

99020027001000

Applying for the first mining licence

Heruntergeladen am 29.07.2025

<https://fimportal.de/xzufi-services/6005707-99020027001000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99020027001000
Leistungsbezeichnung I	Applying for the first mining licence
Leistungsbezeichnung II	Applying for the first mining licence
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

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Fachlich freigegeben durch

Handlungsgrundlage

- § 10 Bundesberggesetz (BBergG) – Antrag
- §§ 3 bis 4 BBergG –Bergfreie und grundeigene Bodenschätze,Begriffsbestimmungen
- §§ 6 bis 7 BBergG –Grundsatz,Erlaubnis
- § 11 BBergG –Versagung der Erlaubnis
- § 16 BBergG –Form, Inhalt und Nebenbestimmungen
- §§ 1 bis 5 Unterlagen-Bergverordnung (UnterlagenBergV)

Teaser

If you or your company wish to explore for one or more mineral resources, you must apply for a mining licence from the relevant mining authority.

Volltext

If you or your company wish to explore for one or more mineral resources, you must apply for a mining licence from the relevant mining authority.

There are three types of mining licences:

- Authorisation for commercial purposes: exclusive right to discover deposits and determine their extent
- Authorisation for scientific purposes: exclusively for research purposes
- Authorisation for large-scale exploration to determine the characteristics of possible deposits.

Note: With a commercial exploration permit under mining law, also known as a commercial permit, you are the only person authorised to explore the raw material(s) in a specified area and for a specified period of time. This is an exclusive right. However, this only applies to commercial licences.

In contrast to this, scientific and large-scale exploration licences can also be granted on a superimposed basis, as they do not have the objective of exploring for a non-mining mineral resource and extracting or producing it according to economic aspects.

Obtaining an exploration licence

In order to obtain an exploration licence, you must submit an application to the responsible mining

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authority. This must include

- the exact description of the type of exploration, i.e. commercial, scientific or large-scale exploration,
- the name of the non-mining mineral resource or resources to be explored,
- a work programme and
- proof of financial viability.

The contents depend on the type of exploration licence: commercial, scientific or large-scale.

In particular, the work programme should demonstrate that the planned exploration work is sufficient in terms of type, scope and purpose and will be carried out within a reasonable period of time. This means that you as the applicant must be in a position, both in terms of personnel and finances, to be able to explore the area applied for sufficiently and sensibly.

The work programme for a commercial permit with a term of three years could, for example, include the following planned activities:

- Researching and analysing underground information
- Carrying out exploration measures not subject to an operating plan (e.g. overflights, mapping)
- Preparation / implementation of exploration measures subject to an operating plan (e.g. seismic measurement campaigns)
- Submission of a preliminary environmental impact assessment

No technical measures yet

With the exploration licence, you are not yet permitted to implement any technical measures, such as drilling or seismic surveys. The licence merely represents a legal title to explore mineral resources in the licence area granted to you. With regard to the commercial exploration licence, you are granted a fundamental and exclusive right. This means that a commercial licence for a specific mineral resource cannot be covered by another commercial licence for the same mineral resource at the same surface location.

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Exceptions to this exclusivity are scientific and large-scale exploration of non-mining mineral resources, as the exploration objective is different here.

Further applications required

If you wish to carry out technical exploration work, you must submit further applications, for example for the authorisation of operating plans, to the competent authority. Only once these have been authorised by the competent mining authority may you carry out such mining measures.

The mining licence covers so-called non-mining mineral resources that are of particular economic importance. These include energy resources such as hard coal and lignite or crude oil and natural gas, as well as precious and non-ferrous metals and salts. The area covered by the licence is limited to the earth's surface and theoretically extends to the centre of the earth.

Erforderliche Unterlagen

- Permit application
- Work programme with the following details:
 - Period for which you are applying for a permit
 - Description of the planned work and the type of exploration
 - planned financial expenditure
 - expected schedule for the exploration activities
- in the case of commercial exploration licences, details of the
 - Applicant or the applicant
 - Company management
 - Company name and registered office
 - Extract from the commercial register
- Proof of your financial capacity depending on the type of exploration licence applied for:
 - balance sheets, bank statements, loan commitments showing the extent to which expenses will be financed from own funds, loans or public subsidies
 - for all types of mining licences, the planned activities must be fully financed for the entire term of the licence
- A map drawn up in accordance with the criteria of the Mining Ordinance:

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- the number of application copies depends on the number of districts and other institutions to be involved. Mining licences are not issued across state borders.
- Scale 1:25,000, 1:50,000 or 1:100,000

Voraussetzungen

You must fulfil certain requirements in order to obtain the permit:

- You must precisely identify the mineral resources you wish to search for.
- The field to be searched must
 - form a section of the earth's surface bounded by straight lines on the surface and by perpendicular planes to depth, unless the boundaries of the area of application, such as state or federal borders, require a different course,
 - be marked on a map with a suitable scale and
 - be shown on a map that meets the requirements of the Documentary Mining Ordinance.
- You must submit a work programme describing the nature, purpose and scope of your project.
- At the request of the competent mining authority, you must undertake to
 - to disclose the results of your exploration work to the authority immediately after its completion, at the latest when the licence expires (annual report or final report),
 - to involve other organisations that also have an exploration permit and are searching for the same mineral resource in their commercial exploration areas in your exploration project or to be represented in this,
 - if your project is for scientific purposes: the holders of an exploration licence for commercial purposes,
 - if your project is for large-scale exploration: the holders of an exploration permit for commercial purposes or an authorisation or the mine owners,
- You, or your representatives, must have the necessary legal reliability.
- You must demonstrate that you can provide the necessary financing for proper exploration.
- You must be able to demonstrate that your exploration project will not jeopardise the exploration and extraction of non-mining or mineral resources.
- Your exploration project must not jeopardise any

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mineral resources whose protection is in the public interest.

- Your exploration project must not affect any overriding public interests that preclude the search in the entire field to be allocated, for example environmental and animal protection.

Kosten

Please refer to the notification for the costs.

Verfahrensablauf

You can apply for a permit online via the "BergPass" platform or in writing to your local mountain authority.

Apply for a permit online

- Go to the "BergPass" online platform and register.
 - To register, you will need a bundID and an identity card or residence permit with an active online ID function.
- Call up the application form and fill it out completely and truthfully.
- Upload the required documents as a file and send the application.

Apply for a permit in writing

- Contact your competent mining authority and coordinate the required application documents.
- Submit the application and all required documents to your competent mining authority.

Further procedural steps

- The competent authority will review your application and the documents submitted. If any documents are missing, the authority will contact you.
- The mining authority alone decides on the licence, but usually carries out a participation process: If your work programme contains measures and areas that affect the remit of other authorities or the municipalities as planning authorities, it will then distribute it to all authorities affected by the project.
- You will receive a notification by post informing you of the decision on your application. In addition, the decision will be sent electronically to the relevant mailbox (bundID or ELSTER company account) in

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advance and information will be displayed in BergPass.
 • You will also receive a notification of costs. Pay the fees.

Bearbeitungsdauer

Frist

The licence is granted for a maximum of five years and can be extended by three years if you have not yet been able to sufficiently implement your exploration activities despite carrying them out as planned and agreed with the competent authority. Which time limit is relevant in individual cases depends on the period required for your work programme. If you do not start exploration within one year of the permit being issued, the permit may be revoked. The same applies if you interrupt your exploration programme for longer than one year. • Period of validity: one to five years

weiterführende Informationen

Hinweise

Rechtsbehelf

Please refer to your decision whether and how you can lodge an appeal.

Kurztext

Ansprechpunkt

Zuständige Stelle

Formulare

Ursprungsportal