

99020020007000

Requesting an Amendment or Amendment to a Main Mining Operating Plan

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<https://fimportal.de/xzufi-services/545930525/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99020020007000
Leistungsbezeichnung I	Requesting an Amendment or Amendment to a Main Mining Operating Plan
Leistungsbezeichnung II	Requesting an Amendment or Amendment to a Main Mining Operating Plan
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Bodenschutz (020)
Verrichtungskennung	Zulassung (007)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder

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	Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	22.06.2023
Fachlich freigegeben durch	State Office for Mining, Energy and Geology (LBEG)
Handlungsgrundlage	https://www.gesetze-im-internet.de/bbergg/_51.html https://www.gesetze-im-internet.de/bbergg/_52.html https://www.gesetze-im-internet.de/bbergg/_55.html https://www.gesetze-im-internet.de/bbergg/_51.html https://www.gesetze-im-internet.de/bbergg/_52.html https://www.gesetze-im-internet.de/bbergg/_55.html
Teaser	<p>If your company wants to explore, extract and process mineral resources, one of the things you need to do is to draw up a main operating plan. If you wish to amend or supplement it, you must apply for authorisation from the competent authority.</p>
Volltext	<p>In order to be able to set up and run an exploration, extraction or processing operation, you as an entrepreneur need an approved main operating plan. If you want to add to it at a later date or change individual components, you must apply for approval.</p> <p>An operating plan is used to monitor operations. In general, it includes extensive explanations and planning documents on planned measures in the mining sector, for example with regard to:</p> <ul style="list-style-type: none"> • Location and extent, • technical implementation, • Timing • possible effects on people and the environment, • measures to prevent and mitigate negative impacts on the environment; • Operational and occupational safety. <p>By supplementing or amending the permit, you are allowed to explore, extract and process mineral</p>

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resources that are subject to the Federal Mining Act. These include energy raw materials such as hard coal and lignite, crude oil and natural gas, as well as metals, salts, geothermal energy and lithium.

Erforderliche Unterlagen

You can clarify which documents are required in your case together with your responsible mining authority. In principle, the following documents are required:

- Reference to the final main operating plan and its approval,
- Presentation of the reasons, the reason for the amendment or amendment to be requested,
- Description of the planned changes or additions.

The following may also be required:

- general information on the expected development of the operation, expected objective.
- Proof of ownership of the property on which the property's own mineral resources are to be explored or extracted, or
- the authorisation to explore and exploit non-mining mineral resources, i.e.:
- a permit to visit, or
- a permit for the extraction of a non-mining mineral resource
- if applicable, proof of the permit under water law,
- Full presentation of the location situation at a distance from protected areas and existing infrastructure
- geological reports
- hydrogeological reports
- Contributions to nature conservation
- Technical design for operational management, e.g. planned drilling (start/finish coordinates, ownership)
- Technical descriptions of the required equipment, e.g. for drilling, machinery, processing
- Information on operational safety (from shut-off to time sheet) and operational monitoring
- Proof of proper waste disposal and access (fulfilment of all relevant requirements)

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- Description and evaluation of possible impacts on the environment and planned measures for their avoidance and reduction, nature conservation contributions, noise assessments
- Water management measures
- Precautionary measures for the reuse of the surface
- Measures for immission control
- Description of the operating facilities, such as office and social rooms, parking and parking spaces, storage areas, workshops, petrol stations
- Details of responsible persons
- If applicable, a certificate of guarantee

Voraussetzungen

In order for your main operating plan to be amended or supplemented by the competent authority, you must have a valid authorisation for your main operating plan. For any changes, you need to consider the following, among others:

- Your project must not conflict with overriding public interests.
- You must prove that you have the officially granted authorisation for the exploration or extraction of non-mining mineral resources or the rights to land-owned mineral resources.
- You must be able to prove that your company and your officers or representatives have the necessary reliability, as well as the necessary expertise and physical suitability.
- They must take all necessary safety measures to prevent hazards to the life and health of employees and third parties in the company. The measures must also ensure the protection of material assets.
- Your work must not adversely affect other mineral resources whose protection is in the public interest.
- The earth's surface must be protected in the interests of personal safety and public transport.
- The waste generated must be properly reused or disposed of.
- You must take precautions to ensure that: the surfaces can subsequently be made usable again to the extent required by the circumstances, the safety of other mining operations is not jeopardised; the exploration or exploitation of mineral resources does

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not have harmful consequences for the general public and, in the case of mining operations in the area of the continental shelf or coastal waters: navigation installations and signs are not impaired, and unduly affect shipping and shipping lanes, airspace, fisheries and flora and fauna submarine cables and pipelines, as well as oceanographic or other scientific research, are not affected more than is unavoidable under the circumstances, and limit the harmful effects on the sea to the lowest possible level

- You may need to provide the competent authority with proof of a security deposit with an appropriate sum insured, a bank guarantee, comfort letter or similar that covers the above risks.

Kosten

Gebühr: 340€ - 3.420€

Several factors are taken into account when calculating the actual costs, such as the economic value, the time spent, expert opinions and expenses for off-site business or advice to the entrepreneur, plus the costs of involving other authorities.

https://resources-eu-prd.wk-onega.com/docmedia/attach/WKDE-LTR-DOCS-PHC/ni5_1_as_49.pdf

Verfahrensablauf

You can apply for approval for changes to your main operating plan online via the "BergPass" platform or in writing to your local mining authority.

Apply for admission online:

- Go to the online platform "BergPass" and log in.
- To apply, you will need a BundID and an identity card or residence permit with an active online ID function.
- Upload the required documents as a file.

Apply for approval directly from the responsible mining authority:

- You must prepare your amended main operating plan in such a way that both the approval requirements and other matters such as groundwater protection and nature conservation are comprehensively described. In the case of complex

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projects, it makes sense for you to contact your competent authority and coordinate the necessary application documents.

- Submit the application and all required documents there.

Further steps in the procedure:

- The competent authority will examine your application and the documents submitted. If documents are missing, the authority will contact you.
- The mining authority decides on the approval.
- You will receive a notification informing you of the decision on your application.
- The approval may contain ancillary provisions (requirements, conditions, time limits) that you must comply with accordingly and which will be checked by the mining authority.
- You will also receive a notice of costs. Pay the fees.

Bearbeitungsdauer

The processing time varies greatly with the scope and complexity of the planned changes or additions. As a guide, you can expect processing times of a few weeks to several months.

Frist

You are not allowed to commence your planned mining operations until you have received approval of your (amended) main operating plan. If you need to change or cease your mining activities at short notice and immediately because the life or health of your workforce or third parties is at risk, you must first notify the competent authority without delay and also apply for approval to amend your main operating plan without delay.

weiterführende Informationen

<https://bergpass.lbeg.de/Wilma.aspx?pgId=227>
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Hinweise

Duration of the main operating plan

The period described in your main operating plan typically spans several years. The responsible mining authority decides on the duration of the project on a case-by-case basis. An important criterion here is the predictability of the operating plan. In practice, the term can then be extended by a few years without the

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need for a new main operating plan to be drawn up and comprehensively examined in a mining law procedure.

If you interrupt the activity of your business for up to 2 years, you will still legally continue to run the business during this time. Only if the interruption lasts longer than 2 years do you need to obtain permission from the competent authority.

Exceptions and special features

You are exempt from the obligation to operate an operating plan if you want to explore an area as an exploration company and

- do not plan any indentations in the surface,
- do not use mechanical force,
- do not carry out any work underground, and
- do not use explosive substances or explosive substances intended for blasting.

If your business is of low hazard or importance, you can be exempted from the operating plan obligation if:

- the protection of your employees and third parties, and
- the reusability of the surface is ensured, and
- your project is not on the continental shelf.

If you want to explore, extract and process mineral resources together with other companies, the competent authority may require you to draw up a joint operating plan.

In the case of projects that may have a significant impact on the population, you should inform the public concerned at an early stage, i.e. before submitting an application. In this way, public opinion can be incorporated into the company's planning before the planning is solidified.

Rechtsbehelf

An action must be lodged directly with the competent administrative court. The opposition procedure has been abolished.

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Kurztext

- Mining Operating Plan Procedure Main Operating Plan – Amendment or Amendment Authorisation
- An approved main operating plan is a prerequisite for the establishment and management of mining exploration, extraction or processing operations that are subject to the Federal Mining Act
- Main operating plan comprehensively describes the planned mining activities for the extraction or processing of mineral resources
- Changes or additions to the main operating plan must be permitted
- Deviations from an approved operating plan that are immediately necessary due to danger to life and health must be reported immediately to the competent authority
- Applications can be submitted via Online portal "Mountain Pass" or directly from the responsible mining authority
- Responsible: Mining authority of the federal state in which the company is located

Ansprechpunkt

Zuständige Stelle

State Office for Mining, Energy and Geology (LBEG)

Formulare

Ursprungsportal

Ergänzung oder Änderung eines Hauptbetriebsplans für Bergbau beantragen, Requesting an Amendment or Amendment to a Main Mining Operating Plan