses and the boundaries of the respective area.

3 — The areas defined in the licence shall be in the form of a polygon which is compatible with the limit of the building or buildings, in whose area they are implanted.

4 — A research licence shall be valid for an initial maximum period of one year from the date it is awarded, which, at the request of the holder submitted 30 days in advance, may be extended once and for an equal period.

5 — A research licence does not authorise the holder to dispose of or sell the mineral substances extracted, without prejudice to conducting analyses, laboratory and semi-industrial testing and market tests in the pursuit of the purposes inherent to research.

6 — Only the holder of an up to date licence may apply for an operating licence for the mineral masses and related area.

Article 10-A

Classes of quarries

1 — For the purposes of this law, quarries shall be classified from 1 to 4, in a decreasing order with respect to the impact they cause.

2 — Quarries which have an area equal to or greater than 25 ha shall be classified as Class 1.

3 — Underground or mixed quarries are class 2 and those which, when opencast, cover an area of less than 25 ha, but which exceed any of the limits set out in subparagraphs *a)*, *b)*, *c)* and *d)* of the following paragraph or use more than 2 000 kg of explosives per year in the rock removal method employed.

4 — Opencast quarries which use up to 2 000 kg of explosives per year in the rock removal method and which do not exceed any of the following limits shall be classified as class 3:

Following limits:

- a)* Area — 5 ha;
- b)* Depth of excavation - 10 m;
- c)* Production — 150 000 t/year;
- d)* Number of workers - 15.

5 — Traditional cobblestone and slab quarries which fall within the definition and limits of the previous paragraph shall be classified as class 4.

Article 11

Competent entities for the awarding of research or operating licences

1 — Research licences shall be awarded by the Regional Directorate of the Economy (DRE).

2 — Operating licences shall be awarded by:

- a)* The municipal authority, when class 3 and 4 open cast quarries are involved;
- b)* DRE, in the following cases:
 - i)* Class 1 and 2 quarries;
 - ii)* Quarries located in blocked or reserve areas.

3 — Regardless of the licensing competences provided for in previous paragraphs, it is the responsibility of DRE and CCDR or ICNB, I. P. to decide on the Extraction Plan and PARP, respectively. The decision shall be binding on the licensing authority.

4 — When the areas to be licensed fall under the competence of more than one territorially competent entity, the licence shall be awarded by the entity in whose territory the largest part of the area to be licensed is located, which shall consult with the other entities and inform them of the decisions made in accordance with the procedures provided for in this law.

5 — The decision on the approval or rejection of the class 1 quarry operating licence application is subject to approval by the Minister of the Economy.

CHAPTER IV

Research and operating contracts or operating contracts only

Article 12

Types of contract and form

1 — A contract may provide for research and exploitation, allowing the holder to apply for both types of licence pursuant to this law, or only for exploitation, allowing the holder to only apply for the latter type of licence.

2 — A contract signed between the building owner and a third-party pursuant to the law shall require a public deed.

Article 13

Duration

Without prejudice to the provisions of Articles 16, 17 and 18, the contract shall have a minimum validity period compatible with the following:

a) One year from the date the research licence was awarded, when provided for, at the end of which it can be renewed for successive periods of equal duration up to the awarding of the operating licence, on which date the operating stage shall start;

b) Four years from the date of awarding of the operating licence and when this initial period has ended, the contract is renewable for successive periods of equal duration.

Article 14

Compensation due to the owner

1 — Compensation due to the building owner shall be set out in the contract and consist of an annual fixed rent, plus a variable amount, referred to as a ‘variable contract payment’, based on production volume, except as otherwise expressly agreed to by the parties.

2 — The contract may include clauses for the review of compensation.

Article 15

Transfer of contractual position

1 — Except as otherwise provided for, an operator may not transfer his contractual position without the agreement of the building owner.

2 — Contracts do not expire on the death of the building owner.

Article 16

Withdrawal

1 — A party wishing to withdraw from the contract in the operation stage shall do so in writing with a minimum notice period of 12 months. When such withdrawal is to take place in the research stage, this notice period shall be reduced to half.

2 — The owner may not withdraw from a contract, either during the research stage, up to the awarding of the operating licence, or, after that, at the end of the initial period referred to in Article 13(b) of this law, or at the end of the first three renewals.

Article 17

Cancellation

1 — Regardless of the facility to withdraw as provided for in the previous article, the operator may cancel the contract at any time during the research stage or during the first six years from the date of the awarding of the operating licence. The licensing authority and the building owner shall be notified of such cancellation.

2 — Cancellation does not have retroactive effects.

Article 18

Termination of the contract

1 — Contracts terminate in the following cases:

- a) When the research licence is not applied for within one year from the date of the signing of the contract;
- b) When, in the absence of a research licence application, an operating licence is not applied for within two years from the date the contract is signed;
- c) When the operating licence is not applied for by the research licence holder within one year after the expiry of the latter;
- d) When the application for any licence is not approved;
- e) When the legal effects of the licence terminate;
- f) When the legal effects of the contract terminate pursuant to Articles 16 and 17 or this article, where the operator has not acquired the position of building owner;
- g) When the operator transfers his contractual position and the assignee does not apply for the licence at the licensing authority within two years or if the transfer application is denied;
- h) When, in the event of transfer *mortis causa* of the contractual position or the termination of the legal person, the assignee does not apply for the transfer of the licence within two years.

2 — When a contract terminates under the provisions of subparagraphs e), f) and g) of the previous paragraph, the operator shall maintain complete access to the area for full compliance with the obligations arising from this law and the licence with respect to closure and landscape restoration of the site, in accordance with the approved PARP.

Article 19

Right of first refusal

The operator shall have the right of first refusal in the sale or transfer in lieu of payment of the building located in the quarry, under the same terms as those for commercial or industrial tenants.

CHAPTER V

Research licence

Article 20

Research licence application

1 — Applicants for a research licence shall submit the following documents in duplicate and on digital support to the licensing authority:

- a) Certificate of favourable reasoned opinion on the location pursuant to Article 9 of this law;
- b) Documentary evidence confirming ownership of the building or a certificate of the contract when the operator is not the owner;
- c) Request setting out the full identification of the applicant and respective address, an indication of the substances sought to be covered by the licence, location of the area desired and its boundaries in flat rectangular coordinates, referenced to the central point of the Hayford-Gauss system;
- d) Research programme indicating the studies and work to be carried out, the underlying reasoning, techniques to be employed, detailed plans and sections of the projected field work and the post-operational situation, identifying the topographical restoration solution for the zones which are to be the target of the work;
- e) Location map at a scale of 1:25 000 showing the research area boundaries;
- f) Cadastral map at a scale of 1:2000, showing the research area boundaries and the boundaries of the adjoining buildings involved.

2 — The licensing authority may request the applicant, once only and based on due grounds, any items which are missing or additionally required which detail or complete the aspects referred to in the previous paragraph, in order to assess the suitability of the application.

Article 21

Processing of the application

1 — Once the duly formulated application has been received in accordance with that set out in the previous article, the licensing authority shall issue a receipt and send it to the applicant.

2 — The date of the receipt referred to in the previous paragraph shall represent, for all purposes, the start date of the research licence award procedure.

3 — The licensing authority shall send a copy of the application to the competent entity for approval of PARP and to the municipal authority, which, within 30 days after receipt of the said application, shall inform the said licensing authority of their reasoned opinion. In the absence of a response within the abovementioned time limit, the application shall be considered favourable.

4 — In the 20 days after the end of the time limit for the receipt of the reasoned opinions referred to in the previous paragraph, the licensing authority shall analyse the application and issue a decision or a draft decision, which shall either approve or reject the licence application.

5 — The absence of a response within the time limit provided for in the previous paragraph shall be equivalent to a favourable decision. However, the licensing authority may impose suitable technical conditions within 30 days.

6 — When the licensing authority imposes conditions on the applicant, more specifically, to pay the deposit referred to in Article 52 of this law, the provisions of Article 29 shall apply, with the time limit set out in Article 29(1) being reduced to half.

7 — The applicant shall be notified of the decision which shall also be communicated by the licensing authority to the entities consulted pursuant to this article.

8 — The granting of the licence shall be further communicated to the Directorate General for Energy and Geology (DGEG) for purposes of alphanumeric and geo-referenced registration.

Article 22

Rejection of application

Duly submitted applications shall be rejected in the following cases:

- a) When the area requested overlaps with areas licensed under this law or when incompatibility can be seen in operating activities with areas which are subject to mineral deposit prospecting and research rights;
- b) When the applicant does not accept the draft decision or the conditions to which the licence is subject;
- c) When the application does not prove to be suitable for satisfying the objectives proposed by the applicant;
- d) When the application does not ensure the sustainable exploration and exploitation of the resource, and when it does not guarantee topographical restoration when the research is concluded.

Article 23

Application to extend licence

1 — Applications to extend a licence shall be submitted to the licensing authority at least 30 days before the licence expires and be accompanied by the following items:

- a)* Report with a brief description of work undertaken and finished, restoration work and results achieved; and
- b)* Summary plan of work planned for the extension period setting out the information indicated in Article 20(d) of this law.

2 — Within 10 days, the licensing authority may request clarifications, on due grounds, and indicate measures to improve the work programme and the respective conditions. The applicant shall then pronounce on such measures, after which the decision shall be made.

3 — With the exception of cases where the applicant has proposed the opening of cutting faces, the application shall be tacitly approved should the licensing authority not pronounce within 10 days after the end date of the initial licensing application or, in the case provided for in the previous paragraph, the applicant's response does not fully meet the licensing authority's requests and indications.

4 — Within eight days after the decision or tacit approval in accordance with the provisions set out in the previous paragraph, the licensing authority shall notify the entity responsible for approving PARP, the competent municipal authority and DGEG of the extension application and its approval or rejection.

Article 24

Transfer of research licence

The transfer of a research licence shall comply with the provisions of Article 37 of this law.

Article 25

Termination of the legal effects of the research licence

1 — A research licence terminates:

- a)* When it expires at the end of the initial term or extension, when granted;
- b)* Through cancellation, if the respective holder informs the licensing authority of his cancellation of the licence;
- c)* When revoked by the licensing authority, if the holder does not comply with this law or the terms and conditions of the licence.

2 — DGEG shall be immediately notified of the termination of the licence for registration purposes.

Article 26

Rules and good practices relating to research

1 — The operator shall define and execute research work programmes in accordance with responsible environmental management criteria, assessing, preventing and minimising any impact which may be caused on soils, flora, surface or underground waters. The operator shall be fully aware of and comply with all applicable laws and regulations and limit any interference with dominant types of procedures set out in effective spatial planning to the necessary minimum.

2 — Research work which involves the opening of cutting faces shall be executed in full observance of the defence zones set out in Annex II, protection distances shall be measured from the edges of excavation boundaries.

3 — Once research work has terminated, the operator shall:

- a)* Seal wells and gullies, filling them with the material extracted and deposited, restoring the topography and soil to a situation equivalent to that initially found;
- b)* Seal bore holes to avoid possible contamination of aquifers.

CHAPTER VI

The awarding of operating licences

Article 27

Operating licence application

1 — Applicants for an operating licence shall submit the following documents in duplicate and on digital support to the licensing authority:

- a)* Administrative documents:
 - i)* Application in accordance with the draft in Annex IV to this Decree-Law, of which it is an integral part;
 - ii)* Certificate of favourable reasoned opinion on the location, when required, pursuant to Article 9 of this law;
 - iii)* Documentary evidence confirming ownership of the building or a certificate of the contract when the operator is not the owner;

- iv) Statement of responsibility from the technician in charge of the Quarry Plan in accordance with the draft in Annex V to this Decree-Law, of which it is an integral part;
 - v) Environmental impact study in the case of operations subject to environmental impact assessment;
 - vi) Location map at a scale of 1:25 000 showing site access, covering a radius of 2 km;
 - vii) Cadastral map at a scale of 1:2 000, or at a suitable already existing scale, showing the quarry and boundaries of the property, adjoining properties and accesses to site, as well as existing easements;
 - viii) Topographical map at a suitable scale for the size of the quarry, preferably 1:500 or 1:1 000, showing the location of the quarry annexes when they are planned;
- b) Summary justifying economic viability;
- c) Technical documents relating to the Quarry Plan as provided for in Annex IV to this Decree-Law, of which it is an integral part.

2 — Subject to acceptance by the entities responsible for approving the Extraction Plan and PARP, the applicant may be exempted from submitting one or more of the technical items referred to in Annex VI when, based on the characteristics of the quarry to be licensed, and provided that it is duly justified that such items are not required to execute the Quarry Plan.

3 — (Repealed.)

Article 28

Processing of procedure

1 — The licensing authority shall issue a receipt for the application and send it to the applicant.

2 — The date of the receipt referred to in the previous paragraph shall represent, for all purposes, the start date of the research licence award procedure.

3 — The decision on the operating licence applications provided for in this article shall be pronounced within 80 days from the date the application is submitted.

4 — Should the initial application not satisfy the provisions of the previous article, the licensing authority shall request the applicant to provide the missing items within 10 days. The time limit on the proceeding shall be suspended until such items are submitted.

5 — The entities with responsibility for approving the Extraction Plan and PARP may, through the licensing authority, request the applicant to provide duly justified additional documentation to that provided for in the previous article which is necessary for the technical analysis of the application. The licensing authority shall inform the applicant of the suspension of the time limit referred to in No 3 of this article.

6 — After hearing the applicant, the licensing authority, within the time limit set, may immediately reject the application in accordance with Article 30.

7 — When the licensing authority is a DRE, the procedure shall be as follows:

a) In cases other than those provided for in No 10, DRE shall send a copy of the application to the entity responsible for approving PARP within 20 days;

b) The entity responsible for approving PARP shall notify DRE, within 40 days from the date of the request of the latter, of its decision with respect to the analysis of items in the Quarry Plan which it is responsible for and state the value of the deposit to be paid by the applicant. Without prejudice to the provisions provided for in legislation on environmental impact assessment, the absence of response within the abovementioned time limit shall be considered as non-opposition. However, the conditions set out in Annex VII to this Decree-Law, of which it is an integral part, shall be taken into consideration;

c) During the time limit referred to in the previous subparagraph, DRE shall request the municipal authority to check the archaeological map and issue a reasoned opinion on the Quarry Plan and request the territorially competent Regional Health Administration (ARS) and the Authority for Working Conditions (ACT) to provide their respective reasoned opinions which are to be issued within 20 days. Absence of response within the stated time limit shall be considered as a favourable reasoned opinion;

d) Once the provisions of the previous subparagraphs have been complied with, DRE shall pronounce on the licence application within 20 days.

8 — When the licensing authority is a municipal authority, the procedure shall be conducted as follows:

a) The municipal authority shall send DRE and the entity responsible for approving PARP a copy of the application within 10 days;

b) Within 40 days after receipt of the document referred to in the previous subparagraph, DRE and the entity responsible for approving PARP shall notify the municipal authority of their decision on the items received, imposing technical conditions whenever necessary and the entity responsible for approving PARP shall state the value of the deposit to be provided. Without prejudice to the provisions provided for in legislation on environmental impact assessment, the absence of response within the abovementioned time limit shall be considered as non-opposition. However, the conditions set out in Annex VII to this Decree-Law shall be taken into consideration;

c) During the time limit referred to in the previous subparagraph, the municipal authority shall request ARS and ACT to provide their respective reasoned opinions which are to be issued within 20 days. Absence of response within the stated time limit shall be considered as a favourable reasoned opinion;

d) Once the provisions of the previous subparagraphs have been complied with, the municipal authority shall pronounce on the licence application within 20 days.

9 — In the case of licence applications for operating quarries subject to environmental impact assessment, the proceedings governed in this article shall be suspended until the licensing authority has received the Environmental Impact Statement (DIA).

10 — In the cases referred to in the previous paragraph, the approval of PARP by the competent entity is not required. The licensing authority shall consult this entity for the purposes of establishing the value of the deposit.

11 — If a licence is awarded further to an Environmental Impact Statement (DIA) which is favourable or favourable with constraints, the inspection provided for in Article 31(1) of this law shall be conducted.

12 — Whenever a contradiction is seen between the reasoned opinions issued by the entities consulted, the licensing authority shall take the necessary actions to rectify the positions assumed.

Article 29

Awarding of licences

1 — Once the conditions have been met for awarding the licence, the licensing authority shall notify the applicant, within 20 days, to accept the conditions of the said licence in writing, and, more specifically, the deposit and respective sum. Such sum shall be paid within the time stated in the notification, which may not be more than six months.

2 — The applicant shall provide proof to the licensing authority that the deposit has been paid in accordance with the provisions of Article 52.

3 — The licensing authority shall notify the applicant of the awarding of the licence, accompanied by a copy of the approved Quarry Plan and a request to provide the respective three-year programme within 180 days, also informing the municipal authority or DRE, depending on the case, and the entity responsible for approving PARP.

4 — Non-acceptance or non-payment of the deposit within the stated time limit shall be considered equivalent to refusal of the licence by the applicant.

5 — Without prejudice to the provisions of the previous paragraph, a duly formulated operating licence application submitted under a research licence may only be rejected should the Quarry Plan not be approved.

Article 30

Rejection of application

At any time during processing, an application, even when duly prepared, shall be rejected by the licensing authority in the following cases:

a) When the area of the application, not submitted under the research licence of the applicant, overlaps with licences granted in accordance with this law;

b) When it is considered that the project's economic viability or its proper implementation are not guaranteed;

c) When the application does not prove to be suitable for satisfying the objectives proposed by the applicant;

d) When the application does not ensure the sustainable exploitation of the resource;

e) When the applicant does not accept the licence conditions;

f) Due to reasons of public interest;

g) For health, safety, work and environmental reasons;

h) When an unfavourable Environmental Impact Statement (DIA) has been issued, in cases requiring Environmental Impact Assessment (EIA) proceedings.

Article 31

Inspection of operations

1 — The entities participating in licensing shall inspect the operation 180 days after the licence was awarded, whenever they consider it suitable based on the nature and size of the said operation with the goal of ensuring compliance with the terms and conditions of the licence and the objectives set out in the three-year programme, which shall be submitted every three years to the licensing authority.

2 — Without prejudice to the provisions of the previous paragraph, class 1, 2 and 3 quarries shall be inspected after three years have passed since the licence was awarded and every three years thereafter. The aim of such inspections is to verify compliance with the objectives set out in the respective three-year programme, legal obligations and licence requirements.

3 — The operator shall request the licensing authority to inspect the quarry when seeking to close operations.

4 — The inspections referred to in the previous paragraphs shall be coordinated by the licensing authority, which shall call on the entities responsible for approving the Extraction Plan and PARP, giving a minimum notice of 15 days.

5 — Once the inspection has been concluded, a document attesting to the compliance by the quarry with the terms of the operating licence shall be drawn up. In the event that compliance is not confirmed, a document setting out the measures deemed necessary and the respective deadline for completion shall be drawn up.

6 — The licensing authority is required to inform the operator within 30 days, also notifying the other entities involved, of the terms of the inspection document, as well as the respective decision.

7 — Should the measures determined under No 5 of this article not be complied with within the time limit conceded for the purpose or under inspection actions carried out, a new inspection shall be conducted at the initiative of the licensing authority and the precautionary or penalty measures considered necessary shall be applied.

8 — Class 4 quarries are not required to comply with the provisions of No 2 in this article, except when they have been the subject of an integrated project. In such cases, the technician in charge provided for in Article 42(8) shall request an inspection for all the quarries included therein.

Article 32

Registration

1 — Once the operating licence has been awarded, the licensing authority shall inform DGEG of the quarry's alphanumeric and geo-referenced data for purposes of allocating the corresponding cadastral number.

2 — DGEG shall inform the municipal authority and the licensing authority of the cadastral number allocated. The licensing authority shall then inform the operator and the entities responsible for approving the Extraction Plan and PARP, without prejudice to the public dissemination of this information on the licensing authority's website.

Article 33

Quarry annexes

1 — Extraction industry establishments which are annexes to the quarry, although subject to licensing and inspection in accordance with special applicable legislation, may be installed within the licensed area of the quarry, in which case they are not required to obtain location authorisation.

2 — At the end of operations, all annexes and other infrastructures shall be removed, except if approved under PARP, a different use is otherwise provided for.

Article 34

Extension and changes to the licensing regime

1 — When a quarry operator, having obtained the operating licence awarded by the municipal authority, wishes to exceed the limits established for class 3 and 4 quarries, they shall apply for a change to the licence, submitting the application in accordance with Article 27 and following the procedure set out in Article 28 of this law, with due adaptation with respect to the change in question.

2 — For the purposes of expanding and changing an operating licence pursuant to that set out in the previous paragraph, in cases where expansion is not greater than 30% of the quarry area and provided that an equivalent area of already exploited landscape has been restored, the operating contract shall remain in the same terms and the operator shall only be required to provide prior communication to the municipal authority and the entity responsible for approving PARP, which, should they not pronounce on the communication within 20 days, it shall be considered that they do not oppose the location, without prejudice to compliance with the legal regime on environmental impact assessment, if applicable.

Article 35

Integrated project

1 — When interest is shown in the rational exploitation of mineral masses in operation or in the good restoration of already exploited areas, the licensing authority or DGEG, at their own initiative or at the request of interested parties and after consultation with the entities responsible for approving the Quarry Plan, shall invite the owners of adjoining or neighbouring quarries to enter into a written agreement, the terms of which shall result in an integrated project. Such a project shall provide for carrying out activities and adapting the respective Quarry Plans with the aim of obtaining the coordinated development of the individual operations of each quarry.

2 — For the purposes of the provisions of the previous paragraph, the licensing authority or DGEG, after consultation with the entities responsible for approving the Extraction Plan and PARP, the municipal authority and the owners shall draw up a draft agreement setting out the conditions for coordinating the integrated project, and the measures to be taken with a view to implementing the said agreement, submitting it for signature by all participating operators.

3 — Once the agreement referred to in the previous paragraph has been signed, the licensing authority or DGEG shall take the actions necessary for drawing up the integrated project and one of these entities shall be responsible for coordinating the work.

4 — Once the integrated project has been finalised, it shall be signed by the public entities involved in its preparation, and by a minimum of 50% of the operators involved.

5 — When an integrated project does not result in an expansion of more than 30% with respect to the series of licensed areas, or a final expanded area greater than 25 ha, the operators are only required to provide prior communication to the municipal authority and the entity responsible for approving PARP. Should the latter entities not issue a pronouncement within 20 days, it shall be considered that they do not oppose the location, without prejudice to compliance with the legal regime for environmental impact assessment, if applicable.

6 — In situations where the requirements of Article 37 of Decree-Law No 90/90 of 16 March 1990 are satisfied, DGEG may propose the approval of a Ministerial Implementing Order on blocking to the minister responsible for the economy, as provided for in Article 3 of this Decree Law.

7 — Should the integrated project be subject to the legal regime for environmental impact assessment, it should be understood that, for the purposes of the provisions of Decree-Law No 69/2000 of 3 May 2000, for procedural purposes, such an ‘integrated project’ shall be equivalent to the definition of ‘project’ set out in Article 2(o) of that Decree-Law.

8 — Once the integrated project is approved in accordance with Nos 4 or 5 of this article, the operators installed or to be installed in the area which is the object of the integrated project shall, within the time limit set out in Article 29(3), submit to the licensing authority the duly adapted Quarry Plan for the area which they own together with the respective three-year programme accompanied by the description for the rectification of rock removal work impacting on adjacent work in adjoining or neighbouring quarries.

9 — In the cases provided for in Nos 5 and 7 of this Article, the operators installed or to be installed in the area which is the object of the integrated project are required to comply with the conditions set out in the Environmental Impact Statement (DIA).

10 — In light of the items submitted pursuant to No 8 of this article, the licensing authority shall conduct the inspection in accordance with that set out in Article 31.

Article 36

Merger of adjoining or adjacent quarries

1 — The owners of adjacent or adjoining quarries wishing to merge all or part of their respective operations shall submit an application to the licensing authority describing the objectives and methods of the merger and indicate who will take control of the quarry after the said merger.

2 — Based on the information submitted, the licensing authority, after having heard the entities which approve the Quarry Plan, shall set out the steps to be taken with a view to issuing the licence to replace the individual quarries and reviewing the plans under the new joint arrangement.

3 — The issuing of the licence or approval to replace the previous licences, pursuant to this Article, shall not represent new licensing and the merged quarry shall not be considered as a new quarry. Prior authorisation with respect to location or owner agreement for buildings forming part of the individual quarries now merged shall not be necessary. The holder of the merged quarry shall take over the legal positions held by the previous operators under the same terms as those set out in the respective operating contracts and licences.

4 — When a merger does not result in an expansion greater than 30% with respect to the series of licensed areas, or a final expanded area greater than 25 ha, the operators are only required to provide prior communication to the municipal authority and the entity responsible for approving PARP. Should the latter entities not issue a pronouncement within 20 days, it shall be considered that they do not oppose the location, without prejudice to compliance with the legal regime for environmental impact assessment, if applicable.

Article 37

Transfer of operating licence

1 — Transfer *inter vivos* or *mortis causa* of the operating licence shall only be valid when in favour of a person who has acquired the position of operator with authorisation from the licensing authority.

2 — The licensing authority shall notify the other entities responsible for approving the Extraction Plan and PARP of transfer and loss of licence and also DGEG for purposes of updating the register.

Article 38

Termination of legal effects

1 — The legal effects of an operating licence terminate:

- a) When they expire;
- b) When revoked.

2 — DGEG shall be immediately notified of the termination of the licence for registration purposes.

3 — The termination of the legal effects of the licence does not prejudice the responsibilities of the operator or substitute to carry out the necessary safety and environmental restoration work.

Article 39

Expiry

1 — An operating licence shall expire when any of the following is seen:

- a) Expiry of the contract;
- b) Discontinuation of the quarry;
- c) Depletion of the quarry’s reserves;
- d) Death of the natural person or closing down of the legal person holding the licence if the transfer of the said licence in favour of the respective successor has not been applied for within the time limit set out in Article 18(h).

2 — The expiry declaration may only be issued after compliance with the disengagement procedure provided for in Article 53 of this Decree-Law.

3 — When the expiry of the operating licence has been declared, the licensing authority shall communicate this fact to the operator and to all entities involved in the licensing and registration procedure.

Article 40

Revoking of licences

1 — An operating licence may be revoked by the same entity that granted it, in the following cases:

a) When a licence holder breaches provisions relating to defence zones or the safety of persons and property three times in a 12-month period;

b) When, without due reason, a licence holder does not comply with the decisions imposed by an inspection conducted by the entities responsible for approving the Quarry Plan as referred to in Article 54(2) of this law;

c) When the seriousness or repeated nature of the breach or breaches committed demonstrates the incapacity of the licence holder to ensure the good operation of the quarry covered by the said licence;

d) When the licence holder does not replace or reinforce the deposit in accordance with the provisions of Article 52(5) and (6) of this law;

2 — When, in any of the cases provided for in the previous paragraph, the provisions, determinations or incapacities referred to therein relate to non-compliance with PARP, the licence may be revoked after a binding reasoned opinion issued by the entity responsible for approving the said plan.

3 — When, in any of the cases provided for in No 1, the provisions, determinations or incapacities referred to therein relate to non-compliance with safety issues, the licence may be revoked after a duly substantiated request from the entity responsible for approving the Extraction Plan, further to a reasoned opinion from the entity responsible for approving PARP

CHAPTER VII

Operating and restoration of quarries

Article 41

Quarry Plan

1 — The operator may not conduct exploitation, closure or restoration operations without an approved Quarry Plan, which is also required for the respective licence, more specifically, with regard to the preparation of the respective three-year plans and the final objectives of the exploitation, processes and possible monitoring actions during and after such operations.

2 — The Quarry Plan and PARP shall be duly coordinated with each other. The Quarry Plan and the Extraction shall be monitored over time through the compulsory provision of three-year plans and the respective inspections pursuant to Article 31, when applicable.

3 — Whenever necessary, PARP may provide for the use of soils and rocks which do not contain dangerous substances from construction work, and which cannot be reused in the respective original work. Under applicable legislation, the operator is not required to obtain specific licensing for the disposal of such waste.

4 — The Quarry Plan shall always have as underlying goals the minimising of environmental impact on the surroundings, the sustainable exploitation of the mineral mass and, taking into account the operator's economic situation, the principle of Best Available Techniques (BAT).

5 — The operator may review the Quarry Plan and seek prior approval from the competent entities when wishing to make changes.

6 — The Quarry Plan shall always be signed and initialled by its author and may also be endorsed by others involved due to their specialism in components of the plan.

Article 42

Technician in charge

1 — The quarry's technical management shall be undertaken by a person holding higher education in a suitable specialism as recognised by DGEG.

2 — 'Suitable specialism' is understood to be a degree where the syllabus involves the areas of mine, geological or geo-technical engineering or other degrees in related technical areas provided that they are complemented by specific additional technical training or a duly corroborated minimum of five years' operating experience.

3 — The technician in charge of the quarry shall be jointly and severally liable with the operator for the implementation of the approved Quarry Plan, regardless of whether the said technician has endorsed it.

4 — Should the use of explosives be required for extraction work, the technician in charge shall have specific training in this area.

5 — Unless the quarries are all within the same company, no technician may be responsible for more than three class 1 or nine class 2 quarries. For this purpose, one class 1 quarry corresponds to three class 2 quarries.

6 — Quarries with overall annual operations greater than 450 000 t of industrial rock and those with depths greater than 70 m or extraction of 75 000 t of ornamental rock shall also have a minimum of one full-time technician with higher education, regardless of whether or not this person is the technician in charge.

7 — In class 3 and 4 quarries, technical responsibility may be assumed by a person of good standing recognised by the licensing authority and who has a minimum of five years' experience in this industry, except when an integrated project is involved in which case a technician shall be proposed holding the specialism provided for in No 2 of this article.

Article 43

Change in technician in charge

1 — The operator shall apply to the licensing authority with regard to changing the technician in charge. The application shall be accompanied by recognition of suitable specialism to be issued by DGEG and the respective statement of responsibility.

2 — The operator and the entities responsible for approving the Extraction Plan and PARP shall be notified of the decision.

3 — The new technician in charge shall endorse the Quarry Plan in effect and, as such, be responsible for implementing this plan.

Article 44

Good rules of operation

1 - In the operation of opencast quarries, it is compulsory to:

a) Employ a cutting method providing straight steps from top to bottom, except if the entity responsible for approving the Extraction Plan approves otherwise;

b) Remove cover soils to a convenient distance from the upper edge of the excavation boundary and provide a band with a minimum width of 2 m free of soils, surrounding and limiting the abovementioned edge of the excavation area.

2 — Cutting and other underground work in opencast quarries shall require the operator to apply for prior authorisation from DRE.

3 — Work carried out using explosives in horizontal or sub-horizontal strips in industrial rock quarries requires the operator to apply for prior authorisation from DRE.

4 — Good practice rules to be observed in underground or mixed extraction shall be approved through a Ministerial Implementing Order issued by the members of government responsible for the areas of the environment and the economy, within one year after the publication of this Decree-Law.

Article 45

Signage

1 — While a quarry is in operation, a sign shall be placed identifying the quarry and the operating company, the date of licensing and the licensing authority. Suitable signage shall also be placed informing persons that they are approaching a work area.

2 — The boundaries of a quarry's licensed area shall be duly marked and, whenever possible, fenced.

3 — The edges of excavation areas where rock cutting has terminated shall be protected by fencing which is suitable to the conditions of the location in question.

4 — The use of gunpowder and explosives requires prior audible and visual alarms as well as protection of access points to places where risks may exist.

Article 46

Safety

1 — The licensing authority may order the execution of work or measures to ensure the safety of operations.

2 — Quarry operators and technicians in charge are responsible for taking all suitable steps to ensure the safety of workers in accordance with regulatory provisions in effect, the safety of third-parties and the preservation of assets which may be affected by operations.

3 — Quarry operators and technicians in charge of operations shall be jointly and severally liable for damage caused due to the non-observance of rules of good practice in the execution of exploitation work, without prejudice to provisions relating to work accidents and occupational diseases.

Article 47

Use of gunpowder and explosives

1 — Authorisation to use gunpowder and explosives in cutting operations shall be obtained in accordance with current legislation. A favourable reasoned opinion shall be required from DRE, without which any licences possibly granted shall be considered null and void.

2 — The operator shall send a request addressed to DRE requesting the issue of a reasoned opinion.

3 — In cases where explosives are used, inspection may require, whenever deemed necessary, completion of the use of explosives registration forms in order to assess the effects caused.

4 — Regardless of a favourable reasoned opinion for the use of explosives, DRE, for duly justified technical or safety reasons may limit or temporarily suspend the use of explosives and, in duly justified cases, require the use of alternative procedures.

5 — The provisions of current legislation and technical regulations shall be observed in the use of explosives.

Article 48

Discoveries of cultural interest

1 — Any archaeological find occurring during quarry operations shall be communicated within forty-eight hours to the licensing authority, the competent authority for cultural heritage and ICNB, I. P., when the quarry is located in a classified area, so that the necessary steps may be taken. Law No 107/2001 of 8 September 2001 shall apply.

2 — When a palaeontological or mineralogical find or a karstic cavity of unusual interest is involved, the operator shall notify the licensing authority, ICNB, I. P. and DGEF, which shall inform the National Laboratory of Energy and Geology (LNEG) and the competent entity at the Ministry of Science, Technology and Higher Education.

Article 49

Closure and recovery of a quarry

1 — Operators shall close operations and restore the quarry area in accordance with the approved PARP:

- a) Whenever possible, this should take place as the cutting faces advance;
- b) When the operations are concluded;
- c) When the quarry is discontinued, or the licence expires pursuant to this Decree-Law.

2 — When operations terminate, the operator shall notify the licensing authority of the intention to close the quarry. The licensing authority shall then notify the entities responsible for approving the Extraction Plan and PARP, and an inspection shall be conducted in accordance with Article 31 to verify compliance with that set out in the Quarry Plan.

Article 50

Discontinuation

1 — A quarry shall be considered to have been discontinued whenever the operator so declares to the licensing authority or when operations are interrupted, except:

- a) When justified reasons so exist and are recognised by the licensing authority, after the entities responsible for the Quarry Plan have been heard;
- b) When the operator proves that the work interruption period is less than two continuous years;
- c) When the operator has obtained prior authorisation from the licensing authority to suspend operations.

2 — When a discontinuation declaration is submitted, an inspection shall be conducted in accordance with Article 31(3), as a result of which the closure conditions shall be defined.

3 — When interruption of work has been confirmed, the licensing authority shall notify the operator to justify such interruption within 30 days or prove that it did not last two continuous years.

4 — Should the licensing authority, after consultation with the entities responsible for the Quarry Plan, not consider that the interruption is justified or not accept the proof that it did not last less than two continuous years, the said licensing authority shall notify the operator to immediately close the operation and carry out the restoration not conducted.

5 — In the situation provided for in the previous paragraph, the operator shall restore the quarry in accordance with PARP pursuant to Article 49, or in compliance with express guidelines issued by the entity responsible for approving PARP.

6 — The application to suspend operations provided for in 1(c) of this article shall be sent to the licensing authority and be duly justified and indicate the desired interruption period.

7 — After consultation with the entities responsible for approving the Quarry Plan, the licensing authority shall decide whether to accept the suspension application, set the respective conditions and inform all those involved.

8 — In the case of discontinuation of the quarry, except with respect to the provisions of Article 53, the entity responsible for approving PARP shall use the deposit provided in its favour to guarantee compliance with the legal obligations set out in the licence and PARP.

9 — In the case of quarry discontinuation and when no deposit exists, the owner of the land shall be responsible for restoring the site.

Article 51

Statistical data and technical reports on the quarry plan and research

1 — Up to the end of April every year, quarry operators shall send DGEG a statistical report on production from the previous year, drawn up in accordance with the approved model.

2 — In addition to the statistical report referred to in the previous paragraph, quarry operators shall also send the licensing authority, up to the end of the same month, a technical report, drawn up by technician in charge of the operation, which shall include sufficient information to analyse progress in work carried out in the previous year with respect to the three-year programme arising from the Quarry Plan. More specifically, it shall include information on production achieved, labour used, explosives and power used, different oils and lubricating grease consumed, the status of exploitation and restoration work and other specifications, except if there is a standardised model report provided for the purpose.

3 — The licensing authority shall send a copy of the report to the entities responsible for approving the Quarry Plan.

4 — DRE and the entity responsible for PARP, when it is deemed necessary, may require the submission of complementary working drawings to the technical report.

5 — Operators and the technicians in charge of the quarry shall be responsible for the accuracy of the information provided under Nos 1 and 2, respectively.

6 — Holders of research licences shall send DRE a copy of all data, technical reports and analytical results obtained during work undertaken.

7 — Statistical information provided to DRE is confidential, without prejudice to applicable legislation.

Article 52

Deposit

1 — The licensing authority shall require the payment of a deposit from operating licence holders and research licence holders wishing to open cutting faces, in favour of the entity approving PARP. This deposit is to ensure compliance with the legal obligations set out in the licence and PARP.

2 — The deposit shall be paid by any suitable method accepted directly, more specifically, through a bank guarantee, deposit or insurance-deposit, provided that such methods guarantee the immediate and unconditional payment of any sums, up to the limit value of the deposit, which the beneficiary entity, regardless of legal decisions, may demand when non-compliance with PARP is deemed in accordance with the provisions of the previous paragraph.

3 — Without prejudice to the provisions of the following paragraph and after approval of PARP, the deposit shall be calculated by applying one of the calculation formulas set out in No 5 and paid to the competent entity that approved it.

4 — Should the company not provide the information necessary for the calculation, a full deposit shall be demanded by the licensing authority based on the method set out in subparagraph c) of the following paragraph.

5 — Depending on the type of mineral mass being exploited, the particularities of PARP and the type of quarry, the value of the deposit shall be calculated based on one of the methods indicated below. For class 4 quarries, the method to be used shall always be that set out in subparagraph c):

a):

$$X = Ctrec - (Ctrec: Atl) \times (Avg + Arec)$$

where:

X = value of deposit;

Ctrec = total cost of the project approved for implementation of PARP;

Avg = licensed area, in square metres, not modified at the date of compliance with the respective three-year programme;

Atl = total licensed area in square metres;

Arec = area exploited, in square metres, already restored.

b):

$$X = Ctrec - (Ctrec: Vtex) \times (Vtex - Vex)$$

where:

X = value of deposit;

Ctrec = total cost of the project approved for implementation of PARP;

Vtex = total volume provided for in the extraction plan for exploitation;

Vex = volume already exploited;

c):

$$X = C \times (Atl - Arec)$$

where:

X = value of deposit;

C = estimated unit cost updated to restore one unit of area;

Atl = total licensed area in square metres;

Arec = area exploited, in square metres, now restored;

6 — Every three years at the request of the licence holder, the deposit may be partially released, based on the degree of compliance with PARP. However, it may be increased by the beneficiary entity if changes have been made to PARP or in proportion to any non-compliance with PARP seen at the respective inspection.

7 — Whenever any payment is made by the deposit account, the operator shall re-establish the initial value within 90 days, after notification by the licensing authority or beneficiary of the deposit.

8 — When, due to the immediate application of the methods referred to in No 5, the value calculated exceeds € 250 000, the operator shall be granted a period of three years to provide the difference and ensure the full amount of the deposit is met.

Article 53

Disengagement of the operator and release of deposit

1 — A deposit shall be immediately released when, after an inspection by the licensing authority, to be requested by the operator, with a copy being sent to the entities responsible for approving the Quarry Plan, such entities confirm compliance with PARP in writing and the subsequent disengagement of the operator in an official order issued by the licensing authority.

2 — The inspection shall be conducted within a maximum of 45 days after the request has been submitted. For inspection purposes, the licensing authority shall inform the entities responsible for approving the Quarry Plan 20 days prior to the date the said licensing authority sets for the said inspection.

3 — The release of the deposit may be in full or partial in proportion to the degree of implementation of PARP. In the event of partial release, the inspection shall be repeated in accordance with that provided for in this article.

Chapter VIII

Inspection of quarry research and operation

Article 54

Inspection of research and operating activities

1 — Administrative inspection of compliance with legal provisions on the exercising of exploration and exploitation of mineral masses is the responsibility of the municipal authority, the police forces and the Authority for Economic and Food Safety (ASAE) under its respective competences, without prejudice to the competences of other entities involved in the licensing procedure, the Inspectorate-General of the Environmental and Spatial Planning (IGAOT) and ATC.

2 — Technical inspection of compliance with the Extraction Plan and PARP is particularly the responsibility of the entities responsible for their approval, which shall act in close collaboration with the licensing authority and maintain each other informed of the inspection results.

3 — Whenever it proves to be necessary, the entities referred to in the previous paragraph may require the licence holder to implement measures to prevent risks and accidents or dangerous situations liable to affect persons and property, working conditions or the environment.

Article 55

Inspection activity

1 — Bodies with inspection competences shall:

a) Seek to ensure compliance with the legal provisions applicable to activities governed by this law;

b) Visit the quarries in their area of competence, requesting the urgent presence of the licensing authority at any quarry where they believe that danger exists for employees or third-parties or for neighbouring buildings or public access points;

c) Proceed immediately to any quarry after receiving complaints or reports of accidents, and all such accidents are required to be communicated by operators.

2 — In the case provided for in subparagraph *c*) above, after arriving at the accident site, the authorities shall immediately confirm whether the incident has been communicated to DRE. Should this not be the case, they shall ensure that such communication is made.

3 — In accordance with that set out in the previous paragraph, the authorities shall stop unauthorised personnel from approaching the site and the incident itself and ensure that no evidence of the occurrence is destroyed.

4 — When the authorities mentioned in No 1 note the existence of any indication of any infringement, they shall draw up the corresponding official report.

Article 56

Official Report

1 — The entity conducting the inspections provided for in this law shall set out in the Official Report any shortcomings or failures encountered. They shall also include in the same report any warnings and recommendations for the operator or technician in charge of the Quarry Plan with a view to updating the said plan and indicating, when applicable, the legal provisions or technical instructions which have been breached.

2 — The document shall be sent to the competent authority to instigate the infringement proceedings.

Article 57

Inspection obligations

Holders of research or operating licences are required to assist inspection agents:

- a*) During visits to operation work sites, branches and annexes;
- b*) With the consultation of the items corroborating the licence and other information on the research or operation of the quarry and PARP, which shall be maintained on site at the quarry or at another location, provided that such location is accepted by the licensing authority;
- c*) By providing personnel and the technical resources required for the full performance of their work;
- d*) By providing all information and clarification on work as requested, more specifically, the collection of samples.

Article 58

Accidents

1 — Without prejudice to the provisions of legislation on work accidents, when any accident occurs at a quarry resulting in death, serious injury or large material damage, or which jeopardises the safety of persons and property, the operator or the on-site representative, is required to notify DRE immediately, as well as the closest municipal authority or police force so that appropriate measures may be taken.

2 — In the cases provided for in the previous paragraph, the operator or respective representative, shall describe in detail, the work that was taking place at the time of the accident and the possible causes.

3 — DRE shall visit the site of the accident as quickly as possible in order to conduct the respective inquiry to determine the circumstances and causes of the accident. A report shall then be drawn up.

4 — Without prejudice to help to be provided to accident victims and precautions to be taken in the event of imminent danger to quarry personnel or neighbouring buildings, all evidence relating the accident shall be fully preserved and safeguarded.

5 — In the cases provided for in the previous paragraphs, the operator shall take all the necessary precautions to ensure the convenient and immediate treatment of work accident victims.

CHAPTER IX

Penalties

Article 59

Infringements and fines

1 — The following shall constitute an infringement punishable by a fine of € 2 493.99 to € 44 891.81:

- a*) Research and operation in mineral deposits without a licence;
- b*) Disregard of the provisions of Article 34(1);
- c*) Disregard of the provisions of Article 37(1);

2 — The following shall constitute an infringement punishable by a fine of € 498.79 to € 44 891.81:

- a) The non-review of the quarry plan in accordance with that set out in Article 41(5);
- b) Absence of signage in accordance with that set out in Article 45;
- c) Disregard of the provisions of Article 47;
- d) Disregard of the provisions of Article 58;
- e) Disregard of the provisions of Article 63;

3 — Non-compliance with the conditions set out in research and operating licences, with the exception of those relating to the approved PARP, shall constitute an infringement punishable by a fine of € 249.39 to € 14 963.94, as shall the following:

- a) Disregard of the provisions of Article 10(5);
- b) Disregard of the provisions of Article 42(1), (4) and (6);
- c) Disregard of the provisions of Article 43(1);
- d) Disregard of the provisions of Article 44(1) and (2);
- e) Disregard of the provisions of Article 46(2);
- f) Disregard of the provisions of Article 51(1), (2), (5) and (6);
- g) Disregard of the provisions of Article 57;

4 — The maximum limit of fines applied to natural persons in accordance with Nos 1, 2 and 3 of this Article is € 3 740.98.

5 — Non-compliance with the provisions of Article 49(1), operating without an approved PARP, and non-authorised discontinuation pursuant to Article 50, shall constitute a serious environmental infringement, punishable under the terms of Law No 50/2006 of 29 August 2006.

6 — Non-compliance with the defence zones and special defence zones provided for in Articles 4 and 5, non-compliance with the conditions set out in operating licences relating to an approved PARP and non-compliance with the provisions of Article 26(3) shall constitute a serious environmental infringement, punishable under the terms of Law No 50/2006 of 29 August 2006.

7 — Non-compliance with the provisions of Article 48 and 49(2) shall constitute a minor environmental infringement, punishable under the terms of Law No 50/2006 of 29 August 2006.

8 — The attempt to commit any such infringement and negligence shall also be punishable.

9 — Conviction for the serious and very serious environmental infringements provided for in Nos 5 and 6 of this article, when the specific measure of the fine exceeds half the maximum amount of the abstract fine applicable, may be published in accordance with the provisions of Article 38 of Law No 50/2006 of 29 August 2006.

Article 60

Additional penalties

1 — In addition to the fine, the competent authority may apply the following additional penalties, depending on the seriousness of the infringement and the culpability of the agent:

- a) Loss, in favour of the State, of equipment, machinery and utensils used in the infringement;
- b) Exclusion from entitlements to subsidies or benefits provided by public entities or departments;
- c) Suspension of licence;
- d) Closure of the quarry;
- e) Suspension of exercising the profession or activity which requires public licence or authorisation or similar approval from a public authority.

2 — The penalty referred to in subparagraph *d)* of the previous paragraph shall be applied when unlicensed research or operating activities are carried out.

3 — The penalties referred to in 1(*c*) and (*e*) have a maximum duration of two years from the final conviction decision and the restart of activity shall be dependent on the express authorisation of the licensing authority, which may not be granted while the conditions leading to the infringement remain unattended.

4 — With respect to 1(*a*), (*b*) and (*e*), the authority which applied the fine shall publicise it at the offender's expense.

5 — The entity responsible for applying fines relating to very serious environmental infringements as provided for in Nos 5 and 6 of the previous article may also apply any additional penalties deemed suitable, in accordance with that set out in Articles 29 to 39 of Law No 50/2006 of 29 August 2006.

Article 61

Processing of cases and application of fines

1 — The initiative to instigate infringement proceedings under this Decree Law is the responsibility of the municipal authority, DRE or the entity responsible for approving PARP, which are territorially competent, IGAOT or the Authority for Economic and Food Safety (ASAE).

2 — When proceedings have been instigated by any of the entities mentioned above, the licensing authority shall be immediately notified.

3 — The President of the Commission for the Application of Fines in Economic and Advertising Matters (CACMEP), the respective president of the municipal authority, the president of ASAE, the president of the entity responsible for approving PARP or the Inspector-General of the Environment and Spatial Planning shall be responsible for applying the fines provided for in this law.

Article 61-A

Use of the proceeds of fines

1 — Proceeds from the fines provided for in Article 59(1), (2) and (3) shall be distributed as follows:

- a) 60% for the state;
- b) 10% for the entity which issued the notice;
- c) 30% for the entity which instigated the infringement proceedings and applied the respective fine.

2 — Fines applied by municipal authorities shall be excluded from the provisions of the previous point and shall revert in full to the respective municipality.

Article 62

Restoration to the situation prior to the infringement

1 — Without prejudice to the provisions of the previous articles, an unlicensed quarry operator is required to rectify the causes of the infringement and restore the situation to its condition prior to when the infringement took place or an equivalent situation

2 — If the duty to restore the situation is not voluntarily complied with, the entities responsible for approving PARP shall act directly on account of the offender and the respective expenditure shall be charged coercively through proceedings provided for in tax enforcements.

3 — When restoration is not possible or considered suitable by the entities referred to in the preceding paragraph, the offender shall be required to execute the measures necessary to reduce or offset the impacts caused, in accordance with express guidelines issued by the said entities.

CHAPTER X

Transitory provisions

Article 63

Existing quarries

1 — Without prejudice to the validity of licences granted, this Decree-Law shall apply to existing quarries in accordance with that set out in the following paragraphs.

2 — Already licensed quarry operators that do not comply with the requirements laid down in this Decree/Law are required to adapt their respective operations to the requirements herein.

3 — For already licensed operations with defence zone distances which are less than those set out in this Decree-Law, the new distances shall apply if disruptions are not caused to work, as recognised by the licensing authority further to a reasoned declaration submitted by the operator.

4 — Existing contracts on the date of entry into force of this Decree-Law, signed between the owner and the operators, shall not be affected.

Article 64

Pending applications for licences or adaptation

Applications for licensing or adaptation of licences already submitted shall be framed under the provisions of this Decree-Law, without prejudice to actions and formalities already conducted.

CHAPTER XI

Final provisions

Article 65

Precautionary measures

1 — When a situation of imminent or serious danger to safety, health or the environment is detected at an unlicensed quarry, the municipal authority, the health authorities, the police forces and the entities responsible for approving the Quarry Plan, ASAE and IGAOT may determine the enforcement of measures justified on a case-by-case basis, to prevent or eliminate such a situation.

2 — The provisions of the preceding paragraph shall apply to licensed quarries, and the licensing authority shall be responsible for enforcing precautionary measures, at its own initiative, or at the request of the entities responsible for approving the Quarry Plan and the inspection entities, with the exception of actions by ASAE and IGAOT, under their respective competences.

3 — In respect of general principles, the measures referred to in the previous paragraphs may consist of suspension of work, the preventive closure of the operation or part thereof, or the seizure of equipment, in whole or in part, by sealing such equipment for a specific period of time.

4 — When obstruction of the measures provided for in this article takes place, the licensing authority may also be requested to notify electrical power distributors to cut supply, in accordance with applicable legislation.

5 — For the purposes of Article 103(1)(a) of the Administrative Procedures Code, the measures to be implemented pursuant to No 2 of this article are assumed to be urgent decisions. However, the entity responsible for applying such measures shall, whenever possible, hear the interested party, granting such party a minimum of three days to respond.

6 — Police authorities shall immediately provide all assistance requested by the authorities referred to in No 1 in order to avoid or eliminate any danger or ensure compliance with prescribed orders.

7 — The termination of precautionary measures shall be determined, at the request of the interested party, after an inspection of the operation where it is demonstrated that the circumstances giving rise to the situation have been resolved.

8 — The implementation of the precautionary measures under this article, as well as the termination of these measures, shall be immediately communicated to the licensing authority of the quarry in question, and to the entities responsible for approving the Quarry Plan.

9 — The entity responsible for applying fines relating to the environmental infringements as provided for in Article 59(5) to (7) may also apply any precautionary seizures deemed suitable, in accordance with that set out in Article 42 of Law No 50/2006 of 29 August 2006.

Article 66

Standardisation of procedures and obligations for Public Administration professionals

1 — DGEG is the entity responsible for coordinating and standardising the DRE procedures inherent to the application of this law.

2 — In accordance with that set out in this Decree-Law, administration agents and employees who are responsible for inspection shall orientate their work to ensure the necessary weighting and effectiveness of the transition between the legal regimes applicable to the activities set out herein. They shall ensure compatibility between the interests of the State and those of holders of research or operating licences.

Article 67

Charges

1 — Payment of a fee shall be due for carrying out the actions provided for in this Decree-Law, to be determined in a Ministerial Implementing Order issued by the members of government responsible for the areas of the economy and the environment or through a municipal regulation, depending on the case.

2 — The fees referred to in the preceding paragraph shall be paid by a transfer to the treasury bank account opened for the purpose. The money so earned shall be allocated to the entity or entities involved in the actions provided for in this law.

Article 67-A

Autonomous Regions

1— This law applies to the autonomous regions of Madeira and the Azores, without prejudice to the competences entrusted to the respective organs of self-government and adjustments that may be introduced by regional law.

2— The proceeds of fines applied by the Autonomous Regions shall revert in their favour.

Article 68

Repeal provision

1 — With the entry into force of this law, Decree-Law No 89/90 of 16 March 1990 shall be repealed.

2 — Within one year from the publication of this law, the Ministerial Implementing Orders on blocking published under Decree-Law No 89/90 of 16 March 1990 shall be reviewed.

ANNEX I

Field work during research

Research covers the series of studies and work, prior to the exploitation stage, which has as its goal the sizing, determining of characteristics and evaluation of the economic interests in exploiting mineral masses.

Research activities shall be conducted based on the principle of Best Available Techniques (BAT). In other words, given the choice between different methodologies to obtain the desired results of the research, the technique shall be used which, in accordance with BAT, most minimises environmental impact.

Except as otherwise provided for in a specific Ministerial Implementing Order on blocking, research field work shall include:

I) Activities of a general nature:

- a)* Geological reconnaissance of the surface;
- b)* Geophysical studies;
- c)* Mechanical sounding or testing (up to 30 m in length, 6 m depth and 1 m width at the base of the channel), without prejudice to safety requirements;
- d)* Sampling for laboratory or semi-industrial testing (sample volume up to 10 t);

II) Activities of an exceptional nature, only applicable in the event that the activities listed above prove to be technically inviable to obtain the desired results from research when such research relates to ornamental or industrial rock, opening of a cutting face (or two perpendicular faces) with a maximum size of 5 m in height, 10 m in length and 10 m in width.

ANNEX II

Defence zones

Except as otherwise provided for in specific legislation, the defence zones referred to in Article 4 of this Decree-Law shall have the following distances, measured from the edge of excavation:

Objects to be protected	Protection distances (in metres)
Rural, urban or mixed neighbouring buildings, walled or otherwise.	10
.....	15
Public paths.	20
Fluid conduits.	20
Low voltage electricity pylons.	
Aerial telephone telecommunications lines which are not part of the operation/telecommunications lines or underground cable car/electrical and telecommunications cabling.	20
.....	20
Railway lines.	50
Bridges.	30
Navigable rivers and channels/headwaters, permanent waterways and channels.	50
Unnavigable and non-permanent waterways.	10
Medium and high-voltage aerial electricity pylons, electrical transformer or telecommunications stations.	30
Non-specific buildings, not located in a quarry and places of public use.	50
Headwaters or water catchments.	50
National or municipal roads.	50
Motorways and international roads.	70
National monuments, places classified as having tourist value, installations and works of the armed forces and security, school and hospital forces.	100
Places and zones classified as having scientific or scenic value.	500

Without prejudice to safety requirements, the width of defence zones may be altered through a decision by the entity responsible for approving the Extraction Plan, taking into consideration the characteristics of the mineral mass, its stability and location, depth to be reached with respect to the object to be protected, as well as in relation to the use of explosives.

ANNEX III

Application for reasoned opinion on location

- 1 — Application addressed to: The President of the Regional Development Coordination Committee or the President of the municipal authority.
- 2 — Identification of technician in charge:
Name or company name of applicant: ...
Address or corporate address: ...
Post code: ... Telephone: ...

For the purposes of the provisions of Article 9 of Decree-Law No 270/2001 of 6 October 2001, you are requested to issue a reasoned opinion and location certificate necessary for the licensing procedure relating to research/operations located in..., ward of ..., municipality of...

For this purpose, please find attached the following items:

- Location map at a scale of 1:25 000;
 - Cadastral map at the existing scale;
 - Map delimiting the area of the quarry/research area; and
 - Boundaries of the research/operating area and defence area.
- Date and signature of the applicant: ...

ANNEX IV

Draft application for the awarding of an operating licence

- 1 — Identification of operator:
Name or company name: ...
Name of corporate representative: ...
Name of other partners: ...
Identity card number: ...
Date of issue: ...
Issuing entity: ...
Address or corporate address: ...
Telephone number: ...
Fax number: ...
Legal person tax number or identification number: ...
- 2 — Identification of quarry:
Substances extracted: ...
Quarry number, in the case of changes to the licensing regime: ...
Quarry name: ...
Area and boundaries of the quarry, in Hayford-Gauss coordinates, referenced to the central point: ...
Location: ...
Parish: ...
Municipality: ...
District: ...
- 3 — Date and signature of the applicant: ...

ANNEX V

Statement of responsibility from the Quarry Plan technician

- Name of person with technical responsibility: ...
- Identity card number: ...
- Date of issue: ...
- Issuing entity: ...
- Tax number: ...
- Address: ...
- Telephone number: ...
- Fax number: ...
- Academic qualifications: ...
- Curriculum vitae: ...
- Date and signature of person with technical responsibility ...

ANNEX VI

Quarry Plan

Information required

A) Class 1 quarries.

General information.	Physical characterisation of the land.	Map 1:25 000.	Location with demarcation of the connections of the quarry to the closest main/municipal road.
		Map 1:5 000 or 1:2 000 Map 1:50 000	Delimitation of the rural buildings attached to the quarry. Geological and hydrogeological map.
		Physical characterisation	Description of the soils, fauna, plants, climatology, geology and hydrogeology.
		Summary of constraints	
Extraction plan.	Topographical map at a scale of 1:1 000 or 1:2 000.	Fauna, flora, water, atmosphere, landscape, climate, mineral resources and geo-technical factors. Population and settlement, cultural heritage, easements and restrictions. Structural network systems, spaces and uses defined in planning and socio-economic instruments Defined in Article 2(d) of this law.	
		Topographical map up to 50 m beyond the quarry boundary showing the implantation of all existing constraints (more specifically, electricity lines, waterways, lakes, ponds, etc.), planned (more specifically, annexes, areas for depositing cover soil, by-products and waste obtained, location of drainage system, signage, internal accesses, etc.) and defence zones.	

	Profiles at a scale of 1:1 000 or 1:2 000. Description and explanatory notes.	Topographical map at the same scale of the final situation of the planned operation. Longitudinal and transversal topographical profiles spaced at 100 m. Quarry area, identification of mineral masses and calculation of reserves.
		Description of the exploitation method.
		Description of equipment.
		Height and width of steps.
		Fire diagram.
		Transformation process and description of the products and by-products obtained and their storage.
		Identification and description of the waste from operations and the respective disposal plan, including other materials, more specifically, soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.
		Description of the effluents and respective circuit and treatment.
		Time forecast for the operation.
		Detailed description of the annexes.
		Description of signage to be used.
		Description of lighting system.
		Description of ventilation system.
		Health and safety plan.
		Identification and brief description of the most significant environmental impacts.
Description of the technical measures to minimise such impacts.		
Monitoring measures.		
Environmental Plan and Landscape Restoration.	Topographical map at a scale of 1:1 000 or 1:2 000.	Map of final situation after correction/modelling, with inclusion of rainwater drainage and plant coverage.
	Profiles at a scale of 1:1 000 or 1:2 000.	Longitudinal and transversal topographical profiles spaced at 100 m (N.-S. and E.-W.).
	Description and explanatory notes	Area where work is to be carried out.
		Deactivation plan with indication of all operations to be carried out and use of annexes.
		Identification and description of the waste and other materials to be used in topographical restoration, more specifically, soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.
		Plant coverage and seeding plan.
		Monitoring.
		Schedule of the operations in coordination with the Extraction Plan..
Specifications, measurements, budget and calculation of deposit.		

B) Class 2 and 3 quarries.

General information...	Map 1:25 000.....	Location with demarcation of the connections of the quarry to the closest main/municipal road.
	Cadastral map 1:2 000 or 1:5 000.	Delimitation of the rural buildings attached to the quarry.
	Constraints map.....	Extract from the Municipal Master Plan (PDM) constraints map showing the location of the quarry. Identification of areas classified in accordance with Article 2(d) of this law.

Extraction plan.	Map at a scale of 1:500 or 1:1 000.	Topographical map up to 50 m beyond the quarry boundary with the implantation of all existing and projected constraints.		
	Map at a scale of 1:500 or 1:1 000.	Topographical map of the final projected situation which shall take into account the constraints identified and to be maintained.		
	Profiles at a scale of 1:500 or 1:1 000.	Respective longitudinal and transversal topographical profiles.		
	Description and explanatory notes.	Area of the quarry, identification of the mineral masses and estimate of existing reserves.		
		Exploitation method (height and width of steps, equipment to be used, etc.).		
		Planned height and width of steps.		
		Storage areas for cover soils and by-products.		
		Identification and description of the waste and other materials to be used in topographical restoration and the respective disposal plan, including other materials, more specifically, - going soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.		
		Forecast annual production.		
		Foreseeable useful life of the quarry.		
Description of the annexes.				
Environmental and Landscape Restoration Plan.	Topographical map at a scale of 1:500 or 1:1 000 of the final situation after restoration.			
	Respective profiles at a scale of 1:500 or 1:1 000.			
	Identification and description of the waste and other materials to be used in topographical restoration, more specifically, soils and rocks not containing dangerous substances from construction work and which cannot be reused in the respective original work.			
	Proposal for plant coverage and drainage.			
	Calculation of costs for total restoration.			
	Cost of landscape restoration and calculation of deposit.	€	€/m ² .	
	Use of explosives: Powders (kg/month); Explosives (kg/month); Fire diagram (class 2).			
	Health and safety: Personal protection equipment; Collective protection equipment; Health and Safety Plan (class 2).			
	Compulsory signage: Identification; Quarry work; Use of gunpowder/explosives; Other.			

C) Class 4 quarries.

General information.	Map 1:25 000.	Location with demarcation of the connections of the quarry to the closest main/municipal road.	
	Cadastral map 1:2 000 or 1:5 000	Delimitation of the rural buildings attached to the quarry.	
	Constraints map.	Municipal Master Plan (PDM) constraints map showing the location of the quarry. Identification of areas classified in accordance with Article 2(d) of this law.	
Extraction plan.	Description and explanatory notes.	Area of the quarry, identification of the mineral masses and estimate of existing reserves.	
		Forecast annual production.	

		Equipment to be used.
		Number of workers.
		Use of gunpowder.
		Forecast time of operations for quarry.
		Support facilities: Shed; Container; Brick building; Other.
		Health and safety: Helmet; Safety boots with steel toecap; First aid kit; Extinguishers;
		Compulsory signage: Identification; Quarry work; Use of gunpowder.
Environmental and Landscape Restoration Plan.	Topographical restoration with excess materials.	
	Spreading of soils previously removed.	
	Seeding.	
	Estimated unit cost of landscape restoration and calculation of deposit.	€

ANNEX VII

Technical conditions to be imposed in the absence of a reasoned opinion

- 1 — Ecological values in the area in question or surrounding areas shall not be prejudiced through the effects of individual actions or work.
- 2 — A tree curtain shall be preserved, reinforced or implemented in the area surrounding the quarry.
- 3 — Proposed minimising measures and precautionary measures for landscape restoration shall be implemented.
- 4 — All work and operations proposed in PARP shall be complied with.
- 5 — A technical report on PARP shall be submitted annually up to the end of April and include the minimising measures executed.
- 6 — A deposit shall be paid in accordance with Article 52 of this Law.