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**ACT  
of 4 February 1994 -  
Geological and Mining Code**

**TITLE I  
GENERAL PROVISIONS**

**Chapter 1  
Scope of application**

**Art. 1.** The Act shall determine the principles and modalities of:

- 1) performing geological works;
- 2) exploitation of minerals from deposits;
- 3) protection of mineral deposits, groundwater and other components of the environment in connection with the performance of geological works and minerals exploitation.

**Art. 2.** Unless otherwise provided by this Act, such provisions of this Act as:

- 1) those pertaining to the exploitation of basic minerals shall also be applicable to:
  - a) non-reservoir storage of substances in the ground;
  - b) the landfill of wastes in the underground mining excavations;
- 2) those pertaining to common minerals shall also be applicable to prospecting, identification and exploitation of mineral material contained in waste from mining works and from processes of enrichment of minerals.

**Art. 3.** The Council of Ministers may, by means of an order, extend the scope of application of all or some provisions of this Act to specific underground works carried out with the application of mining technology.

**Art. 4.** This Act shall not apply to:

- 1) the use of waters to the extent it is regulated by separate regulations;
- 2) geological scientific research and teaching that are conducted without carrying out of geological operations;
- 3) acquisition of samples of minerals, rocks and fossils for scientific, collecting and teaching purposes, that takes place without mining operations being performed;
- 4) determining the usefulness of lands for the needs of construction without performing geological operations.

**Art. 5. 1.** Minerals shall be divided into basic and common ones.

**2.** Basic minerals shall include:

- 1) natural gas, oil and its natural derivatives, lignite, hard coal, and coal-bed methane;
- 2) ores of precious metals, metal ores (except for the soddy iron ores) and native metals, including ores of rare and dispersed elements as well as ores of radioactive elements;
- 3) apatite, barite, fluorite, phosphate rock, gypsum and anhydrite, pyrite, native sulphur, potassium and potassium/magnesium salts, strontium salts, rock-salt;

4) asbestos, bentonite, diatomite, dolomite, white burnt and stoneware clays, refractory clays and shales, graphite, kaolin, gemstones and decorative stones, quartz, quartzite, magnesite, micas, marbles and crystalline limestones, moulding and glass sands, feldspars, siliceous earth.

3. The minerals not set out in paragraph 2 herein shall be common minerals.

4. Under this Act, underground waters shall not be minerals, with the exception of brines and curative and thermal waters.

5. The Council of Ministers shall determine, by means of an order, groundwater deposits classified as brines and curative and thermal waters, as well as deposits of other curative minerals.

6. The Council of Ministers may, by means of an order, classify any common mineral present in a given deposit or geological unit, as one of basic minerals as a result of its type, quantity or conditions of occurrence.

**Art. 6.** Under this Act:

- 1) a mineral deposit shall be any natural accumulation of minerals and rocks, as well as of other solid, gaseous and fluid substances, the exploitation of which may bring economic benefits;
- 2) geological works shall mean the design and conduct of investigations aimed at identification of the geological structure of the country, in particular prospecting for and exploration of mineral deposits and groundwater, determination of geological engineering conditions and preparation of geological maps and documentation;
- 3) a geological operation shall be the performance of all underground operations within the scope of geological works, including those requiring the use of explosives, as well as the closing down of excavations arising from such operations, with the exclusion of works to set out the geotechnical conditions for the foundation of buildings structures;
- 4) prospecting shall mean the performance of geological works with the aim of discovery and preliminary documentation of resources of minerals or groundwater deposits;
- 5) exploration means the performance of geological works in the area of a mineral or groundwater deposit with respect to which preliminary documentation was performed;
- 6) an entrepreneur shall mean a party that has a concession for conducting the activities governed by this Act;
- 7) a mining plant shall mean a technically and organizationally distinct set of means that are utilized by an entrepreneur directly to exploit minerals from a deposit, including mining excavations, buildings as well as processing facilities and any equipment technologically associated with them;
- 8) a mining area shall mean the space within the boundaries of which an entrepreneur is authorized to exploit the mineral subjected to the concession;
- 9) a mining protective area shall mean the space covered by the expected impact of the mining operations of the mining plant.

## **Chapter 2 Ownership and mining leasehold**

**Art. 7.** 1. The mineral deposits that do not constitute components of land real estates shall be the property of the State Treasury.

2. Within the scope defined by applicable Acts, the State Treasury may, to the exclusion of other persons, utilize mineral deposits and administer the rights related to them by establishing a mining leasehold.

3. The rights of the State Treasury referred to in paragraph 2 shall be exercised by the authorities competent for awarding concessions, hereinafter referred to as "concession authorities".

**Art. 8.** In any matters not governed by this Act, the provisions concerning land real estate ownership shall also apply to the ownership of a mineral deposit.

**Art. 9.** Within the scope of defined by applicable Acts and by the agreement concerning the establishment of the mining leasehold, the mining leaseholder may, to the exclusion of any other party, prospect for, explore or exploit a designated mineral. Within the same scope, the mining leaseholder may administer his right.

**Art. 10.** 1. The establishment of the mining leasehold shall take effect by means of an agreement, in exchange for compensation, subject to obtaining a concession.

2. To be valid, the agreement concerning the establishment, amendment to, or transfer of the mining leasehold must be made in writing.

3. In case of expiry or withdrawal of the concession, the mining leasehold shall expire.

**Art. 11.** 1. The establishment of the mining leasehold may be preceded by a tender process.

2. The Council of Ministers shall determine, by means of an order, rules for organising and modalities of carrying out a tender process for the award of the right of mining exploitation.

**Art. 12.** 1. The entrepreneur who identified a deposit and obtained the approval of geological documentation by, may apply for the establishment of the mining leasehold for his own benefit, with priority over other parties.

2. Any disputes in matters referred to in paragraph 1 herein shall be resolved by competent common courts.

**Art. 13.** In matters falling outside the scope of this Act, the provisions of the Civil Code concerning the leasehold shall also apply to the mining leasehold.

**Art. 14.** 1. The provisions of this Chapter shall also apply to parts of the ground other than mineral deposits.

2. In the case of activities in respect of which the Act imposes no requirement to obtain a concession, the prerogatives of the State Treasury determined in Art. 7, paragraph 2 herein shall be exercised by the Voivodes. In respect of such activities being performed within the boundaries of the maritime areas of the Republic of Poland - the competent authority shall be the Minister of environment, natural resources and forestry, acting in agreement with the Minister of Transport and Maritime Economy.

### **Chapter 3 Concessions**

**Art. 15.** A concession shall be required for:

- 1) prospecting for or exploration of mineral deposits;
- 2) exploitation of minerals from deposits;
- 3) non-reservoir storage of substances and landfill of wastes in underground mining excavations;
- 4) prospecting and exploration of mineral components contained in wastes from mining works and from process of enrichment of minerals.

**Art. 16.** 1. Subject to the provisions of paragraph 2 hereinafter, concessions shall be awarded by the Minister of Environment, Natural Resources and Forestry.

2. Concessions for the prospecting, exploration and exploitation of common minerals, except for such activities being performed within the boundaries of the maritime areas of the Republic of Poland, as well as concessions for such activities as referred to in Art. 15 herein shall be awarded by the Voivode.

3. Awarding concessions for:

- 1) exploitation of the basic minerals shall require approval by the Minister of Industry and Commerce;

- 2) exploitation of the minerals used for curative purposes shall require consultation with the Minister of Health and Social Affairs;
- 3) activities set out in Art. 15, items 1 to 3 carried out within the boundaries of the maritime areas of the Republic of Poland shall require agreement with the Minister of Transport and Maritime Economy;
- 4) prospecting for, exploration and exploitation of ores of radioactive elements shall require consultation with the Chairman of the State Atomic Agency;
- 5) exploitation of minerals underneath inland waters shall require approval by the administrator of such waters.

4. Except for the prospecting for and the exploration of the mineral deposits within the boundaries of the maritime areas of the Republic of Poland, the award of a concession for such activities shall require consultation with the competent local self-government body.

5. The award of a concession for the activities referred to in Art. 15, paragraph 1, items 2 and 3, except when such activities are conducted within the boundaries of the maritime areas of the Republic of Poland, shall require agreement with the competent local self-government body. The agreement shall be made in form of a decision based on the local land use plan, subject to a complaint. The ruling of an appellate body may be challenged before the Supreme Administrative Court.

6. The award of a concession shall not prejudice the provisions under separate regulations.

**Art. 17.** 1. If required by a particularly important interest of the state or by a particularly important public interest, in particular associated with environmental protection, the award of a concession may be made subject to establishing a collateral to secure the claims that may arise as a result of carrying out the activities covered by such concession.

2. The form and the amount of the collateral referred to in paragraph. 1 herein shall be determined in the concession depending on the kind of activities conducted, the space covered by the concession, the period for which the concession was awarded, as well as the degree of harmfulness for the environment of the intended activities.

**Art. 18.** Unless otherwise provided by this Act, the application for the award of a concession shall determine:

- 1) the party applying for the concession, its headquarters, and, if applicable, its proxies;
- 2) the object of the planned activity;
- 3) the rights of the applying party to the land (space), within the boundaries of which the planned activities are to be conducted, or the rights that the applying party seeks to obtain;
- 4) the period of time for which the concession is to be awarded, together with the date of commencement of the activities;
- 5) the resources available to the party applying for the concession to ensure the proper performance of the activities covered by the application.

**Art. 19.** The application for the award of a concession for exploitation of minerals shall, in addition to the requirements provided for in Art. 18 herein, determine the purpose, scope, type and schedule for the planned works, as well as an evaluation of their impact on the environment made in accordance with applicable regulations on environment protection and planning.

**Art. 20.** 1. The application for the award of a concession for exploitation of minerals shall, in addition to the requirements provided for in Art. 18 herein, determine:

- 1) the mineral deposit, or a part of it, that is to be subjected to the exploitation;
- 2) the scale and manner of the intended mineral exploitation operation;
- 3) the degree of intended utilization of the mineral deposit, including that of the accompanying minerals and co-occurring useful trace elements, as well as the means enabling the achievement of this aim;
- 4) the planned location of the mining area and mining protective area and their boundaries.

2. The following elements shall be appended to the application referred to in paragraph 1 herein:

- 1) the decision on the approval of the geological documentation related to the mineral deposits as well as evidence of the fact that the applying party has the right to use such geological documentation in order to apply for the concession;
- 2) the deposit development plan;
- 3) the evaluation of the likely environment impact of the deposit exploitation, made in accordance with applicable regulation on environmental protection and planning.

**Art. 21.** 1. An application for the award of a concession for non-reservoir storage of substances and landfill of wastes in the ground, including underground mining excavations, shall, in addition to the requirements provided for in Art. 18 herein, determine:

- 1) the type, amount and properties of the substances or wastes;
- 2) the current and expected geological, hydro-geological and geological engineering conditions;
- 3) technology of storage or landfill.

2. The following elements shall be appended to the application:

- 1) the evaluation of the likely environment impact of the deposit exploitation, made in accordance with applicable regulation on environmental protection and planning;
- 2) the analysis of radiation hazards to the extent determined by the Chairman of the State Atomic Energy, in case of intended landfill of radioactive wastes in the ground.

**Art. 22.** A concession shall determine:

- 1) the type and modalities of carrying out the activity covered by the concession;
- 2) the space within the boundaries of which the activity is to be conducted;
- 3) the period of validity of the concession, and the date of commencement of the activities;
- 4) any other requirements related to the conduct of the activities covered by the concession, in particular those connected with general safety and environmental protection.

**Art. 23.** 1. A concession for the prospecting for or exploration of mineral deposits shall, in addition to the requirements provided for in Art. 22 herein, determine:

- 1) the purpose, scope, type and schedule of the geological works;
- 2) required accuracy of geological exploration.

2. The surface of the area where the works referred to in paragraph 1 herein may be conducted on the basis of one concession, may not exceed 1200 km<sup>2</sup>.

**Art. 24.** 1. The concession for the prospecting and exploration of mineral deposits may also cover their exploitation.

2. The provisions of Art. 18, 19 and 20 herein shall also apply to the application for the award of a the concession referred to in paragraph 1 herein.

3. The award of the concession referred to in paragraph 3 herein shall require consultation with the competent local self-government body.

**Art. 25.** 1. In addition to the requirements provided for in Art. 22 herein, a concession for mineral exploitation shall also determine the boundaries of the mining area and the mining protective area as well as identify the exploitable resources of the mineral deposit and the minimum degree of their utilization.

2. The boundaries of the mining area and the mining protective area shall be designated by the concession authority, in agreement with the Chairman of the Higher Mining Office.

3. If the actual impact of the mining operations of the mining plant exceeds the boundaries of the mining protective area determined in the concession, the concession authority shall change its decision in the part concerning the boundaries of the mining protective area.

**Art. 26.** In duly justified cases, when there is no threat to the environment, the concession authority may exempt the party applying for a concession for exploitation of common minerals from

some of the concession provisions determined by this Act. This exemption cannot concern the requirements set out in Art. 22, items 1-3.

**Art. 27.** 1. In the event the entrepreneur violates provisions of this Act, in particular those concerning environmental protection and rational administration of mineral deposit resources, or fails to fulfil his obligations under the concession, the concession authority shall enjoin him to immediately stop such violations.

2. In the event the entrepreneur, regardless of the injunction referred to in paragraph 1 herein continues to violate provisions of the Act or still fails to fulfil his obligations under the concession, the concession authority may withdraw the concession or limit its scope with no compensation. Provisions of Art. 16, paragraph 4 and 5 shall apply accordingly.

**Art. 28.** 1. A concession awarded pursuant to the Act shall expire:

- 1) when the period for which it was awarded has elapsed;
- 2) when it has become purposeless;
- 3) in case of the closing down of the activity of the entrepreneur;
- 4) in case of the surrender of the concession.

2. In the cases set out in paragraph 1 herein, the concession authority shall proclaim, by means of a decision, the expiry of the concession.

**Art. 29.** 1. The withdrawal or expiry of a concession shall not exempt the entrepreneur from fulfilling his duties related to the environmental protection and those related to closing down of the mining plant as determined in the concession.

2. The scope and modalities of fulfilling the duties referred to in paragraph 1 herein shall be determined by the concession authority in its decision concerning the withdrawal of the concession, or in the decision proclaiming the expiry of the concession. Provisions of Art. 16, paragraphs 4 and 5 shall apply accordingly.

3. In the decision referred to in paragraph 2 herein, the concession authority shall determine the date of expiry of the obligations regarding the collateral referred to in Art. 17 herein.

**Art. 30.** In matters not governed by this Act, the provisions on carrying out economic activity shall apply to concessions.

## **TITLE II GEOLOGICAL WORKS**

### **Chapter 1 Planning and conducting geological works**

**Art. 31.** 1. Geological works may be carried out, supervised and directed only by persons who possess appropriate qualifications.

2. The minister of Environment Protection, Natural Resources and Forestry in agreement with the Chairman of the Higher Mining Office, shall determine by means of an order the qualifications required from persons referred to in paragraph 1 herein, the modalities of ascertaining such qualifications, the amounts of fees charged for the procedure of ascertaining the qualifications, as well as the modalities of payment of the fees.

**Art. 32.** 1. Geological works involving geological operations may be carried out exclusively on the basis of a geological works plan.

2. the geological works plan shall determine:

- 1) the objective of the works planned and the means of achieving that objective, together with specification of the type of geological documentation required;
- 2) the works schedule;
- 3) the area within the limits of which the geological works are to be carried out;
- 4) actions required for the protection of the environment, including particularly groundwater protection and the modalities of closing the excavations and wells, as well as land reclamation and measures to prevent damage.

**Art. 33.** 1. The plan of geological works, which do not need a concession, shall be subject to approval by the competent geological administration authority, by means of a decision.

2. The issuance of the decision referred to in paragraph 1 herein shall require consultation with the competent local self-government body, and in the event the geological works are to be conducted within the limits the maritime areas of the Republic of Poland, they shall require agreement with the Minister of Transport and Maritime Economy.

**Art. 34.** The party performing geological works shall be obliged to possess the documentation of the works being carried out and to update it as the works proceed.

**Art. 35.** 1. The party performing geological works shall be obliged to notify the Voivode and the board of the commune competent with respect to the place where the works are to be conducted about the intention to start geological works.

2. If geological works are to be carried out in the maritime areas of the Republic of Poland, the intention to start the works shall be notified to the appropriate maritime administration authority.

3. The intention to start the works referred to in Art. 38 hereinafter shall be notified to the mining oversight authority competent for with respect to basic minerals.

4. The intended dates of the start and completion of works, their type, the basic data concerning geological works, as well as data on persons supervising and managing the works shall be determined in the notification.

5. The notification shall be made in written, no later than two weeks before the intended date of the start of the works.

**Art. 36.** The state geological authority may, by means of decision, order the parties carrying out geological works to perform, against remuneration, additional geological works, in particular investigations, measurements, as well as collection of additional samples.

**Art. 37.** 1. The party performing geological works shall be obliged to utilize the mineral, which is exploited or comes out spontaneously, as the works are carried out.

2. The provisions of the Act on Mineral Exploitation and Fees shall also apply to the activities referred to in paragraph 1 herein.

**Art. 38.** 1. If the geological works include works performed within the boundaries of a mining area established for basic minerals or when such works are performed by using explosive material or when the planned depth of the excavation exceeds 30 meters, the provisions concerning transport in mining facilities shall also apply to their performance. Such works shall, within the scope and according to the modalities of this act, be subject to the supervision and inspection by state mining oversight authorities competent with respect of basic minerals.

2. Geological works, to which provisions of paragraph 1 herein do not apply, shall be subject the supervision and inspection by a state mining oversight authorities competent with respect of common minerals.

**Art. 39.** Unless the Act provides otherwise, the provisions concerning the entrepreneur shall also apply to parties performing geological works that do not require a concession.

## Chapter 2 Geological documentation

**Art. 40.** The results of geological works, together with their interpretation and specification of the extent to which the intended purpose has been achieved, shall be presented in the geological documentation.

**Art. 41.** 1. The geological documentation of a mineral deposit shall be prepared in order to identify the boundaries of the deposit, its resources and the geological conditions of its occurrence.

2. The geological documentation of the mineral deposit shall determine:

- 1) the type, amount, and the quality of the minerals explored, including accompanying minerals and co-occurring useful trace elements, as well as the environmentally harmful substances contained in the deposit;
- 2) the location of the deposit, its geological structure, form and boundaries;
- 3) the components of the environment surrounding the deposit;
- 4) the planned modalities of exploiting the minerals;
- 5) hydro-geological and other geological-engineering conditions of occurrence of the deposit;
- 6) the planned environmental impact of the exploitation;
- 7) state of development of the surface area.

3. When the geological documentation is to provide a basis for awarding a concession for exploitation of minerals, the degree of the deposit exploration shall enable:

- 1) the preparation of the deposit development plan;
- 2) the technological properties of the mineral and the methods appropriate for its processing;
- 3) the modalities of utilization of mineral waters;
- 4) the method of mitigating the negative environmental impact of the mining exploitation, in particular environmental impact of wastes;
- 5) the assessment of the possibilities of utilizing of deposit resources;
- 6) the possibilities and directions of land reclamation after exploitation.

4. The geological documentation shall be prepared taking into account the economic viability criteria for the resources of mineral deposits.

**Art. 42.** 1. Hydro-geological documentation shall be prepared in order to:

- 1) evaluate the groundwater resources;
- 2) specify the hydro-geological conditions in relation to:
  - a) the extraction of minerals from deposits;
  - b) pumping water into the ground;
  - c) designing drainage systems for buildings by means of boreholes;
  - d) designing investment projects that may pollute groundwater;
  - e) storage and landfill of substances and wastes on the surface or in the ground;
  - f) establishing protective zones for groundwater reservoirs.

2. Subject to paragraph 3 hereinafter, hydro-geological documentation shall determine:

- 1) geological structure and hydro-geological conditions in the investigated area;
- 2) conditions under which groundwater occurs, including a description of the water-bearing layers at given depth;
- 3) quality of groundwater, and in case of curative waters also the durability of its chemical composition and its physical properties;
- 4) actions necessary to protect the environment;
- 5) actions necessary to protect facilities on the surface.

3. Besides the requirements referred to in paragraph 2 herein, hydro-geological documentation shall, where necessary, also determine:

- 1) resources in determined water-bearing layers, in case the documentation serves to evidence groundwater resources, to determine hydro-geological conditions in relation to the extraction of



- minerals from deposits, to designing drainage systems for buildings by means of boreholes and to establishing protective zones for groundwater reservoirs;
- 2) technical possibilities of water exploitation, in case the documentation serves to evidence groundwater resources, to determine hydro-geological conditions in relation to the extraction of minerals from deposits, to designing drainage systems for buildings by means of boreholes as well as storage and landfill of substances and wastes on the surface or in the ground;
  - 3) technical possibilities of water injection into the ground, in case the documentation serves to evidence groundwater resources with respect of pumping water into the ground;
  - 4) boundaries of protective zones planned and protective zones for groundwater reservoirs, in case the documentation serves to evidence groundwater resources and to specify the hydro-geological conditions in relation to the establishment of protective zones for groundwater reservoirs.

**Art. 43.** 1. The geological and engineering documentation shall be prepared for the purpose of:

- 1) specifying the geological conditions for the purposes of spatial planning;
  - 2) planning of building structures;
  - 3) performing mining excavation works;
  - 4) storage and landfill of substances and wastes.
2. The geological and engineering documentation shall determine:
- 1) geological structure, geological-engineering and hydro-geological conditions of the construction bedding or determined area;
  - 2) a forecast of changes in the environment that may arise as a result of construction or use of building structures;
  - 3) occurrence of mineral deposits, particularly of construction raw materials, which are suitable for use when carrying out an investment project.

**Art. 44.** Should expected environmental impact of the works be insignificant, the authority competent for approving the geological documentation may allow that a simplified documentation be prepared.

**Art. 45.** 1. The geological documentation shall be approved by means of a decision by the competent authorities of state mining administration.

2. The authority referred to in paragraph 1 herein shall collect information and samples obtained as a result of geological works with the aim of carrying out its duties determined in this Act.

3. The information and samples referred to in paragraph 2 herein shall be protected to the extent required by the interest of the state or one of their owner.

4. The Minister of Environment Protection, Natural Resources and Forestry shall determine by means of an order the scope of the protection of information and samples obtained as a result of geological works.

**Art. 46.** 1. The geological documentation shall be revised when:

- 1) significant differences have been found between the existing geological structure and the data set out in the approved documentation;
  - 2) the subject or scope of the activities for which the documentation was prepared has changed.
2. The revision of geological documentation shall be made according to the same modalities as set out for its approval.

**Art. 47.** 1. The party that has borne the costs of performing the geological works shall have the right to information obtained as a result these works.

2. Transfer by the entrepreneur of the right to information obtained as result of geological works performed shall require approval by the competent authority of state mining administration.

3. The State Treasury may require that the right to the information obtained as a result of performed geological works be transferred to him against compensation.

4. In disputed matters as referred to in paragraph 3 herein, the Minister of Environment Protection, Natural Resources and Forestry shall decide.

5. The party conducting activities shall be obliged to provide to the geological administration authorities the geological information referred to in paragraph 1, as well as samples obtained as a result of geological works. The said information and samples may not be used for any other purposes as those set defined in title IV of this Act.

6. The units of local self-government may request access free of charge to the information referred to in paragraph 1 herein as well as samples obtained as a result of geological works, if it concerns their territories and is necessary for carrying out of their duties. The information obtained in this manner may not be used by the units of local self-government to conduct economic activities, nor made available to any other parties.

**Art. 48.** Documented deposits of minerals and documented groundwater, within the boundaries of planned protective zones of intakes and protective zones of groundwater reservoirs shall be included in local land use plans.

**Art. 49.** On the basis of approved geological documentation and the resource register the Minister of Environment Protection, Natural Resources and Forestry shall prepare the annual national inventory of mineral deposits and groundwaters.

**Art. 50.** 1. The Minister of Environment Protection, Natural Resources and Forestry shall determine, by means of an order:

- 1) detailed requirements to be fulfilled by the geological work plan;
- 2) the modalities of approving the geological work plan referred to in Art. 33 herein;
- 3) detailed requirements to be fulfilled by the geological documentation, including summary geological documentation, the modalities of approving it, as well as the modalities of handling samples and geological documentation;
- 4) the form and modalities of approving the criteria for inventories of mineral deposit resources;
- 5) the scope and modalities of keeping evidence of mineral deposit resources.

2. The Minister of Environment Protection, Natural Resources and Forestry shall determine, by means of an order:

- 1) cases in which it is necessary to prepare geological documentation different from that determined in this Chapter, detailed requirements for that documentation and the modalities of handling it;
- 2) the scope and manner of performing the duty defined in Art. 47, item 5 herein.

### **TITLE III EXPLOITATION OF MINERALS**

#### **Chapter 1 Mining area and mining protective area**

**Art. 51.** 1. The mining area shall be delimited for every mineral, even if deposits of different minerals occur directly next to each other.

2. The mining area may cover a part of a deposit if this does not jeopardize the proper utilization of the deposit.

3. The basis for the mining area delimitation shall be the geological documentation.

**Art. 52.** 1. A register of mining areas shall be kept by the Minister of Environment Protection, Natural Resources and Forestry;

2. The Minister of Environment Protection, Natural Resources and Forestry shall, by means of an order, specify the modalities of keeping the mining area register, the data to be entered into the

register as well as the scope and the modalities of making available and communicating the data contained in the register.

**Art. 53.** 1. Unless otherwise provided by this Act, a local land use plan shall be prepared for every mining protective area, in accordance with modalities determined by separate regulations.

2. The plan referred to in paragraph 1 herein shall ensure the integration of all activities undertaken within the boundaries of the mining protective area, in order to:

- 1) exercise the rights determined in the concession;
- 2) ensure general safety;
- 3) protect the environment, including buildings.

3. The plan referred to in paragraph 1 herein may, in particular, specify facilities or areas in respect of which a safety pillar shall be delimited to protect selected assets, within the boundaries of which mineral exploitation must not be carried out or may be permitted only in the manner ensuring the protection of these assets.

4. The costs of preparing a draft of the plan referred to in paragraph 1 herein shall be covered by the entrepreneur.

5. The draft of the plan referred to in paragraph 1 herein must be agreed with the competent mining oversight authority.

6. If only a slight adverse impact on the environment is expected, the commune council may adopt a resolution not to prepare the plan referred to in paragraph 1 herein.

## **Chapter 2**

### **The deposit development plan**

**Art. 54.** 1. Prior to start the exploitation of the mineral deposits, the entrepreneur shall, on the basis of the geological documentation and the conditions determined in the concession, prepare the deposit development plan referred to in Art. 53 herein.

**Art. 55.** 1. The deposit development plan shall ensure:

- 1) the protection of mineral deposits, including accompanying minerals and useful trace elements contained in the deposit, especially through their comprehensive and effective utilization;
- 2) the exploitation technology that reduces the adverse impact on the environment.

2. The deposit development plan shall be approved by means of decision by the concession authority.

3. The deposit development plan for the exploitation of common minerals may be prepared in a summary form.

4. The Minister of Environment Protection, Natural Resources and Forestry, in agreement with the Minister of Industry and Commerce and the Chair of the Higher Mining Office, shall determine, by means of an order, specific requirements to be fulfilled by the deposit development plan, including the prepared in the summary form.

**Art. 56.** 1. When significant changes are made in the geological documentation on the basis of which the deposit development plan has been prepared, ex officio or on request of the entrepreneur, the concession authority may revise the concession without compensation.

2. Changes made to the deposit development plan require to be approved by means of a separate decision.

## **Chapter 3**

### **Construction of mining plant facilities**

**Art. 57.** The design, construction, maintenance, and dismantling of mining plant facilities shall be governed by the provisions of the construction law, unless this Act provides otherwise.

**Art. 58.** 1. The facilities of a mining plant shall include:

- 1) buildings such as:
  - a) lifting machines;
  - b) shaft tops;
  - c) demethanisation facilities;
  - d) ventilation facilities;
- 2) facilities for curative and thermal water as well as brine;
- 3) headframes;
- 4) drilling machinery on the surface and pipelines linked to the mine operations,
- 5) paving machinery,
- 6) storage facilities for explosive material,
- 7) devices and machines designed to extract mineral with the cut-and-cover method or bore-holes,
- 8) mineral processing devices and machines.

2. The Minister of Industry and Commerce, in agreement with the Minister of Spatial Planning and Construction and the Chair of the Higher Mining Office, may classify as mining plan facilities, facilities other than those set out in paragraph 1 herein.

**Art. 59.** 1. Oversight of the design, construction, maintenance, and dismantling of mining plant facilities shall be performed by specialized mining construction oversight authorities.

2. A specialized mining construction oversight authority shall be the competent state mining oversight authority.

**Art. 60.** The competent state mining oversight authority shall issue the authorization to build and dismantle mining plan facilities and shall authorized utilization of the said facilities.

**Art. 61.** The activities governed by the provisions of this Chapter shall also be subject of the provisions on mining plant operations.

**Art. 62.** The provisions of this Chapter shall apply to repair works of the building facilities of the mining plant.

## **Chapter 4**

### **Mining plant operations**

**Art. 63.** The Mining plant operations shall proceed on the basis of an operational plan, according to principles of mining technology.

**Art. 64.** 1. An entrepreneur shall prepare an operational plan for each of the mining plants according to the terms determined in the concession, the local land use plan referred to in Art. 53, and the deposit development plan.

2. The mining plant operational plan shall determine the specific measures necessary to ensure:

- 1) general safety;
- 2) fire safety;
- 3) occupational safety and health of the mining plant workers;
- 4) correct and efficient management of the deposit;
- 5) protection of the environment and of building facilities;
- 6) prevention of damage and its remediation.

3. An operational plan of the mining plant exploiting a common mineral may be prepared in summary form.

4. A plan of mining plant operations shall be subject to approval, by means of a decision, by the competent mining oversight authority.

5. Prior to the issuance of the decision referred to in paragraph 4 herein, the entrepreneur shall be obliged to submit an opinion of the competent body of local self-government. Failure to deliver an opinion within 14 days after the submission of the application for the opinion shall be considered to be non-objection to the contents of the operational plan.

6. The Chair of the Higher Mining Office in agreement with the Minister of environment protection, Natural Resources and Forestry shall determine:

- 1) specific requirements to be fulfilled by the mining plant operational plan, including the summary operational plan;
- 2) the modalities of approval as well as the periods for which operational plans are to be prepared.

**Art. 65.** 1. The plan of mining plant operations may be revised if the natural, technical or organizational conditions of mineral exploitation change.

2. The operational plan shall be revised in accordance with the modalities provided for its approval.

**Art. 66.** In the event of a danger to human life and health and an extraordinary danger to the environment or the safety of the mining plant safety, the operations of the mining plant shall be entirely or partially halted without delay until such danger is removed.

**Art. 67.** 1. An entrepreneur may deviate from the approved operational plan if this is urgently necessary due to a danger to the mining plant or general safety. The manager of mining plant operations shall be obliged to immediately notify the competent mining oversight authority in order to obtain its consent to deviate from the operational plan. In the case of a refusal to secure the consent, further operations of the mining plant may only be conducted in compliance with the plan approved.

2. In the event of a temporary suspension of mining activities as a result of the circumstances referred to in paragraph 1 herein, the entrepreneur shall be obliged to ensure the security of the mining excavations as well as the facilities and equipment of the mining plant.

**Art. 68.** 1. The mining plant operations may be conducted only under the conduct and supervision of persons possessing appropriate qualifications.

2. By means of an order, the Minister of Industry and Commerce in agreement with the Chairman of the Higher Mining Office shall determine the qualifications required from persons referred to in paragraph 1 herein, the modalities of ascertaining the qualifications, the level of fees charged for ascertaining of the said qualifications, as well as the modalities of payment.

**Art. 69.** 1. The entrepreneur shall be obliged to possess the geological-survey documentation and to update it as mining operations proceed.

2. The entrepreneur shall be obliged to grant competent authorities access to the geological-survey documentation free of charge, to the extent necessary for their carrying out of their duties.

3. The Minister of Environment Protection, Natural Resources and Forestry, in agreement with the Minister of Spatial Planning and Construction, the Minister of Industry and Commerce as well as the Chairman of the Higher Mining Office, shall determine the type of the geological survey documentation referred to in paragraph 1 herein, the modalities and deadlines for preparing and updating the documentation as well as the scope of the obligations referred to in paragraph 2 herein.

4. If the entrepreneur does not fulfil the duties set out in paragraph 1 herein, or does not carry out the measurements in accordance with the provisions adopted pursuant to paragraph 3 herein, the competent mining oversight authority may order that the surveys or the geological survey documentation should be prepared or supplemented by an authorized person, at the entrepreneur's expense.

**Art. 70.** 1. A mine surveyor or a mine geologist shall be persons authorized to prepare geological survey documentation.

2. The persons authorized to prepare the geological-survey documentation for common minerals shall also be those possessing the qualifications for the preparation of geological-survey documentation, as ascertained pursuant to Art. 31 herein.

3. By means of an order, the Minister of Industry and Commerce in agreement with the Chairman of the Higher Mining Office shall determine the qualifications required from persons referred to in paragraph 1 herein, the modalities of ascertaining the qualifications, the level of fees charged for ascertaining of the said qualifications, as well as the modalities of payment.

**Art. 71.** Supervision and inspection of the activities of geological survey services as regards surveying and other activities conducted for the mining plant shall be exercised by the competent mining oversight authority.

**Art. 72.** An entrepreneur shall be obliged to keep up-to-date records of the resources of the deposit based on geological documentation and the deposit development plan.

**Art.73.** 1. An entrepreneur shall be obliged in particular to:

- 1) identify hazards associated with mining plant operations and to implement measures to prevent and remove the hazards, including an assessment and documentation of the professional risks present in mining plant operations, as well as to apply the necessary preventive measures to reduce the risks;
- 2) possess appropriate financial and technical resources as well as operation services properly organized to ensure the safety of the employees and the mining plant operations;
- 3) keep the records of persons present in the mining plant.

2. The Chairman of the Higher Mining Office in agreement with the Minister of Industry and Commerce shall determine the criteria to assess natural hazards as well as modalities of classifying deposits or parts thereof or mining plants according to the levels of danger. In respect of radiation hazards the Chairman of the Higher Mining Office shall also act in agreement with the Chairman of the State Atomic Agency.

**Art. 74.** An entrepreneur shall be obliged to train mining plant employees as concerns knowledge of provision regulating occupational safety in the mining plant and may not employ any person who has not shown an adequate knowledge of these regulations.

**Art. 75.** 1. An entrepreneur shall:

- 1) have organized mine rescue services;
- 2) provide the permanent possibility for the participation in rescue operations of the specialized mine rescue services of the Central Mine Rescue Service Station.

2. The competent mining oversight authority in agreement with the Central Mine Rescue Service Station may order an entrepreneur to implement necessary changes in the organization and equipment of the mine rescue services, exempt entirely or partially the entrepreneur from the obligations set out in paragraph 1 herein, if occupational safety conditions in the mining plant so permit.

**Art. 76.** An entrepreneur shall be obliged to help another mining plant in the event of a threat to the safety of employees or operations of that plant.

**Art. 77.** 1. Anyone noticing a threat to people or operations of the mining plant, and damage to, or malfunction of the equipment of that establishment, shall be obliged to immediately warn the persons being in danger, to undertake possible measures to remove the danger, and to inform the nearest person from the management or supervision of operations about the danger.

2. In the event of danger to the life or health of mining plant employees, operations in the danger zone shall be halted immediately and employees shall be withdrawn to a safe place.

3. The mining plant operations manager shall be obliged to inform the proper mining oversight authority immediately about the accident as well as about every danger to human life or health, or general safety.

**Art. 78.** 1. The Minister of Industry and Commerce in agreement with the Chairman of the Higher Mining Office shall determine by means of an order matters related to:

- 1) the occupational safety and health as well as the performance of operations in particular types of mining plants;
- 2) specialized fire protection associated with operations in particular types of mining plants;
- 3) the organization, tasks and equipment of mine rescue services of the entrepreneur and of the entities professionally engaged in mine rescue services and in conducting rescue operations;
- 4) acquiring, storing and using blasting agents in mining plants as well as the rules of procedure in these matters;
- 5) positions within the mining plant operational plan other than those referred to in Art. 68 and Art. 70, paragraph 1 herein, which require specific qualifications, types of qualifications, modalities of ascertaining them, level of fees charged for ascertaining these qualifications, as well as methods of payment.

2. The Minister of Industry and Commerce shall also adopt provisions referred to in paragraph 1, item 2 and 4 herein in agreement with the Minister of Interior.

**Art. 79.** The provisions of this Chapter shall also apply to parties carrying out tasks associated with mining plant operations within the scope of their professional activities.

## **Chapter 5 Closing down of the mining plant**

**Art. 80.** If the mining plant is closed down, an entrepreneur shall be obliged to:

- 1) secure or close down mining excavations as well as facilities and equipment of the mining plant;
- 2) secure the unutilised part of the mineral deposit;
- 3) secure the neighbouring deposits of minerals;
- 4) take the measures necessary to protect the workings of neighbouring mining plants;
- 5) take measures necessary to protect the remaining elements of the environment.

**Art. 81.** 1. The provisions on mining plant operations shall also apply to the closing down of the mining plant.

2. The operational plan of the mining plant being closed down shall particularly provide for modalities of carrying out obligations set out in Art. 80 herein.

3. The operational plan of the mining plant being closed down shall require agreement with the competent body of local self-government.

4. If it is required by the circumstances provided for in Art. 80 herein, the mining oversight authority may order that provisions of this Chapter apply to the closing down of a selected part of the mining plant.

**Art. 82.** In justified cases, the costs of fulfilling the obligations set out in Art. 80 herein may be covered from the collateral established in the concession.

## **TITLE IV COMPENSATION FOR THE ESTABLISHMENT OF MINING LEASEHOLD AND RELATED FEES**

**Art. 83.** 1. The amount and method of payment of the compensation for the mining leasehold shall be determined by the agreement referred to in Art. 10, paragraph 1 herein.

2. The compensation referred to in paragraph 1 herein may be paid in a single payment or in instalments.

3. The compensation referred to in paragraph 1 herein shall be deemed to be the income of the State Treasury.

**Art. 84.** 1. An entrepreneur who exploits a mineral from its deposit and an entrepreneur who exploits mineral raw material from wastes from mining works or mineral enrichment processes shall pay a mineral exploitation fee.

2. The mineral exploitation fee shall be calculated by the concession authority.

3. A mineral exploitation fee shall be calculated as a function the quantity of extracted mineral or mineral raw material. If the extracted mineral requires to be transformed before being introduced to the market, the fee shall be calculated based on the quantity of refined or enriched mineral.

4. The rate of the mineral exploitation fee may not be higher than 10 percent of the retail price of the mineral or the mineral raw material.

5. The mineral exploitation fee may be increased in case the exploitation is carried out in particularly favourable geological and mining conditions.

6. The mineral exploitation fee may be lowered after consulting the opinion of relevant communal board in the event:

- 1) a technology is used, which prevents negative impacts of the exploitation on the environment, buildings and equipment;
- 2) accompanying minerals and useful co-occurring trace elements are extracted;
- 3) the exploitation is carried out in particularly unfavourable geological and mining conditions.

7. Increasing or lowering of the mineral exploitation fee may not exceed 50 percent of the rate referred to in paragraph 4 herein.

8. In matters referred to in paragraphs 5-7 herein the concession authority shall rule by means of decision. If the commune gives notice of its participation in the proceeding in matters referred to in paragraph 5 herein, it shall enjoy the rights of a party to a proceeding.

**Art. 85.** 1. An entrepreneur who has obtained a concession for activities other than those defined in Art. 84, paragraph 1 herein, shall pay a fee that depends on the type of activity conducted, the size of the area covered by the concession, the period for which the concession has been issued and the degree of harmfulness of the activities conducted for the environment.

2. The level of the fee referred to in paragraph 1 herein and the dates and method of its payment shall be determined in the concession.

**Art. 86.** 1. Subject to paragraph 2, the charges referred to in Art. 84 and 85 herein shall constitute in 60 percent the income of the commune in the territory of which the activities covered by the concession are carried out, and in 40 percent the income of the National Fund of Environmental Protection and Water Management. If the activities are conducted in the territories of more than one commune, the charges shall constitute the incomes of these communes; in the cases determined in Art. 84 herein in proportion to the amount of the mineral exploited, and in the cases determined in Art. 85 herein in proportion to the size of the space covered by the activities.

2. If the activities referred to in Art. 84 and 85 are conducted within the boundaries of the maritime areas of the Republic of Poland, the fees due shall be deemed to be the income of the National Fund of Environmental Protection and Water Management.

**Art. 87.** The provisions of the Tax Code relating to tax liabilities shall also apply to the fees referred to in the provisions of this Chapter, except that the rights of the Minister of Finance and tax authorities shall be vested in concession authorities.



## TITLE V RELATIONS WITH NEIGHBOURS AND LIABILITY FOR DAMAGE

**Art. 88.** 1. If another party's real estate, or a part thereof, is necessary to carry out the activities governed by the Act, the entrepreneur shall be able to demand the restriction of the owners right to this real estate, or a part thereof, for compensation. If, as a result of a restriction of this right, the real estate, or a part thereof, cannot be used for its former purpose, it shall be subject to buy-out on request of the owner.

2. The restriction of the owner's rights may be instituted for a definite period of time.

**Art. 89.** An entrepreneur shall be authorized to utilize free of charge the mine waters for the needs of the mining plant.

**Art. 90.** 1. In case of a threat to the safety of human life or health, to the safety of the mining plant and its operations, as well as to the safety of the public utility facilities in consequence of mining plant operations, the competent authority of mining supervision may issue a decision that allows the real estate to be seized for a time necessary to remove the threat and its effects.

2. The decision referred to in paragraph 1 herein shall determine the real estate subject to the seizure, the purpose of the seizure, as well as the date and duration of the seizure. The decision shall be immediately enforceable.

3. The owner shall be entitled to a compensation for the damage caused as a result of the real estate seizure.

**Art. 91.** 1. The owner may not object to the threats caused by mining plant operations, if such operations take place in accordance with the rules determined in the Act. He may demand compensation for the damage caused by these operations in accordance with provisions of this Act.

2. The provisions of paragraph 1 herein shall also apply to other parties endangered by mining plant operations.

3. If the circumstances referred to in paragraphs 1 and 2 herein do not arise, the entrepreneur shall be responsible for damage according to the rules set out in the Civil Code.

**Art. 92.** The damage referred to in Art. 91, paragraphs 1 and 2 herein shall be rectified pursuant the provisions of the Civil Code, unless otherwise provided by this Act.

**Art. 93.** 1. If the party that caused the damage cannot be identified, the entrepreneur who was authorized at the time that the damage became apparent to exploit the mineral within the boundaries of the mining area shall be liable for it.

2. If the damage occurred also for reasons other than mining plant operations, the entrepreneur and other parties shall be liable jointly and severally.

3. The entrepreneur and the parties that professionally perform activities entrusted to them by the entrepreneur shall also be liable jointly and severally.

**Art. 94.** 1. The damage shall be rectified by the restoration of the previous state of affairs.

2. The previous state of affairs may be restored by the provision of land, building facilities, equipment, premises, water or other goods of the same kind.

3. The damage to agricultural and forestlands shall be rectified through reclamation, in accordance with the regulations concerning the protection of these lands.

4. The entrepreneur shall be obliged to restore the previous state of affairs.

**Art. 95.** 1. If it is impossible to restore the previous condition or the costs of such restoration grossly exceed the scale of the damage suffered, the damage shall be redressed by the payment of compensation.

2. If the party that suffered the damage has incurred expenses to rectify it, the compensation shall be established at the level corresponding to the value of justified expenses. This provision shall not prejudice the provisions of paragraph 1.

3. In justified cases the compensation may be paid from the collateral established in accordance with Art. 17 herein.

**Art. 96.** In case of the absence of the entrepreneur liable for the damage or his legal successor, the claims determined in this Title shall be made against the State Treasury.

**Art. 97.** 1. Disputes pertaining to the repair of damage regulated by the provisions of this Title shall be resolved by common courts.

2. Court litigation shall be possible when conciliatory proceedings have been exhausted. The condition of exhaustion of the conciliatory proceedings shall be fulfilled if the entrepreneur has refused to enter into a conciliatory agreement, or if 21 days have elapsed from the time that the party that had suffered the damage advanced the claim against the entrepreneur.

3. In the matters referred to in paragraph 1 herein the plaintiff shall not be obliged to bear litigation costs. The proceedings shall take place at the entrepreneur's cost, unless the claim proves to be manifestly ill-founded.

**Art. 98.** 1. In order to immediately prevent damage or its consequences, a court may order to undertake provisional measures. If such measures are to be taken by the plaintiff, the court may order the entrepreneur to pay out immediately the necessary amount of money.

2. If the damage takes the form of a shortage of water or of water becoming unsuitable for use, the entrepreneur shall be obligated to supply free of charge the necessary quantities of water to the party that has suffered the damage until the time that the damage is repaired.

3. In the cases regulated in paragraphs 1 and 2 herein, the provisions of the Civil Procedure Code relating to injunctive proceedings shall also apply.

**Art. 99.** The provisions concerning the repair of damage shall also apply to the prevention of such damage.

**Art. 100.** The provisions of this Title shall also apply to the liability for damage caused by the activities governed by this Act other than mineral exploitation.

## TITLE VI AUTHORITIES OF THE STATE GEOLOGICAL ADMINISTRATION AND OF THE MINING OVERSIGHT

### Chapter 1 Authorities of the state geological administration

**Art. 101.** The authorities of geological administration shall be:

- 1) the Minister of Environment Protection, Natural Resources and Forestry, assisted by the Chief Country Geologist;
- 2) Voivodes.

**Art. 102.** Unless a specific provision states otherwise, the scope of activities of the geological administration shall include the performance of the duties determined by this Act, and in particular:

- 1) issuing decisions that are necessary to ensure compliance with and application of the Act, including awarding concessions;

- 2) exercising supervision and inspection of the enforcement by an entrepreneur of his rights under the concession;
- 3) supervision of the planning and performance of geological works as well as the correctness of geological documentation preparation;
- 4) inventorying deposits of ground waters and mineral resources;
- 5) collecting, processing and circulating of geological data;
- 6) geological mapping.

**Art. 103.** 1. Voivodes shall act as the authorities of first instance with respect to the matters falling within remit of competent geological administration, unless they have been reserved for the Minister of Environment Protection, Natural Resources and Forestry.

2. The Council of Minster shall determine, by means of an order, authorities of state geological administration competent for:

- 1) ascertaining qualifications of persons referred to in Art. 31 herein;
- 2) approving geological work plans referred to in Art. 33 herein;
- 3) approving geological documentation;
- 4) determining criteria for inventorying mineral deposit resources;
- 5) granting approval for transfer of the right to information obtained as result of geological works.

**Art. 104.** While exercising supervision and inspection, the employees of authorities of geological administration shall have the right of access to all the places where geological works are carried out, and also the right of access to the mining plants, if supervision and inspection are exercised with respect to the performance by an entrepreneur of his rights under the concession. They may also demand access to necessary information, documents as well as explanations.

**Art. 105.** With regard to the maritime areas of the Republic of Poland, authorities of geological administration shall undertake the actions determined by the Act, acting in agreement with authorities of the maritime administration.

## **Chapter 2**

### **State Authorities of mining supervision**

**Art. 106.** 1. The authorities of the state mining supervision shall be:

- 1) chairman of the Higher Mining Office;
- 2) directors of regional mining offices and specialized mining offices.

2. The Authorities of the state mining supervision in respect of common mineral shall be:

- 1) Minister of Environment Protection, Natural Resources and Forestry;
- 2) Voivodes.

3. The Authorities of the state mining supervision in respect of non-reservoir storage of substances in the ground and the landfill of wastes in the underground mining excavations shall be authorities referred to in paragraph 1 herein.

4. The Authorities of the state mining supervision in respect of the exploitation of mineral material contained in waste from mining works and from the process of enriching minerals shall be the authorities referred to in paragraph 2 herein.

**Art. 107.** 1. The Chairman of the Higher Mining Office shall be the central authority of state administration reporting to the Prime Minister.

2. The Chairman of the Higher Mining Office shall be appointed and dismissed by the Prime Minister.

3. The Vice-Chairmen and the directors general of the Higher Mining Office shall be appointed and dismissed by the Prime Minister upon request by Chairman of the Higher Mining Office.

4. The organizational structure of the Higher Mining Office shall be determined by a statute awarded by the Council of Ministers.

**Art. 108.** 1. The territorial authorities of state administration reporting to the Chairman of the Higher Mining Office shall be the directors of the regional mining offices and specialized mining offices.

2. The directors and deputy directors of the offices referred to in paragraph 1 herein shall be appointed and dismissed by the Chairman of the Higher Mining Office.

3. By means of an order, the Prime Minister shall establish and dissolve the regional mining offices and specify their seats and territorial competence, in accordance with the territorial division of the country as set out in separate regulations.

4. By means of an order, the Prime Minister may establish and dissolve specialized mining offices that take over some areas of activity of mining offices and specify their names, competence and seats.

5. The organizational structures and the rules of functioning of the regional mining offices and specialized mining offices shall be determined by the Chairman of the Higher Mining Office.

**Art. 109.** 1. Unless a specific provision states otherwise, the authorities of mining supervision exercise supervision and inspection of mining plant operations, and in particular over:

- 1) occupational safety and health, as well as fire safety;
- 2) mine rescue;
- 3) management of mineral deposits during their exploitation;
- 4) environmental protection, including damage prevention;
- 5) mining plant construction and closing down, including land reclamation and development of post-mining areas.

2. In matters set out in paragraph 1 herein the authorities of first instance competent for exercising supervision and inspection of operations in mining plants extracting basic as well as common minerals within the boundaries of the maritime areas of the Republic of Poland shall be the directors of the regional mining offices, unless such matters are reserved for the Chairman of the Higher Mining Office or for directors specialized mining offices.

3. In matters set out in paragraph 1 herein the authorities of first instance competent for exercising supervision and inspection of operations in mining plants extracting basic as well as common minerals shall be the Voivodes.

4. The Council of Ministers shall determine by means of an order the authorities of the state mining oversight competent for ascertaining the qualifications of persons referred to in Art. 68, paragraph 1, Art. 70, paragraph 1 and Art. 78, paragraph 1, item 5 herein, as well as the authorities competent in matters referred to in Art. 75 herein.

**Art. 110.** The mining oversight authority shall exercise supervision and inspection of the parties professionally engaged in mine rescue service activities, with regard to these parties' observance of the regulations issued pursuant to Art. 78, paragraph 3 herein.

**Art. 111.** 1. To the extent established by the regulations referred to in paragraph 2 hereinafter, machinery, equipment and materials, as well as blasting agents and blasting equipment may only be applied in a mining plant after they have been authorized, by means of a decision, by the Chairman of the Higher Mining Office.

2. The Prime Minister shall determine by means of an order the types of machinery, equipment and materials, as well as blasting agents and blasting equipment, the application that in a mining plant requires an authorization, and the procedures applicable in these matters.

**Art. 112.** While exercising supervision and inspection, employees of authorities of the mining oversight shall have the right to access mining plants, facilities and equipment, indispensable information and documents. They may also require explanations pertaining to the mining plant operations.

**Art. 113.** 1. While exercising supervision and inspection, an authority of mining oversight:

- 1) shall order the elimination of irregularities that arose as a result of violation of the regulations regarding mining plant operations, particularly if these irregularities create threats to the safety of a mining plant, of its employees, to general safety, or to the environment;
- 2) in case of direct threat to a mining plant, to its employees, to general safety, or to the environment, may wholly or partly halt the operations of this plant or of its equipment, as well as order the taking of necessary preventive measures;
- 3) may prohibit, for a period not exceeding two years, the performance of specific functions associated with mining plant operations by the persons referred to in Art. 68, paragraph 1, if it finds that these persons grossly violate the work discipline and order, in particular the duties determined by the Act and the regulations issued pursuant to this Act.

2. The lodging of an appeal with regard to the decision issued pursuant to paragraph 1 shall not suspend its execution.

**Art. 114.** 1. In case of imminent hazard or the occurrence of an accident in a mining plant, an authority of mining supervision may determine the facts about and causes of the hazard.

2. In the cases referred to in paragraph 1, the authority of mining supervision shall exercise supervision of the rescue operations, and if it recognizes that these operations are conducted improperly, may require the replacement of the manager of the operations or take of the command of the operations.

**Art. 115.** 1. When performing the duties related to the supervision and inspection of mining plant operations, the competent authority of the mining supervision may examine the appropriateness of the technical solutions used, or planned to be implemented by the entrepreneur.

2. At the request of the competent authority of the mining supervision, the entrepreneur shall be obliged to check the correctness of the solutions referred to in paragraph 1 herein in the manner determined by the authority.

3. The costs of the activities referred to in paragraph 2 herein shall be borne by the entrepreneur, unless the request to carry them out was ill-founded.

**Art. 116.** If the authority of the mining supervision determines that the terms of the concession have been violated, it shall immediately notify the concession authority.

**Art. 117.** 1. In case of collision between the competence of other authorities of supervision and inspection and with the competence the mining oversight authority, subject to the provision of paragraph 2 hereinafter, the issuance of a decision regarding a mining plant shall require agreement with the competent authority of the mining supervision.

2. The Art. 105 herein shall also apply to the maritime areas of the Republic of Poland.

## **TITLE VII CRIMINAL PROVISIONS**

**Art. 118.** 1. He who, without the required concession, or in violation of the terms set out therein, carries out an activity in the area of:

- 1) prospecting for or exploration of mineral deposits,
- 2) exploitation of minerals from deposits,
- 3) non-reservoir storage of substances or landfill of wastes in the ground, including underground mine excavations,
- 4) landfill of wastes in underground mining excavations,
- 5) prospecting or extracting mineral ores contained in wastes resulting from mining works as well as mineral enrichment processes,

6) and causes considerable damage to property,  
- shall be liable to imprisonment for up to 3 years.

2. If the perpetrator of the deed referred to in paragraph 1 herein causes the direct danger of serious damage to property, he shall be liable to a fine, restriction of freedom or imprisonment for up to 2 years.

3. If the perpetrator unintentionally commits the deed set out in paragraph 1 or paragraph 2 herein, he shall be liable to a fine, restriction of freedom or imprisonment for up to one year.

**Art. 119.** He who carries out activities without the required concession, or in violation of the terms set out therein, in the field of:

- 1) prospecting for or exploration of mineral deposits;
  - 2) exploitation of minerals from deposits;
  - 3) non-reservoir storage of substances or landfill of wastes in the ground, including underground mining excavations;
  - 4) storage of wastes in underground mining excavations;
  - 5) prospecting of extracting of mineral raw material contained in wastes resulting from mining operations or mineral enrichment processes
- shall be liable to the penalty of an arrest or a fine.

**Art. 120.** He who conducts, supervises or manages geological works without having the qualifications required to do so, shall be liable to a fine.

**Art. 121.** He who, regardless of his obligations:

- 1) allows persons who do not have the required qualifications to participate in geological works;
  - 2) conducts geological works without an approved geological work plan or not in accordance with such plan;
  - 3) does not inform the competent authorities of his intention to undertake geological works,
- shall be liable to a fine.

**Art. 122.** 1. He who violates in a mining plant the injunctions or prohibitions contained in the regulations issued pursuant to Art. 78 herein concerning the hazards of fire, bounces, gases, dusts, waters, associated with the movement of people in a shaft or with the acquisition, storage and use of explosives and blasting equipment in mining plants,  
- shall be liable to a penalty of arrest or a fine.

2. He who carries out mining plant operations without an approved operational plan or discordantly with this plan, or who does not prepare this plan when prescribed, shall be liable to the same penalty.

3. If the perpetrator unintentionally commits the offence referred to in paragraph 1 or 2 herein, he shall be liable to a fine.

4. He who:

- 1) violates injunctions or prohibitions other than those determined in paragraph 1, as contained in orders issued pursuant to Art. 78, or injunctions or prohibitions determined in Art. 73, Art. 75, paragraph 1, Art. 76 and Art. 80;
  - 2) does not fulfil the duty to train a mining plant employee in safety rules and requirements;
  - 3) admits to the conduct of the works that require special qualifications a person who does not have such qualifications,
- shall be liable to a fine.

**Art. 123.** A manager of mining plant operations who does not fulfil the obligation determined in Art. 77, paragraph 3,

- shall be liable to an arrest or a fine.

**Art. 124.** 1. A mining plant employee who, after noticing a threat to people or to mining plant operations, or after noticing damage to, or irregularity in the operation of, mining plant equipment, fails

to immediately warn the people directly endangered and does not inform about the danger the people managing or supervising the operations,

- shall be liable to an arrest or a fine.

2. He who, in spite of a duty, does not take the measures available in order to eliminate danger in a mining plant shall be liable to the penalty determined in paragraph 1 herein.

3. If the perpetrator unintentionally commits the offence determined in paragraph 1 or 2 herein,  
- he shall be liable to a fine.

**Art. 125.** He who performs the functions of management or supervision of mining plant operations or other functions without the qualifications required by this Act,

- shall be liable to a fine.

**Art. 126.** He who does not fulfil his duties pertaining to the preparation, updating and possession of the geological-survey documentation required in a mining plant, or in the scope of the current keeping of the register of the deposit resources,

- shall be liable to a fine.

**Art. 127.** A ruling in the matters referred to in Art. 119 - 126 shall be issued following the principles and the procedure determined in the Criminal Offences Procedure Code.

**Art. 128.** 1. In the event the minerals are extracted without the required concession or with gross violations of its provisions, the concession authority shall sentence the party carrying out such activity to a cash fine in the amount twice to ten times the value of the extracted mineral.

2. In the event of activities governed by this Act but other than those referred to in paragraph 1 herein are carried out without the required concession or with gross violations of its provisions, the concession authority shall sentence the party carrying out such activity to a cash fine.

3. The Council of Ministers shall determine, by means of an order, the type of activities and the amounts of penalties referred to in paragraph 2 herein.

4. Penalties referred to in paragraph 1 and 2 herein shall also be subject to:

- 1) the provisions of art. 84, paragraph 3 and art. 86;
- 2) the provisions concerning tax obligations, except that the powers of tax authorities defined in them shall be vested in the concession authorities.

## **TITLE VIII TRANSITORY AND FINAL PROVISIONS**

### **Chapter 1 Amendments to applicable regulations**

**Art. 129.** The following amendments shall be made to the Civil Code:

- 1) in Art. 143, in the second sentence, the words "and minerals" shall be deleted;
- 2) in Art. 267, § 2 shall read as follows:  
"§ 2. However a land user may build and operate new equipment for mineral exploitation in compliance with the provisions of the Geological and Mining Law."

**Art. 130.** In the Criminal Offence Procedure Code, the "Title XIII. Criminal courts attached to the authorities of the mining administration" shall be deleted.

**Art. 131.** The following amendments shall be made to the Act on the Organization of Criminal Courts of 20 May 1971 (Journal of Laws No. 12, Item 118; 1972, No. 49, Item 312; 1974, No. 24, Item

142; 1975, No. 16, Item 91; 1982, No. 45, Item 291; 1989, No. 35, Item 192; 1990, No. 43, Item 251; 1991, No. 32, Item 131):

- 1) in Art. 2, in § 1, items 3 and 6 shall be deleted;
- 2) in Art. 6, § 2 shall be deleted;
- 3) in Art. 8, § 2 shall be deleted.

**Art. 132.** The following amendments shall be made to the Water Law of 24 October 1974 (Journal of Laws No. 38, Item 230; 1980, No. 3, Item 6; 1983, No. 44, Item 201; 1989, No. 26, Item 139, No. 35, Item 192; 1990, No. 34, Item 198, No. 39, Item 222; 1991, No. 32, Item 134, No. 77, Item 335; 1993, No. 40, Item 183):

- 1) in Art. 12, paragraph 1 shall read as follows:

"1. A regional organ of the general government administration may permit plants to store building materials and equipment on waterside grounds, in return for compensation, as well as grant access to water and measurement equipment and to navigation marks, if this is necessary in order to make, install, maintain and operate the equipment and marks.";

- 2) in Art. 44, paragraph 2, the first sentence shall read as follows:

"2. Decisions in matters pertaining to the obligation to transfer water surpluses shall be made by the authority competent for issuing water permits for water abstraction.";

- 3) Art. 45 shall read as follows:

"Art. 45. 1. The provisions of this Act shall apply to mine water use.

2. The provisions of this Law shall apply to the exploitation of waters assigned pursuant to the Geological and Mining Law to brines, curative and thermal waters.";

- 4) in Art. 53, paragraph 2, item 6, the words "gravel, sand and other materials as well as" shall be deleted.

**Art. 133.** The following amendments shall be made to the Act on the Protection and Management of the Environment of 31 January 1980 (Journal of Laws No. 3, Item 6; 1983, No. 44, Item 201; 1987, No. 33, Item 180; 1989, No. 26, Item 139, No. 35, Item 192, 1990, No. 34, Item 198, No. 39, Item 222, 1991, No. 77, Item 335, No. 101, Item 444; 1993, No. 40, Item 183):

- 1) Art. 54a shall be added, which shall read as follows:

"Art. 54a. Non-reservoir landfill of dangerous waste in mine excavations shall be prohibited.";

- 2) in Art. 87b, paragraph 2, the words "revenues from the fees and concession charges in the amount determined by the Mining Law and the Geological Law." shall be replaced by the words "revenues from the fees and fines referred to in Art. 84, 85 and 128 of the Geological and Mining Law.";

- 3) in Art. 88c, after paragraph 1, paragraph 1a shall be added, which shall read as follows:

"1a. The funds collected from the fees and the fines referred to in Art. 83, 84 and 128 of the Geological and Mining Law shall be allocated to financing of tasks determined in Art. 87b, paragraph 2, in the form of a subsidy. Allocation of the funds for financing of geological works shall require consultation with the Minister of Environmental Protection, Natural Resources and Forestry, while in respect of the financing of the needs of mining - consultation with the Minister of Industry and Trade, as well as with the Chairman of the Higher Mining Office."

**Art. 134.** The following amendments shall be made to the Act on the Protection of Farm and Forest Lands of 6 March 1982 (Journal of Laws No. 11, Item 79; 1984, No. 35, Item 185; 1988, No. 24, Item 169; 1990, No. 34, Item 198; 1991, No. 101, Item 444, No. 103, Item 446, No. 114, Item 494):

- 1) in Art. 4, item 8 shall be deleted;

- 2) in Art. 7, paragraph 1 shall read as follows:

"1. Allocation of lands for non-agricultural or forest uses may be made only within the framework of local land use plans.";

- 3) Art. 24 shall be deleted.



**Art. 135.** The following amendments shall be made to the Act on Land Management and Real Estate Expropriation of 29 April 1985 (Journal of Laws of 1991, No. 30, Item 127, No. 103, Item 446, No. 107, Item 464; 1993, No. 91, Item 455, No. 47, Item 212, No. 131, Item 629):

1) in Art. 8:

a) item 2 shall read as follows:

"2) mining protective areas - shall require, in case of the absence of a local land use plan of this land, consultation with the authority competent to award a concession for mineral exploitation.";

b) item 3 shall be deleted;

2) Art. 71 shall be deleted.

**Art. 136.** The following amendments shall be made to the Act on Economic Activity of 23 December 1988 (Journal of Laws No. 41, Item 324; 1990, No. 26, Item 149, No. 86, Item 504; 1991, No. 31, Item 128, No. 41, Item 179, No. 73, Item 321, No. 105, Item 452, No. 106, Item 457, No. 107, Item 460; 1993, No. 28, Item 127, No. 47, Item 212, No. 134, Item 646):

1) in paragraph 1, item 1 shall read as follows:

"1) prospecting for, exploration and exploitation of the minerals as well as mineral raw materials contained in mining and processing waste, non-reservoir storage of substances in the ground and landfill of wastes in underground mine excavations,";

2) paragraph 3 shall read as follows:

"3. The rules of awarding the concession referred to in paragraph 1, item 1, shall be determined by the provisions of the Geological and Mining Law."

**Art. 137.** The following amendments shall be made to the Act on the Maritime Areas of the Republic of Poland and the Maritime Administration of 21 March 1991 (Journal of Laws No. 32, Item 131):

1) Art. 33 shall be deleted;

2) Art. 34 shall read as follows:

"Art. 34. The appropriate provisions of the Geological and Mining Law as well as the regulations pertaining to the protection of the marine environment, safety of navigation and life at sea shall apply to the prospecting for, exploration and exploitation of mineral resources in the Polish maritime areas."

3) in Art. 42:

a) in paragraph 2, item 5, the words "to the extent not regulated by provisions of the Mining and Geological Law" shall be added;

b) paragraph 5 shall be added, which shall read as follows:

"5. This Act shall apply without prejudice to the provisions of the Geological and Mining Law."

**Art. 138.** In the Act on Fire Protection of 24 August 1991 (Journal of Laws No. 81, Item 351), Art. 44a shall be added, which shall read as follows:

"Art. 44a. This Act shall apply without prejudice to the provisions of the Geological and Mining Law."

**Art. 139.** In the Act on Testing and Certification of 3 April 1993 (Journal of Laws No. 55, Item 250), Art. 20a shall be added, which shall read as follows:

"Art. 20a. This Act shall apply without prejudice to the provisions of the Geological and Mining Law."

## **Chapter 2**

### **Transitory and final provisions**

**Art. 140.** Save for the exceptions provided by this Act, the provisions of this Act shall apply to the parties, which, as of the day this Act enters into force, are conducting activities governed by this Act.

**Art. 141.** As of the day this Act enters into force, all prior orders and decisions concerning the establishment of the mining areas, which are not covered by the concessions referred to in Art. 142 herein shall be repealed.

**Art. 142.** 1. The concessions awarded pursuant to the regulations referred to in Art. 158, items 1 and 3, shall remain in force.

2. Within one year from the day this Act has entered into force, the parties conducting the activities set out in Art. 15 of this Act must submit to the competent concession authorities an assessment of the impact of such activities on the environment, prepared in accordance with the requirements provided for in the regulations on the protection and management of the environment. This provision shall not apply to the parties, which submitted such an assessment after 1 January, 1992.

3. In particularly justified cases, with approval of the competent authority of the local self-government, a concession authority may grant exemption from the duty to prepare the assessment referred to in paragraph 2 herein.

4. Concession authorities shall, within one year and a half from the day this Act has entered into force, adapt the concessions referred to in paragraph 1 herein to its requirements. In particular, if according to the hitherto regulations there existed no obligation to establish a mining area and a mining protective area, the competent concession authority shall, without delay, supplement the concession to this extent.

**Art. 143.** The geological documentation, geological investigation plans as well as deposit development plans, approved in accordance with the hitherto regulations, shall remain in force. Authorities competent to approve them may, within one year from the day this Act has entered into force, order their change or supplementing.

**Art. 144.** Rights to the geological information obtained prior to the day this Act entered into force in connection with conducting of geological works financed directly or indirectly by the state budget, shall be vested in the State Treasury.

**Art. 145.** The costs of preparing of a land use plan for the mining protective area of an entrepreneur, which exploits a mineral from deposit as of the day this Act enters in force shall be borne to the extent of 50 percent by the entrepreneur and 50 percent by the competent commune.

**Art. 146.** Until the time the plans referred to in Art. 53 are adopted,

- 1) permits to construct or transform, within the boundaries of the mining area, durable buildings or equipment not considered part of the mining plant may only be awarded after agreement with the competent mining oversight authority; such award may be made contingent upon fulfilling requirements determined by such authority;
- 2) the decisions concerning the establishment of safety pillars as well as the permits for exploitation within the boundaries of these pillars, issued pursuant to the hitherto regulations, shall remain in force.

**Art. 147.** Within one year from the day this Act has entered into force, a mining plant operational plan shall be prepared, completed or amended, according to the requirements of Art. 64 herein.

**Art. 148.** The decisions concerning the ascertaining (or approval) of qualifications of persons, issued pursuant to the hitherto regulations, shall remain in force.

**Art. 149.** Any litigation pertaining to the prevention and repair of mining damage that has not been closed by a final decision by the Commission for Mining Damage as of the day this Act has entered into force shall be subject to examination according to the procedure determined in this Act, unless the provisions of this Act provide otherwise.

**Art. 150.** 1. Appeals from decisions of the Commissions for Mining Damage in the cases referred to in Art. 149 herein shall be transferred to competent courts as bodies of second instance. The provisions of the Administrative Procedure Code shall also apply to the proceedings prior to the transfer of an appeal as regards the basis and form to the competent court, until the deadline for lodging such appeals.

2. The court with which the appeal was lodged may, in justified cases and deciding at a non-public sitting, suspend the immediate enforcement of a decision of a Commission for Mining Damage.

3 The Chairman of the Higher Mining Office shall be competent in matters relating to resumption of proceedings, abrogation, change, declaration of invalidity, declaration that the decision with respect to which the appeal was lodged was issued in violation of the law, as well as to expiration of the final decisions of the Commissions for Mining Damage. If, as a result of these, the case is to be reopened - it shall be subject to transfer to the competent common court.

4. The provisions of the Administrative Procedure Code shall apply in respect of a complaint lodged with the Chief Administrative Court concerning a final decision of a Commission for Mining Damage. In case of abrogation of a decision of a Commission for Mining Damage by this Court, or of declaration of its invalidity, the case shall be examined by the competent common court.

5. The provisions of paragraphs 1-4 herein shall also apply to the interim decisions and orders of a Commission for Mining Damage or of its Chairman.

6. After this Act has entered into force, the Chairman of the Higher Mining Office shall, in agreement with the Minister of Justice, immediately transfer to competent courts of first instance records of the cases hitherto examined by the Commissions for Mining Damage.

7. The provisions of the Civil Procedure Code shall apply to the execution of final decisions, injunctions and settlements in cases closed before the day this Act has entered into force, with respect to which no administrative enforcement proceedings were initiated.

**Art. 151.** 1. The periods for asserting claims concerning prevention of mining damage as well as concerning their repair, that arose after the abolition of a mining area but prior to the day this Act has entered into force, shall be counted anew from the day of its entry into force.

2. The provision of paragraph 1 herein shall also apply if, prior to the day this Act has entered into force, an order was issued against an investor to provide protection against mining damage, in violation of Art. 37 of the Decree referred to in Art. 158, item 1 of this Act.

3. A party, whose claim concerning prevention of mining damage was finally dismissed by a Commission for Mining Damage with a justification that the mining enterprise did not bear the responsibility pursuant to Art. 50, paragraph 3, item 1 of the Decree referred to in Art. 158, item 1, of this Act, or that Commissions for Mining Damage were not competent to resolve disputes of this kind, may request a renewed examination of this claim within one year from the day this Act has entered into force. In such case, the decision of the Commission for Mining Damage shall be considered null and void.

**Art. 152.** 1. If a permission for construction in a mining area, within the boundaries of which no party obtained the right to exploit minerals, issued prior to the day this Act has entered into force, contains an obligation to secure a building against the impact of mining activities, established pursuant to Art. 37, paragraph 1, of the Decree referred to in Art. 158, item 1, of this Act, the claims concerning the reimbursement of the costs of such securing shall be raised, according to the modalities determined in this Act, against the State Treasury.

2. The provisions of paragraph 1 herein shall also apply if the obligation to secure was imposed in connection with construction carried out outside the boundaries of a mining protective area.

**Art. 153.** 1. Within three months from of the day this Act has been promulgated, the National Council of the Judiciary shall submit to the President of the Republic of Poland proposals of appointment to regional court of judges from among the chairmen of the Commissions for Mining Damage, their deputies, and chairmen of adjudicating groups, made by the general assemblies of judges in Voivodship courts as well as by the Minister of Justice - if these persons fulfil the

requirements set out in Art. 51, paragraph 1, items 1-5 and 7, of the Common Courts Organization Law, and in respect of whom the obstacles referred to in Art. 53 and 54 of that Law do not arise.

2. The employment contract with the chairmen of the Commissions for Mining Damage, their deputies, and chairmen of the adjudicating groups, whose candidacies for the posts of judges were not submitted to the National Council of the Judiciary, as well as with the chairmen of the Commissions for Mining Damage, their deputies, and chairmen of the adjudicating groups, in respect of whom proposals for their appointment to the posts of judges were not presented by the National Council of the Judiciary to the Chairman - shall terminate pursuant to Art. 13, paragraph 1, item 2, of the Act on State Office Employees of 16 September 1982.

3. The administrative and service employees of the Commissions for Mining Damage shall become, as of the day this Act enters into force, employees of the regional courts having jurisdiction in respect of their place of residency.

4. The Chairmen of the Commissions for Mining Damage and their deputies as well as the other appointed employees of the Commission for Mining Damage may, within three months from the day this Act has been promulgated, submit to the Chairman of the Higher Mining Office written declarations concerning the refusal to continue employment. In such a case, the employment contracts shall be terminated after a lapse of three months from the day of submission of the declaration, on the last day of a calendar month. The employees of the Commissions for Mining Damage employed on the basis of contracts of employment may, in the same period, submit notices of termination, or requests for the termination of the contract by mutual consent, that shall be approved within a period not longer than the notice period valid in such arrangements. The termination of employment contracts in accordance with the rules provided in this paragraph shall entail the consequences which the law associates with the termination of employment contracts by the employer by means of a notice due to closing down of the enterprise.

**Art. 154.** As of the day this Act enters into force, the Minister of Justice shall establish in the Voivodship Court in Katowice, a separate division for dealing with the cases regarding the matters regulated by the Geological and Mining Law, designated the "Division of Geological and Mining Cases". The Minister of Justice shall, as required, establish similar divisions in other Voivodship courts.

**Art. 155.** 1. The proceedings in the cases hitherto not resolved by a binding ruling by the disciplinary commissions of mining offices shall be discontinued.

2. Cancellation of the hitherto imposed disciplinary penalties shall take place by virtue law after a lapse of 2 years from the day that the decision of the disciplinary commission has become final and binding.

**Art. 156.** The members of the Minor Offences Boards at the Higher Mining Office and at the regional mining offices shall become, according to their place of residence, members of the Minor Offences Commissions of regional courts.

**Art. 157.** 1. The cases that prior to the day this Act has entered into force have not been closed by a ruling by a Minor Offences Commission at a regional mining office shall be transferred to the competent Minor Offences Commission of a regional court.

2. The cases in respect of which appeals have not been examined by the Minor Offences Commission of the Higher Mining Office, and the cases in respect of which proceedings are in progress at the commission for adjudicating criminal cases at the Higher Mining Office - shall be transferred to competent regional and Voivodship courts.

**Art. 158.** The following acts shall be repealed as of the day this Act enters into force:

- 1) Decree on the Mining Law of 6 May 1953 (Journal of Laws of 1978, No. 4, Item 12; 1984, No. 35, Item 186; 1987, No. 33, Item 180; 1988, No. 41, Item 324; 1989, No. 35, Item 192; 1990, No. 14, Item 89; 1991, No. 31, Item 128);

- 2) Decree on Mining Offices of 21 October 1954 (Journal of Laws of 1961, No. 23, Item 114).
- 3) Act on the Geological Law of 16 November 1960 (Journal of Laws No. 52, Item 303; 1974, No. 38, Item 230; 1988, No. 41, Item 324; 1989, No. 35, Item 192; 1991, No.31, Item 129).

**Art. 159.** This Act shall enter into force after a lapse of 6 months from the day of promulgation, except for the provisions of Art. 153, paragraphs 1 and 4, which shall enter into force after a lapse of 14 days from the day of promulgation.

Signed: President of the Republic of Poland, L. Walesa